

GREENFIELD TOWN COUNCIL
185th Regular Meeting Minutes
September 19, 2018
7:00 p.m.
Greenfield High School Cafeteria
21 Barr Avenue
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 19-021

MOTION: On a motion by Councilor Stempel, second by Councilor Pyfrom, it was, unanimously
DEFEATED: THAT IT BE ORDERED THAT THE "ORDER NO. FY 19-014 APPROVAL OF "A NEW ORDINANCE RELATIVE TO RELIGIOUS ORGANIZATIONS HOSTING THE HOMELESS" PREVIOUSLY VOTED ON BY THE TOWN COUNCIL ON AUGUST 2, 2018. AND VETOED BY THE MAYOR ON AUGUST 17, 2018, IS HEREBY APPROVED.

Order no. FY 19-022

MOTION: On a motion by Councilor Wheeler, second by Councilor Allis, it was unanimously,
VOTED: THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 15, 2018:

Order no. FY 19-015

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was by majority vote,
VOTED: THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "RESOLUTION FOR THE CONSOLIDATION OF PUBLIC SAFETY SERVICES"

MOTION UNDER RECONSIDERATION: THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "RESOLUTION FOR THE CONSOLIDATION OF PUBLIC SAFETY SERVICES"

It was by majority roll call, 11 No, 1 Yes

VOTED: TO DEFEAT ORDER NO. FY19-015.

Order no. FY 19-023

MOTION: On a motion by Councilor Mass, second by Councilor Stempel, it was unanimously,
DEFEATED: THAT IT BE ORDERED THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 15, 2018:

Order no. FY 19-016

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was by majority vote,
VOTED: THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO SECTION 5-11 TO APPOINT THE FIRM OF BLUMSHAPIRO FOR THE PURPOSE OF AN OUTSIDE AUDIT.

Order no. FY 19-024

MOTION: On a motion by Councilor Mass, second by Councilor Pyfrom, it was unanimously,
VOTED: THAT THE TOWN COUNCIL RECONSIDERS THE FOLLOWING MOTION APPROVED BY THE TOWN COUNCIL ON AUGUST 21, 2018:

Order no. FY 19-020

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was unanimously,
VOTED: THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED ORDINANCE FOR THE PRESERVATION OF THE TOWN COMMON

MOTION UNDER RECONSIDERATION: THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED ORDINANCE FOR THE PRESERVATION OF THE TOWN COMMON

MOTION: On a motion by Councilor Mass, second by Councilor Stempel, it was by majority,
VOTED: THAT ORDER NO. FY19-20 BE REFERRED TO COMMITTEE.

Order no. FY 19-025

MOTION: On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMEND THE CODE OF THE TOWN OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 400, TREES, §400-2 AND §400-9, AND FURTHER AMENDS THE INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

Chapter 400

Trees

[HISTORY: Adopted by the Town of Greenfield as amended 5-18-2016 by Order No. FY 16-160 (Ch. 172 of the 2002 Bylaws). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Public lands — See Ch. 346.

Streets, sidewalks and public places — See Ch. 385.

Article I

Purpose and Definitions

§ 400-1 Purpose.

It is the purpose of these regulations to provide standards for the protection, preservation, resilience and improvement of Greenfield's urban forest; provide for the health, safety and general welfare of the residents by allowing appropriate shade and ornamental trees to be planted within the public right-of-way; and to provide guidance to the Town and its residents in planting, caring for, and removing trees.

§ 400-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMERICAN NATIONAL STANDARD or ANSI A300 STANDARDS

ANSI A300 standards are the generally accepted industry standards for tree care practices. They are voluntary industry consensus standards developed by TCIA and written by a committee called the "Accredited Standards Committee (ASC) A300," whose mission is to develop consensus performance standards based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

CALIPER

Diameter of a tree trunk (in inches). For trees up to and including four inches in diameter, the caliper is measured six inches above the existing grade at the base of the tree. For trees larger than four inches in diameter, the caliper is measured 12 inches above the existing grade at the base of the tree.

CERTIFIED ARBORIST

A professional arborist possessing current certification issued by the International Society of Arboriculture (ISA) and/or the Massachusetts Arborist Association (MAA).

DIAMETER AT BREAST HEIGHT (DBH)

The average diameter of the trunk of a tree measured 4'h feet above mean ground level at the base of the trunk. If the tree splits into multiple trunks above ground, but below 4'h feet, the DBH is the average diameter of the narrowest point beneath the split. If the tree has excessive swelling at 4'h feet, the DBH is the average diameter of the narrowest point beneath the swelling.

HAZARDOUS TREE

A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

PLANNED SOLAR COLLECTION SYSTEM

A solar collection system in which a permitting process has been initiated or notice has been given to the Building Inspector that the permitting process will be initiated within a specified time line.

PUBLIC SHADE TREE

As defined in MGL c. 87, § 1, a public shade tree is a tree within or on the boundaries of a public way other than a state highway, such as a road, street, bike path, or walkway.

TOWN

The Town of Greenfield.

TREE

Any self-supporting woody perennial plant which has a trunk diameter of 1.5 inches or greater measured at a point 12 inches above the ground level and which normally obtains a height of at least 10 feet at maturity.

TREE BELT

The portion of the public way available for tree planting. It is typically the area between the sidewalk and the edge of pavement.

TREE PIT

The cut out in pavement on municipal walkways in which trees are planted.

TREE PLANTING PERMIT

A permit issued to a resident by the Tree Warden or designee that authorizes the planting of trees on Town property. ~~A permit issued to a resident by the Director of the Department of Public Works or Tree Warden that authorizes the planting of trees on Town property.~~

TREE REMOVAL

Cutting down and taking away a tree.

TREE REPLACEMENT COSTS

The costs of tree replacement include the cost of a 2.5-inch to three-inch caliper tree, planting, and soil as needed, set by the DPW.

TREE WARDEN

The agent of the Town having primary enforcement responsibilities under this chapter and MGL c. 87, and charged with the responsibility for approvals required pursuant to this chapter.

Article II

General Provisions

§ 400-3 Applicability.

The terms and provisions of this chapter shall apply to any activity on Town property and any activity that requires the issuance of a tree planting permit. No tree planting permit shall be issued by the Town without it being determined that the proposed activity is in conformance with the provisions of these regulations and approved by the Tree Warden.

§ 400-4 Powers of Tree Warden.

This chapter shall not abridge the powers of the Tree Warden as provided by MGL c. 87. The Tree Warden shall have the care and control of all public shade trees, shrubs and growths in the Town, except those within a state highway, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths. The Tree Warden shall expend all money appropriated for the setting out and maintenance of such trees, shrubs and growths, and no tree shall be planted within a public way without the approval of the Tree Warden. The Tree Warden may make regulations for the care and preservation of public shade trees; which, when posted in one or more public places, shall have the effect of Town ordinances.

§ 400-5 Determination of location on Town or private property.

The Town, through the DPW Director or designee, will determine if a tree is on Town or private property.

§ 400-6 Damage to trees prohibited.

No person shall in any manner cut, girdle, mutilate, break off limbs, or deface any tree on Town land, including posting notices, except as permitted herein.

§ 400-7 Attachment of wires, ropes, and fixtures.

- A. No electric wires, decorative lights, cables, guys, ropes, poles, cross arms, brackets, insulators, or other wires or electrical fixtures shall be attached to or come into contact with any tree on public property without the written consent of the Tree Warden. Upon consent, the Tree Warden will provide guidelines for proper installation of decorative lights that will allow for tree growth.
- B. Installations will be inspected regularly for the safety of people and trees.

§ 400-8 Interference with light and solar systems.

The Tree Warden and DPW Director shall not allow a tree to be planted on Town property, or on private property where the Town is paying for the tree, that will negatively impact an active or planned solar collection system, public lighting, street lamps or privately illuminated freestanding commercial signage without the consent of the sign owner.

§ 400-9 Enforcement.

It shall be the duty of the Tree Warden to enforce this chapter. The Tree Warden or the ~~Director of Public Works~~ **designee** shall have the authority to revoke, suspend or void the tree planting permit and shall have the authority to suspend all work on a site or any portion thereof and levy fines as provided by § 400-10.

§ 400-10 Violation and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and subject to the cost of repair or replacement and a fine of \$100 for the first offense, \$200 for the second offense and \$300 for the third or subsequent offenses. Any fines collected pursuant to this chapter shall be used to replace or maintain Town trees.

Article III

Tree Planting and Maintenance

§ 400-11 Tree planting guide.

All trees on public property will be planted as specified in the ANSI A300 Standard. Trees planted on private property, paid for by the Town, shall also be planted per the ANSI A300 Standard. Tree species will be chosen from Appendix C.

§ 400-12 Planting and protection of trees in tree belt.

- A. Planting of trees within the tree belt may be conducted by Greenfield's Department of Public Works where the tree will not interfere with buried or above-ground utilities; will not obstruct visibility for cars making turns; will not cause major damage to streets and sidewalks; and will not become a nuisance, e.g. trees that shed branches or are short-lived.
- B. Businesses that are hired by the Town of Greenfield to plant trees must sign a contract that clearly states that they are responsible for replacement of the tree if it dies within 12 months. Any work will be performed in a good and workmanlike manner and in accordance with § 400-11.
- C. Planting of trees by citizens is allowed in the tree belt after securing a tree planting permit. Following are guidelines to a successful tree planting permit application.
 - (1) If the person seeking the permit is not the property owner immediately behind the proposed tree planting location, he/she must provide written permission from the property owner to plant the tree.
 - (2) Citizens shall select a native species, as identified in Appendix C, appropriately sized and suited for the location that will not interfere with buried or above-ground utilities; will minimize root damage to streets and sidewalks; and will not become a nuisance, e.g., trees that shed branches or are short-lived.

- (3) All costs incurred shall be the responsibility of the citizen planting the tree, and work will be performed in a good and workmanlike manner and in accordance with § 400-11.
- D. Notice of planting of a tree. The immediately abutting owners' right to object shall be given to the immediately abutting property owners either in person or by first class mail to the address registered with the Treasurer/Collector's office no less than 14 days in advance of the planting. If the abutting owner objects in person or in writing three or more days prior to the planting, the tree shall not be planted.

§ 400-13 **Town planting of trees on private property.**

If a resident's property cannot accommodate tree plantings in the tree belt, and if the property owner wishes to plant a tree in his/her front yard, he/she can apply to the DPW front yard tree-planting program. As funds allow, the DPW may work with the property owner to select an appropriate location (a distance not exceeding 20 feet from the layout of such public way) and tree, order Dig-Safe; and install the tree at no cost to the resident. The Town shall have no responsibility for maintenance of the tree after planting is complete.

§ 400-14 **Protection and maintenance.**

- A. Businesses that are hired by the Town of Greenfield to mow around trees must sign a contract that clearly states that they are responsible for protecting the trees. If trees are damaged and subsequently die due to poor maintenance practices such as scarring trees with mowers and weed whips, the business shall pay the replacement cost of the tree, including dead tree removal, purchase, planting and watering for three years as specified in the ANSI A300 Standard. (See the Tree Replacement Table § 400-16C.)
- B. Businesses or residents who hire someone to mow around trees in the tree belt shall be responsible for the tree replacement cost (see definition) of trees that die due to poor maintenance practices such as scarring trees with mowers and weed whips.

Article IV

Tree Removal

§ 400-15 **Town rights; emergency removal.**

Nothing in this chapter shall preclude the Town, or a public utility, from removing a tree on Town property without prior notice if the tree represents an immediate threat to the public way or public safety (e.g., tree seriously damaged by storm, uprooted). In such cases, the Town shall remove the portion of the tree that poses an immediate threat (e.g., a hanging limb).

§ 400-16 **Removal of hazardous trees within tree belt and on other publicly owned land.**

- A. Nothing in this chapter shall abridge the powers of the Tree Warden to act in the interest of public safety regarding the removal of hazardous trees. The Tree Warden may remove a tree, which, because of its condition and location, is deemed to endanger the health and/or safety of the general public, as outlined in the ISA Tree Assessment Form (Appendix A).
- B. Requests or petitions for removal of hazardous trees shall be made to the Department of Public Works. The discretion and sound judgment of the Tree Warden alone determines whether a tree shall be removed after such request for removal has been made.
- C. With the goal of improving Greenfield's tree canopy, each tree removed which is replaced will be replaced as outlined in following Tree Replacement Requirements Table:

Tree Replacement Requirements Table

| Size of Tree Removed | Replacement Required | Replacement Schedule |
|---------------------------------|--|--|
| Less than 12 inches' DBH | 1 tree with a minimum 3-inch caliper if in a tree pit; 1.5 trees with a minimum 2-inch caliper in all other locations | During the same calendar year's growing season or, if removed in winter, the following spring or fall |

Tree Replacement Requirements Table

| Size of Tree Removed | Replacement Required | Replacement Schedule |
|---------------------------------|--|--|
| Less than 12 inches' DBH | 1 tree with a minimum 3-inch caliper if in a tree pit; 1.5 trees with a minimum 2-inch caliper in all other locations | During the same calendar year's growing season or, if removed in winter, the following spring or fall |
| Greater than 12 inches' DBH | 2 trees with a minimum 3-inch caliper if in a tree pit; 1.5 trees with a minimum 2-inch caliper in all other locations | During the same calendar year's growing season or, if removed in winter, the following spring or fall |

§ 400-17 Removal of nonhazardous trees within tree belt or tree pit.

- A. Trees on public property belong to all residents of Greenfield and provide many benefits. It is a priority of the Town to preserve and protect all trees on Town property. If on the rare occasion the Tree Warden determines that a nonhazardous tree must be removed, as funds allow it will be replaced by planting as required in the Tree Replacement Table § 400-16C.
- B. Following is the procedure for requesting the removal of a nonhazardous tree:
 - (1) Requests for the removal of a tree shall be filed with the Tree Warden and acted upon by the Tree Warden and the Planning Board in a public hearing as provided by MGL c. 87.
 - (2) Replacement trees that die within the first year will be replaced, subject to appropriation.
 - (3) The Tree Warden will select the appropriate trees and locations that will not interfere with buried or above-ground utilities; will minimize root damage to streets and sidewalks; and will not become a nuisance. A replacement tree is not required to be located on the section of public right-of-way from which it was removed. It may be planted on an approved location as follows: a) on public property, b) on their own property next to a public right-of-way, or c) on other private property that is next to a public right-of-way with permission of the property owner. The petitioner shall provide the Planning Board and the Tree Warden with a suitable guarantee that the replacement trees will be provided prior to the removal of the live tree in question.
 - (4) All costs incurred, including related work, regardless of contractor, shall be the responsibility of the citizen making the nonhazardous tree removal request, unless otherwise stated in a written agreement with the Town.
 - (5) All work related to tree removal must be done by the DPW or a contractor hired or approved by the Town.
 - (6) All work in a public right-of-way shall be conducted to the specifications of the Director of the Department of Public Works and the Tree Warden.

§ 400-18 Tree Warden responsibility for trees on private property.

If the Tree Warden assesses that a tree on private property may pose a hazard to the public right-of-way in the near future, he/she will contact the owner of the tree about the condition of the tree with a request that the owner remedy the situation by pruning or removing the tree.

§ 400-19 Appeals process.

If a tree is deemed unhealthy, but does not fit the definition of a tree in need of emergency removal as defined in § 400-15, below is the tree removal decision process. If, during the process, the tree poses an immediate threat to the public way or public safety, the DPW may exercise its emergency removal responsibilities. If a tree has been posted for removal, anyone may file an appeal of the Tree Warden's decision with the DPW Director, within 20 days after the notice has been posted. If an objection to removing a tree is made in writing at or before a public hearing, the Tree Warden shall not cut down or grant a permit for cutting down a public shade tree. Such objection, however, may be overruled by the Mayor.

Attachments:

[Attachment 1 - Appendix A, Basic Tree Risk Assessment Form](#)

[Attachment 2 - Appendix B, ANSI A300 Standards](#)

[Attachment 3 - Appendix C, List of Approved Trees for Town Street Planting](#)

Order no. FY 19-026

MOTION: On a motion by Councilor Gilmour, second by Councilor Mass, it was **WITHDRAWN:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED "FIRE HOUSE RESOLUTION" WHEREAS THE GREENFIELD FIRE HOUSE IS IN DISREPAIR AND IS NO LONGER SUITED TO THE CURRENT OR FUTURE NEEDS OF GREENFIELD; WHEREAS THE GREENFIELD FIRE HOUSE HAS BECOME A DANGEROUS WORK ENVIRONMENT FOR GREENFIELD'S FIRE FIGHTERS; WHEREAS THE GREENFIELD FIRE HOUSE CANNOT BE ADEQUATELY REHABBED TO CORRECT STRUCTURAL DEFICIENCIES; WHEREAS PUBLIC SUPPORT IS LACKING FOR A LEASE AGREEMENT WITH A PRIVATE INVESTMENT FIRM FOR A PUBLIC SAFETY COMPLEX; WHEREAS THE GREENFIELD TOWN COUNCIL DOES NOT BELIEVE THAT A LARGE PUBLIC SAFETY COMPLEX IS NECESSARY TO MEET GREENFIELD'S CURRENT OR FUTURE NEEDS; NOW THEREFORE BE IT RESOLVED THAT THE GREENFIELD TOWN COUNCIL URGES THE MAYOR TO PURSUE A PUBLIC WORKS PROJECT TO BUILD A NEW FIRE HOUSE FOR THE TOWN OF GREENFIELD ON PUBLIC LAND SUCH AS SHATTUCK PARK OR ANOTHER SIMILAR LOCATION. FURTHERMORE, THE GREENFIELD TOWN COUNCIL INSISTS THAT THIS PROJECT INCLUDE: A TRANSPARENT PLANNING PROCESS THAT IS OPEN TO THE PUBLIC; AND A BUILDING COMMITTEE THAT INCLUDES MEMBERS OF THE PUBLIC AND AT LEAST ONE REPRESENTATIVE FROM THE GREENFIELD TOWN COUNCIL AND ONE FIREFIGHTER.

Order no. FY 19-032

MOTION: On a motion by Councilor Allis, second by Councilor Gilmour, it was, unanimously, **VOTED:** THAT IT BE ORDERED THAT THE TOWN COUNCIL, PURSUANT TO M.G.L. CH. 40 AND MASSACHUSETTS LAW HEREBY AUTHORIZES THE MAYOR TO GRANT AND EXECUTE AN EASEMENT AND RIGHT OF WAY FOR THE PROPOSE OF ACCESS, REPAIR AND MAINTENANCE OF THE SEPTIC SYSTEM AT 541 MOHAWK TRAIL, AS SHOWN ON THE ATTACHED DRAWING AND AS DESCRIBED IN THE ATTACHED DOCUMENTS.