

# CITY OF GREENFIELD



**CITY OF GREENFIELD**

**ZONING ORDINANCE**

**CODE OF THE CITY OF GREENFIELD, MASSACHUSETTS**

As Amended through March 20, 2019

**Chapter 200**  
**ZONING**

	<u>Page</u>
<b>ARTICLE I - Purpose and Authority</b>	<b>2</b>
§ 200-1.1. Purpose	2
§ 200-1.2. Authority	2
<b>ARTICLE II – Definitions</b>	<b>2</b>
§ 200-2.1. Terms and Words	2
<b>ARTICLE III - Establishment of Districts</b>	<b>16</b>
§ 200-3.1. Districts	16
§ 200-3.2. Zoning Map	16
§ 200-3.3. Interpretation of District Boundaries	16
§ 200-3.4. Lot Divided by a District Boundary	17
<b>ARTICLE IV - Use Regulations</b>	<b>17</b>
§ 200-4.1. Application of Use Regulations	17
§ 200-4.2. Rural Residential District (RC)	18
§ 200-4.3. Suburban Residential District (RB)	20
§ 200-4.4. Urban Residential District (RA)	21
§ 200-4.5. Semi-Residential District (SR)	22
§ 200-4.6. Health Service District (H)	24
§ 200-4.7. Central Commercial District (CC)	25
§ 200-4.8. Limited Commercial District (LC)	27
§ 200-4.9. General Commercial District (GC)	30
§ 200-4.10. Office District (O)	33
§ 200-4.11. General Industry District (GI)	34
§ 200-4.12. Planned Industry District (PI)	37
§ 200-4.13. Floodplain District (F)	39
§ 200-4.14. Water Supply Protection District (WP)	43
§ 200-4.15. (Reserved)	47
§ 200-4.16. Corridor Overlay District (CO)	47
§ 200-4.17. Planned Unit Development Overlay District (PUD)	49
<b>ARTICLE V - Dimensional Regulations</b>	<b>53</b>
§ 200-5.1. Application	53
§ 200-5.2. Table of Dimensional Requirements	53
§ 200-5.3. Additional Dimensional Provisions	53
<b>ARTICLE VI - General Regulations</b>	<b>54</b>
§ 200-6.1. Nonconforming Uses	54
§ 200-6.2. Accessory Uses and Structures	55
§ 200-6.3. Home Occupations	57

	<u>Page</u>
§ 200-6.4. (Reserved)	58
§ 200-6.5. Parking Requirements	58
§ 200-6.6. Loading Requirements	64
§ 200-6.7. Sign Regulations	64
§ 200-6.8. Performance Standards	71
§ 200-6.9. Screening and Landscaping	74
§ 200-6.10. Unregistered Motor Vehicles	75
§ 200-6.11. Driveways and Entrances	75
<b>ARTICLE VII - Special Regulations</b>	<b>78</b>
§ 200-7.1. Open Space/Cluster Developments	78
§ 200-7.2. Multifamily Dwellings	84
§ 200-7.3. (Reserved)	85
§ 200-7.4. Earth Removal	85
§ 200-7.5. Bed-and-Breakfast/Tourist Home	85
§ 200-7.6. Congregate Housing for the Elderly or Handicapped	86
§ 200-7.7. (Reserved)	86
§ 200-7.8. Flag Lots	86
§ 200-7.9. Commercial Camping	88
§ 200-7.10. Mixed Residential/Business Uses	88
§ 200-7.11. Mobile Homes and Campers	89
§ 200-7.12. Major Development Review	89
§ 200-7.13. Adult Entertainment Uses	91
§ 200-7.14. Wireless Communications Facilities	95
§ 200-7.15. Large-Scale Ground-Mounted Solar Photovoltaic Installations	101
§ 200-7.16. Non-Commercial Scale Solar Energy Installations	106
§ 200-7.17. Marijuana Establishments	107
§ 200-7.18. Accessory Dwelling Units	110
§ 200-7.19. Biomass and Wood Burning Energy Systems	113
<b>ARTICLE VIII – Administration</b>	<b>120</b>
§ 200-8.1. Enforcement	120
§ 200-8.2. Permits	121
§ 200-8.3. Special Permits	121
§ 200-8.4. Site Plan Review and Approval	123
§ 200-8.5. Zoning Board of Appeals	127
§ 200-8.6. Appeals	127
§ 200-8.7. Variances	127
<b>ARTICLE IX - Applicability and Amendment</b>	<b>128</b>
§ 200-9.1. Applicability	128
§ 200-9.2. Validity	128
§ 200-9.3. Amendment	128
<b>APPENDIX</b>	<b>129</b>
Table of Uses	129

Table of Dimensional Requirements	140
Adult Entertainment Overlay Map	141
Wellhead Map 1	143
Wellhead Map 2	144
Planned Unit Development Overlay Map	145

(HISTORY: Adopted by the Town Council of the Town of Greenfield 10-18-1989; printed as amended 7-21-1993, 11-15-1995 and 6-16-1999. Subsequent amendments noted where applicable.)

#### STATUTORY AUTHORITY

M.G.L.c 40a

#### GENERAL REFERENCES

Establishment of Zoning Board of Appeals See Ch. 34.	Water use — See Ch. 689.
Building construction — See Ch. 39.	Corridor design - See Ch. 808.
Demolition Delay Ordinance – See Ch. 58	Major development review - See Ch. 842.
Drainage - See Ch. 61.	Site plans - See Ch. 865.
Visual obstructions at intersections — See Ch. 80.	Special permits — See Ch. 870.
Signs - See Ch. 149.	Subdivision of land — See Ch. 880.
Soil removal - See Ch. 154.	Zone changes - See Ch. 896.
Wells - See Ch. 191.	Zoning Board of Appeals regulations — See Ch. 1057.
Sewer use — See Ch. 650.	

## ZONING

### ARTICLE I

#### **Purpose and Authority**

##### **~ 200-1.1. Purpose.**

The purpose of this ordinance shall be to achieve the objectives of the Zoning Act, MGL c. 40A, as amended, which includes but is not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, school, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the City, including consideration of recommendations of the Master Plan, and the strategic planning goals and policies adopted by the Planning Board and the comprehensive plan of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

##### **~ 200-1.2. Authority.**

This ordinance is adopted under the authority provided by, and in accordance with, the provisions of MGL c. 40A, as amended.

### ARTICLE II

#### **Definitions**

##### **~ 200-2.1. Terms and words.**

A. In this ordinance the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

(1) Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "structure" includes the word "building"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

(2) The word "person" includes a corporation as well as an individual.

B. Other definitions shall be as follows:

**ABANDONMENT** -- The cessation of a nonconforming use or structure as indicated by the visible or otherwise indicated intention to discontinue a nonconforming use of a structure or lot, or the cessation of a nonconforming use or structure by its replacement with a conforming use or structure. Abandonment shall also include nonconforming businesses closed for business for a period of two (2) years or more. The nonconforming use shall not be re-established if the nonconforming use has either been abandoned or discontinued for a period of two (2) years or more. **[Definition Amended by Town Council on October 20, 2010]**

**ACCESSORY BUILDING** -- A subordinate building located on the same lot with the principal building or use, the use of which is customarily incidental to that of the main building or to the use of the land.

## ZONING

**ACCESSORY DWELLING UNIT, WITHIN** – An Accessory Dwelling Unit that is within a single-family home is a self-contained housing unit incorporated within the single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance. **[Definition Added by Town Council on August 17, 2016]**

**ACCESSORY DWELLING UNIT, ATTACHED** -- An attached Accessory Dwelling Unit is a self-contained housing unit added as an addition to a single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted. **[Definition Added by Town Council on August 17, 2016]**

**ACCESSORY DWELLING UNIT, DETACHED** -- A detached Accessory Dwelling Unit is a self-contained housing unit that is located on the same lot as the structure of a single-family home and may be incorporated within a garage or carriage house or other accessory structure or as a stand-alone structure that is clearly subordinate to the primary use as a single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted. **[Definition Added by Town Council on August 17, 2016]**

**ACCESSORY USE** -- A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use.

**ADULT ENTERTAINMENT USES** -- Refer to definitions in ~ 200-7.13B of this ordinance.

**AGRICULTURE, FLORICULTURE, HORTICULTURE, VITICULTURE** -- "See "farm."

**ALTERATIONS** -- As applied to a building or structure; a change, rearrangement or reconstruction of the structural parts, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

**ALTERNATIVE ENERGY** -- The following shall be considered alternative energy:

- Combined heat and power
- Electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations

Notwithstanding the above, “renewable/alternative energy R&D facility” or “renewable/alternative energy manufacturing facility” as used in this Zoning Ordinance shall not mean or include uses for the generation of electricity, heat and/or the production of fuels. **[Definition Added by Town Council on March 17, 2010]**

**ANIMAL KENNEL OR HOSPITAL** -- A structure used for the harboring and/or care of more than three (3) dogs that are more than six (6) months old, whether commercially operated or not, except for farm dogs used for herding or protection of livestock from predators.

**ANTIQUA SHOP** -- An establishment for the sale of antiques, secondhand articles, or collectible items, including a permanent or on-going tag, yard, garage, or barn sale.

**BANK** -- The portion of the land surface which normally abuts and confines a water body. The upper boundary of a bank is the first observable break in slope or the mean annual flood level, whichever is lower and as further defined in 310 Code of Massachusetts Regulations (CMR) 10.54 (2), Wetlands Protection Act.

**BILLBOARD** -- A sign greater than nine (9) square feet in area and ten (10) feet in height which advertises products or services not sold or provided on the premises on which the sign is located.

## ZONING

**BUILDING** -- An enclosed structure, either a principal building or shed, garage, stable, greenhouse, or other accessory building.

**BUILDING, DETACHED** -- A building completely surrounded by open space.

**BUILDING HEIGHT** -- The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat or shed roofs, to the deckline for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Not included are spires, cupolas, TV antennae, or other parts of structures which do not enclose potentially habitable floor space.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** -- A solar energy system shall be considered to be building integrated if it is designed to be permanently mounted on a building or other structure. This definition applies to solar energy systems of any capacity that are designed to be operated in direct contact with a building. **[Definition Added by Town Council on December 19, 2012]**

**BUILDING LINE** -- The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

**BUILDING, PRINCIPAL** -- A building in which is conducted the main or principal use of the lot on which said building is located.

**BULK STORAGE** -- Exposed outside storage of large quantities of sand, lumber, coal or other materials, and storage of large quantities of liquids and gases in tanks except underground as an accessory use.

**CAMPER** -- A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses but not for permanent residence. Includes devices commonly called travel trailers, pickup campers, motorized campers, and tent trailers.

**CAMP GROUND** -- Premises used for campers, and/or tenting, where a fee is charged. Facilities operated on a seasonal basis for a continuing supervised recreational, and/or athletic program.

**CANNABIS OR MARIJUANA** --\_All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana\_(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- b) hemp; or
- c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products. **[Definition Added by Town Council on June 20, 2018]**

**CLUB** -- Premises or building of a membership organization exclusively servicing members and their guests but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purpose of such club. Does not include sports clubs as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.



## ZONING

COMMISSION (CCC) – The Cannabis Control Commission. **[Definition Added by Town Council on June 20, 2018]**

COMMON DRIVEWAY -- Any drive, right-of-way or private way which provides access to two (2) or more lots but which does not qualify as a street for determining frontage under MGL c. 40A and c. 41.

CONGREGATE HOUSING -- A building or buildings consisting of independent and semi-independent dwelling units with some shared facilities and services occupied by not more than two (2) residents per dwelling unit, at least one (1) of whom is fifty-five (55) years of age or older, or physically handicapped or disabled.

CONTRACTOR'S YARD -- Premises used by a contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, or parking of wheeled equipment.

COOKING FACILITIES -- Any facility including but not limited to a hot plate, microwave oven, or portable oven, which permits the occupant of a building to prepare or serve hot meals in the building.

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth of Massachusetts organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Commission, and that is licensed to cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments but not to consumers. **[Definition Added by Town Council on June 20, 2018]**

DEMONSTRATED PEAK ENERGY DEMAND -- The highest electric load measured on any day during the 24-month time period prior to submission of Solar Energy System permit application. **[Definition Added by Town Council on December 19, 2012]**

DORMITORY -- A structure containing sleeping rooms, dining rooms, and accessory facilities constructed or converted by an educational institution for the exclusive use of students.

DWELLING -- A building designed or used exclusively as the living quarters for one (1) or more families or individuals.

DWELLING, MULTIFAMILY- A structure containing three (3) or more dwelling units, irrespective of ownership or tenure including apartments, efficiency apartments, and townhouses.

DWELLING, ONE-FAMILY -- A detached building containing one (1) dwelling unit and having no party wall, or walls, in common with an adjacent dwelling. Also referred to as a single-family dwelling.

DWELLING, TWO-FAMILY -- A detached building containing two (2) dwelling units. Also referred to as a duplex.

DWELLING UNIT -- A single unit providing independent living facilities for one (1) or more persons including permanent provisions for cooking, living, sanitary and sleeping facilities independent of any other unit.

ERECT -- To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building. To excavate, fill, drain and the like preparation for building shall also be considered to erect.

FAMILY -- Any number of individuals related by blood or marriage or not more than four (4) individuals not so related, living and cooking together on the premises as a single housekeeping unit. Each additional unrelated individual over four (4) shall constitute another family.

**City of Greenfield Zoning Ordinance**

**March 20, 2019**

## ZONING

**FAMILY CHILD CARE HOME** -- A private residence that, on a regular basis, receives for temporary custody and care during part or all of the day, children up to and through age twelve (12) or children under sixteen (16) years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours, children of school age in accordance with regulations promulgated by the Office of Child Care Services of the Commonwealth of Massachusetts; provided however, that the number of children under the age of sixteen (16) must not exceed ten (10). A family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefore.

**FARM** -- Premises used for the principal purpose of raising agricultural, horticulture, floriculture, or viticulture products including the sale of produce, wine and dairy products, the majority of which were produced on the premises, but not including the raising of livestock or poultry on parcels of five (5) acres or less.

**FARM, POULTRY** -- Premises used in the production of poultry and/or eggs, having more than ten (10) poultry.

**FRONTAGE** -- See "lot frontage."

**GROSS FLOOR AREA** -- The total square footage of all the floor area in a building measured from the exterior face of the exterior walls.

**HAZARDOUS MATERIAL** -- A substance or material whether in gaseous, liquid or solid form, or a combination thereof in a quantity or form that poses a substantial threat to human health or poses an unreasonable risk to health, safety, property or the environment when improperly managed, including all materials listed as hazardous by the Environmental Protection Agency, under the Toxic Substance Control Act, Federal Resource Conservation and Recovery Act or similar authority, the Department of Energy or the Commonwealth of Massachusetts pursuant to applicable General Laws.

**HEIGHT** -- See "building height."

**HEMP** -- The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content. **[Definition Added by Town Council on June 20, 2018]**

**HOME OCCUPATION** -- An endeavor involving the production or provision of goods or services from a dwelling, which is conducted in a residence and does not change the residential character of the residence.

**HOST COMMUNITY** -- A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment. **[Definition Added by Town Council on June 20, 2018]**

**HOST COMMUNITY AGREEMENT** -- An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties and up to three (3) percent host agreement revenue sharing. **[Definition Added by Town Council on June 20, 2018]**

**HOTEL** -- A building or group of buildings providing accommodations on a transient basis for compensation, including an inn, motel, and motor lodge. Accommodations having individual cooking facilities shall be considered dwelling units.

## ZONING

**IMPERVIOUS SURFACE** -- An impervious surface shall be considered one with a runoff coefficient of greater than ninety percent (90%). All structures, driveways, parking areas and paved surfaces exceeding a ninety-percent runoff coefficient shall be considered as impervious surfaces.

**JUNK** -- Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Unregistered inoperative motor vehicles stored outdoors for more than six (6) months shall be considered junk.

**JUNK/SALVAGE YARD** -- The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, scrap, or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

**LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION** -- A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. **[Definition Added by Town Council on March 17, 2010]**

**LIGHTS, DECORATIVE** -- Lighting used as an advertising device as part of a sign or part of any structure or building. This shall not include commonly used seasonal lighting for holidays.

**LODGING/BOARDING HOUSE** -- A building containing more than two (2) rooms for semi-permanent residence [longer than one (1) week] not having cooking facilities in the rooms (microwave ovens excepted), not shared as a single housekeeping unit, and the occupants thereof not being within the second degree of kindred to the proprietor. Included in this definition are fraternity houses, sorority houses, and dormitories of educational institutions. It does not include dormitories of charitable or philanthropic institutions, convalescent or nursing homes, group residences licensed or regulated by agencies of the Commonwealth under § 71 of chapter 111, or rest homes so licensed. This also does not include apartments, motels, hotels, tourist homes, inns, bed & breakfasts, or congregate housing. **[Amended – deleted definition and replaced in its entirety by Town Council February 15, 2006]**

**LOT** -- A parcel of land.

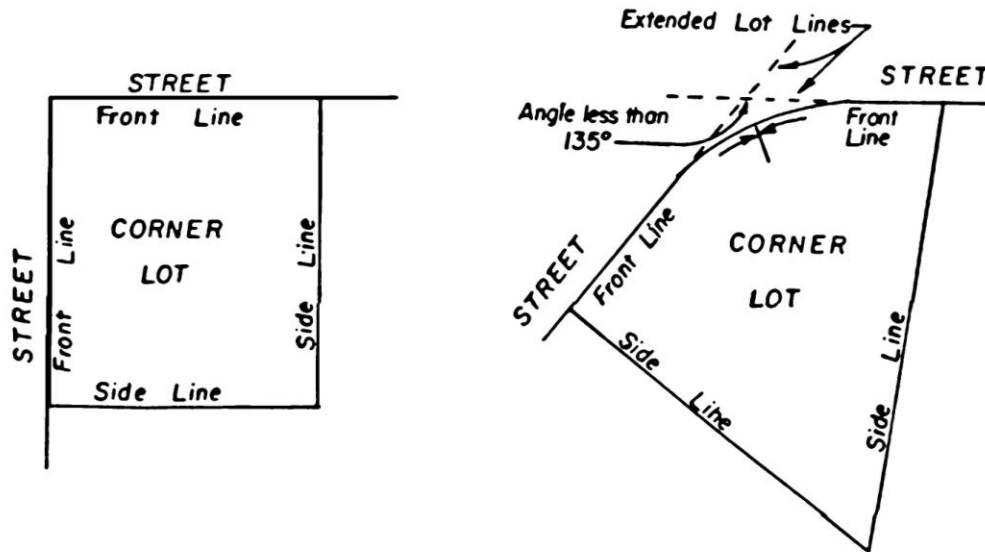
**LOT AREA** -- The area of the lot exclusive of any area in a street or recorded way open to public use. At least twenty-five percent (25%) of the lot area shall not have a slope of fifteen percent (15%) or more or contain wetlands as delineated in the Wetlands Protection Act, MGL c. 131, ~ 40, and as defined in 310 Code of Massachusetts Regulations (CMR) 10.00.

**LOT, BUILDING** -- A parcel of land in one (1) ownership meeting the dimensional requirements of this ordinance for the district in which such land is situated, and if occupied by a building or buildings, meeting the minimum yard requirements of that district, and defined on a plan or deed recorded in the Registry of Deeds.

**LOT, CORNER** -- A lot which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135) degrees. (Also see ~ 200-5.3D.) (See Diagram 1)

## ZONING

**Diagram No. 1**



**LOT FRONTAGE** -- That portion of a lot fronting upon a street to be measured continuously along one (1) street line between its side lines and their intersection with the street line. The required frontage dimension shall extend from the street line to the building line. Frontage shall provide both rights of access and potential vehicular access across that lot line to a potential building site. The portion of a lot fronting on a discontinued or unconstructed road does not constitute frontage.

**LOT LINES** -- The lines bounding a lot as defined herein.

**MARIJUANA CULTIVATOR** – An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA ESTABLISHMENT** -- A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, including a medical marijuana treatment center. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA INDEPENDENT TESTING LABORATORY** – A laboratory that is licensed by the Commission and is:

- a) Accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- b) Independent financially from any medical marijuana treatment center or any licensee or Marijuana Establishment for which it conducts a test; and
- c) Qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to this chapter. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA MICRO-BUSINESS** – A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Micro-

## ZONING

business that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA RESEARCH FACILITY** -- An entity licensed to engage in research projects by the Commission. A marijuana research facility may not sell marijuana it has cultivated. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA RETAILER** – An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA PRODUCT MANUFACTURER** – An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA STANDARDS TESTING LABORATORY** -- An entity that would otherwise qualify to be an independent testing laboratory but instead performs blind tests to verify the results of an independent testing laboratory at the request of the Commission. **[Definition Added by Town Council on June 20, 2018]**

**MARIJUANA TRANSPORTER** -- An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter. **[Definition Added by Town Council on June 20, 2018]**

**MEDICAL CENTER/CLINIC** -- Office and/or examination rooms for providing diagnostic and outpatient medical or dental treatment and care for human patients and employing physicians, dentists, nurses and other medical support staff. May include laboratory and outpatient surgical facilities but shall not include overnight inpatient medical, dental or surgical care facilities.

**MEDICAL MARIJUANA DISPENSARY** – A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100. **[Definition Added by Town Council on June 20, 2018]**

**MOBILE HOME** -- A dwelling unit built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for either temporary or permanent living quarters.

**MOBILE HOME PARK** -- Premises which have been planned and improved for the placement and residential occupancy (but not sale) of two (2) or more mobile homes.

**MOTEL** -- "See hotel."

**MULTIFAMILY** -- See "dwelling, multifamily."

**MUNICIPAL USE** -- Land or structure used for any operation by the City government, except as elsewhere more specifically defined.

## ZONING

NON-COMMERCIAL SCALE SOLAR ENERGY INSTALLATIONS -- Non-Commercial Scale Solar Energy Installations shall mean any Building-Integrated Solar Energy System or Small-Scale, Ground-Mounted Solar Energy System. **[Definition Added by Town Council on December 19, 2012]**

NONCONFORMING USE OF LAND OR STRUCTURES -- Any structure or use of land lawfully existing at the effective date of this ordinance or subsequent amendment which does not conform to one (1) or more provisions of this ordinance.

NURSERY or GREENHOUSE -- Premises used for the gainful purpose of propagation of trees, shrubs, vines, flowers, or other plants for transplanting, stock for grafting, or for cut flowers.

NURSING, CONVALESCENT OR REST HOME -- Any dwelling or building where persons are housed or lodged and furnished with meals and nursing care for hire.

OCCUPANCY PERMIT -- A permit authorizing the occupancy and the use of land and/or structures and buildings.

ON-SITE SOLAR ENERGY SYSTEM -- A solar energy system that is sized primarily to produce electricity to be consumed at that site of generation, up to 1.5 times the demonstrated peak energy demand. On-Site Solar Energy Systems may or may not be connected to an electric power utility. **[Definition Added by Town Council on December 19, 2012]**

OPEN SPACE -- Ground space other than that occupied by structures, walkways, drives, parking or other impervious surface. Required yard setbacks may be included as open space if the area meets the above requirements.

PERSONAL AND CONSUMER SERVICE ESTABLISHMENT -- Barbershop, beauty parlor, pet grooming, laundromat, tailoring, shoe cleaning/repair, health club, and other similar places of business but not including medical and dental offices or veterinarians.

PHILANTHROPIC INSTITUTION -- An endowed or charitably supported nonprofit religious or nonsectarian activity maintained for public or semipublic use.

PLANNED DEVELOPMENT -- A parcel of land consisting of one (1) or more contiguous lots to be considered as a whole for development purposes built in accordance with an approved site plan from the Planning Board which shall include provision for long-term maintenance of utilities, common driveways, landscaping and other site improvements by current and future owners.

PRINTING -- Premises used for newspaper, periodical and book printing; commercial printing, map printing, but not including photocopying.

PRIORITY DEVELOPMENT SITES -- Those properties designated as such by majority vote of the City Council and subsequent approval by the Interagency Permitting Board, established by G.L. c. 23A, Section 62, all pursuant to G.L. c. 43D, identified in the Assessor's records as Map 26, Parcel 36A and Map 51, Parcels 10 through 18 and 20 through 23. **[Definition Added by Town Council on October 21, 2009]**

PUBLIC RIGHT-OF-WAY -- An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency. In no case shall a right-of-way be construed to mean an easement.

## ZONING

**RADIO TRANSMISSION** -- Premises used for the commercial transmission of radio or television, not including studios.

**RATED NAMEPLATE CAPACITY** -- The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **[Definition Added by Town Council on March 17, 2010]**

**RECREATION, INDOOR** -- Bowling alley, pool or billiards hall, or other recreation carried on wholly in an enclosed building but not including arcades.

**RECREATION, OUTDOOR** -- Drive-in theater, golf course/golf driving range, bathing beach, sports club, horseback riding stables, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors except those activities more specifically designated elsewhere in this ordinance.

**RENEWABLE ENERGY** -- The following shall be considered renewable energy:

- Solar – photovoltaic (PV) and thermal
- Wind
- Biomass power conversion or thermal technologies, including R&D related to, or the manufacture of wood pellets
- Ultra low emissions high efficiency wood pellet boilers and furnaces
- Low Impact Hydro – electric and kinetic
- Ocean thermal, wave or tidal
- Geothermal
- Landfill gas
- Fuels cells that use renewable energy
- Advanced biofuels

Notwithstanding the above, “renewable/alternative energy R&D facility” or “renewable/alternative energy manufacturing facility” as used in this Zoning Ordinance shall not mean or include uses for the generation of electricity, heat and/or the production of fuels. **[Definition Added by Town Council on March 17, 2010]**

**RESTAURANT** -- Premises the principal use of which is the sale of food or drink ready for consumption without further preparation.

**RESTAURANT, DRIVE-IN OR DRIVE-THROUGH** -- A restaurant where food or drinks are usually served to or consumed by patrons while they are seated in vehicles.

**RESTAURANT, TAKE-OUT** -- A restaurant where food or drinks are primarily served for consumption off the premises without a drive-in or drive-through service.

**RETAIL BUSINESS** -- Premises used for the retail sale of goods for personal or business use, and also premises used for personal, business or household services. Does not include retail businesses elsewhere defined or permanent or on-going tag, yard, garage, or barn sales.

**RIDGELINE** -- The line forming the upper edge or crest of a hill or mountain.

**ROADSIDE FARM STAND** -- A structure of a semipermanent or temporary type located in a district in which agricultural uses are allowed, from which raw produce is offered for sale to the public.

## ZONING

**SCHOOL, PRIVATE** -- An educational facility not exempt from MGL c. 40A, ~ 3, including private primary and secondary schools, colleges, nursery school, kindergarten, or child day-care facility.

**SHARED HOUSING** -- A dwelling unit shared by more than four (4) but a maximum of six (6) residents, whether or not related to one another, each of whom is fifty-five (55) years of age or older.

### SIGN:

- (1) Any device designed to direct, inform, advertise, announce or attract attention. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs, as are advertising devices attached to vehicles, trailers, or other movable objects if regularly located for display.
- (2) The following, however, shall not be considered "signs" within the context of this ordinance:
  - (a) Flags and insignia of any government except when displayed in connection with commercial promotion;
  - (b) Legal notices, or informational devices erected or required by public agencies;
  - (c) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline;
  - (d) Integral decorative or architectural features of buildings. However, letters, registered trademarks, moving parts, and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, even if an integral part of the building;
  - (e) On-premise devices guiding and directing traffic, parking, and public services (i.e., rest rooms, telephones), not exceeding two (2) square feet in area, and bearing no advertising matter.

### SIGN, AREA OF:

- (1) The area of any sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign but not any supporting structure or brace.
- (2) For signs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or for signs in which the letters, symbols, etc. extend beyond the frame, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.

**SIGN, FREESTANDING** -- A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer-type signs.

**SIGN, OFF-PREMISES** -- Any sign in which the subject matter does not relate exclusively to the products or services sold or provided on the premises.

**SIGN, WALL** -- Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building.

**SMALL-SCALE, GROUND-MOUNTED SOLAR ENERGY SYSTEM** -- A solar energy system that has its solar panels structurally mounted on the ground and occupies a footprint of 2,500 square feet of area or less. **[Definition Added by Town Council on December 19, 2012]**



## ZONING

**SOLAR ENERGY SYSTEM** -- All equipment, machinery and structures utilized in connection with the conversion of light to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads. **[Definition Added by Town Council on December 19, 2012]**

**SPORTS CLUB** -- A club whose primary purposes are conservation, hunting, or fishing.

**STREET** -- A public way, a private way shown on a plan approved under the Subdivision Control Law,<sup>1</sup> or a way in existence when the Subdivision Control Law became effective in Greenfield having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the abutting land or land to be served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

**STREET LINE** -- The line between the lot and the street layout.

**STRUCTURE** -- Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence, or a road and any fixtures appurtenant thereto.

**TATTOO PARLOR/BODY PIERCING STUDIO** [Added 3-21-2001, approved by AG 5-23-2001] -- An establishment whose principal or accessory business activity is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that results in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) Creation of an opening in the body of a person other than the ear lobe, for the purpose of inserting jewelry or other decoration;
- (3) Altering the skin of a person through scarification or branding.

**TOXIC MATERIAL or TOXIC WASTE** -- A substance or material, whether in gaseous, liquid or solid form, or a combination thereof in a quantity or form that significantly contributes to serious illness or death, or that poses a substantial threat to human health, or poses an unreasonable risk to health when improperly managed, including all materials listed as toxic by the Environmental Protection Agency, under the Toxic Substance Control Act, Federal Resource Conservation Recovery Act or similar authority, or by the Commonwealth of Massachusetts pursuant to applicable General Laws.

**TRANSPORT TERMINAL** -- Premises for the parking and/or serving of three (3) or more vehicles with six (6) or more wheels or any number of vehicles of over two-ton load capacity, except agricultural vehicles, campers, contractors yards, and the parking or serving of the above-listed vehicles permitted as an accessory use to a principal use allowed by right or special permit.

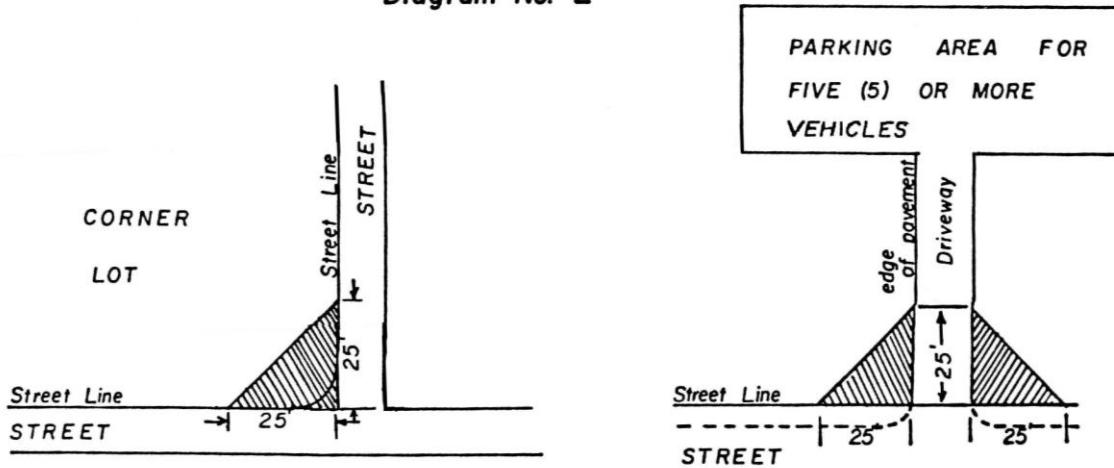
**TRIANGLE OF CLEAR SIGHT** -- The area of a corner lot formed by the intersecting street lines and a straight line joining said street lines at a point which is twenty-five (25) feet from the point of intersection measured along said street lines. Also, the areas of a lot with a driveway serving five (5) or more vehicles formed by the street line, the edge of driveway surface, and a straight line joining said street line and edge of driveway surface at a point which is twenty-five (25) feet from the point of intersection measured along said street line and edge of driveway. All drives serving five (5) or more vehicles shall have two (2) triangles of clear sight. (See Diagram 2)

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<sup>1</sup> Editor's Note: See MGL c. 41, ~ 81K et seq.

## ZONING

Diagram No. 2



USE -- The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

WAREHOUSE -- Indoor storage of goods for distribution, but not for sale on the premises.

WHOLESALE -- Sale of commodities in quantity for resale or further processing.

WILDLIFE CORRIDOR -- A wildlife corridor is a link of wildlife habitat, generally native vegetation, which joins two or more larger areas of similar wildlife habitat. Corridors are critical for the maintenance of ecological processes including allowing for the movement of animals and the continuation of viable populations.

YARD -- An open area on the same lot with a building or other structure located between the building and the lot lines, unoccupied and unobstructed by structures from the ground up except as may be allowed by specific provisions of this ordinance including ingress and egress as required by the Building Code.

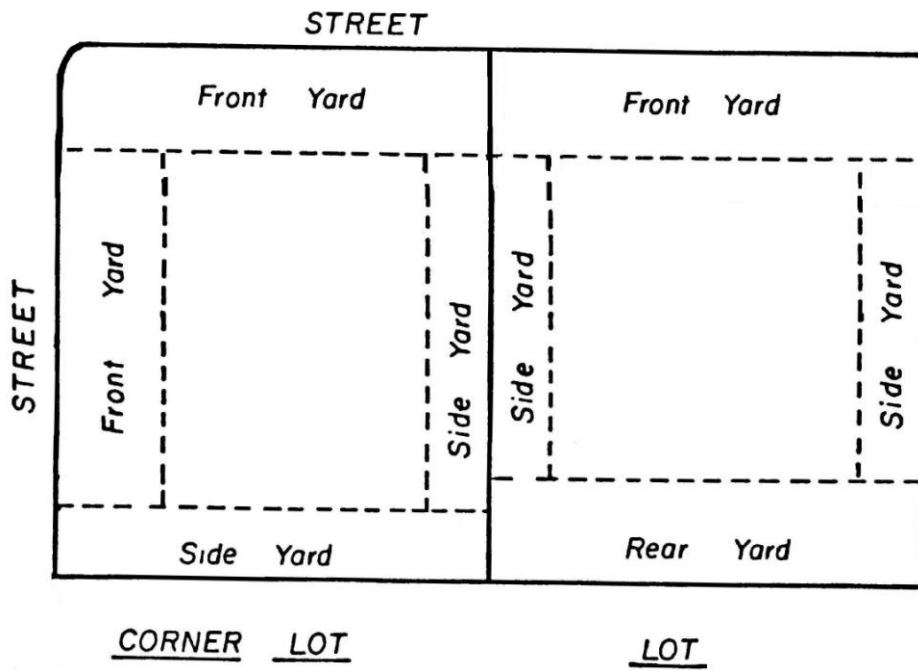
YARD, FRONT -- The portion of a lot extending the full width of the lot and situated between the street line and the required front setback line.

YARD, REAR -- The portion of a lot extending the full width of the lot and situated between the rear line of the lot and the rear minimum required rear setback line.

YARD, SIDE -- The portion of a lot situated between the side line of the lot and the minimum required side setback line and extending from the front yard to the rear yard.

ZONING

Diagram No. 3



# ZONING

## ARTICLE III Establishment of Districts

### ~ 200-3.1. Districts.

The City of Greenfield is hereby divided into the following districts:

Rural Residential District	RC
Suburban Residential District	RB
Urban Residential District	RA
Semi-Residential District	SR
Health Service District	H
Central Commercial District	CC
Limited Commercial District	LC
General Commercial District	GC
Office District	O
General Industry District	GI
Planned Industry District	PI
Floodplain District	F
Water Supply Protection District	WP
Corridor Overlay District	CO

### ~ 200-3.2. Zoning Map.

The location and boundaries of each of the districts are hereby established as shown on the map accompanying this ordinance and on file with the Clerk of the City of Greenfield, entitled "Zoning Map" dated October 18, 1989, as amended. This map and all explanatory materials thereon are hereby made a part of this ordinance.

### ~ 200-3.3. Interpretation of district boundaries.

- A. Where the boundary lines are shown on the maps listed in ~ 200-3.2 above as approximately following the street lines of public and private ways, railways or other rights-of-way, the center lines of such ways shall be the boundary lines.
- B. Where the boundary lines are shown approximately following the location of property lines by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- C. Boundary lines located outside of street lines and shown approximately parallel thereto are parallel to such street lines, and dimensions shown in figures between boundary lines and street lines are the distance in feet of the boundary line from the street line such distances being measured at right angles or radial to such street lines unless otherwise indicated.
- D. In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map by the use of identifications as shown on the map, or by the scale of the map.
- E. Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Board of Appeals, as provided in Section 200-8.6 of this Ordinance. **[Subsection E added by Town Council July 15, 2009]**

## ZONING

### ~ 200-3.4. Lot divided by a district boundary.

When a district boundary divides a lot of record, the use of land and the requirements of the least restricted district may extend fifty (50) feet into the more restricted district. [Amended by Town Council on July 15, 2009]

## ARTICLE IV Use Regulations

### ~ 200-4.1. Application of use regulations.

#### A. Permitted use only.

(1) No building or structure shall be erected or used and no premises shall be used except as set forth in Article IV and in all other sections of this ordinance.

(2) Not more than one (1) principal building shall be erected on a lot unless otherwise specified in this ordinance.

#### B. Statutory exemptions.

(1) Nothing in this ordinance shall prohibit, regulate or restrict the use of land or structure in any district for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation, however, such land or structures may be subject to regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements in accordance with this ordinance.

(2) Nothing in this ordinance shall prohibit, unreasonably regulate or require a special permit for agriculture, horticulture, floriculture or viticulture, provided that such uses are located on parcels containing at least five (5) acres.

#### C. Uses permitted in all districts.

(1) Farms, forestry, conservation area.

(2) Educational or religious uses exempt from the Zoning Act.

(3) Municipal uses.

(4) Public park, playground or other public recreational facility except in the Planned Industry (PI) District.

(5) Home occupations in accordance with ~ 200-6.3 of this ordinance (some uses require a special permit).

#### D. Uses permitted in all districts by special permit.

## ZONING

(1) Activities accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific activities permitted as a matter of right, subject to the provisions of ~ 200-8.3 for a special permit granted by the Board of Appeals.

(2) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**

(3) Private school not exempt from zoning under ~ 200-4.1B(1).

(4) Uses not elsewhere classified.

E. Uses prohibited in all districts.

(1) Privately owned residential wastewater treatment plants.

(2) Waste-to- energy systems.

(3) Industrial biomass energy systems.

(4) Stick wood boilers.

F. Use Regulation Schedule. Where an activity might be classified under more than one (1) of the following uses the more restrictive classification shall determine permissibility.

### **~ 200-4.2. Rural Residential District (RC).**

A. Purpose. The purpose of the Rural Residential District is to provide areas for low density residential development and for agricultural uses.

B. Uses permitted.

(1) Greenhouse, nursery, or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.

(2) Single-family dwelling.

(3) Two-family dwelling.

(4) Home occupation in accordance with ~ 200-6.3.

(5) Open space/cluster development in accordance with ~ 200-7.1.

(6) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**

(7) Accessory Dwelling Unit, Within. **[Added by Town Council on August 17, 2016]**

C. Uses permitted by special permit.

(1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**

## ZONING

- (2) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have not been produced on the premises.
- (3) Multifamily dwelling in accordance with ~ 200-7.2.
- (4) Family day-care home.
- (5) Dormitories.
- (6) Bed-and-breakfast/tourist home in accordance with ~ 200-7.5.
- (7) Cemetery or crematory.
- (8) Public or private utility or substation.
- (9) Radio, television transmission or other communications use including towers.
- (10) Private school not exempt from zoning under ~ 200-4.1B(1).
- (11) Outdoor recreation.
- (12) Commercial camping.
- (13) Animal kennel or hospital.
- (14) Processing of earth authorized for removal in accordance with the City of Greenfield Soil Removal Ordinance.<sup>2</sup>
- (15) Shared housing.
- (16) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (17) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (18) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on December 19, 2012]**
- (19) Accessory Dwelling Unit, Attached. **[Added by Town Council on August 17, 2016]**
- (20) Accessory Dwelling Unit, Detached. **[Added by Town Council on August 17, 2016]**
- (21) Marijuana cultivator limited to Tier 1 (5,000 square feet) pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (22) Craft marijuana cooperative pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

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<sup>2</sup> Editor's Note: See Ch. 154, Soil Removal.

## ZONING

### ~ 200-4.3. Suburban Residential District (RB).

- A. Purpose. The purpose of the Suburban Residential District is to provide areas for medium-density residential development.
- B. Uses permitted.
- (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.
  - (2) Single-family dwelling.
  - (3) Two-family dwelling.
  - (4) Home occupation in accordance with ~ 200-6.3.
  - (5) Open space/cluster development in accordance with ~ 200-7.1.
  - (6) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
  - (7) Accessory Dwelling Unit, Within. **[Added by Town Council on August 17, 2016]**
- C. Uses permitted by special permit.
- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
  - (2) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have not been produced on the premises.
  - (3) Multifamily dwelling in accordance with ~ 200-7.2.
  - (4) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
  - (5) Dormitories.
  - (6) Shared housing.
  - (7) Nursing home, convalescent home, rest home.
  - (8) Private school not exempt from zoning under ~ 200-4.1B(1).
  - (9) Family day-care home.
  - (10) Bed-and-breakfast/tourist home in accordance with ~ 200-7.5.
  - (11) Cemetery or crematory.
  - (12) Public or private utility or substation.



## ZONING

- (13) Radio, television transmission or other communications use excluding towers.
- (14) Hospital.
- (15) Outdoor recreation.
- (16) Animal kennel or hospital.
- (17) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (18) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (19) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on December 19, 2012]**
- (20) Accessory Dwelling Unit, Attached. **[Added by Town Council on August 17, 2016]**
- (21) Accessory Dwelling Unit, Detached. **[Added by Town Council on August 17, 2016]**

### **~ 200-4.4. Urban Residential District (RA).**

- A. Purpose. The purpose of the Urban Residential District is to provide areas for high-density residential development.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.
  - (2) Single-family dwelling.
  - (3) Two-family dwelling.
  - (4) Home occupation in accordance with ~ 200-6.3.
  - (5) Open space/cluster development in accordance with ~ 200-7.1.
  - (6) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
  - (7) Accessory Dwelling Unit, Within. **[Added by Town Council on August 17, 2016]**
- C. Uses permitted by special permit.
  - (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
  - (2) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have not been produced on the premises.
  - (3) Multifamily dwelling in accordance with ~ 200-7.2.

## ZONING

- (4) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
- (5) Nursing home, convalescent home, rest home.
- (6) Private school not exempt from zoning under ~ 200-4.1B(1).
- (7) Family day-care home.
- (8) Shared housing.
- (9) Bed-and-breakfast/tourist home in accordance with ~ 200-7.5.
- (10) Cemetery.
- (11) Public or private utility or substation.
- (12) Radio, television transmission or other communications use excluding towers.
- (13) Funeral home.
- (14) Hospital.
- (15) Municipal parking lot or garage.
- (16) Lodging/boarding house. **[Added by Town Council on July 15, 2009]**
- (17) Animal kennel or hospital. **[Added by Town Council on July 15, 2009]**
- (18) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (19) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (20) Accessory Dwelling Unit, Attached. **[Added by Town Council on August 17, 2016]**
- (21) Accessory Dwelling Unit, Detached. **[Added by Town Council on August 17, 2016]**

### **~ 200-4.5. Semi-Residential District (SR).**

- A. Purpose. The purpose of the Semi-Residential District is to provide a mixed use area as a transition between the Central Commercial District and the residential districts.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.
  - (2) Single-family dwelling.
  - (3) Two-family dwelling.

## ZONING

- (4) Home occupation in accordance with ~ 200-6.3.
- (5) Business and professional offices requiring ten (10) or fewer parking spaces.
- (6) Family day-care home.
- (7) Philanthropic or charitable institution.
- (8) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (9) Accessory Dwelling Unit, Within. **[Added by Town Council on August 17, 2016]**

### C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Private club or membership organization.
- (3) Greenhouse nursery or farm stand where fifty percent (50%) or more of the products for sale have not been produced on the premises.
- (4) Private school not exempt from zoning under ~ 200-4.1B(1).
- (5) Public or private utility or substation.
- (6) Radio, television transmission or other communications use excluding towers.
- (7) Funeral home.
- (8) Crematory.
- (9) Multifamily dwelling in accordance with ~ 200-7.2.
- (10) Lodging/boarding/rooming house.
- (11) Shared housing.
- (12) Bed-and-breakfast/tourist home in accordance with ~ 200-7.5.
- (13) Mixed residential/office uses in accordance with ~ 200-7.10.
- (14) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
- (15) Animal kennel or hospital. **[Added by Town Council on July 15, 2009]**
- (16) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (17) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**

## ZONING

(18) Accessory Dwelling Unit, Attached. **[Added by Town Council on August 17, 2016]**

(19) Accessory Dwelling Unit, Detached. **[Added by Town Council on August 17, 2016]**

### ~ 200-4.6. Health Service District (H).

A. Purpose. The purpose of the Health Service District is to provide an area for medical and medical-related uses and for residences.

B. Uses permitted.

(1) Greenhouse, nursery or farmstand where fifty percent (50%) of the products for sale have been produced on the premises.

(2) Single-family dwelling.

(3) Two-family dwelling.

(4) Home occupation in accordance with ~ 200-6.3.

(5) Hospital.

(6) Family day-care home.

(7) Nursing home, convalescent home, or rest home.

(8) Business and professional offices related to health services.

(9) Medical center/clinic including accessory research.

(10) Cafeterias for employees, day-care centers and other normal accessory uses to a nonresidential use.

(11) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**

(12) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**

C. Uses permitted by special permit.

(1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**

(2) Funeral home.

(3) Multifamily dwelling in accordance with ~ 200-7.2.

(4) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.

(5) Dormitories in conjunction with a medical training facility only.

## ZONING

- (6) Shared housing.
- (7) Medical research and development.
- (8) Crematory.
- (9) Mixed residential/office use in accordance with ~ 200-7.10.
- (10) Private school not exempt from zoning under ~ 200-4.1B(1).
- (11) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (12) Registered Marijuana Dispensary pursuant to ~ 200-7.17. **[Added by Town Council on November 20, 2013]**
- (13) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**
- (14) Marijuana independent testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (15) Marijuana standards testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (16) Marijuana research facility pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

### **~ 200-4.7. Central Commercial District (CC).**

- A. Purpose. The purpose of the Central Commercial District is to provide a downtown area with the range of business sales and services which generally constitute a central business district.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand.
  - (2) Municipal or commercial parking lot or garage.
  - (3) Bus or railroad passenger terminal or taxi dispatch.
  - (4) Philanthropic or charitable institution.
  - (5) Private club or membership organization.
  - (6) Home occupation in accordance with ~ 200-6.3.
  - (7) Mixed residential/business use in accordance with ~ 200-7.10.
  - (8) Photocopying and data processing.
  - (9) Retail establishment.

## ZONING

- (10) Business and professional offices.
- (11) Personal and consumer service establishments.
- (12) Service and repair shops for appliances, small equipment, business and consumer products.
- (13) Restaurant, bar or lounge for serving food or drinks primarily within the building.
- (14) Take-out food restaurant.
- (15) Theatre.
- (16) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
- (17) Garden center.
- (18) Multifamily dwelling in accordance with ~ 200-7.2., Subsections B (1,4-9). [**Amended by Town Council on July 15, 2009**]
- (19) Building-Integrated Solar Energy System. [**Added by Town Council on December 19, 2012**]
- (20) Small-Scale Ground-Mounted Solar Energy System. [**Added by Town Council on December 19, 2012**]

### C. Uses permitted by special permit.

- (1) Farms on parcels of less than five (5) acres with livestock or poultry.
- (2) Radio, television transmission or other communications use excluding towers.
- (3) Private school not exempt from zoning under ~ 200-4.1B(1).
- (4) Funeral home.
- (5) Hotel, motel, inn.
- (6) Indoor recreation.
- (7) Medical center/clinic including accessory research.
- (8) Newspaper, printing, publishing.
- (9) Wholesale laundry or dry-cleaning plant.
- (10) Wholesale trade and distribution.
- (11) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.

## ZONING

- (12) Lodging/boarding/rooming house only as a mixed residential/business use in accordance with ~ 200-7.10.
- (13) Shared housing.
- (14) Research and development facilities.
- (15) Conference center.
- (16) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (17) Sale, leasing, repair, and servicing of new and used motor vehicles with a Class 1 Motor Vehicle license issued by the City of Greenfield.
- (18) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (19) Registered Marijuana Dispensary pursuant to ~ 200-7.17. **[Added by Town Council on November 20, 2013]**
- (20) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**
- (21) Marijuana retailer pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (22) Marijuana independent testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (23) Marijuana standards testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (24) Marijuana research facility pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

### **~ 200-4.8. Limited Commercial District (LC).**

- A. Purpose. The purpose of the Limited Commercial District is to provide areas for retail business serving the nonpedestrian and for automotive sales and services.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand.
  - (2) Single-family dwelling.
  - (3) Two-family dwelling.
  - (4) Municipal or commercial parking lot or garage.
  - (5) Bus or railroad passenger terminal or taxi dispatch.

## ZONING

- (6) Philanthropic or charitable institution.
- (7) Private club or membership organization.
- (8) Home occupation in accordance with ~ 200-6.3.
- (9) Retail establishment.
- (10) Business and professional offices.
- (11) Personal and consumer service establishments.
- (12) Service and repair shops for appliances, small equipment, business and consumer products.
- (13) Restaurant, bar, or lounge for serving food or drinks primarily within the building.
- (14) Take-out restaurant.
- (15) Drive-in or drive-through restaurant.
- (16) Car wash (on public sewer only).
- (17) Hotel, motel or inn.
- (18) Funeral home.
- (19) Crematory.
- (20) Sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment.
- (21) Photocopying and data processing.
- (22) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
- (23) Construction supply establishment.
- (24) Theatre.
- (25) Conference center.
- (26) Self storage.
- (27) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (28) Garden center.
- (29) Medical center/clinic including accessory research.



## ZONING

- (30) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (31) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (32) Accessory Dwelling Unit, Within. **[Added by Town Council on August 17, 2016]**

### C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Public or private utility or substation.
- (3) Radio, television transmission or other communications use excluding towers.
- (4) Private school not exempt from zoning under ~ 200-4.1B(1).
- (5) Multifamily dwelling in accordance with ~ 200-7.2.
- (6) Bed-and-breakfast or tourist home.
- (7) Automotive repair and servicing shop.
- (8) Gas station.
- (9) Indoor recreation.
- (10) Newspaper, printing, publishing.
- (11) Wholesale laundry or dry-cleaning plant.
- (12) Wholesale trade and distribution.
- (13) Research and development facilities.
- (14) Mixed residential/business uses in accordance with ~ 200-7.10.
- (15) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (16) Registered Marijuana Dispensary pursuant to ~ 200-7.17. **[Added by Town Council on November 20, 2013]**
- (17) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**
- (18) Accessory Dwelling Unit, Attached. **[Added by Town Council on August 17, 2016]**
- (19) Accessory Dwelling Unit, Detached. **[Added by Town Council on August 17, 2016]**

## ZONING

- (20) Marijuana retailer pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]
- (21) Marijuana independent testing laboratory pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]
- (22) Marijuana standards testing laboratory pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]
- (23) Marijuana research facility pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]
- (24) Marijuana product manufacturer pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]

### ~ 200-4.9. General Commercial District (GC).

- A. Purpose. The purpose of the General Commercial District is to provide areas for mixed retail, commercial and industrial uses.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand.
  - (2) Municipal or commercial parking lot or garage.
  - (3) Bus or railroad passenger terminal or taxi dispatch.
  - (4) Philanthropic or charitable institution.
  - (5) Private club or membership organization.
  - (6) Home occupation in accordance with ~ 200-6.3.
  - (7) Retail establishment.
  - (8) Business and professional offices.
  - (9) Personal and consumer service establishments.
  - (10) Service and repair shops for appliances, small equipment, business and consumer products.
  - (11) Restaurant, bar, or lounge for serving food or drinks primarily within the building.
  - (12) Take-out restaurant.
  - (13) Drive-in or drive-through restaurant.
  - (17) Car wash (on public sewer only).
  - (15) Hotel, motel or inn.
  - (16) Funeral home.

## ZONING

- (17) Crematory.
- (18) Sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment.
- (19) Construction supply establishment.
- (20) Theatre.
- (21) Photocopying and data processing.
- (22) Conference center.
- (23) Self storage.
- (24) Cafeterias for employees, automatic teller machines, day-care centers, and other normal accessory uses to a nonresidential use.
- (25) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (26) Garden center.
- (27) Medical center or clinic including accessory research.
- (28) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (29) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**

### C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Public or private utility or substation.
- (3) Radio, television transmission or other communications use including towers.
- (4) Private school not exempt from zoning under ~ 200-4.1B(1).
- (5) Multifamily dwelling in accordance with ~ 200-7.2.
- (6) Single-family dwelling.
- (7) Two-family dwelling.
- (8) Lodging/boarding/rooming house.
- (9) Dormitories.

## ZONING

- (10) Bed-and-breakfast or tourist home.
- (11) Mixed residential/business uses in accordance with ~ 200-7.10.
- (12) Automotive repair and servicing shop.
- (13) Gas station.
- (14) Bulk storage and/or sale of fuel or other fluid other than waste.
- (15) Indoor recreation.
- (16) Newspaper, printing, publishing.
- (17) Wholesale laundry or dry cleaning plant.
- (18) Wholesale trade and distribution.
- (19) Waste hauling establishment.
- (20) Warehouse or freight transport terminal.
- (21) Assembly, bottling, packaging or finishing plant in an enclosed building.
- (22) Research and development facilities.
- (23) Contractor's yard or other open storage of raw materials, finished goods, or equipment.
- (24) Animal kennel or hospital.
- (25) Light industry, manufacturing or processing plant which will not be offensive, noxious, or hazardous.
- (26) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (27) Renewable/alternative energy R&D facility. **[Added by Town Council on March 17, 2010]**
- (28) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on December 19, 2012]**
- (29) Registered Marijuana Dispensary pursuant to ~ 200-7.17. **[Added by Town Council on November 20, 2013]**
- (30) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**
- (31) Marijuana cultivator (indoor) pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (32) Craft marijuana cooperative pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

## ZONING

- (33) Marijuana retailer pursuant to ~ 200-7.17. [**Added by Town Council on June 20, 2018**]
- (34) Marijuana independent testing laboratory pursuant to ~ 200-7.17. [**Added by Town Council on June 20, 2018**]
- (35) Marijuana standards testing laboratory pursuant to ~ 200-7.17. [**Added by Town Council on June 20, 2018**]
- (36) Marijuana research facility pursuant to ~ 200-7.17. [**Added by Town Council on June 20, 2018**]
- (37) Marijuana product manufacturer pursuant to ~ 200-7.17. [**Added by Town Council on June 20, 2018**]

### ~ 200-4.10. Office District (O).

- A. Purpose. The purpose of the Office District is to provide areas for office use and office parks.
- B. Uses permitted.
  - (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products have been produced on the premises.
  - (2) Home occupation.
  - (3) Philanthropic institution.
  - (4) Business or professional office.
  - (5) Office park.
  - (6) Photocopying and data processing.
  - (7) Newspaper, printing, publishing.
  - (8) Wholesale trade and distribution.
  - (9) Self storage.
  - (10) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
  - (11) Medical Center/Clinic including accessory research. [**Amended by the Town Council on November 9, 2005**]
  - (12) Building-Integrated Solar Energy System. [**Added by Town Council on December 19, 2012**]
  - (13) Small-Scale Ground-Mounted Solar Energy System. [**Added by Town Council on December 19, 2012**]
- C. Uses permitted by special permit.

## ZONING

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Public or private utility or substation.
- (3) Radio, television transmission and other communications use excluding towers.
- (4) Research and development facilities.
- (5) Assembly, bottling, packaging, or finishing plant in an enclosed building.
- (6) Private school not exempt from zoning under ~ 200-4.1B(1).
- (7) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on December 19, 2012]**
- (8) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**
- (9) Light industry, manufacturing, or processing plant. **[Added by Town Council on May 18, 2016]**
- (10) Marijuana research facility pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (11) Marijuana independent testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (12) Marijuana standards testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

### D. Design requirements.

- (1) A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approach driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with a combination of grass or other herbaceous plants, shrubs at least three (3) feet in height upon maturity, and shade trees (three-inch diameter) not farther apart than forty (40) feet on center. Plantings shall be set back from points of ingress and egress so as not to impair visibility.
- (2) Uses shall be screened from view from adjacent residential property by a continuous border of dense plantings or by berms or fences complemented by plantings and maintained to provide an effective visual screen in accordance with ~ 200-6.9B of this ordinance.
- (3) Any outdoor storage or utility area shall be screened from view from neighboring properties and streets in the manner as in Subsection D(2) above. Any nuisance or safety hazard shall be screened to prevent unauthorized access to the area.

### ~ 200-4.11. General Industry District (GI).

- A. Purpose. The purpose of the General Industry District is to provide areas for light industry and manufacturing which do not intrude on residential areas.

## ZONING

### B. Uses permitted.

- (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.
- (2) Home occupation.
- (3) Philanthropic institution.
- (4) Photocopying and data processing.
- (5) Newspaper, printing, publishing.
- (6) Business and professional offices.
- (7) Office park.
- (8) Research and development facilities.
- (9) Wholesale trade and distribution.
- (10) Assembly, bottling, packaging, or finishing plant in an enclosed building.
- (11) Warehouse or freight transport terminal.
- (12) Trucking firm (on public sewer only).
- (13) Construction supply establishment.
- (14) Contractor's yard or other open storage of raw materials, finished goods, or equipment.
- (15) Light industry, manufacturing or processing plant which will not be offensive, injurious, noxious, or hazardous.
- (16) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (17) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
- (18) Self storage.
- (19) Medical center/clinic including accessory research.
- (20) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on March 17, 2010]**
- (21) Renewable/alternative energy R&D facility. **[Added by Town Council on March 17, 2010]**
- (22) Renewable/alternative energy manufacturing facility. **[Added by Town Council on March 17, 2010]**

## ZONING

- (23) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (24) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (25) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**

### C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Radio, television transmission and other communications use including towers.
- (3) Public or private utility or substation.
- (4) Power plant.
- (5) Automotive repair and servicing shop.
- (6) Salvage/junkyard.
- (7) Processing of earth authorized for removal in accordance with the Town of Greenfield Soil Removal Ordinance.<sup>3</sup>
- (8) Waste hauling establishment.
- (9) Retail sales incidental to a permitted use or use allowed by special permit.
- (10) Private school not exempt from zoning under ~ 200-4.1B(1).
- (11) Wholesale laundry and dry-cleaning plant.
- (12) Hotel, motel inn.
- (13) Conference center.
- (14) Bulk storage and/or sale of fuel or other fluid other than waste.
- (15) Personal and consumer service establishment. **[Added by Town Council on November 20, 2013]**
- (16) Registered Marijuana Dispensary pursuant to ~ 200-7.17. **[Added by Town Council on November 20, 2013]**
- (17) Private club or membership organization. **[Added by Town Council on August 19, 2015]**
- (18) Marijuana cultivator (indoor) pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

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<sup>3</sup> Editor's Note: See Ch. 154, Soil Removal.



## ZONING

- (19) Craft marijuana cooperative pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]
- (20) Marijuana product manufacturer pursuant to ~ 200-7.17. [Added by Town Council on June 20, 2018]

### **~ 200-4.12. Planned Industry District (PI).**

[Section D (5) added by Town Council on October 16, 2002]

[Section C (9) added by Town Council on March 21, 2007]

- A. Purpose. The purpose of the Planned Industry District is to promote the industrial development of the City by providing a zone for park-like development of industry which is protected from commercial and residential encroachment while minimizing potential adverse environmental impacts.
- B. Uses permitted.
  - (1) Home occupation.
  - (2) Business and professional offices.
  - (3) Office park.
  - (4) Photocopying and data processing.
  - (5) Newspaper, printing, publishing.
  - (6) Research and development facility.
  - (7) Wholesale trade and distribution.
  - (8) Trucking firm (on public sewer only).
  - (9) Warehouse or freight transport terminal.
  - (10) Assembly, bottling, packaging or finishing plant in an enclosed building.
  - (11) Light industry, manufacturing or processing plant.
  - (12) Retail sales which are incidental to a permitted use or use allowed by special permit.
  - (13) Private/public utility or substation in an enclosed building.
  - (14) Philanthropic or charitable institution.
  - (15) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
  - (16) Large-Scale Ground-Mounted Solar Photovoltaic Installations. [Added by Town Council on March 17, 2010]
  - (17) Renewable/alternative energy R&D facility. [Added by Town Council on March 17, 2010]

## ZONING

- (18) Renewable/alternative energy manufacturing facility. **[Added by Town Council on March 17, 2010]**
- (19) Building-Integrated Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (20) Small-Scale Ground-Mounted Solar Energy System. **[Added by Town Council on December 19, 2012]**
- (21) Commercial biomass energy system in accordance with ~ 200-7.19. **[Added by Town Council on June 17, 2015]**

### C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Private industrial or trade school.
- (3) Municipal or commercial parking lot or garage.
- (4) Radio, television transmission or other communications use including towers.
- (5) Power plant.
- (6) Service and repair shops for appliances, small equipment, business and consumer products.
- (7) Wholesale laundry or dry-cleaning plant.
- (8) Open storage of raw materials, finished goods, or equipment.
- (9) Bulk storage and/or sale of fuel or other fluid other than waste.
- (10) Marijuana cultivator (indoor) pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (11) Craft marijuana cooperative pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (12) Marijuana independent testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (13) Marijuana standards testing laboratory pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (14) Marijuana research facility pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**
- (15) Marijuana product manufacturer pursuant to ~ 200-7.17. **[Added by Town Council on June 20, 2018]**

### D. Design requirements.

- (1) A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with a combination of grass or other herbaceous plants, shrubs at least

## ZONING

three (3) feet in height upon maturity, and shade trees (three-inch diameter) forty (40) feet on center. Plantings shall be set back from points of ingress and egress so as not to impair visibility.

(2) Uses shall be screened from view from adjacent residential property by a continuous border of dense plantings or by berms or fences complemented by plantings and maintained to provide an effective visual screen in accordance with ~ 200-6.9B of this ordinance.

(3) Any outdoor storage or utility area shall be screened from view from neighboring properties and streets in the same manner as in Subsection D(2) above. Any nuisance or safety hazard shall be screened to prevent unauthorized access to the area.

(4) All uses shall conform to the parking regulations, ~ 200-6.5, loading requirements, ~ 200-6.6, and performance standards, ~ 200-6.8, of this ordinance.

(5) More than one principle building/use is allowed on a lot. At least 50 feet of separation is required between buildings.”

### ~ 200-4.13. Floodplain District (F).

A. Purpose. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to reduce the public costs resulting from flood damage, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain, and to preserve and maintain the ground water table and ground water recharge areas within the floodplain.

B. District delineation.

(1) The general boundaries of the Floodplain District are shown on the City of Greenfield Flood Insurance Rate Map (FIRM), dated July 2, 1980, as Zones A, A 1-30 to indicate the 100-year floodplain. The exact boundaries of the district are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated January 1980. The floodway boundaries are delineated on the City of Greenfield Flood Boundary Floodway Map (FBFM), dated July 2, 1980, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two (2) sets of maps as well as the accompanying Study are incorporated herein by reference and are on file with the City Clerk, Planning Board, Conservation Commission, and Inspector of Buildings.

(2) The boundaries as shown on the above referenced maps shall be presumed accurate. This presumption may be overcome only by credible evidence using drainage calculations which shall be:

(a) Based upon a design storm of seven (7) inches of precipitation in twenty-four (24) hours (i.e., a Type II Rainfall, as defined by the U.S. Soil Conservation Service);

(b) Based upon the standard methodologies set forth in U.S. Soil Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds and Section 4 of the U.S. Soil Conservation Service, National Engineering Hydrology Handbook; and

(c) Prepared by a registered professional engineer or other professional competent in such matters. Within Zone A, where the 100-year flood elevation is not provided on the FIRM, the boundary of the 100-year floodplain shall be the maximum lateral extent of floodwater which has

## ZONING

been observed or recorded. The Zoning Board of Appeals may also require the applicant to determine the boundary using the above referenced drainage calculations.

(3) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones. **[Subsection 3 added by the Town Council on July 15, 2009]**

C. Notification of Watercourse Alteration. In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent Communities
- (2) Bordering States (optional)
- (3) NFIP State Coordinator

Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104

- (4) NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110 **[Subsection C added by the Town Council on July 15, 2009]**

D. Use regulations. The Floodplain District is established as an overlay district to all other districts. The requirements of the underlying district shall govern subject to the provisions of this section. All development, including structural and nonstructural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, MGL c. 131, ~ 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (Section 5323 of the 7<sup>th</sup> Edition of the MA State Building Code).

E. Permitted uses. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed in the 100-year floodplain provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc;
- (2) Forestry and nursery uses;
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc;
- (4) Conservation of water, plants, wildlife;
- (5) Wildlife management areas, foot, bicycle, and horse paths;
- (6) Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
- (7) Buildings lawfully existing prior to the adoption of these provisions;

## ZONING

(8) Installation of utility, sewer or septic systems, water supplies and production, and water lines provided the Department of Public Works is satisfied that there is adequate protection against breaking, leaking, short-circuiting, grounding, igniting, or floating during flooding;

(9) The portion of any lot within the Floodplain District may be used to meet the lot area or yard requirements for the district in which the remainder of the lot is located.

F. Special permits. No encroachment shall be permitted within the 100-year floodplain as shown on the FIRM Maps unless a special permit is granted by the Zoning Board of Appeals. Encroachment shall include:

(1) Structures or buildings erected, constructed, or otherwise created or moved;

(2) Reconstruction or repair due to flood damage and improvement or expansion of any building or structure lawfully existing prior to the adoption of these provisions;

(3) Storage, dumping, filling, excavation, disposal or transfer of earth or other material;

(4) Installation of driveways or roads to serve areas outside the floodplain district where other access is not feasible.

G. Special permit conditions. The Zoning Board of Appeals may grant a special permit under this section if the application complies with the following conditions (subject to other applicable provisions of this ordinance):

(1) The proposed use shall comply in all respects with the provisions of the underlying district and shall be, to the maximum extent feasible, consistent with the purposes of the Floodplain District;

(2) All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited unless certification by a registered professional civil engineer, hydrologist or other professional competent in such matters is provided by the applicant demonstrating that such encroachment shall not result in any decrease in flood storage capacity or increase in flood levels during the occurrence of the 100-year flood. The Board shall have the right to retain a registered professional civil engineer, hydrologist or other professional to verify this information. The applicant shall be responsible for the reasonable costs of such advice;

(3) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use, and of the Floodplain District;

(4) The use complies with the State Building Code relative to construction in the floodplain and a determination has been made that the use will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws;

(5) The applicant has established that the land is not unsuitable for the proposed use, based on hydrological/topographic data supplied by a registered professional civil engineer, hydrologist or other qualified professional;

(6) A determination has been made by the Conservation Commission that the use complies with the Wetlands Protection Act, MGL c. 131, ~ 40;

## ZONING

- (7) Water supply systems shall not be subject to interruption or contamination during flooding;
- (8) Sewage disposal systems shall not be damaged when subject to inundation, or cause contamination during flooding;
- (9) Utilities shall be located and constructed to prevent flood damage;
- (10) The use shall not substantially affect the water table or water quality or substantially change the natural flow of floodwaters and drainage patterns of the area.

### H. Special permit procedures.

- (1) The applicant shall submit to the Zoning Board of Appeals, five (5) copies of an application and site plan stamped by a registered land surveyor or a registered professional civil engineer showing the location, boundaries and dimensions of the lot or lots to be created; existing and proposed contours at five-foot intervals (or other interval as approved by the Board); the location and dimensions of any existing and proposed structures or uses; means of access; sewage disposal facilities; leach fields; parking areas; utilities; drainage systems and easements; watercourses; the boundary of the floodway; the boundary and elevation of the 100-year floodplain; and the elevation of the basement and first floor of any proposed buildings or structures. Where the development of a Priority Development Site (PDS) requires a special permit hereunder, the aforesaid application and site plan shall be submitted simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D.  
**[Subsection H amended by Town Council on October 21, 2009]**

- (2) Within ten (10) days of receipt of the application, the Board shall transmit one (1) copy of the plan to the Conservation Commission, Planning Board, Board of Health, and Inspector of Buildings. Final action shall not be taken until reports have been received from the above Boards or until forty-five (45) days have elapsed from the date of application.

- (3) Special permit procedures for public notice, hearing, and decisions shall be in accordance with Section 9 of the Zoning Act, MGL c. 40A and with the special permit provisions of ~ 200-8.3 of this ordinance.

### I. Prohibited uses. No encroachment shall be permitted in the floodway as shown on the FBFM Maps, and the following uses are prohibited in the 100-year floodplain:

- (1) Solid waste landfills, junkyards, dumps;
- (2) The manufacture, storage, or disposal of hazardous, toxic, or radioactive wastes;
- (3) The temporary or permanent storage or disposal of materials used in snow and ice control including sand, salt or other deicing chemicals;
- (4) The outdoor storage or placement of storage tanks, above or below ground, for petroleum products or other hazardous material;
- (5) The storage, dumping, filling, dredging, excavation, disposal, transfer, or removal of earth or other material except as permitted by special permit under this provision.

## ZONING

- J. Limit of authority. Nothing contained in this ordinance of the City of Greenfield shall otherwise limit the lawful authority of other agencies of government within the City of Greenfield.

**~ 200-4.14. Water Supply Protection District (WP).**

**[Amended 200-4.14 - deleted section and replaced in its entirety - March 3, 2004 by Town Council vote. Caisson Well added by Town Council vote on October 15, 2014.]**

- A. Purpose. The purpose of the Water Supply Protection District is to protect, preserve and maintain existing and potential sources of groundwater supply, groundwater recharge and watershed areas within the City for the public, health, safety and general welfare of the community.

(1) The general boundaries of the Water Supply Protection district include Zones 1, 2, and 3 as shown on the Official Zoning Map dated July 28, 2014. The Water Supply Protection District includes the Mill Brook well field and the recharge and watershed areas as determined by the hydrologic study titled "Aquifer Land Acquisition Study" prepared for the City of Greenfield, Department of Public Works by Tighe & Bond, Inc. of Easthampton, MA, August 1988. The District also includes the Leary Well Site Zone 1 and the one-half-mile interim Zone 2 required by the Department of Environmental Protection (DEP). The District also includes the Caisson Well Site Zone 1 and Zone 2 recharge areas. The maps as well as the accompanying report are incorporated herein by reference and are on file with the City Clerk, Inspector of Buildings and Planning Board.

(2) Zones 1, 2, and 3 are defined as follows:

(a) Zone 1 is the four-hundred-foot radius, or other designated area, surrounding a water supply well which must be in compliance with the DEP Drinking Water Regulations.

(b) Zone 2 is that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated. It is bounded by the groundwater divides which result from pumping the well and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock. At some locations, streams and lakes may form recharge boundaries.

(c) Zone 3 is that land area beyond the area of Zone 2 from which surface water and groundwater drain into Zone 2. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone 3. In some locations, where surface and groundwater drainage are not coincident, Zone 3 shall consist of both the surface drainage and the groundwater drainage areas.

(3) Where the bounds of the Water Supply Protection District as delineated are in doubt or dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the bounds should be properly located. At the request of the owner(s), the City may engage a professional hydrogeologist, geologist, engineer or other competent professional to determine the accuracy of the location and extent of Zones 1, 2, and 3 and charge the owner(s) for the cost of the investigation. The investigation shall conform to the specifications for delineating Zones 1, 2, and 3 as described in 310 Code of Massachusetts Regulations 24.06. The Inspector of Buildings based on a recommendation from the Department of Public Works retains the authority to make a final determination on an exemption from the boundaries of the Water Supply Protection District.

- B. Use regulations. The Water Supply Protection District is established as an overlay district. Land in the Water Supply Protection District shall be subject to the requirements of this section as well as to all other requirements of this Zoning Ordinance which apply to the underlying zoning districts. Uses that are not

## ZONING

permitted in the underlying district shall not be permitted in the Water Supply Protection District. Where the requirements of the underlying district differ, the requirements of the Water Supply Protection District shall govern.

C. Uses permitted in all Water Supply Protection District Zones. The following uses are permitted in all Water Supply Protection District Zones provided that all other provisions of this section and this ordinance are complied with:

- (1) Conservation, parks, wildlife areas;
- (2) Outdoor recreation including nature study, boating, fishing, foot, bicycle and horse paths, boardwalks, and bridges;
- (3) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (4) Farming, gardening, nursery, conservation, forestry, harvesting and grazing provided that fertilizers, herbicides, pesticides, and other leachable materials are stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (5) Customary accessory uses to a permitted use and maintenance and repair of existing structures provided that there is no increase in impervious surfaces in excess of fifteen percent 15% of lot area.
- (6) Municipal facilities related to the provision of water supply.

D. Uses permitted. in Zone 2 and 3. In addition to the uses listed in § 200-4.14C, the following uses are permitted in Zone 2 and 3 provided they are permitted in the underlying district and comply with all other provisions of this section and this ordinance:

- (1) Detached single-family dwelling with a minimum lot size of sixty thousand (60,000) square feet;
- (2) Detached two-family dwelling with a minimum lot size of eighty thousand (80,000) square feet;
- (3) Municipal administration, fire, police, library buildings.

E. Uses allowed by special permit in Zone 2 and 3.

- (1) Commercial and industrial uses permitted in the underlying district not otherwise restricted in § 200-4.14F.
- (2) Public and private utilities and substations.
- (3) Other municipal or governmental uses not listed in § 200-4.14D(3).

F. Prohibited uses in all Water Supply Protection Zones.

- (1) Solid waste landfills, dumps, junk, salvage, brush and stump dumps, recycling yards and all other disposal of materials except normal agricultural practices.
- (2) Sewage treatment facilities.



## ZONING

- (3) Car and truck washes.
- (4) Motor vehicle sales or leasing establishments.
- (5) Trucking or bus terminals.
- (6) Dry-cleaning establishments.
- (7) Earth removal.
- (8) Golf courses.
- (9) Industrial or commercial uses which involve the disposal or storage of process wastewater from other than personal hygiene and food including any use which requires a permit from the Department of Environmental Protection under the Massachusetts Groundwater Discharge Regulations, 314 Code of Massachusetts Regulations, 5.00.
- (10) Any use which involves the manufacture, use, processing, storage, transportation, or disposal of hazardous materials or wastes including but not limited to:
  - (a) Metal plating or metal finishing;
  - (b) Wood preserving and furniture stripping;
  - (c) Motor vehicle service and repair shops;
  - (d) Printing;
  - (e) Electronic assembly;
  - (f) Chemical and bacteriological laboratory.
- (11) The disposal of liquid or leachable wastes except sewage disposal systems and normal agricultural operations.
- (12) The storage of liquid hazardous materials and/or liquid petroleum products unless such storage is:
  - (a) above ground level, and
  - (b) on an impervious surface
  - (c) and either:
    - (i) in container(s) or above ground tank(s) within a building; or
    - (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater. [see 310 Code of Massachusetts Regulations 22.21(2)(b)(5)]
- (13) Outdoor storage of salt, deicing chemicals, pesticides, or herbicides.
- (14) The use of septic system cleaners which contain toxic chemicals.

## ZONING

- (15) Dumping of snow which is brought in from outside the district.
- (16) Land uses that result in the rendering impervious any lot or parcel more than fifteen (15%) of lot area
- (17) Multifamily dwellings.
- (18) Open space/cluster developments.
- (19) The storage of sludge and septage; unless such storage is in compliance with 310 Code of Massachusetts Regulations 32.30 and 310 Code of Massachusetts Regulations 32.31. [see 310 Code of Massachusetts Regulations 22.21(2)(b)(1)]
- (20) The storage of chemical fertilizers; unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate.[see 310 Code of Massachusetts Regulations 22.21(2)(b)(3)]
- (21) The storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate. [see 310 Code of Massachusetts Regulations 22.21(2)(b)(4)]

### G. Special permits.

- (1) Special Permit Granting Authority. For purposes of the Water Supply Protection District, the Planning Board shall be the Special Permit Granting Authority.
- (2) Procedures. Special permit procedures and submittal requirements shall be in accordance with § 200-8.3, Special permits, and § 200-8.4, Site plan review and approval. In addition, the applicant shall submit a complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used, generated, or stored on the premises and proposed structures and measures to prevent leaks and control of spills.
- (3) Special permit criteria. Special permits shall be granted only if:
  - (a) The proposed use shall comply in all respects with the provisions of the underlying district, and will promote the purposes of the Water Supply Protection District;
  - (b) The proposed use is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
  - (c) The proposed use shall not have any adverse environmental impact on the aquifer or recharge areas;
  - (d) The proposed use shall not result in a reduction of groundwater recharge on the premises or a deterioration of existing groundwater or surface water quality whether or not such water meets established state or federal standards;
  - (e) The Planning Board may impose any reasonable requirements, conditions, standards, or limitations to ensure that the proposed use meets the purpose and requirements of this section;

## ZONING

(f) The Planning Board may require, as a condition of the special permit, groundwater monitoring wells or sampling of the discharge to on-site septic systems or dry wells. Reports shall be submitted to the Planning Board, Board of Health, Department of Public Works, and the Inspector of Buildings;

(g) Uses allowed by special permit in the underlying district which are not specifically listed in this section shall also comply with the requirements for a special permit under this section.

H. Dimensional requirements. The minimum lot area in the Water Supply Protection District shall be sixty thousand (60,000) square feet with two hundred (200) feet of frontage.

I. Limitations upon uses. All uses within the Water Supply Protection District shall be subject to the following limitations:

(1) Provision shall be made to protect against toxic or hazardous materials discharged or lost through corrosion, accidental damage, spillage or vandalism through such measures as spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage of corrodible or dissolvable materials;

(2) Where the premises are partially outside of the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district;

(3) All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.

~ **200-4.15. (Reserved)**

~ **200-4.16. Corridor Overlay District (CO).**

A. District boundaries. The Corridor Overlay District shall apply to the following roadway corridors: French King Highway/High Street.

(1) French King Highway/High Street Corridor. Overlay District shall apply to the following roadway corridors: (1) land extending from the intersection of Clark Street and High Street along High street south to Smith Street and (2) The land east of The French King Highway and north of Canada Hill Road to the junction of French King Highway and Route 2. **[Subsection A amended by City Council on March 20, 2019]**

B. Purpose. The purpose of the Corridor Overlay District is to create attractive entryways into Greenfield, to minimize strip development and traffic congestion, to protect scenic and natural features, and to promote high quality building and site design.

C. Use regulations.

(1) The Corridor Overlay District shall overlay the existing zoning districts within its boundaries, and the requirements of the district shall be in addition to the requirements of the underlying district. Where the requirements differ, the more restrictive requirements shall govern. All uses permitted in the underlying district are permitted unless otherwise regulated in the Corridor Overlay District.

## ZONING

- (2) Gas stations and take-out, drive-in, or drive-through restaurants shall be prohibited in the French King Highway/High Street Corridor.
- (3) Accessory recreational uses located outside, such as playgrounds or play sets, shall be located to the rear or side of buildings and shall require site plan approval from the Planning Board.
- (4) Pad sites generally defined as accessory structures or freestanding structures not part of the anchor buildings shall not limit site accessibility or obscure the view of the anchor buildings.
- (5) More than one (1) principal building and use is permitted on a lot except for residential uses in all districts and for underlying residential districts unless otherwise specified in this ordinance.

### D. Access requirements.

- (1) Common driveways and parallel service drives are permitted in the Corridor Overlay District with site plan approval from the Planning Board.
- (2) Consolidation of access driveways is encouraged for redevelopment of existing sites and may be required by the Planning Board during site plan approval if traffic generation will be increased by the redevelopment.
- (3) The length and width of driveways shall be sized to accommodate the anticipated traffic. Access points shall be located to the best advantage giving consideration to maximizing distances between other curb cuts and roadway intersections, coordinating or sharing of access points with existing or future developments, street alignment, site distance, and grades. Access points may be required to be signalized. Preference shall be given to sharing of access points which are already signalized rather than adding new signalized access points.

### E. Utilities.

- (1) All uses in the Corridor Overlay District requiring water or sewage disposal service except single-family residences shall be connected to the public water and sewer systems.
- (2) All utility lines shall be placed underground. This provision shall not apply to existing uses or to any residential uses unless required by the Planning Board under site plan approval for a substantial expansion or redevelopment of the site.

### F. Ridge and slope protection. The ridgeline on the east side of French King Highway/High Street is a prominent feature visible from within the Corridor and from distant vantage points in the region. The following requirements apply to all development except single-family residences in the French King Highway/High Street Corridor.

- (1) The ridgeline and its contour shall not be altered, excavated, or disturbed.
- (2) Structures or fixtures including but not limited to buildings, light poles, flagpoles, and signs shall not be visible above the ridgeline when viewed from the east. Minor gaps in ridgeline screening may be permitted by the Planning Board if supplemented with plantings to prevent visibility.

### G. Buffer requirements.

## ZONING

(1) French King Highway/High Street Corridor. In the General Industry District, a landscaped or naturally vegetated buffer at least thirty (30) feet wide, continuous except for approved driveways, shall be established adjacent to any public roads to visually separate the development from the road. Existing wetland and wooded areas along roadways shall be preserved and included in the landscaped buffer to the maximum extent possible except to accommodate approved driveways. Buffer areas may incorporate drainage structures, signs, or other site details upon site plan approval from the Planning Board.

H. Sign requirements. Signs shall comply with the Sign Regulations in ~ 200-6.7 of this ordinance along with the following additional requirements:

(1) Flagpoles shall be limited to twenty-five (25) feet in height and shall not project above the roof line if attached to a building.

I. Procedural requirements.

(1) For any use in the Corridor Overlay District, the Site Plan Approval Authority and Special Permit Granting Authority shall be determined as follows: (i) uses that are allowed by right in the underlying zone (pursuant to Article IV and the Table of Uses) shall be governed by the Planning Board; and (ii) uses that require a special permit in the underlying zone (pursuant to Article IV and the Table of Uses) shall be governed by the Zoning Board of Appeals. For purposes of determining the Site Plan Approval Authority and the Special Permit Granting Authority within the Corridor Overlay District, this provision shall govern and supersede any other applicable special permit requirement(s) or provision(s) of this Ordinance. Any new development or changes to existing development in the Corridor Overlay District, excluding single-family residences but including signs, shall require site plan approval.

**[Amended by the Town Council on November 18, 2009]**

(2) In addition to the site plan submittal requirements in ~ 200-8.4 of this ordinance, site plans shall include:

- (a) Facade elevations of all proposed new construction or renovation including at least one (1) color rendering.
- (b) Photographs showing the proposed building site and surrounding properties.
- (c) Drawings of proposed signs as they are to be located on the property including at least one (1) copy of a color rendering.
- (d) A landscaping plan including plan and elevation views with at least one (1) color rendering.

J. Design guidelines. All development except single-family residences in the Corridor Overlay District shall comply with the Planning Board Design Guidelines. The guidelines are intended to express the City's design objectives for the Corridor and to provide direction to applicants in designing development and to the Zoning Board of Appeals in reviewing development in the Corridor Overlay District. The guidelines are intended to be flexible. Applicants shall address each design guideline but may propose alternative design solutions.

### **~200-4.17 Planned Unit Development Overlay District**

**[Added by Town Council on June 16, 2004]**

**[Amended Sections B (5) and F (1) by Town Council vote on December 10, 2004]**

## ZONING

- A. Purpose. The Planned Unit Development Overlay District is designed to allow for planned unit developments in designated areas of City. Through a comprehensive site plan a unified development containing a mixture of land uses and buildings is developed as a single entity. It is the intent of this provision to ensure sound planning and zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications.
- (1) Encourage flexibility in the design of development through a carefully controlled review process of particular plans rather than the strict pre-regulation of all plans within a particular zoning district.
  - (2) Promote the use of multiple-story buildings and campus-like clustering of buildings to maximize the amount of available open space.
  - (3) Encourage a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities and which fosters more economical development and less consumption of developable land.
  - (4) Provide an efficient procedure which will ensure appropriate high-quality design and site planning.
  - (5) Promote high quality coordinated building and site design which buffers adjacent residential uses and protects both scenic and natural features.
- B. Definition. Planned Unit Development - A development of land as a single entity under the direction of a comprehensive site plan, in which a mixture of land uses, a variety of building types and designs, and open space are provided for in a coherent manner.
- C. District Boundaries. The boundaries of the Planned Unit Development Overlay District are delineated on the map titled “Planned Unit Development Overlay District Map”, dated March 2004.
- D. Dimensional Requirements. To be eligible for a planned unit development, the parcel must have at least 50 feet of frontage and have a minimum lot area of 60,000 square feet.
- E. Use Regulations.
- (1) The uses allowed in a planned unit development are any uses allowed either by right or special permit within the underlying zoning district.
  - (2) Uses in a planned unit development shall comply with all other applicable sections of this Ordinance in addition to the required provisions of this section.
  - (3) More than one principal building and use is permitted on a lot.
  - (4) A building height of 50 feet is permitted (subject to negotiation).
  - (5) One or more separate but contiguous parcels may be assembled to create a planned unit development. Proposed planned unit developments may include pre-existing uses and buildings provided they are integrated into the development plan. Planned unit developments may consist of land in more than single ownership and may be subdivided into separate lots provided all current and future owners and lots are bound by restrictive covenant(s) to the planned development permit approvals and to maintain the project as a single planned unit development. Subdivision of lots within a planned unit development after final approval of the site plan shall be considered an

## ZONING

amendment to the special permit and will require approval by the Special Permit Granting Authority.

### F. Access Requirements.

- (1) Entrances to planned unit developments shall be limited to one access point onto a public way. The Special Permit Granting Authority may grant additional access points to improve traffic circulation if deemed necessary.
- (2) Common driveways and parallel service drives are encouraged in the planned unit development to consolidate driveway openings to a few widely spaced locations.

### G. Utilities.

- (1) Planned unit developments shall be connected to the public water and sewer systems in accordance with the standards and specification of the Department of Public Works.
- (2) All utility lines shall be placed underground where physically feasible.

### H. Design Requirements.

- (1) Developments shall have an integrated design with respect to building placement, proportion, color, rooflines, and other architectural details.
- (2) Developments must incorporate human scale features such as landscaping, pedestrian plazas and other public spaces, first floor windows, pedestrian level lighting, benches, awnings and architectural details.
- (3) New buildings shall relate harmoniously to existing buildings on the site and to the surrounding neighborhood.
- (4) Boxy buildings should be softened with architectural details and landscaping. Pitched roof lines are encouraged.
- (5) Long unbroken facades are not allowed. The use of facade offsets, recesses, angular forms, and landscaping rather than ornamentation is encouraged to break up the mass of large or continuous walls.
- (6) The use of exterior building materials such as masonry, stone, wood, and brick is preferred.
- (7) Facade details and building elements shall be proportionate to the scale of the building.
- (8) The building's main entrance shall be clearly defined with architectural details such as raised parapets, peaked roofs, arches, canopies, and overhangs.
- (9) Rear or side facades visible from other uses, parking areas, or streets must be of finished quality and consistent with the buildings main façade, details, and elements and should be landscaped.
- (10) Parking areas shall be located to the side or rear of buildings when feasible. Large expanses of parking should be broken up with internal landscaping and dedicated pedestrian walkways.

## ZONING

- (11) All mechanical equipment including dish antennae, outdoor storage, and waste disposal areas shall be screened from public view.
  - (12) Lighting fixtures should complement the architectural design of the planned unit development.
  - (13) The placement of wall signs on individual buildings should complement the architectural design of the planned unit development. Wall signs in multi-tenanted buildings must be placed within the same sign band.
- I. Phasing Requirements. All applications for planned unit developments shall include sufficient information to evaluate total build-out of the site. The Special Permit Granting Authority may permit a phasing schedule in accordance with an approved master site plan.
- (1) The initial construction phase shall provide sufficient on-site and off-site improvements to adequately serve the constructed portion independent of future phases, encourage completion of the build-out design, and minimize disruptions during future construction phases. Improvements shall include but not limited to driveways, parking, sewer, water, stormwater systems, lighting, and landscaping. The Special Permit Granting Authority may permit phased construction of improvements if deemed appropriate.
  - (2) The applicant shall provide the City with a performance guarantee to cover the costs of construction of the on-site and off-site improvements, subject to approval from the Special Permit Granting Authority, in the form of a performance bond, letter of credit, or cash escrow.
  - (3) Any changes in use or amendments to subsequent development phases shall require approval by the Special Permit Granting Authority. Modifications or extensions to an approved phasing timetable shall not be considered substantive amendments.
- J. Procedural Requirements. All Planned Unit Developments require a special permit. In addition to the Site Plan Submittal Requirements in Section 200 -8.4 and the Special Permit Requirements Section 200-8.3 of this Ordinance, site plans shall include:
- (1) Color renderings of facade elevations of all sides of all proposed new construction and renovations including proposed mature landscaping.
  - (2) Color photographs showing the proposed building site and adjacent properties.
  - (3) Drawings/cut sheets of all proposed lighting, signs, and pedestrian amenities as they are to be located on the property.
  - (4) A landscaping plan that includes all existing and proposed vegetation with elevation views and a description of all plantings (include common names), size (upon planting and upon maturity), spacing, and numbers of plants.
  - (5) Description of how the project will impact traffic conditions on streets and intersections likely to be affected by the project including the level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian movement and public transportation. Provide information on the average daily and peak hour traffic projections and directional distribution of site-generated traffic.



## ZONING

### ARTICLE V Dimensional Regulations

#### ~ 200-5.1. Application.

Any building or structure located, erected or changed or any use of land or premises in any district shall conform to the requirements set forth in the Table of Dimensional Requirements except when a portion of a lot is taken or conveyed for a public purpose.

#### ~ 200-5.2. Table of Dimensional Requirements.

[Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter.]

#### ~ 200-5.3. Additional dimensional provisions.

- A. Residences in nonresidential districts. Residences permitted in the CC, LC, GC, O, and GI Districts must comply with the requirements of the RA District. [Amended by the Town Council on July 15, 2009]
- B. If public sewer is not available to a lot, then the minimum lot area shall be forty thousand (40,000) square feet with two hundred (200) feet of frontage in all districts. If public sewer and public water are not available to a lot, then the minimum lot area shall be fifty thousand (50,000) square feet with two hundred (200) feet of frontage.
- C. Front yard exception. Where the alignment of existing structures on adjoining lots differs from the above required front yard depth, the required minimum front yard may be equal to the adjoining front yards.
- D. Corner lots. A corner lot having frontage on two (2) streets shall have the minimum required frontage on at least one (1) of the streets measured from the side lot line to the interior angle of intersection, which is one hundred thirty-five (135) degrees or less, or the extended lot lines in case of a curved street or intersection (see diagram under the definition of "lot, corner" in ~ 200-2.1B). Frontage on only one (1) street shall be used to meet the minimum frontage requirement. Corner lots shall have two (2) front yards, two (2) side yards, and no rear yard. Corner lots, in all districts except the CC District, shall have a triangle of clear sight inside which no object shall be more than three (3) feet above the elevation of the center line of the street at the intersection.
- E. Reduced lot dimensions.
  - (1) The Inspector of Buildings may issue a building permit for residential lots in the RA, SR, and H Districts with reduced lot area, frontage, and width requirements of not less than the average lot dimensions of residential lots within three hundred (300) feet on the same street. All lots with reduced dimensional requirements shall be served by public water and sewer and shall not be further reduced or subdivided. A lot with dimensions previously reduced under Subsection E(2) below shall not be eligible for a reduction under this provision. A list or a plan showing the lot owner, lot location, lot dimensions, and lot area of all lots within three hundred (300) feet of the lot under review, on the same street, and certified by the Greenfield Assessor's office shall be submitted with the building permit application.
  - (2) The dimensional requirements for lots in any district may be reduced not more than twenty percent (20%) under a special permit from the Zoning Board of Appeals only if the Board finds that:

## ZONING

- (a) There is some difficulty in developing the lot which cannot be overcome without a reduction in the dimensional requirements or a site design is proposed which is more suitable for the lot than one which would be allowed under the permitted dimensional requirements;
- (b) Adjacent properties would not be adversely impacted; and
- (c) The reduced dimensions would not be detrimental to the public good and would not substantially derogate from the intent or purpose of this ordinance.

Lots reduced under this section shall not be further reduced or subdivided. Lots previously reduced under Subsection E(1) above shall not be eligible for a reduction under this provision. Lots not served by public sewer or lots located in the Water Supply Protection District shall not be eligible for a reduction in lot area under this provision.

- (3) New building lots located at the end of a cul-de-sac or along a curve in a street may have reduced frontage of no less than fifty (50) feet provided that the radius of the cul-de-sac or curve is not greater than three hundred (300) feet measured at the street line and further provided that the lot width at the building line is equal to or greater than the distance normally required in the district.

### ARTICLE VI General Regulations

#### ~ 200-6.1. Nonconforming uses.

- A. Continuance. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this ordinance may be continued although such structure or use does not conform with the provisions of this ordinance, subject to the following conditions and exceptions.
- B. Restoration or reconstruction.
  - (1) In the event that a nonconforming building is destroyed by fire or other cause, the same may be reconstructed or repaired on the same location for the same use or a conforming use, provided the new building is at least equal in appearance and character to the original structure.
  - (2) Restoration or reconstruction due to fire, explosion or other cause, must be undertaken within one (1) year of the date damage is inflicted unless, upon application to the Board of Appeals, the owner can show that restoration within the time limit is impossible, in which case extension of time may be granted.
- C. Change, extension or alteration.
  - (1) As provided in MGL c. 40A, ~ 6, a nonconforming single- or two-family dwelling may be altered or extended provided that the Inspector of Buildings determines that doing so does not increase the nonconforming nature of said structure. Other preexisting nonconforming structures or uses may be extended, altered, or changed in use on special permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use.
  - (2) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

## ZONING

- D. Abandonment. A nonconforming use which has been abandoned for a period of two (2) years shall not be reestablished and any future use shall conform with this ordinance, except in the case of land used for agriculture, horticulture, or floriculture where such non-use shall have existed for a period of five (5) consecutive years.
- E. Reuse of nonconforming structures. A building or structure which is nonconforming in that such building or structure does not conform to setback, height, or other dimensional requirements may be reused for any other use permitted by right or by special permit in that zoning district without the need to conform to such dimensional requirements provided that the Inspector of Buildings determines that the new use meets all the requirements of the Zoning Ordinance and that any changes or alterations to the structure do not increase the nonconforming nature of the structure or result in a new nonconformity with the existing requirements of the district; and provided further that the Zoning Board of Appeals or designated Special Permit Granting Authority issues a special permit for uses requiring a special permit.

### ~ 200-6.2. Accessory uses and structures.

- A. Use regulation.
  - (1) Customary accessory uses are permitted in accordance with this section and shall be located on the same lot or on an adjacent lot in the same ownership. Any use which is accessory to a use requiring a special permit shall also require a special permit.
  - (2) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production may be permitted upon the issuance of a special permit by the Board of Appeals provided the Board finds that the proposed accessory use does not substantially derogate from the public good.
- B. Accessory structures.
  - (1) Accessory structures less than 120 square feet.
    - (a) No accessory structure, except a permitted sign or roadside stand, shall be located within a required front yard area and no accessory structure shall be located closer than three (3) feet to any side or rear lot line.
    - (b) An accessory structure attached to its principal structure or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal structure.
    - (c) A private garage providing only for the storage of motor vehicles shall be considered a permitted accessory structure provided that no garage for the storage of more than three (3) automobiles shall be erected or used unless authorized by the Board of Appeals in accordance with ~ 200-8.3.
  - (2) Accessory structures greater than or equal to 120 square feet. [**Subsection 2 added by the Town Council on July 15, 2009**]
    - (a) No accessory structure shall be located within a required front yard area and no accessory structure shall be located closer than ten (10) feet to any side or rear lot line.

## ZONING

(b) An accessory structure attached to its principal structure or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal structure.

(c) A private garage providing only for the storage of motor vehicles shall be considered a permitted accessory structure provided that no garage for the storage of more than three (3) automobiles shall be erected or used unless authorized by the Board of Appeals in accordance with ~ 200-8.3.

### C. Swimming pools.

(1) Every outdoor swimming pool is considered to be an accessory structure which constitutes a hazard whether or not it is filled with water and shall be completely surrounded at all times by a fence or wall not less than four (4) feet in height above grade, which may be the pool wall itself.

(2) Every such fence or wall shall be so constructed as to not have openings, holes or gaps larger than four (4) inches in any dimension except for doors, gates and picket fences; in the latter case, however, the gaps between pickets shall not exceed four (4) inches.

(3) All gates or doors opening through such enclosure shall be of not less than four (4) feet in height and shall be equipped with a self-closing and self-latching device located at least four (4) feet above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept locked at all times when the swimming pool is not in use, and any ladders removed.

(4) A natural barrier, hedge, pool cover or other protective device approved by the Inspector of Buildings may be used in lieu of a fence or wall so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the enclosure, gate, and latch described herein.

### D. Dish antennae. Dish antennae larger than two (2) feet in diameter shall not be located in a required front or side yard, shall be set back at least ten (10) feet from the rear property line, shall not have a diameter greater than one-third (1/3) of the required rear yard, and shall not be located on rooftops within any residential district.

### E. Fences. [Subsection E Added by the Town Council on July 15, 2009]

(1) All fences shall be erected on private property and shall be no closer to any public sidewalk than thirty (30) inches.

(5) Fences shall not exceed four (4) feet in height along the front lot line and that portion of the side lot lines between the front lot line and the minimum front setback line. Fences shall not exceed six (6) feet in height along that portion of side lot lines between the minimum front setback line and rear lot line, and along the rear lot line.

(6) Fences located within the side or rear yards and exceeding six feet in height shall be set back a distance equal to their height.

(4) On corner lots, no fence shall be located higher than three (3) feet within the triangle of clear site so as to obstruct visibility at the intersection in a manner that will jeopardize the safety of vehicles and

## ZONING

pedestrians. The triangle of clear site is that area formed by the intersecting street lines and a straight line joining said street lines at a point twenty-five (25) feet distant from the point of intersection of street lines.

- (5) All fences greater than six feet in height shall require a building permit.
- (6) Temporary fences on construction sites may be a maximum height of eight (8) feet to protect the site.

Fence requirements may be modified by the Zoning Board of Appeals by the issuance of a Special Permit, based upon finding that such modification is not detrimental to the neighborhood nor that such modification will jeopardize vehicular and/or pedestrian traffic.

### ~ 200-6.3. Home occupations.

The Inspector of Buildings may issue a permit for a home occupation as an accessory use of a dwelling provided that:

- A. Such use is clearly incidental and secondary to the use of the premises as a dwelling;
- B. The home occupation is carried on within the dwelling or within an accessory building and no more than fifty percent (50%) of the combined gross floor area of the dwelling and any accessory buildings shall be used for the purposes of the home occupation;
- C. New accessory buildings used for a home occupation shall not be larger than seventy-five percent (75%) of the footprint of the principal building. New accessory buildings for a home occupation larger than seventy-five percent (75%) of the footprint of the principal building may be allowed under a special permit from the Zoning Board of Appeals;
- D. The home occupation shall be owned and operated by a resident of the dwelling, and not more than two (2) people not residing on the premises shall be regularly employed on the premises;
- E. No stock in trade is regularly maintained, except for products of the occupation itself or for goods or materials which are customarily stored, used or sold incidental to its performance;
- F. Except for a permitted sign of not more than three (3) square feet, there shall be no exterior display, no exterior storage of materials, no regular outside parking of business vehicles and no other exterior indication of the home occupation or other variation from the residential character of the premises;
- G. Traffic shall not substantially increase volumes normally expected in a residential neighborhood;
- H. Adequate off-street parking shall be provided in accordance with ~ 200-6.5. Parking areas shall not be located within ten (10) feet of the front, side, or rear lot line and shall be screened from neighboring residential uses. More than five (5) parking spaces for a home occupation shall require a special permit from the Zoning Board of Appeals;
- I. The home occupation shall comply with the performance standards listed in ~ 200-6.8;
- J. The following home occupations shall not require a special permit:
  - (1) Artist studio including but not limited to a craftsperson, potter, photographer, painter, musician;

## ZONING

- (2) Real estate, insurance, financial broker or agent;
- (3) Dressmaker, milliner, tailor, handicraft;
- (4) Professional office of a doctor, dentist, cleric, lawyer, engineer, architect, landscape architect, teacher, accountant, or other office of a similar profession;

K. All other home occupations including but not limited to tradesperson, hairdresser/barber, antique shop, print shop, and automobile repair shops shall require a special permit from the Zoning Board of Appeals. In addition to the above requirements, the Zoning Board of Appeals shall find that the proposed home occupation is suitably located in the neighborhood in which it is proposed and will not create a nuisance, hazard, or disturbance due to air or water pollution, noise, or visual unsightliness.

~ **200-6.4. Reserved. [Section deleted in its entirety by Town Council on November 18, 2009]**

~ **200-6.5. Parking requirements.**

A. General requirements.

(1) Off-street parking for any new structure or use, expansion of existing structures, or changes in use shall be provided in accordance with the Table of Required Off-Street Parking Spaces and all other requirements of this section. Uses in the Central Commercial (CC) District are exempt from off-street parking requirements but shall meet all other requirements of ~ 200-6.5. Off-street parking requirements for uses not specifically identified in the Table in ~ 200-6.5E shall be determined by the Inspector of Buildings based on a use listed in the Table which has characteristics similar to the use in question. **[Subsection (1) Amended by the Town Council on October 20, 2010]**

(2) Where more than one (1) use occurs on one (1) site, the requirements of this section shall be cumulative unless the Inspector of Buildings finds that the periods during which a given use requires parking will not substantially overlap the parking periods of other uses on the site and accordingly approves a proportional reduction in required spaces. In no case shall the number of required spaces be less than the number of spaces required by the use requiring the greater number of spaces.

(3) Part or all of the required parking may be enclosed within a structure conforming to all dimensional requirements of the district in which it is located.

(4) The required number of spaces may be reduced on special permit by the Board of Appeals if it finds that fewer spaces meet all parking needs. Such cases might include but are not limited to:

- (a) Use of a common parking lot for separate uses having peak demands occurring at different times;
- (b) Age or other characteristics of occupants which reduce their auto usage;
- (c) Peculiarities of the use which make usual measures of demand invalid;
- (d) Proximity to and availability of municipal parking facilities providing overnight parking.

(5) Existing parking areas or any parking areas subsequently provided in accordance with this section, shall not be decreased or discontinued while the structure or use being served is in existence unless a

## ZONING

change in use also changes the parking requirements or unless parking space is provided elsewhere in accordance with this section.

(6) The Zoning Board of Appeals or the designated Special Permit Granting Authority may grant a special permit for exceptions to the parking requirements of ~ 200-6.5 to permit the reuse or change in use of existing buildings with parking areas which do not conform to this section provided the Board determines that:

- (a) The existing parking areas constitute the most reasonable method of providing parking for the building and will adequately provide for the proposed use.
- (b) No other land is available as a practical matter for parking purposes.
- (c) Bringing the parking areas into conformity with the requirements of this section would result in a decrease of the parking spaces available if such spaces are reasonably needed to serve the uses of the building.
- (d) Public safety will not be compromised.
- (e) A reasonable alternative design is proposed with every effort made to meet the intent of the requirements.
- (f) Adverse impacts on the abutters or the character of the neighborhood will be satisfactorily mitigated.

### B. Location of parking areas.

(1) Required off-street parking areas shall be provided on the same lot they serve, or may be provided on another lot if:

- (a) The lot is not separated from the use being served by any street having a right-of-way width of sixty (60) feet or more;
- (b) Access to such parking area is not more than five hundred (500) feet from the nearest street line of the lot or lots they are designed to serve;
- (c) Such lot is not diverted to other uses except insofar as it can be shown that substitute parking has been made available.

(2) Shared off-street parking areas for two (2) or more structures or uses may be permitted provided that the total number of spaces for each use computed separately is provided.

(3) In all districts except the Planned Industry (PI) District, parking areas shall not be permitted in the required front yard setback or closer than ten (10) feet to the front lot line whichever is greater except in driveways serving one- or two-family dwellings. In the Planned Industry (PI) District, parking areas shall be set back from the front lot line by a minimum of twenty-five (25) feet and from the side and rear lot lines by a minimum of fifteen (15) feet.

### C. Design requirements. Parking areas for five (5) or more cars shall be subject to the following requirements:

(1) Off-street parking spaces shall be laid out to provide for forward-moving ingress and egress;

## ZONING

- (2) There shall be not more than two (2) driveway openings onto any street from any single premises unless each opening center line is separated from the center line of all other driveways serving twenty (20) or more parking spaces, whether on or off the premises, by two hundred (200) feet (measured at the street line) if in a commercial district or by three hundred (300) feet if in any other district. No such opening shall exceed twenty-four (24) feet in width at the street line unless necessity of greater width is demonstrated by the applicant, and the opening is designed consistent with Massachusetts Department of Public Works Regulations, Section 11A-9, or subsequent revisions;
  - (3) No driveway side line shall be located within fifty (50) feet of the street line of an intersecting way and shall be constructed with a minimum edge radius of five (5) feet on both sides;
  - (4) Driveways shall have a triangle of clear sight at the intersection with the street line inside which no object shall be more than three (3) feet above the elevation of the center line of the street at the intersection;
  - (5) All parking areas shall be designed in accordance with the Greenfield Department of Public Works Design Standards for Off-Street Parking and with the Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety; (Diagram No. 4 deleted)
  - (6) (Deleted)
  - (7) Any establishment which may have lines of vehicles waiting admission or service shall have sufficient on-site space for such lines without requiring cars to stand on any public way;
  - (8) The layout of parking areas shall allow sufficient space for the storage of plowed snow unless removal from the site is provided;
  - (9) Driveways and parking areas shall be designed to allow for the free flow of vehicles at all times;
  - (10) All parking areas and driveways shall be maintained as follows:
    - (a) A dust free all-weather surface properly drained to dispose of all surface water accumulating within the area shall be provided. Parking areas not required by this ordinance and which are used only occasionally may be maintained in grass;
    - (b) Parking spaces, shall be clearly marked and any one-way driveways serving them shall have the direction of travel clearly indicated other than on the pavement. Such directional signs shall not be internally illuminated;
    - (c) Parking areas shall be used for automobile parking only, with no sales, storage, repair work, dismantling or servicing of any kind;
    - (d) Parking areas and driveways shall be illuminated by shielded lights arranged, designed and with a pole height sized to prevent glare, and to prevent light from shining upon any adjoining building or property in residential use, onto adjacent streets or skyward. A lighting plan shall be submitted as part of site plans.
- D. Landscaping. Parking areas shall be screened and landscaped to minimize glare and reflection, to provide shading within parking lots, to provide noise buffers, to reduce the visual impact on adjacent residential property and public ways, and to prevent headlights from shining onto adjacent property.



## ZONING

- (1) Perimeter landscaping:
    - (a) Parking areas adjacent to residential property in all districts except the Central Commercial (CC) District shall be set back from the property line by ten (10) feet and shall have a continuous border of dense plantings at least four (4) feet wide and four (4) feet high continuously maintained to provide an effective visual screen; or fencing or berming, not less than five (5) feet but not more than six (6) feet above grade in height and landscaped on at least the side facing the abutters. Such landscaping shall include a minimum planting of trees or shrubs five (5) feet on center. **[Subsection (a) Amended by the Town Council on October 20, 2010]**
    - (b) All parking areas except those within the Central Commercial (CC) District shall be separated from the street line by a ten-foot landscaped buffer strip including shade trees (three-inch diameter) forty (40) feet on center and shrubs at least three (3) feet in height upon maturity. Visibility at ingress and egress shall not be impaired and shall have a triangle of clear sight as defined in ~ 200-2.1B. **[Subsection (b) Amended by the Town Council on October 20, 2010]**
    - (c) Parking Areas within the Central Commercial (CC) District **[Subsection (c) Added by the Town Council on October 20, 2010]**
      - i. Parking areas within the Central Commercial (CC) District adjacent to residential property shall be set back from the property line by five (5) feet and shall have a continuous border of dense plantings at least three (3) feet wide and four (4) feet high continuously maintained to provide an effective visual screen; or fencing or berming, not less than five (5) feet but not more than six (6) feet above grade in height and landscaped on at least the side facing the abutters. Such landscaping shall include a minimum planting of trees or shrubs five (5) feet on center.
      - ii. All parking areas within the Central Commercial (CC) District shall be separated from the street line by a five-foot landscaped buffer strip including shade trees (three-inch diameter) forty (40) feet on center and shrubs not to exceed three (3) feet in height upon maturity. Curbing and/or wheel stops shall be required. Visibility at ingress and egress shall not be impaired and shall have a triangle of clear sight as defined in ~ 200-2.1B.
  - (2) Internal landscaping: All parking lots shall have internal landscaping as follows:
    - (a) Seven (7) to twenty (20) parking spaces shall have five percent (5%) planted lot area; **[Amended by the Town Council on July 15, 2009]**
    - (b) Greater than twenty (20) parking spaces shall have ten percent (10%) planted lot area;
    - (c) One (1) shade tree (at least three-inch diameter evergreen or deciduous) shall be planted for every ten (10) parking spaces. Preservation of existing trees is desirable and may be substituted for planted trees. Parking lots with distinct parking areas may be treated as separate parking lots if separated by at least five (5) feet in width of planted landscaped area. Internal landscaping shall be distributed throughout the lot for maximum shading and aesthetic improvement.
- E. Required off-street parking spaces. Off-street parking facilities shall meet the requirements of the Table of Required Off-Street Parking Spaces. Where the computation results in a fractional number, the fraction shall be counted as one (1) space.

## ZONING

### Table of Required Off-Street Parking Spaces

<b>Use</b>	<b>Required Parking Space</b>
Dwellings	Two (2) parking spaces per unit.
Uses accessory to the above	In addition to the above, one (1) space plus one (1) space for each nonresident employee.
Boardinghouse, lodging house, rooming house, bed-and-breakfast/tourist home	Two (2) spaces plus one (1) space per rooming unit.
Dormitory	One (1) space for each occupant.
Housing for the elderly	One and one-half (1 1/2) spaces per unit.
Hotel, motel, inn	One (1) space for each bedroom, plus three (3) spaces for each two hundred (200) square feet of floor area available for meetings and functions and one (1) space for each four (4) employees on the largest shift.
Convalescent, rest or nursing home	One (1) space for each four (4) beds, plus one (1) space for each employee on the largest shift.
Hospital, sanitarium or similar institution	One and one-half (1 1/2) spaces per bed capacity plus one (1) space for each employee on the largest shift.
Church or similar place of assembly	One (1) space for each three (3) seats in the largest assembly room.
Funeral home or chapel	One (1) space for each three (3) seats, or one (1) space for each forty (40) square feet of floor area open to the public, whichever is greater.
Community center, auditorium, gymnasium, theater, or places of public assembly	One (1) space for each three (3) seats or five (5) linear feet of bench area or one (1) space for every forty (40) square feet of floor area open to the public whichever is greater.

## ZONING

Public library, museum, or similar institution	One (1) space for each two hundred (200) square feet open to the public.
Retail business, commercial use	One space for each three hundred (300) square feet of floor area up to fifty thousand (50,000) square feet plus one (1) space for each six hundred (600) square feet thereafter.
Personal service establishment	One and one-half (1 1/2) spaces per chair and one (1) space for each employee on the largest shift.
Office, professional, business or public	One (1) space for each three hundred (300) square feet of floor area up to fifty thousand (50,000) square feet plus one (1) space for each six hundred (600) feet thereafter.
Medical or dental office or clinic	One (1) space for each practitioner, four (4) patient spaces per practitioner, and one (1) space for each employee on the largest shift.
Restaurant, taverns, clubs, or other places serving food or beverages	One (1) space for each three (3) seats, permanent or otherwise, plus one (1) space for each employee on the largest shift.
Industrial, manufacturing, warehouse storage, laboratories or similar use	Three-quarters (3/4) space for each employee on the two (2) largest shifts combined.
Automobile washing and waxing establishment	Two (2) waiting spaces per stall equipped for washing or waxing.
Repair garages and gasoline service stations	Two (2) waiting spaces for each pump, plus two (2) spaces for each service bay and one (1) space for each employee on the largest shift.
Bowling alleys	Five (5) spaces for each alley.
Schools, preschool through middle or junior high	One (1) space for each teacher or other employee anticipated during

## ZONING

normal school hours excluding students and one (1) space for each six (6) seats in the largest auditorium or gymnasium.

Schools, senior high, places of higher education, professional schools

One (1) space for each teacher or other employee anticipated during normal school hours, plus one (1) space for each five (5) students in a senior high school or one (1) space for each two (2) students in any other such institution plus one (1) space for each three (3) seats in the largest auditorium or gymnasium trade school.

### ~ 200-6.6. Loading requirements.

- A. Adequate off-street loading and receiving areas shall be provided for all business, commercial, industrial, or institutional uses.
- B. Loading areas shall provide sufficient space on the lot so that vehicles can maneuver into position without interference with streets.
- C. Entrances and exits to loading areas shall not be located less than fifty (50) feet from any street intersection except in the Central Commercial (CC) District.
- D. In any Industrial District, no loading area shall be located closer than one hundred (100) feet from any residential use.
- E. Loading areas adjacent to or across the street from residential property shall be screened by a ten-foot buffer strip; landscaped, bermed, or fenced at a suitable height and density to effectively screen the loading area and lights of delivery trucks from shining onto residential property.
- F. In the Planned Industry (PI) District, loading areas shall be set back from the front lot line by a minimum of twenty-five (25) feet and from the side and rear lot lines by a minimum of fifteen (15) feet.

### § 200-6.7 Sign Regulations

[§ 200-6.7 Amended - deleted section and replaced in its entirety by Town Council July 20, 2005]

Definitions:

A billboard is a sign used for the display of posters, printed or painted advertising matter either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

Sign regulations.

Any sign erected, altered, or enlarged after the adoption of this ordinance shall conform to the applicable provisions of this section. The purpose of this section is to protect the general public from damage and injury caused by the

## ZONING

distractions, hazards, and obstructions caused by signs and to preserve the value of property by ensuring the compatibility of signs with surrounding land uses.

### Administration and Enforcement.

All signs, unless otherwise specified in this ordinance, require a sign permit from the Inspector of Buildings who shall determine conformance of a sign allowed by right according to the provisions of this ordinance and/or by way of a special permit. No sign shall be erected except in conformity with a sign permit. The Inspector of Buildings is authorized to order the repair or removal of any sign and its supporting structures which in his/her judgment is dangerous, in disrepair, or which is erected or maintained contrary to this ordinance and/or the provisions of a special permit.

#### A. Permitted signs by district.

##### (1) Signs in the Residential, Semi-Residential, and Health Districts.

(a) One (1) identification sign per dwelling unit for single and two family residences not exceeding two (2) square feet in area. If freestanding, it shall not be higher than four (4) feet and shall be set back at least three (3) feet from the public right-of-way and shall also be in accordance with § 200-5.3D, corner lots. Such signs shall be for identification purposes only, displaying the number or name of the occupant.

(b) Identification signs for occupants of multifamily dwelling units shall be grouped together on one (1) sign which shall not exceed six (6) square feet in area. Such signs may be located at each primary entrance to a building and shall not exceed four (4) feet in height if freestanding.

(c) One (1) entrance sign identifying the name of a subdivision, multifamily or condominium development not to exceed twelve (12) square feet in area and four (4) feet in height and shall be set back at least three (3) feet from the public right-of-way.

(d) One (1) bulletin or announcement board or identification sign not exceeding ten (10) square feet in area for each permitted nonresidential building or use provided that such sign, if freestanding, shall not be located nearer to a public right-of-way than one-half (1/2) the depth of the required front yard. Churches, public educational and other institutional uses shall be permitted two (2) such bulletin or identification signs provided one (1) does not exceed twenty (20) square feet in area and the other ten (10) square feet in area. Such signs shall not exceed six (6) feet in height if freestanding.

(e) One (1) sign in connection with a lawfully maintained nonconforming use or in connection with a greenhouse, nursery, or farmstand not exceeding twenty (20) square feet in area or six (6) feet in height if freestanding and shall be set back at least three (3) feet from the public right-of-way.

(f) One (1) sign in connection with a home occupation not exceeding three (3) square feet in area. If freestanding, it shall not be higher than four (4) feet and shall be set back at least three (3) feet from the public right-of-way and shall also be in accordance with § 200-5.3D, corner lots. Such signs shall be for identification purposes only, displaying any of the following the name of the home occupation, phone number and/or website address.

##### (2) Signs in the Central Commercial District.

## ZONING

(a) One (1) sign for each establishment located on the ground floor and along the frontage of a building. The sign shall be affixed to the frontage wall of the building. If a building fronts on more than one (1) street, both frontage walls may be used for all such signs. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of forty-five (45) square feet per sign, whichever is less. Individual signs shall be sized based on the building face area occupied by each establishment. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishments on the premises not to exceed twenty-five (25) square feet in total area and ten (10) feet in height. Such sign shall be placed at least three (3) feet from the public right-of-way and shall not overhang the sidewalk. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(3) Signs in the Limited Commercial, Office, and General Industry Districts.

(a) One (1) sign for each establishment in a building affixed to one (1) wall of a building. If a building fronts on more than one (1) street, only one (1) wall may be used for such signs. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of forty-five (45) square feet per sign whichever is less. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed forty (40) square feet in area and fifteen (15) feet in height. Such sign shall be placed at least three (3) feet from the public right-of-way and shall not overhang the sidewalk. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(4) Signs in the Planned Industry District.

(a) Two (2) signs for each establishment in a building. No establishment shall affix more than one (1) sign to each wall of the building. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of eighty (80) square feet whichever is less. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed thirty-six (36) square feet in area and six (6) feet in height. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign. Such sign shall be placed at least three (3) feet from the public right-of-way.

## ZONING

(c) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(d) One (1) entrance sign identifying the name and occupants of an industrial park or industrial subdivision not to exceed sixty (60) square feet in area and six (6) feet in height.

(5) Signs in the General Commercial District.

(a) One (1) sign for each establishment in a building affixed to one (1) wall of a building. If a building fronts on more than one (1) street, only one (1) wall may be used for such signs. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of sixty-four (64) square feet, whichever is less. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed sixty-four (64) square feet in area and fifteen (15) feet in height. Such sign shall be placed at least three (3) feet from the public right-of-way. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

B. Off-premises signs.

(1) Billboards shall be prohibited.

(2) Other off-premises signs may be allowed under a special permit from the Zoning Board of Appeals only if the Board finds that such signs will serve the public convenience, will not endanger the public safety, and will not be detrimental to the neighborhood. Off-premises signs shall only pertain to directional information for establishments located in Greenfield not on a state highway and shall not exceed nine (9) square feet in area and ten (10) feet in height.

(3) The existence of any off-premises sign shall not necessarily mean that a special permit for an additional off-premises sign shall be granted.

C. General sign regulations.

(1) Wall signs may be painted on or attached to the wall of a building, shall be in the same plane as the wall, and shall not project from the wall by more than twelve (12) inches.

(2) Projecting signs shall not project more than three (3) feet from the face of the building, shall not project over a public street, and shall have a minimum clearance of eight (8) feet above the sidewalk and thirteen (13) feet above an alley, driveway, or private street. Projecting signs shall project from the wall at a ninety-degree angle. Projecting signs shall not extend vertically above the windowsill of the second story and shall not block the visibility of any other sign. Projecting signs over the public right-of-way require both a sign permit and license from the Greenfield Licensing Commission.

## ZONING

- (3) All signs or advertising devices, except time and temperature indicators and barber poles shall not contain any visibly moving or movable parts.
- (4) No sign shall generate music or an audible message.
- (5) No sign shall be so designed or colored or so placed as to endanger, obscure, confuse, blind by glare, or otherwise create a hazardous condition to motorists or pedestrians nor shall any sign resemble or conflict with any traffic control signs or signals.
- (6) No sign attached to a building shall project horizontally beyond the end of the wall or vertically above its roof or parapet line.
- (7) No sign shall be located in a required side or rear yard.
- (8) No freestanding sign shall exceed fifteen (15) feet in height unless otherwise specified in this ordinance. Height is the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.
- (9) Double sided signs with equal and parallel faces providing identical information on both sides shall be measured on one (1) side only in determining the sign area.
- (10) Signs painted or placed on the inside of a window shall not exceed twenty percent (20%) of the area of the window glass.
- (11) A marquee is a permanent roof-like structure attached to, supported by, and projecting from a building and providing protection from the elements. Marquees shall be included in the total area of signage allowed on the face of a building and shall have a minimum clearance of ten (10) feet above the sidewalk.
- (12) Awnings are coverings either permanently attached to the building or which can be raised or retracted to a position against the building when not in use. Any lettering larger than six (6) inches in height or symbols exceeding four (4) square feet in area shall be included in the total area of signage allowed on the face of the building. The entire illuminated area of an awning shall be considered part of the sign area. Awnings projecting over the public right-of-way require a license from the Greenfield Licensing Commission.
- (13) Awning canopies are awnings with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building. Awning canopies shall require a license from the Greenfield Licensing Commission.
- (14) Roof canopies are freestanding structures or structures attached to a building designed to provide pedestrian and vehicular protection including but not limited to canopies over gas pumps and drive-up windows. Any area of a roof canopy which contains lettering, registered trademarks, symbols, internal illumination, or decorative lights shall be considered signs and shall comply with all the requirements of these sign regulations.
- (15) All signs shall pertain to the identification of the firm and the products or services produced or available on the premises unless the sign is an off-premises sign allowed under a special permit from the Zoning Board of Appeals in accordance with § 200-6.7B of this ordinance.



## ZONING

(16) All signs shall be taken down and related support structures dismantled, within thirty (30) days, when a business is no longer in operation.

(17) Sandwich board signs are permitted directly in front of the place of business in the Central Commercial and Limited Commercial Districts only. All sandwich board signs in the public right of way must receive a license from the Greenfield Licensing Commission. A reproduction of such license shall be attached to the sign. All sandwich board signs on private property shall not exceed three (3) feet in height and two (2) feet in width. **[Added by the Town Council on November 18, 2009]**

### D. Illumination.

(1) Signs may be lighted internally or externally but illumination shall be shielded or indirect to prevent glare or shining onto any street or adjacent property.

(2) Signs in residential districts may not be illuminated except for signs identifying a place open to the public, such as a church or nursing home, and such signs may be lighted only indirectly and in a manner that will not permit light to shine onto any street or adjacent property.

(3) All lighting shall be continuous and nonflashing.

(4) No sign shall be illuminated between eleven p.m. (11:00 p.m.) and seven a.m. (7:00 a.m.) unless indicating that the establishment is open to the public during those hours.

### E. Temporary signs.

(1) Temporary signs, except real estate, union/labor signs and political signs, relating to a business, service, product or activity on the premises on which the sign is located shall be removed from public view within seven (7) days after the activity advertised has ceased or after thirty (30) days from the date the sign was erected, whichever comes first.

(2) Temporary signs attached to or projecting from the outside of a building or from a freestanding sign which are regularly or occasionally replaced or substituted shall be considered permanent signs and shall be included in the maximum allowable sign area for wall or freestanding signs.

(3) Temporary signs painted or placed on the inside of a window shall be permitted provided that the total combined area of such signs shall not exceed twenty percent (20%) of the area of window glass.

(4) Decorative displays such as flags not exceeding fifteen (15) square feet and not containing advertising, and any American flag, shall be permitted and do not require a sign permit but will require a permit from the licensing commission if over a public way.

(5) No private sign or advertisement shall be placed on any public property including but not limited to buildings, land, fences, utility poles, or trees except by permit of the Greenfield Board of License Commissioners.

(6) One (1) temporary real estate sign shall be allowed in any district advertising the sale or rent of the premises on which the sign is located not exceeding six (6) square feet in area.

(7) One (1) temporary sign per contractor maintained on a lot while the work is actually in progress not exceeding thirty-two (32) square feet in area is allowed in any district.

## ZONING

(8) Nothing in this section shall in any way replace or expand allowances under the Municipal Tag Sale Ordinance.

### F. Exceptions.

(1) The Zoning Board of Appeals may grant a special permit for an exception to the number, height, location, or area requirements of a sign subject to a finding that such sign will promote the public interest and that the size, number, height, location, and design of such sign will not be detrimental to the neighborhood. The following criteria shall be considered when reviewing a special permit request:

- (a) The number, height, location, or area of signs should be justifiable because of multiple frontages, development scale, compliance with the regulations would not produce a visually attractive sign, or other special need;
- (b) Other public or private signage on nearby properties should not have its visibility unreasonably diminished;
- (c) Sign content should identify the specific local enterprise, rather than one of many standard brand products available on the premises;
- (d) Sign design should use placement, colors, and form compatible with building design;
- (e) Lighting should be steady, stationary, shielded and directed solely at, or internal to, the sign, with brightness not inconsistent with other signs in the vicinity of the City and shall comply with all other requirements of these sign regulations.

(2) The Zoning Board of Appeals may grant a special permit for one (1) freestanding sign for the identification of an open air use containing no building.

(3) No sign, other than traffic control and route signs authorized by public agencies, shall be placed within a public right-of-way unless a special permit has been granted by the Zoning Board of Appeals with prior written approval from the Greenfield Licensing Commission and the Greenfield Department of Public Works for City/County rights-of-way, and the Massachusetts Department of Public Works for State rights-of-way.

G. Maintenance. Any broken, worn or illegible elements of a sign awning or canopy shall be promptly repaired, replaced or removed as directed by the Inspector of Buildings in accordance with this ordinance and with the State Building Code.

H. Nonconforming signs. Nonconforming signs or other advertising devices legally erected may continue to be maintained provided, however, that no such sign or other advertising device shall be permitted if it is enlarged, reworded (other than in the case of theatre or cinema signs or time and temperature signs), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this ordinance and provided further that any such sign or other advertising device which has been destroyed or damaged or has deteriorated to such an extent that the cost of restoration would exceed one-third (1/3) of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this ordinance. Any sign or other advertising device shall comply with all provisions of these Sign Regulations, § 200-6.7, if such sign or advertising device:

## ZONING

- (1) Has been abandoned;
- (2) Advertises or calls attention to any products, business or activities which are no longer sold or carried on at the particular premises; or
- (3) Has not been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.

### I. Priority Development Sites. [§ 200-6.7(I) added by Town Council October 21, 2009]

(1) For any sign allowed as-of-right at a Priority Development Site (PDS), an application therefor shall be submitted to the Inspector of Buildings no later than one hundred fifty (150) days following submission of any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than thirty (30) days from said date of submission.

(2) For any sign at a Priority Development Site (PDS) requiring a special permit as per Section F, above, an application therefor shall be submitted to the Zoning Board of Appeals simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred twenty (120) days from said date of submission. Upon the issuance of a such a permit, immediately thereafter, but not prior to the expiration of the applicable appeal period, an application for a sign permit shall be submitted to the Inspector of Buildings, who shall render a decision thereon no later than thirty (30) days from said date of submission.

### ~ 200-6.8. Performance standards.

#### A. Purpose.

(1) The purpose of environmental performance standards is to ensure that any use allowed by right or special permit in any district is conducted in a manner which does not adversely affect the surrounding natural or human environment by creating a dangerous, injurious or objectionable condition.

(2) No use of land or a structure shall be initiated, expanded, or altered in operating procedures so as to create a violation of any of the provisions of this section.

#### B. Enforcement.

(1) In enforcing these standards, the Inspector of Buildings may call upon specific standards, technical specifications, and the technical expertise of such appropriate federal, state, or regional agencies having an interest in the specific kind of environmental disturbance under question, including, but not limited to the Federal Environmental Protection Agency, the Massachusetts Executive Office for Environmental Affairs, the Atomic Energy Commission, the Federal Communications Commission, etc.

(2) The Inspector of Buildings may require that an applicant furnish evidence of probable compliance, whether by example of similar facilities, engineering analysis, or a statement from an independent authority certifying compliance. Issuance of a permit on the basis of that evidence shall certify the City's acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures shall also comply with the provisions of this section.

## ZONING

### C. Standards.

- (1) All use and conditions of land, buildings and structures shall be in conformance with all applicable local, state, and federal regulations.
- (2) No sound, noise, vibration, odor, or flashing (except for warning devices, temporary construction or maintenance work, parades, agricultural activities, or other special circumstances) shall be observable without instruments in a General Industry or Planned Industry District more than four hundred fifty (450) feet from the boundaries of the originating premises, or in a Commercial District more than two hundred (200) feet from the boundaries of the originating premises, or in any other district more than forty (40) feet from the boundaries of the originating premises. However, the Board of Appeals may grant a special permit to allow activities not meeting these standards, in cases where the Board determines that no objectionable condition will thereby be created for the use of other properties. Particularly loud and/or disruptive noises shall be avoided between the hours of 10:00 p.m. and 7:00 a.m.
- (3) Generation of dust, dirt, fly ash, fumes, vapors, or gases which cause damage to or irritate human health, animals, or vegetation or which stains or soils property is prohibited.
- (4) All materials, supplies and equipment shall be stored in accordance with the Fire Prevention Standards of the National Fire Protection Association and shall be screened from view from public ways or abutting properties.
- (5) Illuminated signs, parking lot lighting, or any other exterior lighting shall not create glare or cast observable shadows onto adjacent premises nor shall be directed skyward.
- (6) All hazardous materials used, created, stored, processed, disposed of by processing, diluting, burying or containment, leaching or any other manner, or transported (including piping) in the City shall be used, stored or transported in accordance with all applicable federal, state and local regulations.
- (7) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (8)
  - (a) Whenever the existing contours of the land are altered; grading, site design, and construction shall be designed to prevent soil erosion, sedimentation, uncontrolled surface water runoff or alteration of runoff to or from abutting properties. The primary reasons for having erosion and sedimentation control measures in place are to:
    - (1) Prevent topsoil from migrating off a construction site,
    - (2) Protect the City's streets and storm water systems,
    - (3) Protect adjacent property from siltation, and
    - (4) Protect fish and other wildlife from siltation of ponds, lakes, streams and rivers.
  - (b) Procedure:
    - (1) These standards shall pertain to all building sites under new construction or redevelopment. The applicant shall submit an erosion and sedimentation control plan to the Inspector of Buildings for approval. If Site Plan Review and Approval is required under the Greenfield Zoning Ordinance, an erosion and sedimentation control plan shall be submitted to the reviewing authority along with all other submittal requirements.
    - (2) The Inspector of Buildings or any of his designees shall conduct a site visit to ensure that all temporary erosion and sedimentation control measures required under this

## ZONING

policy are properly installed prior to and maintained throughout construction. Failure to comply with these standards may result in a stop work order or the revocation of permits.

(3) Erosion of soil and sedimentation shall be minimized by using the following erosion control standards, which are in addition to any erosion control measures required by the Greenfield Conservation Commission as part of the issuance of a wetland related permit (Negative Determination of Applicability with Conditions or an Order of Conditions).

Temporary erosion control measures shall be installed for the following:

(i) All construction areas that slope toward the road or an abutting property shall require a properly installed siltation fence and/or baled hay barrier to prevent siltation of the roadway or neighboring property.

(ii) All wetland areas shall be protected by a properly installed siltation barrier. Work that occurs in or within 100 feet of a wetland resource area or within 200 feet of a perennial river or stream requires filing with the Greenfield Conservation Commission. In areas outside the jurisdiction of the Conservation Commission but where the ground slopes toward a wetland area, a properly installed siltation fence and/or baled hay barrier shall be required.

(iii) Stockpiles of loam shall be protected by a siltation fence and/or baled hay barrier. Stockpiles that remain on site for longer than 30 days shall also be seeded to prevent erosion. These measures shall remain until all material has been placed or disposed off site.

(4) The smallest practical area of land shall be disturbed at any one time.

(5) The duration of exposure of disturbed areas due to stripping of vegetation, soil removal, and grading shall be kept to a minimum.

(6) Baled hay barriers and siltation fencing are to be maintained and cleaned until all slopes have a healthy stand of grass or other approved vegetation.

(7) Baled hay and mulch shall be mowings of acceptable herbaceous growth, free from noxious weeds or woody stems. No salt hay shall be used.

(8) All disturbed areas shall be loamed and seeded with grass or other approved vegetation.

(9) After all disturbed areas have been stabilized, the temporary erosion control measures are to be removed. Disturbed areas resulting from removal of the temporary erosion control measures shall be repaired and seeded.

(10) A temporary mud tracking bed (construction entrance) shall be put in place at each site entrance where necessary. This tracking bed shall consist of a four (4) inch minimum layer of 1 ¾ inch crushed stone and shall be a minimum of twenty (20) feet in length and fifteen (15) feet in width. This bed shall be maintained during construction to prevent tracking or flowing of sediment onto the public right-of-way and shall be removed prior to the placement of a gravel base and pavement.

(11) It shall be the responsibility of the contractor to control blowing dust and soil. Dust control shall be used during grading operations if the grading is to occur within five

## ZONING

hundred (500) feet of an occupied residence or place of business and may consist of grading fine soils on calm days only or dampening the ground with water.

(12) Permanent erosion control and vegetative measures shall be in accordance with the Erosion and Sediment Control and Vegetative Practices in Site Development Guides published by the U.S. Department of Agriculture, Natural Resources Conservation Service.

(13) The construction of roads or structures on slopes of fifteen (15) percent or greater shall require a special permit from the Planning Board. Such permit shall only be granted if the Board finds that adequate provisions have been made to protect against soil erosion and sedimentation, soil instability and uncontrolled surface water runoff.

[§ 200-6.8 (C8) Amended - deleted section and replaced in its entirety by Town Council July 15, 2009]

### ~ 200-6.9. Screening and landscaping.

Any application for a building permit shall comply with the following, unless a special permit is granted by the Board of Appeals for a departure upon its determination that because of peculiarities of the site, alternative arrangements will perform at least equally well in meeting the functional purposes of these provisions.

#### A. Areas requiring screening and landscaping.

(1) Screening is required on side and rear lot boundaries of any lot in a commercial, industrial, or health service district for a new or expanded commercial, industrial, professional, institutional or multifamily use where it adjoins a lot with an existing residential use or a lot in a residential district.

(2) Screening is required for all parking lots of five (5) or more parking spaces in accordance with the parking lot landscaping requirements in ~ 200-6.5D of this ordinance.

(3) Screening may be omitted to the rear of any principal building if abutting properties propose an integrated parking facility provided that a plan showing the entire facility and its proposed screening is submitted at the time of application and is binding on both properties.

(4) Screening is required around any outdoor storage, waste disposal, or utility for any use except single- and two-family uses.

#### B. Screening and landscaping design. A screen required under this section shall consist of either:

(1) A continuous border of dense plantings at least four (4) feet wide and not less than four (4) feet high but of sufficient height to interrupt the view between the two (2) sites;

(2) An opaque wall or fence or earthen berm at least five (5) feet in height but not more than six (6) feet in height and landscaped on at least the side facing the abutters. Such landscaping shall include a minimum planting of trees or shrubs five (5) feet on center;

(3) Areas not covered by buildings or pavement shall be maintained in a vegetated cover or organic mulch.

## ZONING

- C. Screening and landscaping maintenance. Such screening and landscaping shall be maintained in good condition at all times to provide an effective visual screen. Screening and landscaping may be interrupted by normal entrances or exits.

### ~ 200-6.10. Unregistered motor vehicles.

- A. The keeping of more than one (1) unregistered motor vehicle, assembled or disassembled, except by a person licensed under MGL c. 140, ~ 59, on any premises shall not be permitted, unless said motor vehicles are stored within an enclosed building.
- B. A special permit to keep more than one (1) unregistered motor vehicle on any premises not within an enclosed building after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Licensing Commission, if it finds that such is in harmony with the general purposes and intent of this ordinance and will not adversely affect the neighborhood or area nor constitute a nuisance.
- C. All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.
- D. This section shall not apply to motor vehicles which are designed and used for farming purposes or to contractor's equipment where contractor's yards are permitted in this ordinance.

### ~ 200-6.11. Driveways and entrances.

- A. Purpose. The purpose of this section is to provide maximum protection to the public through the orderly control of traffic moving onto and off of streets; uniform design and layout of driveways and entrances; adequate vehicular access to a lot; and adequate drainage of surface water.
- B. Procedures. Construction of any driveway shall require written application to the Department of Public Works including a plan showing the driveway and drainage details. Before approval is granted, the application shall be referred to the Conservation Commission, if necessary. Where the development of a Priority Development Site (PDS) requires an approval hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submission. [Subsection B amended by Town Council on October 21, 2009]
- C. Design requirements.
  - (1) Entrances shall be located to the best advantage with regard to street alignment, profile, sight distance and safety conditions as determined by the Department of Public Works.
  - (2) Driveway grades and locations shall provide for access for vehicles, including fire and police.
  - (3) Driveways, entrances, and vehicular access to and from a lot shall be through the frontage and access strip except that the Planning Board may issue a special permit allowing driveways, entrances and vehicular access to a lot over any side or rear lot line. It is not intended that this provision allow building on a lot which would not otherwise be buildable because frontage and access requirements cannot be met.

## ZONING

Applicants for a special permit shall show that the lot meets all frontage and access requirements of this ordinance and of the Greenfield Subdivision Regulations<sup>4</sup> before a special permit may be granted.

- (4) Entrance width shall be measured at the street line or a minimum distance of ten (10) feet from the edge of pavement.

	<b>Minimum</b>	<b>Maximum</b>
Residential	10 feet	16 feet
All other uses:		
One-way	11 feet	20 feet
Two-way	22 feet	30 feet

- (5) Wherever possible, entrances are to be set back fifty (50) feet or more from a street corner measured between the nearest edge of the off-street driveway and the cross road edge of pavement except driveways serving parking areas of five (5) or more cars shall be subject to ~ 200-6.5C of this ordinance.

- (6) Driveways shall have a stopping area of no greater than four-percent slope for a distance of twelve (12) feet back from the edge of road surface.

- (7) Entrances off state highways shall conform to Massachusetts Department of Public Works Standards and Regulations.

- (8) Any adjacent disturbed areas shall be graded and stabilized.

- (9) The City reserves the right to inspect the proposed site before, during, and after construction.

- D. Common driveways. The Planning Board may issue a special permit for a common driveway serving up to four (4) lots if the following minimum requirements are met:

- (1) An easement providing permanent access for all properties served by the driveway shall be provided upon application and, if approved, recorded in the Registry of Deeds;

- (2) The special permit shall state that the driveway is not a private road or a public road, that it does not meet the standards for a City road, and that the driveway shall permanently remain a private driveway;

- (3) The grade, length, and location of common driveways shall be constructed and maintained to provide:

- (a) Adequate access and turnaround for vehicles, including sanitary and emergency vehicles, year round. A turnaround area shall be provided at the end of the driveway so that vehicles do not need to enter onto adjoining lots. The Planning Board may require passing turnouts depending on the length and design of the proposed driveway;

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<sup>4</sup>Editor's Note: See Ch. 880, Subdivision of Land.



## ZONING

- (b) A width of at least twenty (20) feet. Drainage and culverts may be required where the Planning Board deems necessary;
  - (c) A maximum grade of ten percent (10%);
  - (d) A maximum length of five hundred (500) feet;
  - (e) The driveway entrance shall be located a minimum of fifty (50) feet from any street intersection;
  - (f) No parking areas or structures shall be allowed in the driveway right-of-way;
  - (g) The Planning Board may require a bituminous concrete surface;
- (4) Approval from the Department of Public Works and the Fire Department shall be obtained prior to granting the special permit;
- (5) The Planning Board may deny the special permit if it determines that the land being subdivided is better served by individual driveways or subdivision approval under the Greenfield Subdivision Regulations;<sup>5</sup>
- (6) Ownership and maintenance of a common driveway shall be assured through a restrictive covenant, satisfactory to the Planning Board, which binds current and future owners of each lot served by the common driveway to the responsibility for maintenance, repair and reconstruction of the common driveway. A draft covenant shall be submitted for approval with the special permit application and shall include but not be limited to specific standards for maintenance and repair of the driveway and drainage system, provision for allocating financial responsibility, and a procedure for resolution of disagreements. If the special permit is granted, the covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to every lot served by the common driveway;
- (7) The Planning Board may require a performance bond or other security for the completion of the common driveway. Such security shall be posted prior to construction of the driveway. The driveway shall be completed, inspected by the Planning Board, or its designee, and the security released prior to issuance of occupancy permits for the lots served by the common driveway;
- (8) It is not intended that common driveways shall service lots which would not otherwise be buildable because frontage and access requirements cannot be met. The applicant shall show that all lots to be served by a common driveway meet the frontage and access requirements of this ordinance and of the Greenfield Subdivision Regulations.<sup>6</sup>

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<sup>5</sup>Editor's Note: See Ch. 880, Subdivision of Land.

<sup>6</sup>Editor's Note: See Ch. 880, Subdivision of Land.

## ZONING

### ARTICLE VII Special Regulations

#### ~ 200-7.1. Open space/cluster developments.

[~200-7.1 – Deleted section and replaced in entirety on May 16, 2007 by Town Council vote]

- A. Description. An open space/cluster development shall mean a residential development in which the buildings are clustered together into one (1) or more groups on reduced lot sizes with the remaining land permanently undeveloped.
- B. Purpose. The purpose of open space/cluster development is to allow for a flexible design in residential development of single-family, two-family, and multifamily housing. The intention is to:
- (1) Promote a more efficient use of land in harmony with its natural features;
  - (2) Encourage a less sprawling form of development that consumes less open land;
  - (3) Encourage the permanent preservation of open space, agricultural lands and other natural resources;
  - (4) Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - (5) Promote diverse housing at a variety of costs.
- C. Open Space/cluster developments are allowed in the Urban Residential (RA), Suburban Residential (RB), and Rural Residential (RC) zoning districts subject to site plan review by the Planning Board with the following regulations and conditions.
- D. Procedures.
- (1) Preapplication review. To promote communication and avoid misunderstanding, applicants are strongly encouraged to submit preliminary materials for informal review by the Planning Board prior to formal application.
  - (2) Application.
    - (a) Applicants for an open space/cluster development shall submit to the Planning Board twelve (12) copies of an application and twelve (12) prints of the development plan, with one set being reduced to 11" x 17". If the land on the plan involves more than one (1) ownership, each owner of land included on the plan shall be a party to the application and, upon plan approval, subject to its provisions for any land shown on the plan as part of the open space/cluster development.
    - (b) The Planning Board approval of a cluster development site plan hereunder shall not substitute for compliance with the Subdivision Control Act<sup>7</sup> nor oblige the Planning Board to approve a related definitive plan for subdivision, nor reduce any time periods for Planning Board

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<sup>7</sup>Editor's Note: See MGL c. 41, ~ 81K et seq.

## ZONING

consideration under that law. However, in order to facilitate processing, the Planning Board may, insofar as practical under law, adopt regulations establishing procedures for submission of a combined development plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

(3) Submittal requirements. The development plan shall be prepared by a registered professional civil engineer, a registered land surveyor or other qualified professional at a scale of one (1) inch equals forty (40) feet and shall be on standard twenty-four (24) by thirty-six (36) inch sheets prepared, at a minimum, in accordance with the Site Plan Review Section, ~ 200-8.4, of this ordinance and the requirements for a preliminary subdivision plan under the Greenfield Subdivision Regulations.<sup>8</sup> The plan shall also include the following information:

- (a) Identification of existing vegetative cover, natural resources, topography and land uses, including the boundaries of all wetlands on the site as determined by the Greenfield Conservation Commission;
- (b) Existing structures, wells, septic systems, sewer lines, water lines, utilities, and drainage;
- (c) Soil types, based on the Soil Conservation Service Soil Survey and on-site soil boring logs, approximate depth to groundwater, location and results of percolation tests and other subsurface tests;
- (d) Proposed uses of land and buildings;
- (e) The location and dimension of all proposed lots;
- (f) Proposed lot lines, streets, parking areas, walkways, drainage and utilities, existing and proposed easements;
- (g) The general location and description of proposed public water lines, private wells, sewer systems, water systems, and septic systems;
- (h) The location, size and description of proposed common open space, parks, and other community or recreational uses. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.
- (i) A proposed landscaping plan and grading plan;
- (j) The location, number, and types of residential dwelling units.

(4) Additional submittal requirements:

- (a) The number of dwelling units and lots which could be constructed under this ordinance by means of a conventional development plan without open space/cluster approval;

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<sup>8</sup>Editor's Note: See Ch. 880, Subdivision of Land.

## ZONING

- (b) Impact of the development on groundwater recharge, surface and groundwater pollution, and measures to prevent pollution and decrease of groundwater recharge;
- (c) Proposed design features to integrate the development into the existing landscape, the surrounding neighborhoods, and enhance aesthetic assets;
- (d) Pre- and post-development runoff calculations;
- (e) If phasing of the development is proposed, a phasing schedule indicating which portions of the development including buildings, dwelling units, infrastructure, etc., to be constructed during each phase;
- (f) Materials indicating the landowner's interest in the land to be developed, the form of organization proposed to own and maintain the common land and the substance of covenants and grants of easements to be imposed upon the use of land and structures;
- (g) If necessary to determine compliance with the requirements or intent of this provision, the Planning Board may require further engineering or environmental analysis to be prepared at the expense of the applicant.

(5) Review by other boards. Within ten (10) days of receiving the application and development plan, the Planning Board shall transmit one (1) copy of the plan to the Department of Public Works, Fire Department, Inspector of Buildings, Board of Health and Conservation Commission for review and comment. Failure to comment within thirty (30) days shall be deemed as no objection to the development plan.

### E. Permitted uses.

- (1) The permitted uses in an open space/cluster development may include single-family, two-family, and/or multifamily dwellings. In mixed used developments, multifamily dwelling units shall not exceed thirty percent (30%) of the total number of dwelling units.
- (2) Multifamily dwellings shall also meet the design requirements for multifamily dwellings, ~ 200-7.2, of this ordinance.

### F. Lots/units.

- (1) The number of lots/dwelling units shall not exceed that which could be built on the tract in the district under this zoning ordinance. The number of lots/dwelling units shall be computed by subtracting from the total land area any land used for roadways, any lots not buildable in accordance with this ordinance, Title V of the State Sanitary Code (if not connected to municipal sewer), or any other local or state regulation and then dividing by the minimum lot requirement for each type of dwelling unit proposed. Total lots/dwelling units shall be rounded to the nearest whole number.
- (2) Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

## ZONING

(3) Each lot shall have adequate access on a public way or on a private way approved under the Greenfield Subdivision Regulations.<sup>9</sup>

### G. Dimensional requirements.

- (1) The area of the tract to be developed shall be not less than five (5) contiguous acres.
- (2) The minimum lot size per unit may be reduced to no less than the minimum lot area requirement of the Residential A District in ~ 200-5.2. of this ordinance.
- (3) Lot frontage and lot width may be reduced to a minimum of fifty (50) feet in the RA, RB and RC Districts.
- (4) Flag lots which meet the requirements of ~ 200-7.8 of this ordinance shall be permitted.
- (5) The minimum front and rear setback requirements and the open space per lot shall be the same as normally required in the district. The side yard requirements shall be ten (10) feet for single- and two-family dwellings and twenty (20) feet for multifamily structures in all residential districts.

The Planning Board may reduce, by up to one half, the setbacks otherwise listed in the Table of Dimensional Requirements in this ordinance if the Board finds that such reduction will result in better design, improve protection of natural and scenic resources and will otherwise comply with this ordinance.

- (6) Further reduction of frontage, lot width, lot size, and setbacks from those set forth in this ordinance may be granted by the Planning Board by special permit if the Board finds that such reduction will result in better design, improve protection of natural and scenic resources and will otherwise comply with this ordinance.
- (7) The maximum building height in any open space/cluster development shall be thirty-five (35) feet.
- (8) All buildings and accessory structures and uses on a lot which adjoins a lot not within the open space/cluster development shall meet the minimum setback requirements for the district.

### H. Common open space requirements.

- (1) All land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.
- (2) Common space shall be equivalent to the total reduction in lot sizes but shall be at least twenty-five percent (25%) of the total land area of the tract in Urban Residential (RA) zones and twenty-five percent (25%) in Suburban Residential (RB) and Rural Residential (RC) zones not including wetlands determined by the Conservation Commission under the Wetlands Protection Act, floodplains, and slopes in excess of twenty-five percent (25%). In no case shall a parcel of common open space be less than one (1) acre in Urban Residential (RA) zones or one and one-quarter (1 1/4) acres in Suburban Residential (RB) or Rural Residential (RC) zones. At least one-half (1/2) of the open space shall be shaped for land uses such as recreation and agriculture.

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<sup>9</sup>Editor's Note: See Ch. 880, Subdivision of Land.

## ZONING

- (3) Further subdivision of common open space or its use for other than the above listed uses, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed five-percent coverage of such common open land.
- (4) Such common open space shall be either:
  - (a) Conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
  - (b) Conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development and to be managed by a nonprofit organization, the principle purpose of which is the conservation or preservation of open space;
  - (c) Conveyed to the City of Greenfield, at no cost, and accepted by it for a park or open space use. Such conveyance shall be at the option of the City and shall require the approval of the City Council.
- (5) In any case where such land is not conveyed to the City, a conservation restriction enforceable by the City shall be recorded to ensure that such land shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

### I. Improvements.

- (1) Roadways, drainage, utilities, sidewalks, and grading shall be designed in accordance with the Greenfield Subdivision Regulations.<sup>10</sup>
- (2) All lots shall be served by adequate water and sewage disposal service. The proposed water system shall be either connected to a municipal water system or to an individual water supply approved by the Greenfield Board of Health and the Massachusetts Department of Environmental Protection. The proposed sewage disposal system shall be either municipal sanitary sewer or individual or community septic systems approved by the Board of Health and/or the Massachusetts Department of Environmental Protection.
- (3) Shared (community) septic systems shall be built in compliance with regulations for shared systems found in 310 CMR 15.000 (Title V). Septic systems shall be placed in the development to maximize the distance between systems and leaching areas shall be placed within common open areas rather than on individual lots. Individual on-site septic systems shall also be allowed on lots which meet all the standard dimensional requirements in the district and the requirements of Title 5 of the State Environmental Code.
- (4) Community septic systems shall only be permitted if a properly recorded ownership and maintenance agreement has been submitted and approved by the Planning Board and, if required, by the Massachusetts Department of Environmental Protection.

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<sup>10</sup>Editor's Note: See Ch. 880, Subdivision of Land.

## ZONING

(5) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking.

J. Community association. Ownership and maintenance of common open space, community water and sewage disposal systems, private ways, recreational facilities or any other commonly held property or facility shall be permanently assured through a nonprofit homeowners' or condominium association recorded by a covenant or other agreement in the Franklin County Registry of Deeds. Such agreements shall be submitted with the development plan and shall be subject to approval by the Planning Board and City Council.

(1) Such agreements shall specify ownership of all common land, facilities, etc.; method of maintenance; responsibility for maintenance; compulsory membership in the association as a requirement of ownership of any lot or unit in the development; compulsory assessments for the cost of maintenance and the creation of a lien on the property assessed for failure to pay such assessment; guarantees that the association formed to own and maintain the common land and facilities shall not be dissolved without the consent of the Planning Board; guarantees that the ownership of common open space shall not be transferred without first offering the land to the City of Greenfield; and any other specifications deemed necessary by the Planning Board.

(2) Such agreements shall provide that in the event that the association or any successor organization fails to maintain the common open space or any commonly owned facility in reasonable order and condition in accordance with the development plan, the City may enforce such agreements and may enter onto such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land or facility from becoming a public hazard or nuisance. If the City is required to perform any maintenance or repair work, the members of the association shall pay the cost thereof and the cost, if unpaid, shall become a lien upon their properties until said cost has been paid.

K. Criteria for approval. Approval of an open space/cluster development shall be granted only if the Planning Board determines that it complies with all pertinent criteria in the Subdivision Regulations and:

(1) The requirements of this open space/cluster development provision have been complied with;

(2) The plan is superior to a conventional one in preserving open space for conservation, recreation, or agriculture, in utilizing the natural features of the land, in allowing for more efficient provision of streets, utilities, and other public services, or in providing for affordable housing, and is at least equal in all aspects to a conventional subdivision plan;

(3) The applicant has shown to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed open space/cluster development than would be expected from a conventional development meeting the minimum lot size requirements located on the parcel. The burden of proof shall be on the applicant and the Board may hire professional assistance to certify impacts to groundwater at the expense of the applicant. The Board may impose conditions, including monitoring, to ensure groundwater protection;

(4) The Planning Board may impose a development phasing schedule in accordance with ~ 200-8.3. of this ordinance.

L. Further requirements upon approval.

## ZONING

- (1) There shall be no increase in density, change in street layout, type of use or dwelling, or open space or any other substantial change as determined by the Planning Board to an approved development plan without review and further hearing by the Planning Board unless specified differently as a condition of approval.
- (2) No lot within an approved open space/cluster development may be further subdivided so as to increase the number of lots unless approved as a major amendment, and a notation to this effect shall be shown on any definitive plan of a subdivision based upon this section.
- (3) Prior to development or sale of any lot within an open space/cluster development, all lots to be so developed shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, and a covenant or other instrument satisfactory to the Planning Board shall have been executed assuring the open land or recreational use of lands so designated in the development plan and the ownership and maintenance of any communal septic systems or other commonly owned facility.

### ~ 200-7.2. Multifamily dwellings.

- A. Special permit required. The Zoning Board of Appeals may grant a special permit for multifamily dwellings under the following procedures and requirements. Multifamily dwellings in open space/cluster developments shall also comply with the requirements of ~ 200-7.1 of this ordinance.
- B. Procedure.
  - (1) Applicants shall submit seven (7) copies of an application and the proposed site plan, prepared by a registered engineer, architect, or other qualified professional, showing proposed structures, parking, drives, landscaping, topography and drainage, plus architectural elevations of all proposed buildings and any other site plan submittal requirements specified in the Site Plan, ~ 200-8.4 of this ordinance. Where the development of a Priority Development Site (PDS) requires a special permit hereunder, the aforesaid application and site plan shall be submitted simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D. **[Subsection 1 amended by Town Council on October 21, 2009]**
  - (2) Within ten (10) days of its receipt, one (1) copy of the application and site plan shall be forwarded by the Clerk of the Board of Appeals to the Planning Board, who shall submit a report of recommendations to the Board of Appeals within thirty (30) days.
  - (3) The Board of Appeals shall not hold a public hearing on the application until receipt of the Planning Board report, or until forty-five (45) days has lapsed from the date of filing. Where the special permit sought hereunder is for the development of one (1) or more multifamily dwellings on a Priority Development Site (PDS), the Zoning Board of Appeals shall render a decision thereon no later than one hundred eighty (180) days from the date of submission of the application. **[Subsection 3 amended by Town Council on October 21, 2009]**
  - (4) More than one (1) building may be placed on one (1) lot, but no structure may contain more than twenty-four (24) dwelling units and no more than six (6) dwelling units shall be served by a single primary entrance. Each structure will be separated by a minimum of forty (40) feet. The Zoning Board of Appeals may allow more than twenty-four (24) dwellings per building in existing structures being converted to multifamily units.



## ZONING

- (5) Multifamily structures shall be served by a public way having sufficient width, suitable grades, and adequate construction to accommodate the increase in traffic generated by the site.
- (6) The site shall be designed so that access, grading, water and sewer systems, drainage, roads and sidewalks meet all applicable standards established in the Greenfield Planning Board Subdivision Regulations,<sup>11</sup> and the specifications and standards of the Department of Public Works; no building shall be floodlit; driveways and parking areas shall be illuminated only by shielded lights not higher than fifteen (15) feet; no lighting shall cast observable shadows onto adjoining premises; major topographic changes or removal of existing trees shall be avoided and effective use shall be made of the topography, landscaping, and building placement to make maximum use of solar energy, protect the character of the environs, and protect scenic views seen from public ways.
- (7) Parking areas shall be screened from public ways and adjacent properties by building location, grading, fencing, or planting. Parking shall be off-street and shall provide for forward moving ingress and egress onto any traveled way. No parking area shall contain more than thirty-six (36) parking spaces.
- (8) A development phasing schedule may be established by the Board of Appeals in accordance with ~ 200-8.3.
- (9) If the development will not be connected to a public water or sewer system, the applicant shall submit plans for an individual water supply system and a septic system designed by a registered sanitary engineer approved by the Greenfield Board of Health and if necessary, the Massachusetts Department of Environmental Quality Engineering. No septic system serving the development shall exceed two thousand (2,000) gallons per day sewage flow as determined under 310 CMR Section 15.02, Title 5 of the State Environmental Code. More than one (1) septic system may serve the site in order to meet this requirement.
- (10) A special permit for multifamily dwellings shall not be granted unless the Zoning Board of Appeals finds that the requirements of ~ 200-8.3 of this ordinance have been met.

### ~ 200-7.3. Reserved.

### ~ 200-7.4. Earth removal.

Any removal of earth products shall be undertaken only in accordance with the Soil Removal Ordinance<sup>12</sup> of the City of Greenfield under a permit issued by the Licensing Commission.

### ~ 200-7.5. Bed-and-breakfast/tourist home.

The use of a single-family dwelling for a bed-and-breakfast/tourist home may be allowed under special permit from the Zoning Board of Appeals, provided that:

- A. The bed-and-breakfast shall be owner-operated and may be owner occupied;

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<sup>11</sup>Editor's Note: See Ch. 880, Subdivision of Land.

<sup>12</sup>Editor's Note: See Ch. 154, Soil Removal.

## ZONING

- B. No more than ten (10) rooms may be rented for transient occupancy. Such rooms shall share a common entrance, shall not have individual cooking facilities, and shall be served by private or shared bath/toilet facilities separate from those required for the single-family dwelling;
- C. The use of the single family dwelling for transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not alter the single-family residential appearance of the building;
- D. One (1) off-street parking space shall be provided for each room;
- E. If the building is not served by public sewers, the Board of Health shall certify that the on-site sewage disposal system meets the requirements of the State Environmental Code and local Board of Health regulations;
- F. A sign identifying the operation shall not exceed the sign requirements for the district in which it is located in accordance with ~ 200-6.7 of this ordinance.

### **~ 200-7.6. Congregate housing for the elderly or handicapped.**

The Zoning Board of Appeals may grant a special permit for the construction of a congregate housing facility in the RA, RB, SR, H, CC Districts, provided that:

- A. A congregate housing facility may have more than one (1) building on a lot, but each building may contain no more than twenty-four (24) dwelling units except that the Zoning Board of Appeals may allow more than twenty-four (24) units in existing structures being converted to congregate housing;
- B. A congregate housing facility shall require the minimum lot area and frontage requirements in the district for the first unit plus an additional two thousand (2,000) square feet of lot area for each additional unit in the RA, SR, H, and CC Districts and four thousand (4,000) square feet for each additional unit in the RB District;
- C. Connecting walkways shall be provided between structures and parking areas within the development;
- D. A minimum of one (1) off-street parking space shall be provided for each dwelling unit plus one (1) visitor parking space for every two (2) dwelling units.

### **~ 200-7.7. Reserved. [Section deleted in its entirety by Town Council on November 18, 2009]**

### **~ 200-7.8. Flag lots.**

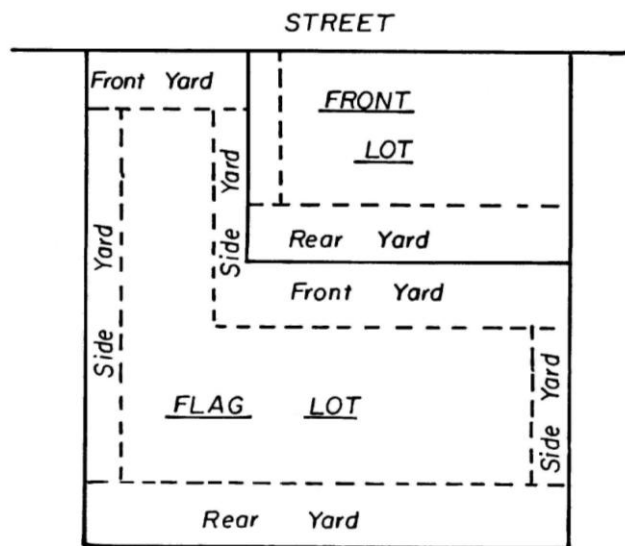
The Planning Board may issue a special permit to reduce the frontage on lots used for single-family dwellings in the RB and RC Districts, provided that:

- A. A flag lot shall be created from one (1) lot which was in existence at the effective date of this flag lot provision and which conforms to all provisions of this ordinance;
- B. No more than two (2) flag lots shall be created from one (1) lot unless approved as part of a definitive subdivision plan;
- C. There shall be a minimum frontage of not less than fifty (50) feet;
- D. The lot area, excluding the access strip, shall be at least twice the minimum lot area required in the district;

## ZONING

- E. There shall be at least two (2) lots which have the required frontage in the district between any two (2) flag lots. Continuous double or triple rows of lots comprised of standard lots along the street and parallel lines of flag lots in the rear shall not be permitted;
- F. The principal structure shall not be located more than seven hundred fifty (750) feet from the street line;
- G. Each flag lot shall have access over the frontage to the lot and an access strip of not less than fifty (50) feet wide from the front lot line to the buildable portion of the lot;
- H. The width of the lot where the principal building is to be constructed shall equal or exceed one and one-half (1 1/2) times the minimum lot width required in the district;
- I. Front, rear and side yards shall equal or exceed those required in the district. Any lot line which adjoins the rear lot line of a front lot shall have a front yard setback requirement as shown below:

**Diagram No. 4**



- J. The access driveways shall be constructed and maintained to meet the following standards:
  - (1) A width of at least fifteen (15) feet. Drainage and culverts may be required where necessary;
  - (2) A maximum grade of ten percent (10%) and a distance of no closer than ten (10) feet to any abutting property;
  - (3) Access and turnaround space shall be provided year round for all vehicles including emergency and sanitary vehicles;
  - (4) No parking areas or structures shall be allowed in the access strip.
- K. The Planning Board may require that there be maintained a naturally occurring or a planted vegetated buffer zone between any flag lot and any adjacent lot sufficient to provide an effective visual screen between the buildings at grade level;

## ZONING

- L. Once approved as a flag lot, such lot shall not be used for other than a single-family use or subsequently be subdivided unless as part of an approved definitive subdivision plan;
- M. Plans submitted under this section shall be the same as the plans submitted to the Planning Board under the Subdivision Control Law,<sup>13</sup> and shall include the statement "Lot(s) \_\_\_\_\_ is a flag lot; building is permitted only in accordance with the special permit flag lot provision of the Greenfield Zoning Ordinance";
- N. The Planning Board shall not endorse any plan under the Subdivision Control Law for the purpose of creating a flag lot unless a special permit has been issued for the flag lot.

### ~ 200-7.9. Commercial camping.

The Zoning Board of Appeals may issue a special permit for a commercial campground provided the following minimum requirements are met:

- A. Parcel is a minimum of ten (10) acres;
- B. Each rental plot shall have an area of not less than two thousand five hundred (2,500) square feet, inclusive of parking and exclusive of access drives;
- C. If each plot is not serviced with water and sanitary sewer, common sanitary facilities shall be provided in accordance with the Title 5 of the State Environmental Code and local Board of Health regulations;
- D. No unit for overnight occupancy shall be placed within one hundred (100) feet of a street or other lot line, except that the Board of Appeals may reduce this requirement to fifty (50) feet if dense planting or topography provides effective screening;
- E. A condition for approval of a special permit for a campground shall be that the campground be developed and operated in accordance with a plan which has been reviewed by the Planning Board, designating plots, vehicular access, auto parking facilities and water and sewer systems.

### ~ 200-7.10. Mixed residential/business uses.

[200-7.10. D Amended - deleted section and replaced in its entirety by Town Council September 6, 2005]

The use of an existing or a new structure for mixed business and residential uses is permitted in the CC District without a special permit and in the GC, LC, SR and H Districts under a special permit from the Zoning Board of Appeals provided the following conditions are met in all districts:

- A. All dwelling units shall be above the first-floor level (the street level which faces the street with the highest traffic use);
- B. Business uses mixed with residential uses on the same floor shall be limited to office uses only;
- C. Business uses shall be limited to only those business uses allowed by right in the district in which the building is located;

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<sup>13</sup>Editor's Note: See MGL c. 41, ~ 81K et seq.

## ZONING

- D. Mixed uses requiring building permits shall require two (2) off-street parking spaces for each residential unit, except in the Central Commercial (CC) District. Mixed uses in the Central Commercial District shall not be required to have off street parking spaces for residential units. Mixed uses shall not be exempt from parking regulations, ~ 200-6.5; **[Subsection amended by Town Council on November 18, 2009]**
- E. Balconies and decks, other than those required for access or by the State Building Code, shall not be placed on the front of the building;
- F. Extra floors added to the building shall be in harmony with the design and character of the existing structure and the area. The maximum height shall not exceed the height limitations for the district;
- G. The design and size of each unit shall conform to all applicable building, health, and other codes;
- H. Mixed uses shall comply with the site plan review requirements of ~ 200-8.4;
- I. Mixed uses requiring a special permit shall also comply with the special permit requirements of ~ 200-8.3 of this ordinance. The Zoning Board of Appeals may require additional or more stringent conditions when deemed necessary to protect the public health, safety, and welfare such as additional parking;
- J. Mixed uses in the GC, LC, SR, and H Districts shall comply with the dimensional requirements for multifamily dwellings as specified in Article V of this ordinance.

### **~ 200-7.11. Mobile homes and campers.**

- A. No mobile home, trailer or camper shall be used for permanent residence.
- B. A mobile home or camper may be temporarily occupied:
  - (1) By nonpaying guests of the owner of the premises for a period not to exceed two (2) weeks in any calendar year upon issuance of a permit by the Inspector of Buildings;
  - (2) As a temporary office incidental to construction or development of the premises on which it is located upon issuance of a permit by the Building Inspector;
  - (3) Within a duly licensed campground, provided however, a permit for this purpose is first obtained from the licensing authority before the land can be so occupied;
  - (4) By the owner and occupier of a residence which has been destroyed by fire or other natural holocaust while the residence is being rebuilt for a period not to exceed twelve (12) months.
- C. Whenever a mobile home, trailer or camper is parked for occupancy, said trailer, camper or mobile home must conform with local and state health and sanitation regulations and any rules, regulations or building codes adopted by the inhabitants of the City of Greenfield.

### **~ 200-7.12. Major development review.**

**[~ 200-7.12 Amended - deleted section and replaced in its entirety by Town Council May 10, 2006]**

- A. Purpose. The purpose of this ordinance is to identify and attempt to mitigate potential negative impacts to the City of Greenfield, such as to City services, traffic patterns, the environment, abutting properties, or the public health and safety, caused directly or indirectly by major development.

**City of Greenfield Zoning Ordinance**

**March 20, 2019**

## ZONING

- B. Application. The provisions of this section shall apply to any of the following uses:
- (1) All new uses as defined by the Greenfield Zoning Ordinance that generate three thousand (3,000) vehicle trips per day or more in the General Commercial District, and/or fifteen hundred (1,500) vehicle trips per day in any other district. **[Subsection B1 amended by City Council on March 20, 2019]**
  - (2) All uses that create fifty (50) or more dwelling units.
  - (3) All subdivisions of land into fifty (50) or more building lots.
  - (4) All new nonresidential uses of one hundred fifty thousand (150,000) square feet of gross floor area or more in the Planned Industry District, thirty five thousand (35,000) square feet of gross floor area in the Central Commercial and Limited Commercial Districts, and seventy five thousand (75,000) square feet or more of gross floor area in all other districts. **[Subsection B4 amended by City Council on March 20, 2019]**
- C. Reviewing Authority. The Special Permit Granting Authority shall be as follows:
- (1) The SPGA shall be the Zoning Board of Appeals. **[Subsection C amended by City Council on March 20, 2019]**
- D. Submittal requirements. Uses subject to this section shall require a special permit and site plan approval in accordance with § 200-8.3 and 200-8.4 of this ordinance.
- (1) In addition to the submittal requirements for special permits and site plans in § 200-8.3 and §-200-8.4 of this ordinance, the following additional information shall also be submitted:
    - (a) Facade elevations of all sides of any new building or structure or alterations to any existing building or structure.
    - (b) Photographs showing the proposed building site and abutting properties.
    - (c) Plans for phased construction.
    - (d) Contingency plans or bond relative to financial ability to complete the project.
    - (e) An impact statement prepared in accordance with the Major Development Review Rules and Regulations for Impact Statements.
  - (2) The SPGA may require an independent consultant, contracted by the City and paid for by the applicant, to perform a peer review to review all or portions of the project's Impact Statement.
- E. Criteria for approval of a major development. The Special Permit Granting Authority may issue a special permit for a major development only after finding that the proposed project will not create a materially adversely impact on adjacent properties, the neighborhood, the City, or the environment. The following criteria shall be considered: **[Subsection E amended by City Council on March 20, 2019]**
- (1) The special permit criteria in § 200-8.3F of this ordinance.
  - (2) The site plan approval guidelines in § 200-8.4 of this ordinance.
  - (3) The standards for evaluating the impacts of a project set forth in the Major Development Review Rules and Regulations for Impact Statements.
- F. Project Decision  
Notwithstanding, the provisions of MGL c. 40A, all decisions of the SPGA shall be made within 210 days from the initial date of application. The failure to issue a decision within 210 days shall result in the granting of the special permit as presented and a constructive grant shall be issued in accordance with the provisions of MGL 40A.

## ZONING

The provisions of this regulation shall be severable. Should any section or provision of this regulation be held to be invalid or unenforceable for any reason, this shall not affect the validity or enforceability of any other section or provision of this regulation and this regulation, exclusive of the invalid or unenforceable section or provision, shall to the full extent consistent with law remain in full force and affect. **[Subsection F amended by City Council on March 20, 2019]**

Upon review of the project, the SPGA shall:

- (1) Deny the special permit, stating specific conditions which cannot be sufficiently mitigated, or
- (2) Grant the special permit with conditions, safeguards and/or limitations, stated in writing, or
- (3) Grant the special permit as presented.

### ~ 200-7.13. Adult entertainment uses.

#### A. Purpose and intent.

(1) The purpose of this article is to establish reasonable and uniform regulations of adult entertainment uses within the City of Greenfield. The intent of the ordinance is to address and mitigate the negative secondary effects of adult entertainment uses. Numerous studies have documented that the quality of life in a community is degraded by adult entertainment establishments as a result of increased levels of crime; depreciation of property values; adverse impacts on the business climate; adverse impacts on neighborhood character; and adverse impacts on public health including noise, litter, unsanitary conditions, traffic, and adverse influence on children.

(2) The provisions of this ordinance have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials including sexually oriented materials; and it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. It is not the intent nor the effect of this article to condone or legitimize the distribution of obscene or other illegal matter or materials.

#### B. Definitions. For purposes herein:

**ADULT ENTERTAINMENT USES** -- Includes the following uses:

(1) **ADULT BOOKSTORE** -- An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, pictures and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.

(2) **ADULT CABARET** -- A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which features:

(a) Persons who appear in a state of nudity; or

(b) Live performances which are characterized by an emphasis on depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement; or

## ZONING

(c) Motion pictures, films, video cassettes, cable television, slides, DVDs or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement.

(3) ADULT MOTION-PICTURE THEATER -- An enclosed building or outdoor venue used for public uses, for presenting material (motion pictures, films, video cassettes, cable television, slides, DVDs or any other such visual or electronic media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement.

(4) ADULT PARAPHERNALIA STORE -- An establishment having as a substantial or significant portion of its stock in devices, objects, tools, toys or electronic media which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement.

(5) ADULT VIDEO STORE -- An establishment having a substantial or significant portion of its stock in trade (for sale or rent) motion pictures, films, video cassettes, DVDs and other film material or similar audio/visual media and electronic media which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.

(6) ESTABLISHMENTS WHICH DISPLAY LIVE NUDITY FOR THEIR PATRONS --- An establishment which provides live entertainment for its patrons, that includes persons in the state of nudity; or live performances which are characterized by an emphasis on depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement.

(7) NUDITY (as defined in MGL c. 272, ~ 31) -- Uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For the purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.

(8) SEXUAL CONDUCT (as defined in MGL c. 272, ~ 31) -- Human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

(9) SEXUAL EXCITEMENT (as defined in MGL c. 272, ~ 31) -- The condition of human male or female genitals or the breasts of the female while in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

(10) SUBSTANTIAL OR SIGNIFICANT PORTION OF STOCK -- More than twenty-five percent (25%) of the total display, shelf, rack, table, stand or floor area, utilized for display to rent or sell.

### C. Applicability.



## ZONING

(1) Adult entertainment uses shall be prohibited in all zoning districts except for: adult bookstores, adult paraphernalia stores, and adult video stores as defined in ~ 200-7.13B shall only be allowed in the General Commercial District.

(2) Adult cabarets, adult motion-picture theaters and establishments which display live nudity for their patrons as defined in ~ 200-7.13B shall only be allowed in the Adult Entertainment Overlay District which shall be defined as the portion of land within the General Commercial District located west of the I-91 and Route 2 rotary. See Adult Entertainment Overlay District Reference Map. All adult entertainment uses may be permitted only upon granting of a special permit by the Zoning Board of Appeals.

D. Application procedures and submittal requirements. Applications for a special permit under this section shall comply with the requirements of the special permit and site plan review and approval, ~ 200-8.3 and 200-8.4 of this ordinance. In addition to the submittal requirements required in ~ 200-8.3 and 200-8.4 the special permit application and site plan shall include the following information:

(1) The name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.

(2) The distances between the proposed adult entertainment use and the property line of all uses listed in ~ 200-7.13.E(1) of this provision.

E. Criteria for approval. The Zoning Board of Appeals may issue a special permit for an adult entertainment use only if the following minimum criteria are met:

(1) Adult entertainment uses shall not be located within:

(a) Fifty (50) feet from any residence.

(b) One thousand (1,000) feet from any public or private school, state approved child-care facility, or nursery school.

(c) One thousand (1,000) feet from any church or other facility used for religious purposes.

(d) One thousand (1,000) feet from any public park, playground or other facility where children congregate.

(e) One thousand (1,000) feet from any other adult entertainment use within the General Commercial District.

(f) Eight hundred fifty (850) feet from any other adult entertainment use within the Adult Entertainment Overlay District (to be measured in a straight line without regard to intervening structures, from the closest exterior structural wall of each adult entertainment use).

(g) Five hundred (500) feet from any establishment licensed under MGL c. 138, ~ 12.

[Measure of distance. The distances specified above (besides the distances between adult entertainment uses in the Adult Entertainment Overlay District) shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.]

## ZONING

- (2) Adult bookstores, adult paraphernalia stores and adult video stores as defined in ~ 200-7.13B shall not be permitted to open for business earlier than 8:00 a.m. and close no later than 12:00 a.m.
  - (3) Adult cabarets and establishments which display live nudity for their patrons as defined in ~ 200-7.13B shall not be permitted to open for business earlier than 11:00 a.m. and close no later than 1:00 a.m.
  - (4) No adult entertainment use special permit shall be issued to any person convicted of violating the provisions of MGL c.119, ~ 63, or MGL c. 272, ~ 28.
  - (5) All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
  - (6) No adult entertainment use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually oriented material as defined in MGL c.272, ~ 31.
  - (7) No adult entertainment use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
  - (8) No adult entertainment use shall have any flashing lights visible from outside the establishment.
  - (9) No adult entertainment use shall have a freestanding accessory sign.
  - (10) Any special permit granted for an adult entertainment use shall be personal to the applicant, shall not run with the land and shall expire upon expiration of the applicant's lease or upon sale or transfer of the subject's property/business.
  - (11) Any adult entertainment use granted a special permit shall comply with all other City ordinances and all statutes of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
- F. Conditions, safeguards, limitations for adult entertainment uses. In granting a special permit, the Zoning Board of Appeals may impose additional conditions, safeguards and limitations on the permit including but not limited to: additional buffer zones, or screening.
- G. Expiration. Any adult entertainment use special permit granted shall expire after a period of two (2) calendar years from its date of issuance and shall be automatically renewable for successive two-year periods thereafter, provided that a written request for such renewal is made to the Special Permit Granting Authority prior to said expiration and that no objection to said renewal is made and sustained by the Special Permit Granting Authority based upon the public safety factors applied at the time that the original special permit was granted.
- H. Preexisting adult entertainment uses. Any existing adult entertainment use shall apply for a special permit from the Zoning Board of Appeals within ninety (90) days following the adoption of this ordinance.
- I. Severability. The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

## ZONING

### ~ 200-7.14. Wireless communications facilities. [Added 10-17-2001, approved by AG 1-29-2002]

A. Purpose. The purpose of this ordinance is to encourage the development of telecommunications and wireless services while minimizing the adverse impacts of these facilities on adjacent properties, residential neighborhoods, historic or scenic resources and the environment; minimize the overall number and height of such facilities to only what is necessary; and promote shared use of existing facilities in order to reduce the need for constructing new facilities.

B. Definitions.

CARRIER -- A company that provides wireless communication services.

CO-LOCATION -- The use of a single wireless communication structure by more than one (1) carrier.

WIRELESS COMMUNICATION BUILDING -- Any building or shelter used to house equipment primarily used for wireless communication devices.

WIRELESS COMMUNICATION DEVICE -- Any antenna, appurtenance, wiring, or equipment used in connection with the reception or transmission of radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PCS), and microwave communications.

WIRELESS COMMUNICATION FACILITY -- A general term to include wireless communication structures, communication devices, and wireless communication buildings.

WIRELESS COMMUNICATION STRUCTURE -- Any structure, monopole or tower intended to support wireless communication devices. Any wireless communication device that extends vertically more than fifteen (15) feet.

C. Applicability. Wireless communication structures shall only be erected upon the issuance of a special permit by the Zoning Board of Appeals. New wireless communication structures shall only be considered upon a finding by the Zoning Board of Appeals that all existing or approved structures cannot accommodate the wireless communication devices planned for the proposed structure. Wireless communication devices shall only be erected upon the issuance of a building permit from the Inspector of Buildings.

D. Exemptions. The following shall be exempt from this ordinance:

(1) Wireless communication facilities used solely for City, state, or federal emergency services.

(2) Amateur radio towers used in compliance with the Federal Communications Commission (FCC) and used solely for that purpose.

(3) Wireless communication structures used expressly for television and radio reception and transmission including dish antennae, which are covered in ~ 200-6.2D of the Greenfield Zoning Ordinance.

E. Siting requirements. The following requirements shall be used when preparing plans for siting all wireless communication facilities.

## ZONING

(1) Siting preferences. The following is a guideline of preferred locations for proposed wireless communication facilities, from most to least favorable districts/properties. The applicant must demonstrate that it is not feasible to locate in a more preferred districts/properties.

- (a) Existing or approved wireless communication structure or existing nonresidential structure.
- (b) General and Planned Industry Districts.
- (c) General Commercial District.
- (d) Rural Residential District.

(2) The height of a wireless communication structure shall be the minimum necessary to accommodate anticipated future use.

(3) The applicant shall float a balloon the same height as the proposed structure, for fourteen (14) days prior to the public hearing. The balloon should be of a size and color to be seen from a distance of at least one (1) mile.

(4) Wireless communication structures shall, to the greatest extent possible, be sited off ridgelines and located where their visual impact is least detrimental to historic and scenic resources.

(5) The minimum distance from the base of the wireless communication structure to any property line or road right-of-way shall be at least the height of the wireless communication structure in nonresidential zones and one and five-tenths (1.5) times the height of the structure in residential zones, including the height of any mounted wireless communication devices. This distance will be designated as the "fall zone" of the wireless communication structure.

(6) The setback requirements for any wireless communication buildings shall comply with that of the zoning district.

F. Design requirements. The following guidelines shall be used when preparing plans for the construction of all wireless communication facilities.

(1) Wireless communication facilities shall be designed for co-location and accommodate the maximum number of carriers as technologically feasible.

(2) Only freestanding monopoles are allowed. Lattice-style towers and similar facilities requiring three (3) or more legs and/or guy wires for support are not permitted.

(3) There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. Any signs required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) are allowed.

(4) All wireless communication structures, devices and buildings shall be colored, molded, and installed to blend into the structure and landscape to the greatest extent feasible.

(5) Existing trees and vegetation shall be preserved to the maximum extent possible. Vegetative screening shall be used to screen all abutting residential properties and roadways and shall be species that are consistent with the surrounding natural vegetation.

## ZONING

- (6) Fencing shall be provided to control access to the facility and shall not consist of razor or barbed wire.
- (7) All utilities serving the facility shall be installed underground.
- (8) Lighting of the wireless communication structure shall be prohibited.
- (9) There shall be a minimum of one (1) parking space for each wireless communication facility to be used in connection with maintenance of the site and not to be used for the storage of vehicles or other equipment.

G. Procedures. An application for a special permit for the siting a wireless communication facility shall be filed in accordance with the established special permit procedures as stated in the Greenfield Zoning Ordinances and all rules and regulations adopted by the Zoning Board of Appeals.<sup>14</sup>

(1) In the event the Zoning Board of Appeals determines that circumstances necessitate expert technical review, all reasonable expenses shall be paid for by the applicant. The Zoning Board of Appeals shall notify the applicant in writing of the estimated costs of the review. The applicant shall be responsible for the cost of all review fees and the fees shall be paid to the City within ten (10) days of receipt of notification. The City Treasurer shall hold in a separate account all review fees. The Board may request additional funds if needed to cover the cost of an outside review in the same manner as above. Failure by the applicant to make timely payments shall be adequate reason to deny the application.

(a) The selection of an outside consultant may be appealed to the City Council. Such appeals are limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications consist of either an educational degree or three (3) or more years of practice in the field. The required time limits for action upon an application by the Zoning Board of Appeals shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within thirty (30) days following the filing of the appeal, the selection made by the Zoning Board of Appeals shall stand.

(b) Any excess amount in review fees paid by the applicant, including any accrued interest, at the completion of the project shall be repaid to the applicant or to the applicant's successor in interest, and a final expenditures report on the fees shall be made available along with a copy of any reports produced by the consultant.

(2) For siting a new wireless communication facility.

(a) Site plans shall be prepared by a professional engineer licensed in Massachusetts, on twenty-four-inch-by-thirty-six-inch sheets at a scale of one (1) inch equals forty (40) feet or one (1) inch equals two hundred (200) feet, where appropriate, and one (1) copy reduced to an eleven-inch-by-seventeen-inch sheet which includes the following:

[1] North arrow, date, scale, seal(s) of the licensed professional engineer(s) who prepared the plans.

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<sup>14</sup> Editor's Note: See Ch. 200, Zoning, and Part X, Zoning Board of Appeals Regulations, of the Code of the City of Greenfield, respectively.

## ZONING

- [2] Name and address of the landowner and the name and address of all abutters.
  - [3] The exact location of the proposed wireless communication facility with the maximum height and setback distances of the wireless communication structure clearly indicated.
  - [4] Property lines and the location of permanent structures and buildings within a three hundred-foot radius of the proposed wireless communication structure.
  - [5] Existing and proposed contours at a minimum of two-foot intervals and spot elevations at the base of all the proposed and existing structures.
  - [6] Plans for anchoring and supporting the structure, including specifications of hardware and other building material.
  - [7] Plans for drainage of surface water and erosion control both during construction and as a permanent measure.
  - [8] Delineation of all wetlands, if applicable.
  - [9] A landscape plan including: a description of the existing vegetation to be removed or altered and the location, size, and description of any proposed fencing, landscaping and/or screening.
  - [10] Layout and details of surfacing for the access road or driveway and parking.
- (b) A locus map at a scale one (1) inch equals one thousand (1,000) feet which shows streets, buildings, and significant landscape features.
  - (c) A description of the soil and surficial geology at the proposed site.
  - (d) A color photograph or rendition of the wireless communication facility with all proposed wireless communication devices clearly shown in the photo.
  - (e) Photographs of four (4) view lines of the balloon float from any historic, scenic or other areas as determined by the Zoning Board of Appeals.
  - (f) A map showing the signal coverage areas of the proposed wireless communication structure including the location of other proposed or existing facilities, the interface with adjacent service areas, and the results of any drive tests.
  - (g) Proof of approval of all federal, state and local permits required for construction and operation.
  - (h) A detailed narrative report written by a licensed professional engineer that includes:
    - [1] Justification of the selection of the proposed site location including why it is not feasible in a more preferred district/property as described in Subsection E(1).

## ZONING

- [2] Demonstration that the height of the proposed structure is the minimum feasible to provide the intended service.
  - [3] Description of the capacity of the structure, including the number and type of additional wireless communication devices it can accommodate.
  - [4] Projected future needs of the carrier for at least the next five (5) years, and how the proposed wireless communication facility will meet future demand projections for the City and for adjacent towns.
  - [5] A sample lease agreement should another carrier desire to co-locate.
  - [6] All special design features used to minimize the visual and environmental impacts of the proposed wireless communication facility.
- (3) For siting a wireless communication device on an existing wireless communication structures or existing nonresidential structures, such as buildings, silos, water towers, utility poles, steeples, and co-location with another carrier, provided that the new device does not add more than fifteen (15) feet to the height of the structure.
- (a) Site plans shall be prepared by a professional engineer licensed in Massachusetts, on twenty-four-inch-by-thirty-six-inch sheets at a scale of one (1) inch equals forty (40) feet or one (1) inch equals two hundred (200) feet, where appropriate, and a reduced copy on an eleven-inch-by-seventeen-inch sheet which shows the following:
    - [1] North arrow, date, scale, seal(s) of the licensed professional engineer(s) who prepared the plans.
    - [2] Plans for supporting and attaching the device to the structure including specifications of hardware and all other building materials.
    - [3] Plans for any new wireless communication buildings.
    - [4] Layout and details of surfacing for an access road and parking, if the site is to be altered from existing conditions.
  - (b) A map showing the signal coverage areas of proposed device(s) and their interface with adjacent service areas and results of any drive tests.
  - (c) A color photograph or rendition of the wireless communication device(s) as it will look on the structure.
  - (d) A detailed narrative report written by a licensed professional engineer that includes:
    - [1] A draft of the contract between the structure/building owner and the applicant.
    - [2] Demonstration that the wireless communication structure or nonresidential structure to which the device will be mounted has the structural integrity to support such a device.

## ZONING

[3] Demonstration that the wireless communication devices installed on preexisting structures preserves the character of such structures to the greatest extent possible.

[4] Demonstration of coordination of services with adjacent towns to minimize the number of devices.

[5] Description of the projected future needs of the carrier, and how the proposed facility addresses those future projections.

[6] All design features used to minimize the visual impact of the proposed wireless communication device.

H. Criteria for approval. In granting a special permit for a wireless communication facility, in addition to the findings required by the Greenfield Zoning Ordinance for special permits, the Zoning Board of Appeals shall find:

(1) The applicant clearly demonstrated that no existing or approved structures can accommodate the wireless communication devices planned for the proposed structure.

(2) The size and height of the structure is the minimum necessary.

(3) The proposed wireless communication facility minimizes its impacts on adjacent properties, residential neighborhoods, the environment, and areas of historic or scenic value.

I. Conditions of use.

(1) All wireless communication facilities shall be maintained in good order and repair. Any paint and finish must be maintained and repaired when blemishes are visible from the property line. Failure to perform the required maintenance shall be grounds for revoking the special permit.

(2) Any extension, construction or replacement of the structures or buildings within the wireless communication facility shall be subject to an amendment to the special permit.

(3) Regulatory compliance.

(a) The holder of the special permit shall file an annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute (ANSI), which shall be filed with the Building Inspector.

(b) If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within ninety (90) days unless a more stringent compliance schedule is included in the regulation.

(c) Failure to comply with any federal, state, or local regulations shall be grounds for removal of all noncomplying structures, buildings, and devices at the owner's expense. The Building Inspector shall give the holder of the special permit ninety (90) days' written notice in advance of any demolition action.

(4) Removal.



## ZONING

(a) An applicant shall post a performance bond with the City for the dismantling and removal of the telecommunications facility. The Zoning Board of Appeals prior to the issuance of the special permit shall determine a bond amount that will cover the full cost of dismantling and removal of the facility.

(b) Wireless communication facilities shall be removed within one (1) year of cessation of use at the owner's expense. The Building Inspector shall give the holder of the special permit ninety (90) days' written notice in advance of any demolition action.

### **~ 200-7.15. Large-Scale Ground-Mounted Solar Photovoltaic Installations. [Added by the Town Council on March 17, 2010 and amended by the Town Council on December 19, 2012]**

A. Purpose. The purpose of this ordinance is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

B. Applicability. This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

#### C. General Requirements for all Large Scale Solar Power Generation Installations.

(1) Compliance with Laws, Ordinances and Regulations. The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

(2) Building Permit and Building Inspection. No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

(3) Site Plan Review. Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity allowed by right shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity allowed by special permit shall undergo site plan review by the Zoning Board of Appeals.

(4) All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(5) Required Documents. In addition to the submittal requirements under ~ 200-8.4 of the Zoning Ordinance, the project proponent shall provide the following documents:

- (a) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

## ZONING

- (b) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- (c) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- (d) Name, address, and contact information for proposed system installer;
- (e) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (f) The name, contact information and signature of any agents representing the project proponent;
- (g) Documentation of actual or prospective access and control of the project site;
- (h) An operation and maintenance plan;
- (i) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (j) Proof of liability insurance; and
- (k) Description of financial surety that satisfies Subsection (13)(c) of this ordinance.
- (l) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate;
- (m) Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;
- (n) Documentation of soil types on all land involved with the project;
- (o) Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- (p) Locations of floodplains or inundation areas for moderate or high hazard dams;
- (q) Provision of water including that needed for fire protection; and
- (r) Existing trees 6" caliper or larger.

In addition to items (a)-(r) above, for large-scale ground-mounted solar photovoltaic installation projects exceeding 10 acres, the following documents are also required:

- (s) Location on the site plan of all existing trail networks and woods roads in the project area; and
- (t) Map of adjacent properties and land uses.

The Reviewing Authority may waive documentary requirements that are not applicable to the project under consideration.

- (6) **Site Control.** The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- (7) **Operation & Maintenance Plan.** The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

- (8) **Utility Notification.** No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that

## ZONING

operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- (9) Dimension and Density Requirements.
- (a) Setbacks. For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
    - i Front yard: The front yard depth shall be at least 50 feet.
    - ii Side yard. Each side yard shall have a depth at least 25 feet.
    - iii Rear yard. The rear yard depth shall be at least 25 feet.For large-scale, ground-mounted solar photovoltaic installations exceeding 10 acres, all setbacks shall increase to fifty (50) feet when the boundary line abuts a residential use or district, conservation area, public recreation area, or public roadway.
  - (b) Appurtenant Structures. All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
  - (c) Height of Structures. The height of any structure associated with a Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 20 feet.
  - (d) Project Area. The total project area of any structure and improvements associated with a large-scale ground-mounted solar photovoltaic installation shall not exceed ten (10) acres, except in the Planned Industry Zoning District for which the limit shall be fifty (50) acres. Projects greater than ten (10) acres in size within the Planned Industry District shall require a special permit from the Zoning Board of Appeals.
- (10) Design and Performance Standards.
- (a) Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
  - (b) Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with ~ 200-6.7. A sign consistent with ~ 200-6.7 shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
  - (c) Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
  - (d) Control of Vegetation. Herbicides shall not be used to control vegetation at the solar electric installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives.
  - (e) Noise. Noise generated by Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise

## ZONING

regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

- i. Increases the broadband sound level by more than 10 db(A) above ambient; or
  - ii. Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more. Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP. Noise generated shall further comply with Section 200-6.8 of the Greenfield Zoning Ordinance.
- (f) Impact on Agricultural and Environmentally Sensitive Land. The facility shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land.
- i. If documentation of soil types under Subsection C(5)(o) above identifies any Prime Agricultural soils or soils of statewide importance, as identified by the USDA's Natural Resource Conservation Service, on the property or the property is being actively farmed, then a copy of all application materials shall be forwarded to the Agricultural Commission for their review and recommendations. Failure of the Agricultural Commission to comment within 30 days after receipt shall be deemed as no objection to the proposal.
  - ii. Identified Prime Agricultural soils or soils of statewide importance, as identified by the USDA's Natural Resource Conservation Service, on the property shall not be removed from the property.
- (g) Visual Impacts/Screening. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting residential dwellings. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be screened from view by a minimum fifteen (15) foot wide staggered and grouped planting of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area.
- (11) Safety and Environmental Standards.
- (a) Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Greenfield Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
  - (b) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
  - (c) For large-scale projects exceeding 10 acres where existing trail networks or woods roads, which often serve as wildlife corridors, are disrupted by the location of the Ground-Mounted Solar Electric Installation the plans shall show alternative trail

## ZONING

alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

- (12) **Monitoring and Maintenance.**
- (a) **Solar Photovoltaic Installation Conditions.** The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Greenfield Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
  - (b) **Modifications.** All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.
- (13) **Abandonment or Decommissioning.**
- (a) **Removal Requirements.** Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection (13)(b) of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
    - i Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
    - ii Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - iii Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board or SPGA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
    - iv Soil decompaction in areas where Prime Agricultural Soils or soils of statewide importance, as identified by the USDA's Natural Resource Conservation Service, have been identified or areas that are or have been actively farmed prior to the installation of the facility.
  - (b) **Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
  - (c) **Financial Surety.** Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such

## ZONING

surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

### **~ 200-7.16. Non-Commercial Scale Solar Energy Installations. [Added by the Town Council on December 19, 2012]**

#### A. Purpose

The purpose of this ordinance is to allow orderly development of non-commercial scale solar energy installations and facilities and to minimize the impacts on scenic, natural, and historic resources of the City. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of non-commercial scale solar energy installations.

#### B. Accessory Installations, Building-mounted

Building-Integrated Solar Energy Systems are permitted in all zoning districts. The installation shall have an automatic and manual means of shutdown with clear instructional signage.

#### C. Accessory Installations, Ground-mounted

Small-Scale, Ground-Mounted Solar Energy Systems are permitted by right within the Health (H), Central Commercial (CC), Limited Commercial (LC), General Commercial (GC), Office (O), General Industry (GI), and Planned Industry (PI) Districts and permitted by special permit from the Zoning Board of Appeals within the Rural Residential (RC), Suburban Residential (RB), Urban Residential (RA), and Semi-Residential (SR) Districts subject to Section 8.3 of the Zoning Ordinance in addition to the following requirements:

- (1) All installations shall have an automatic and manual means of shutdown with clear instructional signage.
- (2) The solar installation shall meet the setback and dimensional requirements of the Zoning District for accessory structures.
- (3) The total surface area of all Small-Scale, Ground-Mounted Solar Energy Systems on the lot shall not exceed twenty-five (25) percent of the minimum open space requirement of the Zoning District in which it is located as specified in the Table of Dimensional Requirements or 2,500 square feet, whichever is less.
- (4) Impact on Agricultural and Environmentally Sensitive Land. The facility shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land. Identified Prime Agricultural soils on the property shall not be removed from the property.
- (5) The maximum height of Small-Scale, Ground-Mounted Solar Energy Systems shall not exceed fifteen (15) feet.
- (6) The solar installation shall be an On-Site Solar Energy System.
- (7) Dimensional exceptions may be allowed by Special Permit from the Zoning Board of Appeals.

## ZONING

### D. General Requirements for all Non-commercial Scale Solar Energy Installations.

- (1) Compliance with Laws, Ordinances and Regulations. The construction and operation of all non-commercial scale solar energy installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy installation shall be constructed in accordance with the State Building Code.
- (2) Building Permit and Building Inspection. No non-commercial scale solar energy installation shall be constructed, installed, or modified as provided in this section without first obtaining a building permit.
- (3) Site Plan Review. Small-Scale, Ground-Mounted Solar Energy Systems permitted by right shall undergo site plan review by the Planning Board and Small-Scale, Ground-Mounted Solar Energy Systems permitted by special permit shall undergo site plan review by the Zoning Board of Appeals prior to construction, installation or modification as provided in this section and Section 200-8.4, Site Plan Review, of the Zoning Ordinance.

### ~ 200-7.17. Marijuana Establishments [Added by the Town Council on June 20, 2018]

#### A. Purpose

The purpose of this Section is to provide for the orderly placement of medical and recreational marijuana establishments in areas where such use is not inconsistent with the neighborhood character and in accordance with State law.

#### B. Applicability

- (1) No more than eight (8) Marijuana Retailers shall be allowed within the City of Greenfield. The number of licenses for brick and mortar Marijuana Retailers shall be capped at eight (8).
- (2) All Marijuana Establishments shall require a special permit from the Zoning Board of Appeals.
- (2) The commercial cultivation production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Marijuana Establishment under this Section.
- (3) No Marijuana Establishment shall be established except in compliance with the provisions of this Section.
- (4) Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (5) If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

#### C. Definitions.

The following definitions can be found in Section 200-2.1, Definitions, of the Zoning Ordinance: Cannabis

## ZONING

or Marijuana, Craft Marijuana Cooperative, Commission (CCC), Hemp, Host Community, Host Community Agreement, Marijuana Cultivator, Marijuana Establishment, Marijuana Micro-Business, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Standards Testing Laboratory, Marijuana Transporter, and Medical Marijuana Dispensary.

### D. Eligible Locations for Marijuana Establishments

See Article IV, Use Regulations, and Appendix A, Table of Uses, of the Greenfield Zoning Ordinance.

### E. General Requirements and Conditions for all Marijuana Establishments

(1) All processing, testing, product manufacturing, and retail must take place within a fully enclosed building.

(2) Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana establishment is located. No outside storage is permitted.

(3) The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Marijuana Establishments be open and/or operating between the hours of 10:00 PM and 7:00 AM.

(4) No Marijuana Establishment shall be located within a radius of two-hundred and fifty (250) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The of two-hundred and fifty (250) foot distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. <sup>15</sup>

(5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.

(6) No Marijuana Establishment shall be located inside transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(7) All business signage for marijuana establishments shall be subject to the requirements promulgated by the Massachusetts Cannabis Control Commission and the requirements of Section 200-6.7 of the Greenfield Zoning Ordinance.

(8) Marijuana Establishments shall provide the Greenfield Police Department, Building Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.

(9) Marijuana Establishments are not permitted as a Home Occupation, as defined per Section 200-6.3 of the Greenfield Zoning Ordinance.

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<sup>15</sup> Editor's Note: The Greenfield Board of Health may require a greater setback distance.



## ZONING

(10) All applicants for Marijuana Establishments shall give 30 days prior written notice by certified mail to all preexisting House of Worships within three hundred (300) feet of the public meeting at which the Special Permit shall be considered by the Zoning Board of Appeals.

### F. Special Permit Requirements

(1) In addition to the application requirements set forth in Section E of this Ordinance, a special permit application for a Marijuana Establishment shall include the following:

- (a) proof that the application to the CCC has been deemed complete pursuant to 935 CMR 500.102;
- (b) the name and address of each owner of the facility;
- (c) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment;
- (d) evidence of the Applicant's right to use the site of the Marijuana Establishment for the Marijuana Establishment, such as a deed, or lease;
- (e) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- (f) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the City and certified by the City Assessor;
- (g) an approval letter from the Greenfield Chief of Police regarding the proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

(2) Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Marijuana Establishment unless it finds that:

- (a) the Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;
- (b) the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- (c) the Applicant has satisfied all of the conditions and requirements of Sections E and F herein;

### G. Abandonment or Discontinuance of Use

(1) A Special Permit shall lapse if not exercised within one year of issuance.

## ZONING

(2) A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state issued licenses or permits; or within six months of ceasing operations; whichever comes first.

### ~ 200-7.18. Accessory Dwelling Units [Added by the Town Council on August 17, 2016]

A. Purpose. The purpose of permitting accessory dwelling units (aka accessory apartments or in-law apartments) is to:

- (1) Develop housing units in owner occupied single-family homes that are appropriate for households at a variety of stages in their life cycle;
- (2) Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (3) Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to low and moderate income households who might otherwise have difficulty finding housing;
- (4) Provide housing units for persons with disabilities;
- (5) Protect stability, property values, and the residential character of a neighborhood.
- (6) Encourage increased housing density; and
- (7) Legalize existing conversions to encourage compliance with the State Building Code.

B. Definitions.

**ACCESSORY DWELLING UNIT, WITHIN** – An Accessory Dwelling Unit that is within a single-family home is a self-contained housing unit incorporated within the single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance.

**ACCESSORY DWELLING UNIT, ATTACHED** -- An attached Accessory Dwelling Unit is a self-contained housing unit added as an addition to a single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted.

**ACCESSORY DWELLING UNIT, DETACHED** -- A detached Accessory Dwelling Unit is a self-contained housing unit that is located on the same lot as the structure of a single-family home and may be incorporated within a garage or carriage house or other accessory structure or as a standalone structure that is clearly subordinate to the primary use as a single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted.

C. Applicability.

- (1) Accessory Dwelling Unit, Within. The Inspector of Buildings may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-

## ZONING

occupied, single-family home within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(2) Accessory Dwelling Unit, Attached. An attached Accessory Dwelling Unit shall require a Special Permit granted by the Zoning Board of Appeals within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(3) Accessory Dwelling Unit, Detached. A detached Accessory Dwelling Unit shall require a Special Permit granted by the Zoning Board of Appeals within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(4) Any proposed non-conforming attached or detached ADU is subject to a Special Permit from the Zoning Board of Appeals.

### D. Accessory Dwelling Unit Standards.

(1) The Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and bath.

(2) Only one Accessory Dwelling Unit may be created within a single-family house or house lot.

(3) The owner(s) of the residence in which the Accessory Dwelling Unit is created must continue to occupy at least one of the dwelling units as their primary residence.

(4) The Accessory Dwelling Unit shall be designed so that the appearance of the building remains that of a single-family residence as much as feasibly possible. Any new entrances shall be located on the side or rear of the building. A detached accessory dwelling unit shall be compatible in design with the primary residence. Any stairways, access, or egress alterations serving the Accessory Dwelling Unit shall be enclosed, screened, or located so that visibility from public ways is minimized.

(5) The maximum gross floor area of Accessory Dwelling Units shall be 900 sq. ft. or one-third the total gross floor area of the single family home, whichever is greater.

(6) Once an Accessory Dwelling Unit has been added to a single-family residence or lot, the Accessory Dwelling Unit shall never be enlarged beyond the square footage of the original permit for the Accessory Dwelling Unit.

(7) An Accessory Dwelling Unit may not be occupied by more than three (3) people nor have more than two bedrooms.

(8) A minimum of two (2) but no more than four (4) off-street parking spaces must be available for use by the owner-occupants and tenants.

(9) The construction of any Accessory Dwelling Unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, 527 CMR – MA Fire Prevention Regulations and other local ordinances and regulations.

(10) Prior to issuance of a permit, the owner(s) must send a notarized letter to the appropriate permitting authority stating that the owner(s) will occupy one of the dwelling units on the premises as the owner's permanent/primary residence.

## ZONING

(11) When a structure which has received a Permit for an Accessory Dwelling Unit is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Inspector of Buildings stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as condition on any Permits which are issued under this Section.

(12) Permits issued under this section shall specify that the owner must occupy one of the dwelling units. The Special Permit and the notarized letters must be recorded in the Franklin County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Inspector of Buildings, prior to the occupancy of the Accessory Dwelling Unit.

(13) Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

(14) For dwellings to be served by on-site septic system, the owner must obtain a letter from the Board of Health stating that the existing sewage disposal system is adequate for the proposed Accessory Dwelling Unit before a Special Permit can be obtained.

(15) In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Inspector of Buildings or Zoning Board of Appeals may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

### E. Existing Owner-Occupied Single Family Dwellings within Non-Residential Zoning Districts

(1) The Zoning Board of Appeals as SPGA may authorize the use of an attached or detached Accessory Dwelling Unit for an existing owner-occupied single family home or lot within non-residential zoning districts provided that all provisions of this ordinance are met.

### F. Accessory Dwelling Units in Existence before the Adoption of the Accessory Dwelling Unit Ordinance

(1) To ensure that Accessory Dwelling Units or conversions in existence before the adoption of this Accessory Dwelling Unit ordinance are in compliance with the State Building Code the following application process is available.

(a) The Zoning Board of Appeals may authorize, under a Special Permit and in consultation with the Inspector of Buildings, a use known as an Accessory Dwelling Unit in an Owner-Occupied, Single-Family Dwelling. The Board in consultation with the Inspector of Buildings will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code.

(b) The applicant must follow the same procedure described in this ordinance including the submission of a notarized letter declaring owner occupancy.

### G. Administration and Enforcement.

(1) It shall be the duty of the Inspector of Buildings to administer and enforce the provisions of this ordinance.

(2) No building shall be constructed or changed in use or configuration, until the Inspector of Buildings has issued a permit. No permit shall be issued until a sewage disposal works permit, when

## ZONING

applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the City's laws and ordinances. Any new building or structure shall conform to all adopted state and City laws, ordinances, codes and regulations. No Accessory Dwelling Unit shall be occupied until a certificate of occupancy has been issued by the Inspector of Buildings where required.

(3) The Inspector of Buildings shall refuse to issue any permit, which would result in a violation of any provision of this ordinance or in a violation of the conditions or terms of any special permit or variance granted by the Special Permit Granting Authority or its agent.

(4) The Inspector of Buildings shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

(5) Upon request of the homeowner applicant, the Zoning Board of Appeals as SPGA may, after making findings of fact that a waiver is merited given the totality of circumstances based on any or all of the following factors, waive standards of Section D of this ordinance.

(a) The showing of good and sufficient cause that a waiver is not inconsistent with the purposes of this chapter as a whole;

(b) A determination that failure to grant the waiver would result in exceptional hardship to the applicant;

(c) Danger to life or property;

(d) The necessity to accommodate requests of the Conservation Commission, Planning Board or Historical Commission or any municipal department;

(e) Extraordinary expense which is undue given the purpose of the provision(s) waived;

(f) The availability of alternative methods to substantially meet the purpose of the provision(s) waived;

(g) No municipal function, nor any direct abutter, will be substantially affected by the waiver.

### ~ 200-7.19. Biomass and Wood Burning Energy Systems

A. Purpose. Commercial Scale wood burning is a common practice in Greenfield. The health effects of wood smoke exposure have been well documented and the American Lung Association and other health organizations advise against wood combustion because of the adverse health outcomes. In order to minimize wood smoke exposure to the residents of Greenfield, it is important to establish clear and enforceable standards that take into consideration already existing uses of wood for fuel and the need to reduce air pollution exposures.

The rules governing Biomass and Wood Burning Energy Systems set forth in this ordinance are subject to review as biomass and wood burning energy system technologies improve efficiency and operating standards.

B. Applicability. Any new or existing commercial biomass energy systems, located in the City of Greenfield, for thermal, electricity or Combined Heat and Power (CHP) use located on any property shall be subject to all requirements of this ordinance. Commercial biomass energy systems shall be allowed by right within the Planning Industry (PI) and General Industry (GI) Zoning Districts with site plan review by the Planning Board. Commercial biomass energy systems shall be allowed by special permit from the Zoning Board of Appeals within the Central Commercial (CC), Limited Commercial (LC), General Commercial (GC), Health Service (H), and Office (O) Zoning Districts. Commercial biomass energy systems shall be prohibited within the Rural Residential (RC), Suburban Residential (RB), Urban Residential (RA), and Semi-residential (SR) Zoning Districts.

## ZONING

### C. Definitions:

**ANAEROBIC DIGESTER** -- Anaerobic Digester means the naturally occurring process that converts organic compounds such as wastewater sludge and regional or local organic waste to produce biogas (methane), which can be used as a fuel for thermal use, electricity production, CHP, or as compressed natural gas.

**BIOMASS ENERGY SYSTEM**-- Biomass energy system means a thermal and/or energy producing energy system that uses wood pellets, wood chips or stick wood for fuel.

**CLEAN DRY WOOD** -- Clean dry wood means wood that has no paint, stains, or other types of coatings, and wood that has not been treated with preservatives, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol, and with a moisture content of 20% or less.

**CLEAN WOOD CHIPS** -- Clean wood chips means wood chips that are derived from wood that has no paint, stains, or other types of coatings, and wood that has not been treated with preservatives, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

**CLEAN WOOD PELLETS** -- Clean wood pellets means pellets that are of 100% wood composition with no construction or demolition debris such as pressure treated or painted wood (which may contain heavy metals such as copper, chromium, arsenic, lead and cadmium) or plastic binders or fillers. Pellets must have a calorific value of no less than 8000 Btu/lb, low ash content (<1%), low moisture content (<8%), chlorides less than 300 ppm and no other additives (0%).

**COMMERCIAL BIOMASS ENERGY SYSTEM** -- Commercial biomass energy system means any biomass burning energy system for thermal, electricity or Combined Heat and Power located on a single property with a total and combined capacity over 250,000 and up to 1 million btu's per hour rated heat input as rated by the test method identified in 310 CMR 7.26(54)(c)2.

**EXISTING BIOMASS BURNING ENERGY SYSTEMS** -- Existing biomass burning energy systems means any biomass energy system contracted and paid for, or installed before June 17, 2015.

**INDUSTRIAL WOOD BURNING ENERGY SYSTEM** -- Industrial wood burning energy system means any biomass energy system for thermal, electricity or Combined Heat and Power located on a single property with a total and combined capacity of more than 1 million btu per hour rated heat input as rated by the test method identified in 310 CMR 7.26(54)(c)2.

**NEW BIOMASS ENERGY SYSTEM** -- New biomass energy system means any biomass energy system contracted and paid for, or installed, after June 17, 2015.

**NON-COMPLIANT ENERGY SYSTEMS, APPLIANCES OR DEVICES** -- Non-compliant energy systems, appliances or devices means any biomass burning use that does not meet the criteria of this ordinance.

**OWNER** -- Owner means the owner of any wood burning energy system or appliance and/or the authorized agent of the owner and /or the person who has overall responsibility for the operation of a biomass energy system.

**RESIDENTIAL BIOMASS ENERGY SYSTEM** -- A biomass burner or boiler that delivers heat to a home or apartment.

## ZONING

**SENSITIVE RECEPTOR SITES** - - All institutional applications at schools, health care facilities, nursing homes, or other locations with similar sensitive populations.

**STICK WOOD BOILER** - - A boiler that burns logs or other unprocessed wood, rather than wood chips or pellets.

**TOTAL COMBINED CAPACITY** -- Total or combined capacity means the number of btu's for all uses on a single property based on the thermal only btu capacity.

**WASTE-TO-ENERGY SYSTEM** -- Waste-to-Energy energy system means any energy system that produces thermal energy, electrical energy or combined heat and power from solid waste relying on combustion, pyrolyzation or other advance combustion technologies.

**D. Prohibited Uses.**

- (1) Waste-to- energy systems shall be prohibited in the City.
- (2) Industrial biomass energy systems shall be prohibited in the City.

**E. Exemptions. This ordinance shall not apply to:**

- (1) Anaerobic digesters.
- (2) Residential biomass energy systems.

**F. Allowable fuels for all new and existing commercial wood burning energy systems:**

- (1) Only clean dry wood, clean wood pellets or clean wood chips are allowed.

**G. Prohibited fuels. No person shall cause, suffer, allow or permit the burning of any of the following items in a biomass energy system:**

- (1) any wood that does not meet the definition of clean dry wood;
- (2) garbage;
- (3) tires;
- (4) lawn clippings, leaves, brush trimmings, or general yard waste;
- (5) materials containing asbestos;
- (6) materials containing lead, mercury, or other heavy or toxic metals;
- (7) materials containing plastic;
- (8) materials containing rubber;
- (9) waste petroleum products;
- (10) paints and paint thinners;
- (11) chemicals;
- (12) coal;
- (13) glossy or colored papers;
- (14) construction and demolition debris;
- (15) plywood;
- (16) particleboard;
- (17) salt water driftwood and other previously salt water saturated materials;

## ZONING

- (18) manure;
- (19) animal carcasses; and
- (20) asphalt products.
- (21) medical waste.

### H. Nuisances for all new or existing commercial wood burning energy systems.

- (1) No person shall cause, suffer, allow or permit the operation of any wood burning energy system in such a manner as to create a condition of air pollution as defined in 310 CMR 7.00.
- (2) No person shall cause, suffer, allow or permit the operation of any biomass energy system except in conformance with the manufacturer's operating and maintenance instructions.
- (3) No wood burning energy system shall create a nuisance to the surrounding properties or the public as defined and enforced under MGL Chapter 111 Section 122.

### I. Biomass Energy System change out requirements.

- (1) Any commercial biomass energy system for thermal, electricity or CHP use located on any property shall be uninstalled, and no longer used on that property in the case that the property changes ownership, unless it meets the requirements for biomass energy systems defined in this ordinance within six (6) months of sale.

### J. Performance Standards for Commercial Biomass Energy Systems.

- (1) All new commercial scale wood burning devices or energy system shall be subjected to a Board of Health environmental impact site assignment.
- (2) New commercial biomass energy systems must achieve the following standards. All systems shall be limited to high-efficiency and low-emissions systems with thermal storage, bulk storage and emission control technology and use a sustainable premium wood pellet fuel or clean dry wood or clean wood chips. The system operation must be optimized using an energy management system to provide maximum efficiency on a seasonal and diurnal basis and minimize boiler cycling. Commercial Biomass Energy Systems must follow each of these criteria

(a) Efficiency Standards. Commercial wood pellet energy systems and wood chip energy systems must be fully automatic in the case of pellet boilers, and wood chip boilers must have a fully automated combustion process – though fuel can be delivered manually from the bulk storage container to the combustion day bin. They must be low mass (low volume) and have sensors and controls to optimize combustion performance. This is most easily achieved using a staged combustion design with lambda control. All commercial biomass energy systems must have a minimum efficiency of 85% at rated output using the higher heating value (HHV) of the pellet fuel or wood chip fuel if tested using an input/output method. Alternatively a simple full load, steady-state combustion efficiency measurement by the stack loss method (Canadian Standards Association B415) may be used, but in this case, the minimum efficiency requirement is 88% HHV. Where combustion efficiency is used, the return water temperature must be greater than 130 degrees Fahrenheit.

- (1) Multi-Boiler Cascade System (recommended for all commercial biomass energy systems) - Cascading two or more biomass boilers allows for the installed



## ZONING

equipment to meet seasonal heat demand most efficiently. Boilers are brought online at maximum efficiency as needed to meet the heating load.

(2) **Energy Efficient Motors.** All commercial biomass energy systems must have motors that are National Electrical Manufacturers Association (NEMA) designated “premium efficiency” motors. Motors must meet or exceed NEMA’s MG1-1993 standard.

(b) Emissions Standards.

(1) **Fine Particles (PM):** The biomass system for commercial installations shall have a PM emissions rate of no more than 0.080 lb/MMBtu. All institutional applications at schools, health care facilities, nursing homes, or other locations with similar sensitive populations, must have a PM emissions rate of no more than 0.030 lb/MMBtu.

Installers and owners shall include advanced emissions control including bag houses and static precipitator technology to achieve emissions rates lower than these basic requirements, including emissions control technologies such as condensing units that can also improve energy efficiency of the heating system. The owner will be required to submit particulate emissions performance verification results. Testing for PM must have been performed by an independent third-party using the U.S. Environmental Protection Agency (EPA) Conditional Test Method 39, EPA Federally Referenced Methods 5 and 202, or EPA Other Test Method 15. Alternatively, European Norm 303-5 test results may also be considered, but must include dust and organic gases.

(2) **Carbon Monoxide (CO):** Commercial biomass energy systems must have a flue gas CO concentration at rated output of no more than 270 ppm at 7% oxygen at high load. For health and safety, a CO detection system must be included in the boiler room design. The CO monitoring system must have the ability to sound an audible alarm, provide phone notification to energy systems staff and trigger an automatic boiler shutdown if necessary.

(3) **Nitrogen Oxide Emissions:** Wood pellet and wood chip boilers shall use a staged combustion cycle in order to reduce nitrogen oxide emissions.

(4) **Stack Height:** The design of the exhaust stack and location should be done carefully to prevent exposure to building occupants and visitors or to people in frequently occupied outdoor areas such as playgrounds. The energy systems boiler stack height must be sufficient to adequately disperse emissions from the immediate vicinity and prevent entrainment of exhaust gases and particles into the building air intakes and to minimize exposure at ground level adjacent to the building on which the stack is being located.

At a minimum, the stack shall be 5 feet above the highest point of the building that it is serving and above the roof height of any other taller building within 100 feet of the unit. In no case should the stack height be at or below the building height. In addition, the stack should not be placed in close proximity to an air intake or operable window. Stack design should also minimize horizontal piping and bends.

(c) Health and Environmental Impact Assessment. To reduce exposure to outdoor air pollutants with a particular focus on burdened neighborhoods commercial biomass energy systems at schools, hospitals or locations with similar populations, the owner will be required to perform a

## ZONING

health assessment (e.g. air impact assessment) to evaluate the potential public health risks associated with burning biomass. This assessment consists of modeling the anticipated emissions due to the new commercial biomass system and evaluating the resulting concentrations with a focus on ambient concentrations in the schoolyard, near doors and windows, and at building air intakes. An estimate of the number of deliveries by the pellet trucks or wood chip trucks and a comparison to the current fuel delivery schedule must be included as well. The resulting ambient particulate and gaseous concentrations are then compared to the conditions existing prior to the pellet or wood chip heating system installation. If there is a net increase in ambient concentrations, then an assessment of exposure is performed. Owners shall include an assessment of any higher emitting biomass sources (e.g. outdoor wood boilers or pre-certification wood stoves) to be switched-out with a cleaner burning unit to result in no net increase in emissions for the immediate vicinity.

(d) Proper Boiler Sizing. Commercial Biomass energy systems shall be sized to meet the current heat load of the building, not the anticipated heat load or the peak load. Cascading boilers using biomass or existing fossil fuel boilers shall cover peak heat loads. Additionally, the biomass energy system must be designed for installation in a weatherproof, insulated space inside a building, either in a basement or a room designed specifically to accommodate the system. If space does not permit, it may be installed in a separate structure. Boilers and systems must be sized and systems planned to optimize performance throughout the heating season using thermal storage. Use of a cleaner heat source during heating season shoulders (late October or March) and for supplemental needs is strongly encouraged. These cleaner heat sources may include, for example, natural gas-, propane-, or oil-fired boilers and solar thermal sources. A bin-hour analysis of heating needs based on an energy audit, previous heating needs, and historical local temperatures during the heating season should be performed. The annual heat load profile, diurnal heat load profile on demand day, and diurnal heat load profile on a shoulder day should also be determined. Biomass energy systems shall be sized to  $\leq 60\%$  of the design load as it will capture the majority of the heating season and promote higher performance. Higher loads may be met by utilizing an existing natural gas, propane, or oil-fired boiler, a new boiler, staging of wood fired boilers, or some other strategy involving careful energy management and thermal storage. Low loads, common during shoulder months, can be met by an auxiliary boiler or other energy management strategy. The energy system must be sized based on the heat load of the building where the heat load is determined using a well defined protocol such as Manual J of the Air Conditioning Contractors of America (ACCA) or an equivalent energy simulation program.

(e) Thermal Storage. Commercial scale systems must include thermal storage to minimize boiler cycling and to assist in energy management strategies. The minimum size thermal storage should be based on the boiler manufacturer's recommendation for the application and size of the boiler but must not be less than 20 gallons per 10,000 Btu/h. For example, a commercial 1.0 MMBtu/h boiler would require a minimum storage of 2,000 gallons.

(f) Pellet and woodchip storage. The risks of exposures of high levels of dust and off-gas CO shall be minimized. Due to concerns regarding explosive dust and CO exposure and the absence of a documented effective ventilation strategy for pellet and wood chip storage, all pellets and woodchips storage must be outside of the building. That may include confined spaces that are: 1) large enough for a person to enter to perform work, 2) have limited means of ingress and egress, and 3) are not intended for human occupancy. Pellet storage silos meet these criteria and because of the CO off-gassing, require an Occupational Safety and Health and Administration (OSHA) permit. Owners shall identify fire and building code and health and safety features including all applicable

## ZONING

training requirements for personnel. Signs communicating potential CO hazards associated with bulk pellet and wood chip storage must also be posted. In addition:

(1) Pellet Boiler systems must utilize an appropriately sized covered bulk fuel storage unit suitable for the capacity of the proposed boiler; and must receive bulk pellet delivery.

(2) Wood chip boiler systems must utilize an appropriately sized covered bulk fuel storage unit suitable for the capacity of the proposed boiler. Recommended: Bulk chip storage units utilizing air flow to partially remove water vapor from wood chip surfaces and to improve the caloric value of the feedstock is HIGHLY recommended. Owners should evaluate incorporating any technology utilizing passive evaporation from airflow such as solar hot air, waste or by-product heating or active heating such as fan blown air to partially pre-dry chips. An accumulator tank is recommended to prolong pump life.

(g) Energy Management System.

(1) The commercial biomass energy system must use an energy management system and optimize boiler operation to meet seasonal and diurnal heating needs of the particular building's heat load. The system design should use a strategy that optimizes the use of both the pellet or woodchip boiler and thermal storage and the temperature requirements of the heat distribution system. By using a large enough thermal storage tank to help meet the peak demand and a properly sized boiler, the call for heat may be met with a smaller boiler without the need for additional heat input from the existing oil-fired boilers. The hot water storage can be recharged during periods when there is little call for heat in the building, which is several hours each day.

(2) All systems shall modulate to lower output and/or shut down when the heating load decreases or has been satisfied.

(3) Pellet boilers and wood chip boilers must use a multipass heat exchanger.

(4) Containerized high-efficiency biomass systems that offer substantial savings compared to boiler room renovations are encouraged, but not required. When containers are used, the stack height must be sufficient to adequately disperse emissions from the immediate vicinity and prevent entrainment of exhaust gases and particles into the building air intakes. Steps should be taken to minimize thermal losses to non-heated spaces including, but not limited to insulating the container that houses the boiler and insulating pipes between the container and building(s) being served.

(h) Integration of Solar Thermal. The integration of solar thermal water heating technology is encouraged. Solar thermal integration reduces fuel consumption and can prolong the life of the biomass boiler. A solar thermal system would be integrated into the biomass heating system using best engineering practices.

K. Air Plan Application. All solid fuel hand fed Biomass Boilers over 1 MMBTU heat input rating, and solid fuel automatic fed Biomass Boilers over 3 MMBTU heat input rating, as subject to 310 CMR 7.00, must submit a Comprehensive Plan Application to MassDEP.

## ZONING

- L. **Continuous Compliance.** All Institutional, Commercial and Industrial boilers, as defined in 40 CFR Part 63 subpart JJJJJ section 63.11237 are subject to a biennial tune-up as defined in 40 CFR Part 63 subpart JJJJJ section 63.11223, and annual tune ups according to MGL Chapter 146.
- M. **Severability.** Each part of this regulation shall be construed as separate to the end that if any paragraph, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force. If regulations are promulgated by the Greenfield Board of Health, or state, federal or other local agencies that are more restrictive than the present regulations, the state, federal or local regulations will supersede only those portions of this regulation that are less restrictive than those state, federal or local regulations.
- N. **Remedies.** The owner of any biomass energy system operated in violation of this ordinance shall be warned on two separate occasions. Thereafter, the owner will be punished for the first offense, by a fine of not less than fifty dollars not more than one hundred dollars and for a subsequent offense, by a fine of not less than two hundred dollars nor more than three hundred dollars. For the purpose of this paragraph each day or part thereof of violation of these regulations whether such a violation is continuous or intermittent shall be construed as a separate and succeeding offense. The enforcement agents shall order the energy system cease its operation if the energy system is deemed a continued nuisance or a health hazard.
- O. **Enforcement.** This ordinance shall be enforced by the Board of Health, Fire Department, Building Inspector, or their designees.

The rules governing Biomass and Wood Burning Energy Systems set forth in this ordinance are subject to review as biomass and wood burning energy system technologies improve efficiency and operating standards.

## ARTICLE VIII Administration

### ~ 200-8.1. Enforcement.

- A. **Inspector of Buildings.**
  - (1) The Inspector of Buildings shall enforce this ordinance.
  - (2) The construction, alteration, or use of any building, structure, or premises shall require a permit from the Inspector of Buildings.
  - (3) The Inspector of Buildings shall not issue a permit for the construction, alteration or use of any building, structure or premises in violation of any provision of this ordinance.
  - (4) Whenever any permit or license is refused because of some provision of this ordinance, the reason therefor shall be clearly stated in writing.
- B. **Violations.** Any person violating any of the provisions of this ordinance, or any of the conditions under which a permit, special permit, variance, or appeal is issued or granted, shall upon conviction be fined not more than one hundred dollars (\$100) for each day that each violation continues following written notification by the Inspector of Buildings of such violation.

## ZONING

### ~ 200-8.2. Permits.

- A. This ordinance or any amendment to it shall not affect any lawful permits issued or buildings begun previous to notice of hearings on the ordinance or amendments to it, as provided in MGL c. 40A, ~ 6, as amended.
- B. Construction or operations under a building or special permit shall conform to any subsequent amendment of this ordinance unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### ~ 200-8.3. Special permits.

- A. Special Permit Granting Authority. The Special Permit Granting Authority shall be the Zoning Board of Appeals unless otherwise designated by this ordinance, in which case the Planning Board or the Licensing Commission, whichever is designated, shall act in the same manner and be subject to the same criteria and conditions as the Zoning Board of Appeals.
- B. Filing of application and public hearing. Special permits shall only be issued following a public hearing held within sixty-five (65) days from the date of filing. All applications for special permits shall be filed by the petitioner with the City Clerk. A copy of the application, including the date and time of filing, certified by the City Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. An application hereunder for the development of a Priority Development Site (PDS) shall be submitted simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D. **[Subsection B amended by Town Council on October 21, 2009]**
- C. Decision. The Special Permit Granting Authority shall take final action on an application for special permit within ninety (90) days following the close of the public hearing provided, however, that final action on an application for the development of a Priority Development Site (PDS) shall be taken and a decision rendered thereon no later than one hundred eighty (180) days from the date of submission of said application. **[Subsection C amended by Town Council on October 21, 2009]**
- D. Application procedures. Rules relative to the application, submittal requirements, and approval of special permits shall be adopted and from time to time may be amended by each Special Permit Granting Authority for special permits under its authority as specified in this ordinance. Copies of rules and regulations are available from the Special Permit Granting Authority and are on file with the City Clerk.
- E. Expiration. Special permits shall expire if a substantial use thereof has not commenced, except for good cause, within two (2) years of special permit approval (exclusive of time required to pursue or await the determination of an appeal referred to in MGL c. 40A, ~ 17, from the grant thereof).
- F. Criteria for approval. The Special Permit Granting Authority shall grant a special permit only after finding that the proposed use or structure will not adversely impact adjacent properties, the neighborhood, the City, or the environment. The following criteria shall be considered:

- (1) Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Highway Capacity Manual;

## ZONING

- (2) The proposed use shall not overload the capacity of water and sewer systems, storm drainage, schools, solid waste disposal facilities, and other public facilities;
- (3) The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;
- (4) The proposed project shall not increase erosion, flooding, or sedimentation either on-site or on neighboring properties and shall be consistent with the Massachusetts Wetlands Protection Act (MGL c. 131, ~ 40);
- (5) The proposed project shall not create a significant adverse impact on the quality of the natural environment including wildlife, vegetation, air, surface and groundwater, during or after construction;
- (6) The design of the project shall minimize earth removal, volume of cut and fill, grade changes, and the removal of existing trees and vegetation;
- (7) The proposed project shall not have a significant adverse fiscal impact on the City in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income;
- (8) The project shall be compatible with existing uses and other uses allowed by right in the district, and shall not detract from the character and scale of neighboring properties;
- (9) The design of the project shall minimize the visibility of visually degrading elements and maximize the use of screening, vegetated buffer zones, and open space;
- (10) The proposed project shall be consistent with the purposes and intent of this ordinance.

G. Phasing of development. The Special Permit Granting Authority may establish a development phasing schedule for multifamily dwellings and for open space/cluster developments regulating the annual rate at which dwelling units may be authorized by building or occupancy permits. In establishing a development phasing schedule as part of a special permit, the Special Permit Granting Authority shall consider and address in its findings the following:

- (1) The responsibility of the City to provide for at least its historic share of residential development and to provide for the City's affordable housing needs;
- (2) The ability of the City to adequately service the proposed development with schools, streets, protective services, and utilities, including consideration of items listed in the most recently published Capital Improvements Program;
- (3) Commitments already made in development phasing authorizations and the demonstrated ability of the Greenfield housing market to absorb additional units;
- (4) The developer's requested phasing schedule if one is proposed.

H. Conditions, safeguards, limitations. In granting a special permit, the Special Permit Granting Authority may, in accordance with the Zoning Act, MGL c. 40A, impose conditions, safeguards, and limitations. Such conditions, safeguards, and limitations shall be in writing and may include but are not limited to the following:

## ZONING

- (1) Front, side and rear yards greater than the minimum required in this ordinance;
  - (2) Screening of parking areas or other parts of the premises from adjoining properties or from streets by the use of walls, fences, plantings or other such devices;
  - (3) Limitations of size, number of occupants, method or time of operation or extent of facilities;
  - (4) Modification to buildings, structures, signs, or landscape materials;
  - (5) Additional parking, loading or traffic requirements beyond the minimum required in this ordinance;
  - (6) Measures to protect against environmental pollution;
  - (7) Performance bond or other security to ensure that the project meets the conditions specified in the special permit;
  - (8) Any other conditions when deemed necessary to protect the public health, safety, and welfare.
- I. Changes, alterations, expansion. Any substantial change, alteration or expansion of a use allowed by special permit shall require a special permit from the appropriate Special Permit Granting Authority.

### **~ 200-8.4. Site plan review and approval.**

- A. Purpose. The purpose of site plan review is to ensure that new development conforms to the requirements of this ordinance and is designed in a manner which reasonably protects the visual, environmental, and aesthetic qualities of the neighborhood and the City.
- B. Projects requiring site plans. The creation, expansion, substantial alteration, or change in use of the following uses shall require site plan review and approval:
- (1) All uses requiring a special permit;
  - (2) Any business, commercial, industrial, or institutional use (except home occupations not requiring a special permit);
  - (3) Any residential use of two (2) or more units including subdivisions;
  - (4) Any site containing more than one (1) principal use.
- C. Procedures.
- (1) Reviewing authority.
    - (a) All uses of less than five thousand (5,000) square feet of floor area shall be reviewed and approved by the Inspector of Buildings. For all site plans reviewed and approved by the Inspector of Buildings, the application for site plan and seven (7) copies of the site plan shall be submitted and approved prior to the application for a building permit. The Inspector of Buildings shall act on the site plan within forty-five (45) days. [Subsection (a) amended by Town Council on October 20, 2010]

## ZONING

(b) Site plans required as part of a special permit application shall be reviewed and approved by the appropriate Special Permit Granting Authority. Seven (7) copies of the site plan shall be submitted with the application for special permit. The site plan shall be acted on as part of the special permit, within the time periods allowed under the Zoning Act, MGL c. 40A, and the Special Permits Section, ~ 200-8.3 of this ordinance, but a public hearing shall not be held until a response has been received from the boards/departments as required under this section or until forty-five (45) days have lapsed from the date of filing.

(c) All other uses requiring site plan review shall be reviewed and approved by the Planning Board. Uses requiring site plan review and approval from the Planning Board shall be submitted and approved by the Planning Board prior to application for a building permit and, where development of a Priority Development Site (PDS) is proposed, simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D. The Planning Board shall have forty-five (45) days to review and act on the site plan. **[Subsection (c) amended by Town Council on October 21, 2009]**

(2) The reviewing authority shall within ten (10) days of receiving the application transmit one (1) copy of the site plan to the Department of Public Works, Fire Department, Inspector of Buildings, Zoning Board of Appeals, Planning Board, Conservation Commission, Board of health, and Historic Commission for review and comment. Failure to comment within thirty (30) days shall be deemed as no objection to the site plan. **[Subsection (C2) amended by Town Council on May 17, 2017]**

(3) No building permit shall be issued for any building or structure for which site plan approval is required unless approval has been granted by the reviewing authority in compliance with this section or unless the required time period has elapsed without a response.

(4) The reviewing authority may adopt and from time to time revise reasonable regulations for the administration of this section.

### D. Submittal requirements. **[Subsection D amended by the Town Council on July 15, 2009]**

(1) All site plans shall be prepared to scale and shall, at a minimum, accurately show the following information if applicable:

(a) A locus map;

(b) The name of the applicant and property owner, the name of the person preparing the plan, the scale, north arrow, and the date of plan;

(c) The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties;

(d) Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features showing how it enhances and preserves scenic or environmentally sensitive areas along the water frontage;

(e) Existing and proposed structures including dimensions and interior layout of proposed structures;



## ZONING

- (f) An elevation plan showing front, side and rear views of the proposed structure to be built.
- (g) The location of parking and loading areas, driveways, walkways, access and egress points and distance to the nearest driveways and intersections;
- (h) The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, lighting, and refuse and other waste disposal methods;
- (i) Proposed landscape features including the location and a description of screening, fencing and plantings;
- (j) The location, dimensions, height and characteristics of proposed signs;
- (k) The location, description and percentage of proposed open space or recreation areas;
- (l) A snow removal plan;
- (m) Handicapped parking/access;
- (n) Bicycle parking;
- (o) The location and description of all existing and proposed exterior storage;
- (p) The location and description of all existing and proposed easements;
- (q) Measures to prevent pollution of surface and groundwater, increased runoff, changes in groundwater levels, and flooding;
- (r) Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways;
- (s) Control measures to prevent erosion and sedimentation during and after construction and the sequence of grading and construction activities, location of temporary control measures, and final stabilization of the site;
- (t) Estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site;
- (u) Any other information required by the reviewing authority in its rules and regulations.

E. Approval guidelines. In considering any site plan submittal, the following concerns shall be reviewed:

- (1) Provision for integrating the project into the existing terrain and surrounding landscape by minimizing use of wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation and soil removal; and minimizing grade changes;

## ZONING

- (2) The use of landscaping to establish buffers between incompatible land uses and to screen unsightly features;
- (3) The provision of open spaces and pedestrian amenities available to the public;
- (4) The arrangement of access points, service roads, driveways, parking areas, lighting, and pedestrian walkways in a manner which maximizes the convenience and safety of pedestrian and vehicular movement within the site and in relation to adjacent ways;
- (5) Ease of access, travel and on-site movement for fire and police equipment and other emergency services for public safety;
- (6) Provisions for underground placement of utilities;
- (7) Provisions for surface runoff and drainage which protects the site and adjacent properties from erosion, maximizes groundwater recharge, and prevents the collection of surface runoff on paved surfaces which may obstruct pedestrian or vehicular flow;
- (8) The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy, to permit maximum protection from adverse impacts of winds, vapors or other emissions, shadows and noise, and to provide for adequate light, air and circulation;
- (9) Protection of historic features and design which does not detract from properties in the area;
- (10) Measures to prevent pollution of surface or groundwater, and to prevent increased flooding;
- (11) Compliance with the parking, loading, dimensional, performance standards and all other sections of this ordinance.

### F. Decision.

- (1) The site plan may be approved or approved with conditions. Before approval of a site plan, the reviewing authority may request the applicant to make modifications in the proposed design of the project. If the site plan does not comply with the purposes and requirements of this ordinance, it may be disapproved. If disapproved, the plan may be revised and resubmitted without prejudice. Failure of any of the reviewing authorities to act on a site plan within the required time period shall constitute approval.
- (2) The reviewing authority may require the posting of security to ensure compliance with the plan and conditions. A permit or license may be suspended when work is not performed as approved.

### G. Appeals. Decisions on site plans reviewed by the Inspector of Buildings may be appealed to the Zoning Board of Appeals in accordance with ~ 200-8.6 of this ordinance and with Sections 8 and 15 of the Zoning Act, MGL c. 40A. Decisions on site plans reviewed by the Planning Board or by a Special Permit Granting Authority as part of a special permit application may be appealed to superior court in accordance with Section 17 of the Zoning Act, MGL c. 40A.

### H. Expiration. Site plan approval issued under this section shall expire within two (2) years if a substantial use thereof has not commenced except for good cause.

## ZONING

### ~ 200-8.5. Zoning Board of Appeals.

- A. Establishment. The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate members to be appointed by the Mayor, as provided in MGL c. 40A, and the City of Greenfield Charter, Rule 9,<sup>16</sup> which shall act on all matters within its jurisdiction under this ordinance in the manner prescribed in the Massachusetts General Laws.
- B. Powers. The Zoning Board of Appeals shall have the power to hear and decide petitions for appeals, variances, and special permits as provided for in this ordinance and in accordance with the Zoning Act, MGL c. 40A.

### ~ 200-8.6. Appeals.

- A. The Zoning Board of Appeals shall hear and decide appeals from:
  - (1) Any person aggrieved by reason of an inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL c. 40A;
  - (2) The Franklin Regional Council of Governments who act as the Regional Planning Agency;
  - (3) Any person including any officer or board of the City of Greenfield or of any abutting City, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provision of MGL c. 40A or this ordinance.
- B. Any appeal shall be filed by the petitioner with the City Clerk within thirty (30) days from the date of the order or decision which is being appealed. The notice of appeal shall specify the grounds for the appeal. A copy of the notice, including the date and time of filing certified by the City Clerk, shall be filed immediately by the petitioner with the Zoning Board of Appeals and with the officer or board whose order or decision is being appealed in accordance with the Zoning Act, MGL c. 40A, ~ 15.
- C. In accordance with the Zoning Act, MGL c. 40A, ~ 15, the Zoning Board of Appeals shall hold a public hearing within sixty-five (65) days from the receipt of notice by the Board of such appeal. The Zoning Board of Appeals shall make a decision on the appeal within one hundred (100) days after the date of the filing with the City Clerk.

### ~ 200-8.7. Variances.

- A. The Zoning Board of Appeals shall hear and decide appeals or petitions for variances from the provisions of this ordinance with respect to particular land or structures, provided that no variance within the Water Supply Protection District will be allowed by the Zoning Board of Appeals without a written advisory report from the Board of Health and the Greenfield Department of Public Works. Review and recommendation of the Planning Board and the Conservation Commission shall also be considered in the granting of the variance. Such variance shall be granted only in cases where the Board of Appeals finds all of the following:

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<sup>16</sup>Editor's Note: "Rule 9" refers to the 1983 Charter, rescinded effective 7-1-2003. See now Section 6-13, Zoning Board of Appeals, of the 2002 Charter.

## ZONING

- (1) A literal enforcement of the provisions of this ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant;
  - (2) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures but not affecting generally the zoning district in which it is located;
  - (3) Desirable relief may be granted without either substantial detriment to the public good or without nullifying or substantially derogating from the intent or purpose of this ordinance.
- B. Any appeal or petition for a variance shall be filed by the petitioner with the City Clerk. A copy of the petition, including the date and time of filing certified by the City Clerk, shall be filed immediately by the petitioner with the Zoning Board of Appeals.
- C. The Zoning Board of Appeals shall hold a public hearing within sixty-five (65) days from receipt of the petition for a variance by the Zoning Board of Appeals. The Zoning Board of Appeals shall make a decision on the petition for a variance within one hundred (100) days after the date of filing with the City Clerk.
- D. The Zoning Board of Appeals may impose conditions, safeguards and limitations on both time and of use, including the continued existence of any particular structures but excluding any condition, safeguard or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner, or owner.
- E. Rights granted by the Zoning Board of Appeals and not exercised within one (1) year shall lapse and may be reestablished only after notice and a new hearing.

## ARTICLE IX Applicability and Amendment

### ~ 200-9.1. Applicability.

Where the application of the ordinance imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this ordinance shall control.

### ~ 200-9.2. Validity.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

### ~ 200-9.3. Amendment.

This ordinance may from time to time be changed by amendment, addition or repeal by the City Council in the manner provided in MGL c. 40A, ~ 5, and any amendments thereto.

## ZONING

### APPENDIX

#### Table of Uses

The attached Table of Uses is general in nature and is provided for reference only. The text under Use Regulation Schedule, Article IV, must be consulted for details.

The Floodplain and Water Supply Protection Districts are established as overlay districts. All uses in the underlying district(s) are permitted subject to the restrictions in ~ 200-4.13, 200-4.14, and 200-4.16. The text must be consulted for details.

The following abbreviations are used in the Schedule:

Rural Residential District	RC
Suburban Residential District	RB
Urban Residential District	RA
Semi-Residential District	SR
Health Service District	H
Central Commercial District	CC
Limited Commercial District	LC
General Commercial District	GC
Office District	O
General Industry District	GI
Planned Industry District	PI
Floodplain District	F
Water Supply Protection District	WP
Yes, a permitted use	Y
No, an excluded or prohibited use	N
The use requires a special permit	SP

# ZONING

## Table of Uses

City of Greenfield  
Ch. 200, Zoning

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
<b>Agricultural uses</b>											
Farms	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Farms or the keeping of livestock or poultry on parcels of less than five (5) acres	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Greenhouse, nursery, or farm stand where fifty percent (50%) or more of the products for sale have been produced on the premises	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Greenhouse, nursery, or farm stand where fifty percent (50%) or more of the products for sale have not been produced on the premises	SP	SP	SP	SP	N	Y	Y	Y	N	N	N
Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Residential Uses</b>											
Single-family dwelling	Y	Y	Y	Y	Y	N	Y	SP	N	N	N
Two-family dwelling	Y	Y	Y	Y	Y	N	Y	SP	N	N	N
Multifamily dwelling	SP	SP	SP	SP	SP	Y	SP	SP	N	N	N
Congregate housing for the elderly or handicapped	N	SP	SP	SP	SP	SP	N	N	N	N	N
Family day-care home	SP	SP	SP	Y	Y	N	N	N	N	N	N
Lodging/boarding house	N	N	SP	SP	N	SP <sup>1</sup>	N	SP	N	N	N

<sup>(1)</sup> Only as a mixed residential/business use in accordance with § 200-7.10.

## ZONING

### Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Dormitories	SP	SP	N	N	SP <sup>2</sup>	N	N	SP	N	N	N
Shared housing	SP	SP	SP	SP	SP	SP	N	N	N	N	N
Open space/cluster development	Y	Y	Y	N	N	N	N	N	N	N	N
Home occupation (Certain uses require a special permit. Refer to § 200-6.3)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bed-and-breakfast or tourist home	SP	SP	SP	SP	N	N	SP	SP	N	N	N
Accessory Dwelling Unit, Within pursuant to § 200-7.18	Y	Y	Y	Y	N	N	Y	N	N	N	N
Accessory Dwelling Unit, Attached pursuant to § 200-7.18	SP	SP	SP	SP	N	N	SP	N	N	N	N
Accessory Dwelling Unit, Detached pursuant to § 200-7.18	SP	SP	SP	SP	N	N	SP	N	N	N	N
<b>Institutional and Municipal Uses</b>											
Hospital	N	SP	SP	N	Y	N	N	N	N	N	N
Educational or religious uses exempt from zoning regulation under the Zoning Act, MGL c. 40A, §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Assisted living facility	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N
Nursing home, convalescent home, rest home	N	SP	SP	N	Y	N	N	N	N	N	N
Philanthropic or charitable institution	N	N	N	Y	N	Y	Y	Y	Y <sup>3</sup>	Y <sup>3</sup>	Y

## ZONING

Private school not exempt from zoning under § 200-4.1B(1)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP <sup>4</sup>
Cemetery	SP	SP	SP	N	N	N	N	N	N	N	N

<sup>(2)</sup>In conjunction with a medical training facility only.

<sup>(3)</sup>Philanthropic institution only.

<sup>(4)</sup>Industrial or trade school only.



# ZONING

## Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
<b>Recreational Uses</b>											
Crematory	SP	SP	N	SP	SP	N	Y	Y	N	N	N
Municipal uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Municipal or commercial parking lot or garage	N	N	SP <sup>5</sup>	N	N	Y	Y	Y	N	N	SP
Indoor recreation	N	N	N	N	N	SP	SP	SP	N	N	N
Outdoor recreation	SP	SP	N	N	N	N	N	N	N	N	N
Commercial camping	SP	N	N	N	N	N	N	N	N	N	N
Public park, public playground or other public recreational facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Communication, Utility, and Transportation Uses</b>											
Radio, television transmission or other communications use:											
Excluding towers	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	SP
Including towers	SP	N	N	N	N	N	N	SP	N	SP	SP
Power plant	N	N	N	N	N	N	N	N	N	SP	SP
Public or private utility, substation	SP	SP	SP	SP	N	N	SP	SP	SP	SP	Y <sup>6</sup>
Bus or railroad passenger terminal or taxi dispatch	N	N	N	N	N	Y	Y	Y	N	N	N

<sup>(5)</sup>Municipal parking lot or garage only.

<sup>(6)</sup>In an enclosed building only.

# ZONING

## Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
<b>Commercial Uses</b>											
Adult entertainment <sup>7</sup>	N	N	N	N	N	N	N	SP	N	N	N
Animal kennel or hospital	SP	SP	SP	SP	N	N	N	SP	N	N	N
Automotive repair and servicing shop	N	N	N	N	N	N	SP	SP	N	SP	N
Bulk storage and/or sale of fuel or other fluid other than waste	N	N	N	N	N	N	N	SP	N	SP	SP
Car wash (on public sewer only)	N	N	N	N	N	N	Y	Y	N	N	N
Construction supply establishment	N	N	N	N	N	N	Y	Y	N	Y	N
Funeral home	N	N	SP	SP	SP	SP	Y	Y	N	N	N
Gas station	N	N	N	N	N	N	SP	SP	N	N	N
Hotel, motel, inn	N	N	N	N	N	SP	Y	Y	N	SP	N
Conference center	N	N	N	N	N	SP	Y	Y	N	SP	N
Medical center/clinic including accessory research	N	N	N	N	Y	SP	Y	Y	Y	Y	N
Photocopying and data processing	N	N	N	N	N	Y	Y	Y	Y	Y	Y

<sup>(7)</sup>Only adult bookstore, adult video store, and adult paraphernalia store. See the Entertainment Overlay District § 200-7.13C for adult cabaret, adult motion-picture theater and establishments which display live nudity for their patrons.

## ZONING

### Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Newspaper, printing, publishing	N	N	N	N	N	SP	SP	SP	Y	Y	Y
Business and professional offices	N	N	N	Y <sup>8</sup>	Y <sup>9</sup>	Y	Y	Y	Y	Y	Y
Office park	N	N	N	N	N	N	N	N	Y	Y	Y
Personal and consumer service establishment	N	N	N	N	N	Y	Y	Y	N	SP	N
Retail establishment	N	N	N	N	N	Y	Y	Y	N	N	N
Restaurant, bar or lounge for serving food or drinks primarily within the building	N	N	N	N	N	Y	Y	Y	N	N	N
Take-out restaurant	N	N	N	N	N	Y	Y	Y	N	N	N
Drive-in or drive-through restaurant	N	N	N	N	N	N	Y	Y	N	N	N
Sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment	N	N	N	N	N	N	Y	Y	N	N	N
Sale, leasing, repair and servicing of new and used motor vehicles with a Class 1 Motor Vehicles License issued by the City of Greenfield <sup>10</sup>	-	-	-	-	-	SP <sup>10</sup>	-	-	-	-	-
Service and repair shops for appliances, small equipment, business and consumer products	N	N	N	N	N	Y	Y	Y	N	N	SP
Theatre	N	N	N	N	N	Y	Y	Y	N	N	N

<sup>(8)</sup>Offices requiring ten (10) or less parking spaces only.

<sup>(9)</sup>Offices related to health services only.

<sup>(10)</sup>This use only applies to the Central Commercial District.

## ZONING

### Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Trucking firm (on public sewer only)	N	N	N	N	N	N	N	N	N	Y	Y
Warehouse or freight transport terminal	N	N	N	N	N	N	N	SP	N	Y	Y
Wholesale laundry or dry- cleaning plant	N	N	N	N	N	SP	SP	SP	N	SP	SP
Wholesale trade and distribution	N	N	N	N	N	SP	SP	SP	Y	Y	Y
Self storage	N	N	N	N	N	N	Y	Y	Y	Y	N
Trade shop including carpenter, Builder, electrician, plumber, Landscape or similar trade with indoor storage of tools, supplies, and equipment	N	N	N	N	N	SP	Y	Y	N	Y	N
Garden center	N	N	N	N	N	Y	Y	Y	N	N	N
Commercial biomass energy system pursuant to ~ 200-7.19	N	N	N	N	SP	SP	SP	SP	SP	Y	Y
<b>Industrial Uses</b>											
Accessory activities connected with scientific research	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Assembly, bottling, packaging or finishing plant in an enclosed building	N	N	N	N	N	N	N	SP	SP	Y	Y

## ZONING

### Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Contractor's yard	N	N	N	N	N	N	N	SP	N	Y	N
Open storage of raw materials, finished goods, or equipment	N	N	N	N	N	N	N	SP	N	Y	SP
Light industry, manufacturing or processing plant	N	N	N	N	N	N	N	SP	N	Y	Y
Research and development facilities	N	N	N	N	SP <sup>11</sup>	SP	SP	SP	SP	Y	Y
Salvage/junkyard	N	N	N	N	N	N	N	N	N	SP	N
Waste hauling establishment	N	N	N	N	N	N	N	SP	N	SP	N
Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15	SP	SP	N	N	N	N	N	SP	SP	Y	Y
Renewable/alternative energy R&D facility	N	N	N	N	N	N	N	SP	N	Y	Y
Renewable/alternative energy manufacturing facility	N	N	N	N	N	N	N	N	N	Y	Y
Building-Integrated Solar Energy System pursuant to ~ 200-7.16	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted Solar Energy System pursuant to ~ 200-7.16	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y
<b>Other Uses</b>											
Conservation area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Processing of earth authorized for removal under the City of Greenfield Soil Removal Ordinance	SP	N	N	N	N	N	N	N	N	SP	N
Mixed residential/business uses	N	N	N	SP <sup>12</sup>	SP <sup>12</sup>	Y	SP	SP	N	N	N
Private club or membership	N	N	N	SP	N	Y	Y	Y	N	N	N

## ZONING

organization												
Marijuana dispensary pursuant to ~ 200-7.17	N	N	N	N	SP	SP	SP	SP	N	SP	N	
Craft marijuana cooperative pursuant to ~ 200-7.17	SP	N	N	N	N	N	N	SP	N	SP	SP	
Marijuana cultivator pursuant to ~ 200-7.17	SP	N	N	N	N	N	N	SP	N	SP	SP	
Marijuana retailer pursuant to ~ 200-7.17	N	N	N	N	N	SP	SP	SP	N	N	N	
Marijuana independent testing laboratory pursuant to ~ 200-7.17	N	N	N	N	SP	SP	SP	SP	SP	N	SP	
Marijuana standards testing laboratory pursuant to ~ 200-7.17	N	N	N	N	SP	SP	SP	SP	SP	N	SP	
Marijuana research facility pursuant to ~ 200-7.17	N	N	N	N	SP	SP	SP	SP	SP	N	SP	
Marijuana product manufacturer pursuant to ~ 200-7.17	N	N	N	N	N	SP	SP	SP	N	SP	SP	

<sup>(1)</sup>Medical research and development only.

<sup>(12)</sup>Mixed residential/office use only in accordance with § 200-7.10.

## ZONING

### Table of Uses

City of Greenfield  
Ch. 200, Zoning (cont'd)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
<b>Accessory Uses</b>											
Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use	N	N	N	N	Y <sup>13</sup>	Y	Y	Y	Y	Y	Y
Retail sales incidental to a permitted use or use allowed by special permit	N	N	N	N	N	N	N	N	N	SP	Y
<b>Uses Not Elsewhere Classified</b>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

<sup>(13)</sup>Not including automatic teller machines.

# ZONING

(Revised 7.15.09)

## Table of Dimensional Requirements

District	Minimum Lot Area in Sq. Ft. <sup>(1)</sup>	Minimum Lot Frontage in Ft. & Lot Width <sup>(1)</sup>	Minimum Yard in Feet			Height in Ft.	Minimum Landscaped Open Space <sup>(3)</sup>
			Front	Side <sup>(2)</sup>	Rear <sup>(2)</sup>		
<b>RA</b>	8,000 10,000	65	25	10	30	35	40%
<b>RB</b>	12,000 15,000	80	25	15	30	35	40%
<b>RC</b>	40,000 50,000	200	30	20	30	35	40%
<b>SR</b>	8,000 10,000	65	25	10	30	35	40%
<b>H</b>	8,000 10,000	65	25	10	30	35/50 <sup>(4)</sup>	25%
<b>CC</b>	----	----	0	0/15	0/15	50	15%
<b>LC</b>	----	30	0	0/15	0/25	35	0%
<b>GC</b>	----	30	25	0/15	0/25	40	0%
<b>O</b>	----	30	25	0/15	0/25	35	25%
<b>GI</b>	----	30	30	15/50	15/50	50 <sup>(5)</sup>	0%
<b>PI</b>	43,560 (1 acre)	50	50	25	25	50 <sup>(5)</sup>	30%
<b>WP</b>	60,000 80,000	200	(same as underlying district)				80%

Footnotes to Table of Dimensional Requirements.

<sup>1</sup> The first number is for all principal uses including single-family dwellings. The second number is for two-family dwellings. For multifamily structures there shall be the minimum requirement for two-family dwellings plus an additional increase in lot area for each additional unit equal to the following:

RA, SR, H - 2,000 square feet  
 RB, LC, GC - 4,000 square feet  
 RC - 5,000 square feet

Frontage for multifamily dwelling lots shall be as follows:

RA, SR, H, LC, GC - 100 feet  
 RB - 140 feet  
 RC - 200 feet

<sup>2</sup> Minimum side and rear yards shall be increased to the second number when a nonresidential use abuts a residential, school or religious use or a residential district.

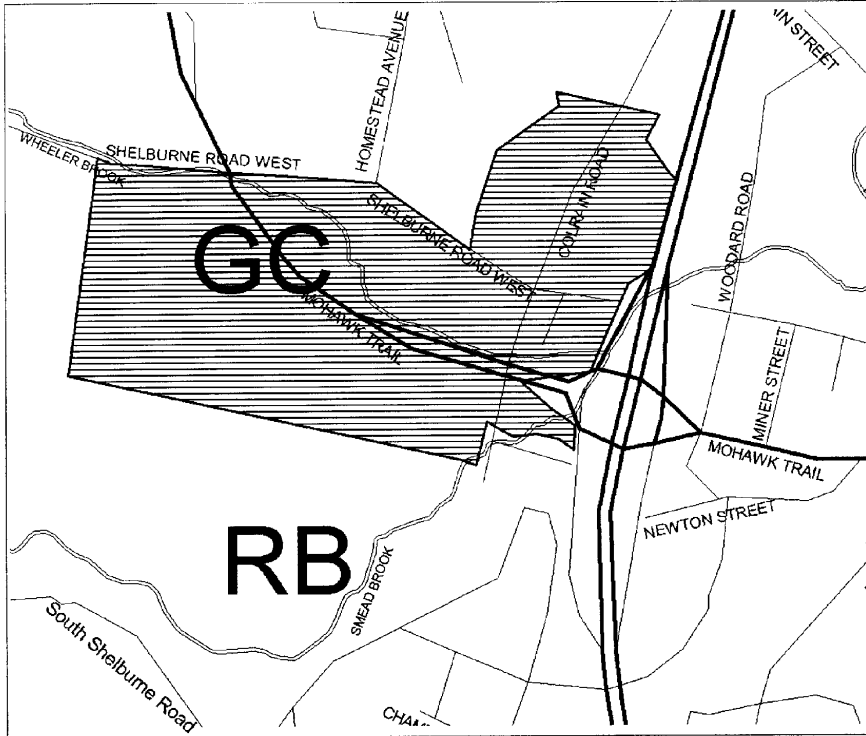
<sup>3</sup> Open space requirements. The percent of usable open space defined as not having a slope of fifteen percent (15%) or more and not containing wetlands as delineated under the Wetlands Protection Act, MGL c. 131, § 40, and as defined in 310 CMR 10.00.

<sup>4</sup> Height requirement in Health Service District. The first height applies to the Health Service District outside of the "Hospital Campus" and the second height applies to the "Hospital Campus" defined as the area bounded by Sanderson, High, Beacon, and North Streets. Additional height may be allowed in the "Hospital Campus" by special permit.

<sup>5</sup> The maximum height limit for structures and buildings in the GI and PI zoning districts may be increased on a special permit by the ZBA if it finds the proposed structure will not adversely impact adjacent properties, the neighborhood, the City, or the environment. The special permit criteria in Section 200-8.3 F. of this Zoning Ordinance shall be considered when reviewing the special permit; in addition, the applicant shall clearly demonstrate that the size and height of the structure is the minimum necessary.

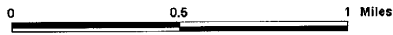


# ZONING



## Adult Entertainment Overlay District

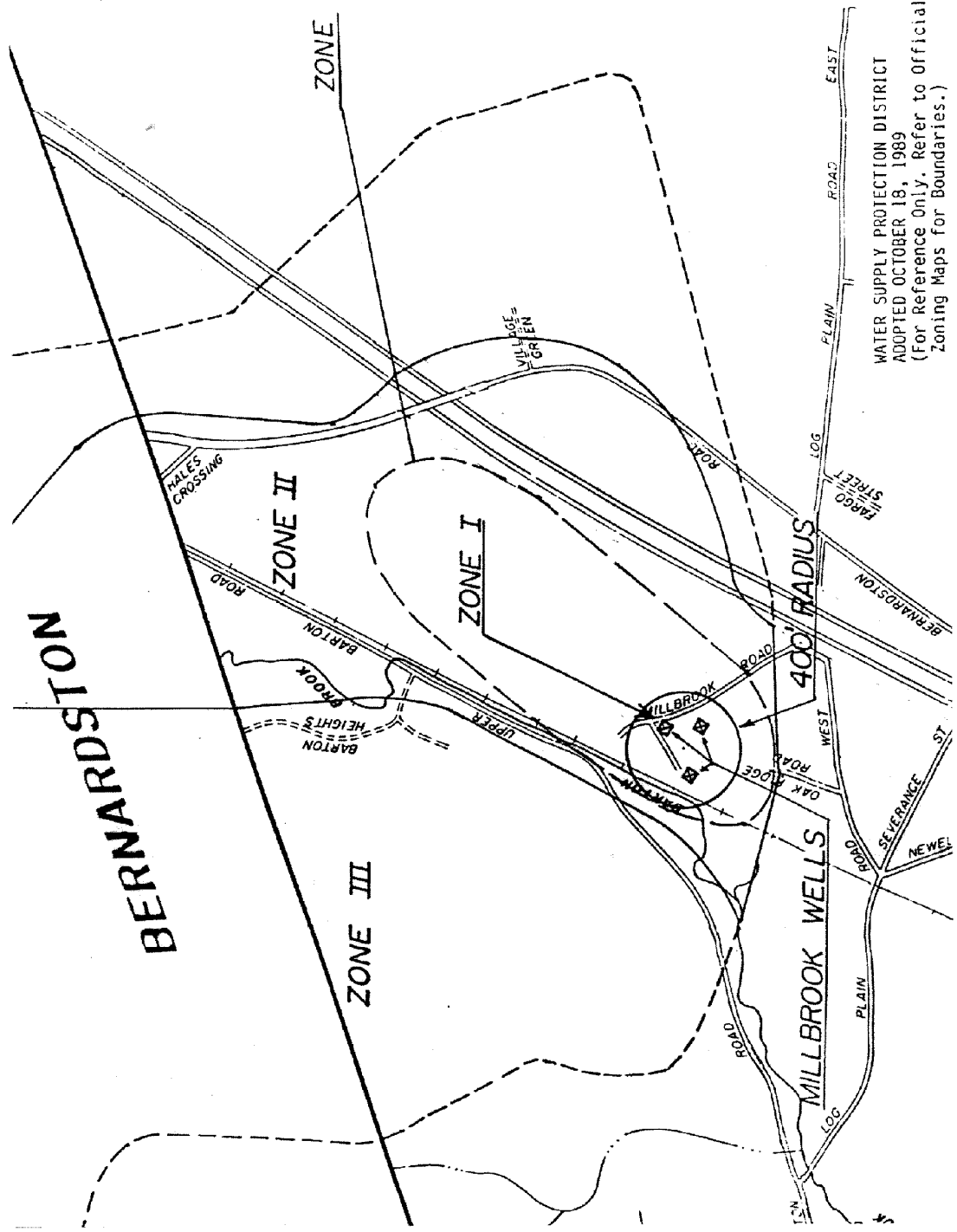
Adult Cabarets, Adult Motion Picture Theaters, and Establishments which display Live Nudity for its Patrons, as defined in Section 7.13.2, shall only be allowed in this district.  
(For Reference Only. Refer to the Official Zoning Map for Boundaries)



Map Produced by: Office of Planning & Community Development, Town of Greenfield  
GIS Data Source: MassGIS

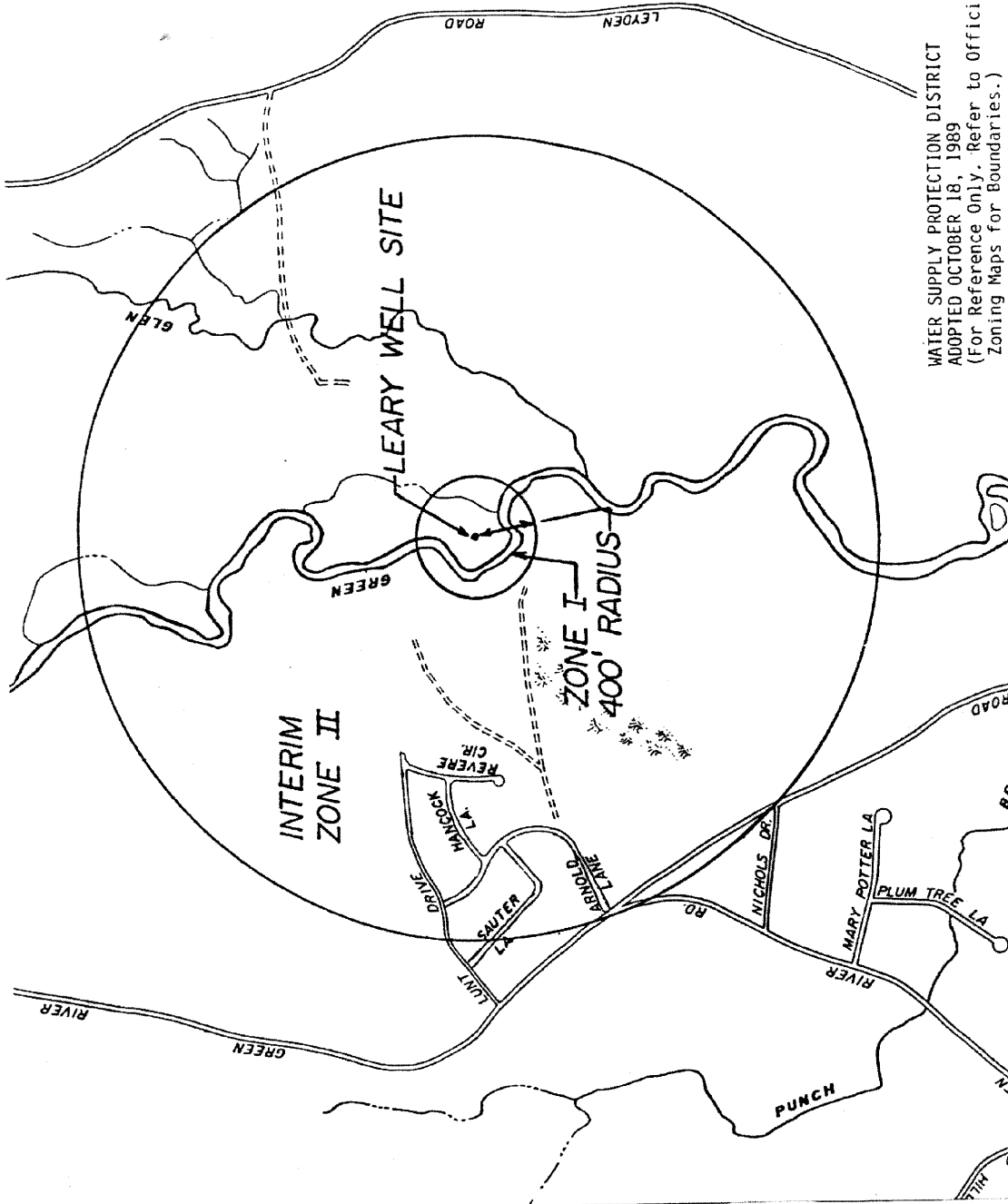


# ZONING



WATER SUPPLY PROTECTION DISTRICT  
ADOPTED OCTOBER 18, 1989  
(For Reference Only. Refer to Official  
Zoning Maps for Boundaries.)

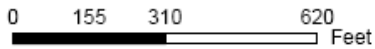
ZONING



WATER SUPPLY PROTECTION DISTRICT  
ADOPTED OCTOBER 18, 1989  
(For Reference Only. Refer to Official  
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ZONING

Planned Unit Development Overlay District  
March 2004



Legend



Planned Unit Development Overlay District



Map Prepared by: Department of Planning & Development  
GIS Sources: Town of Greenfield & MassGIS