

Greenfield City Council
September 16, 2026
281st Regular Meeting
6:30 p.m.
John Zon Community Center/Zoom Hybrid

To join in person:
35 Pleasant Street, Greenfield

To join via Zoom:
<https://greenfield-ma-gov.zoom.us/j/91505558398?pwd=pEeK2UOYPhw8SKqV2VXfr9D4vKMtNZ.1>
Meeting ID: 915 0555 8398

To join via phone:
Dial by your location
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 9128 US (San Jose)
+1 689 278 1000 US

Meeting ID: 915 0555 8398 Passcode: 440540
Find your local number: <https://greenfield-ma-gov.zoom.us/u/ad9y81lU8>

The City of Greenfield currently does not provide translation services; members of the public may bring/utilize their own translator. For disability accommodations please contact Erin Anhalt at 413-772-1560. For meeting records, please [visit our webpage](#), reach out to the Office of the City Council at 413-772-1555 extension 6163 or [submit your request](#).

AGENDA

1. Call to Order

CHAIRS STATEMENT: This meeting is being recorded by the City Council and Greenfield Community Television (GCTV) 9. If any other persons present are doing the same you must notify the chairperson at this time.

2. Roll Call of Members **(This statement does not require to be announced)** - In accordance with open meeting law, when a Councilor or Councilors attend remotely, the chair would need to acknowledge the members of the Council/Committee who are appearing via remote access and inform the full Council/Committee that all votes will be taken by roll call. Councilors attending remotely are encouraged to have their video on at times when they are speaking and voting.
3. Pledge of Allegiance (voluntary)
4. Approval of Minutes – None at time of posting.
5. Communications from Superintendent of Schools and School Committee (10 minutes) – At the time of posting there were no topics reasonably anticipated by the Chair.
- 5a. Questions from the Council for Superintendent of Schools and School Committee – At the time of posting there were no questions reasonably anticipated by the Chair.
6. Communications from Mayor, City Officers and Employees (10 minutes) **(Pg. 6)**
 - Franklin County Fair Parade
 - Financial Update with Finance Director Stephen Nembirkow including:
 - Discussion on the [Fiscal Year 2024 City Audit](#).
- 6a. Questions from the Council for Mayor – At the time of posting there were no questions reasonably anticipated by the Chair.
7. Communications from other City Employees as needed, by invitation
 - Judi Brown, Parking Enforcement Supervisor and/or Representative from the Parking and Traffic Commission, Report on the condition of the City's Parking and Circulation per City Ordinance Chapter 160-3E. **(Pg. 7)**
 - Fire Chief Robert Strahan, discussion regarding the one-way direction changes on a few streets (names of streets were not provided).
- 7a. Questions from the Council for Invited City Employees – At the time of posting there were no questions reasonably anticipated by the Chair.
8. Public Comment **(This statement does not require to be announced)** – In accordance with Greenfield City Council Rules of Procedure Section 565-12 (1): Any citizen or petitioner shall be limited to three (3) minutes or another amount of time at the discretion of the Presiding Officer; and in accordance with Greenfield City Code Article Three of Chapter 49-5d: Oral or written input submitted by members of the public to a public body; provided, however, that such public comment occurs at the appropriately designated time, if any, of a public meeting as determined by the presiding officer.
9. Public Hearing(s) and Second Reading(s): **(Pg. 8)**

- Approve Memorandum of Agreement (MOA) between Salary Schedule Employees Association (SSEA) and City of Greenfield and Appropriate \$10,900 from the Contract Stabilization Fund 8403.
- Appropriate \$30,836 from Borrowing to Purchase Public Safety Defibrillators.
- Appropriate \$36,450 from Borrowing to Purchase Personal Protective Equipment (PPE) for Firefighting Personnel.

Fiscal Year 2027 Capital Budget

- Appropriate \$25,000 from Borrowing for Replacement of Car #4 (2012 Ford Focus) with Electric Vehicle for Building Inspections.
- Appropriate \$30,000 from Borrowing for Replacement of Van for Veteran's Department.
- Appropriate \$40,000 from Borrowing to Update and Implementation of a Hazard Mitigation Plan.
- Appropriate \$45,000 from Borrowing for Rehabilitation of Millbrook Well Number Two.
- Appropriate \$65,000 from Borrowing for Upgrade of Oak Hill Filter Plant Wiring.
- Appropriate \$70,000 from Borrowing to Purchase and Install Mini Split Unit for Water Treatment Plant.
- Appropriate \$100,000 from Borrowing for Engineering Nitrogen Removal Upgrades.
- Appropriate \$100,000 from Borrowing for Water Pollution Control Facility Pump House Electrical Upgrades.
- Appropriate \$110,000 from Borrowing for Upgrade of Traffic Lights.
- Appropriate \$150,000 from Borrowing for Engineering and Design for Redevelopment of Millbrook Well Number One.

10. Motions, Orders, and Resolutions

- I. Resolution in Support of Recognizing the Second Monday of October as Indigenous Peoples Day. **(Pg. 10)**
- II. Amend Zoning Ordinance to Article II, Definitions; Article IV: Use Regulations and Appendix Table of Uses, and Article VII: Special Regulations to enact a 365-day Moratorium on Data Centers. **(Pg. 13)**
- III. Amend Zoning Ordinance Article II: Definitions; Article IV: Use Regulations and Appendix Table of Uses; Article VII: Special Regulations; Article VIII: Administration, Section 8.4: Site plan review to clarify the Dover Amendment and how it relates to proposed projects in Greenfield. **(Pg. 18)**
- IV. Appoint the Firm of Scanlon and Associates, Certified Public Accountants (CPAs) for an Outside Audit Subject to Appropriation Set forth in Fiscal Year 2027 Budget. **(Pg. 50)**
- V. Approve Memorandum of Agreement (MOA) between Salary Schedule Employees Association (SSEA) and City of Greenfield and Appropriate \$10,900 from the Contract Stabilization Fund 8403. **(Pg. 51)**
- VI. Appropriate \$30,836 from Borrowing to Purchase Public Safety Defibrillators. **(Pg. 62)**
- VII. Appropriate \$36,450 from Borrowing to Purchase Personal Protective Equipment (PPE) for Firefighting Personnel. **(Pg. 63)**

Fiscal Year 2027 Capital Budget (Pgs. 64 through 73)

- VIII. Appropriate \$25,000 from Borrowing for Replacement of Car #4 (2012 Ford Focus) with Electric Vehicle for Building Inspections.
 - IX. Appropriate \$30,000 from Borrowing for Replacement of Van for Veteran's Department.
 - X. Appropriate \$40,000 from Borrowing to Update and Implementation of a Hazard Mitigation Plan.
 - XI. Appropriate \$45,000 from Borrowing for Rehabilitation of Millbrook Well Number Two.
 - XII. Appropriate \$65,000 from Borrowing for Upgrade of Oak Hill Filter Plant Wiring.
 - XIII. Appropriate \$70,000 from Borrowing to Purchase and Install Mini Split Unit for Water Treatment Plant.
 - XIV. Appropriate \$100,000 from Borrowing for Engineering Nitrogen Removal Upgrades.
 - XV. Appropriate \$100,000 from Borrowing for Water Pollution Control Facility Pump House Electrical Upgrades.
 - XVI. Appropriate \$110,000 from Borrowing for Upgrade of Traffic Lights.
 - XVII. Appropriate \$150,000 from Borrowing for Engineering and Design for Redevelopment of Millbrook Well Number One.
 - XVIII. Appoint the Firm of Scanlon and Associates, Certified Public Accountants (CPAs) for an Outside Audit Subject to Appropriation Set forth in Fiscal Year 2027 Budget.
-
11. Presentation of Petitions and Similar Papers - None
 12. Report of Committees - At the time of posting there were no topics reasonably anticipated by the Chair
 13. Unfinished Business – At the time of posting there were no topics reasonably anticipated by the Chair
 14. Old Business – At the time of posting there were no topics reasonably anticipated by the Chair.
 15. New Business –
 - **First Reading (Pg. 74)**
 - Amend and Increase Total Budgetary Expenditure of Greenfield Community Energy and Technology (GCET) by \$180,769 for Fiscal Year 2027 Funded from their Revenues and General Operations.
 - Appropriate \$271.91 from Griswold/Greenfield Tap and Die (GTD) Conservation Fund (1602) to Repair Two (2) Rotting Boardwalks on the Trails in the Conservation Area.
 - **Notice of Zoning Amendment Proposals (Pg. 80)**
 - Proposed Zoning Amendment to Section 200-7.2: Multifamily Dwellings; New Paragraph (4).

16. Motions for Reconsideration –At the time of posting there were no reconsiderations reasonably anticipated by the Chair.
17. Adjournment (**This statement does not require to be announced**) - In accordance with open meeting law, when a Councilor or Councilors attend remotely, the chair would need to acknowledge the members of the Council/Committee who are appearing via remote access and inform the full Council/Committee that all votes will be taken by roll call. Councilors attending remotely are encouraged to have their video on at times when they are speaking and voting.

EXECUTIVE SESSION MAY BE CALLED

****Please note that the list of topics was comprehensive at the time of posting, however, the public body may consider and take action on unforeseen matters not specifically named in this notice. Posted in accordance with Massachusetts General Law Chapter 30A Section 18-25.***



City of
GREENFIELD, MASSACHUSETTS



OFFICE OF THE MAYOR

Virginia “Ginny” Desorgher

Mayor

Town Hall • 14 Court Square • Greenfield, MA 01301

Phone 413-772-1560 • Fax 413-772-1519

Mayor@greenfield-ma.gov • www.greenfield-ma.gov

MEMO

TO: Council President Lora Wondolowski, Council Vice-President John Garrett

FROM: Mayor Desorgher

CC: Tammy Marciel, Clerk to Council; Kathy Scott, City Clerk, City Councilors

DATE: September 11, 2026

RE: Report on Requested Topics

Below are the topics that Mayor Desorgher will discuss during her City Council briefing:

- Franklin County Fair Parade
- Financial Update



The Town of Greenfield is an Affirmative Action/Equal Opportunity Employer; a designated Green Community and a recipient of the “Leading by

Chapter 160 **Parking and Traffic Commission**

§ 160-3 **Duties and responsibilities.**

E.

The Commission shall report to the Mayor annually of its meetings and recommendations; and, additionally, **in even numbered years, report to the Mayor and City Council** the condition of the City's parking and circulation in the following manner:

- (1) Enumerate the number of parking spaces owned by the City and those parking spaces owned privately in the Commercial C Zone.
- (2) The quantity of revenue-generating meters.
- (3) The revenue generated by those meters in sum year to date, annually and by meter per day.
- (4) The quantity of malfunctioning meters.
- (5) The amount of revenue generated by paid parking ticket violations.
- (6) The amount of revenue lost to parking spaces non-metered.
- (7) The amount of revenue unpaid from parking ticket violations.
- (8) The amount of revenue generated by fines, court actions, prepaid parking permits and any other parking-related revenue.
- (9) The cost to maintain meters and space, enforce parking regulations and collect revenue.
- (10) The number of parking meter spaces that accommodate handicapped individuals and vehicles.

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wednesday, September 16, 2026, at 6:30 p.m. at John Zon Community Center, 35 Pleasant Street, and Zoom: <https://greenfield-ma-gov.zoom.us/j/91505558398?pwd=pEeK2UOYPhw8SKqV2VXfr9D4vKMtNZ.1> Meeting ID: 915 0555 8398 to receive public input on the following:

- Approve Memorandum of Agreement (MOA) between Salary Schedule Employees Association (SSEA) and City of Greenfield and Appropriate \$10,900 from the Contract Stabilization Fund 8403.
- Appropriate \$30,836 from Borrowing to Purchase Public Safety Defibrillators.
- Appropriate \$36,450 from Borrowing to Purchase Personal Protective Equipment (PPE) for Firefighting Personnel.

Fiscal Year 2027 Capital Budget

- Appropriate \$25,000 from Borrowing for Replacement of Car #4 (2012 Ford Focus) with Electric Vehicle for Building Inspections.
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- Appropriate \$100,000 from Borrowing for Water Pollution Control Facility Pump House Electrical Upgrades.
- Appropriate \$110,000 from Borrowing for Upgrade of Traffic Lights.
- Appropriate \$150,000 from Borrowing for Engineering and Design for Redevelopment of Millbrook Well Number One.

The City Council may consider the same on Wednesday, September 16, 2026, at 6:30 p.m. at John Zon Community Center, 35 Pleasant Street, and Zoom: <https://greenfield-ma-gov.zoom.us/j/91505558398?pwd=pEeK2UOYPhw8SKqV2VXfr9D4vKMtNZ.1> Meeting ID: 915 0555 8398. Materials can be obtained from the City Clerk's Office, 14 Court Square, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or phone 413-772-1555, extension 6163.

Lora Wondolowski, Greenfield City Council President

City Council – Second Reading- September 16, 2026

- Approve Memorandum of Agreement (MOA) between Salary Schedule Employees Association (SSEA) and City of Greenfield and Appropriate \$10,900 from the Contract Stabilization Fund 8403.
- Appropriate \$30,836 from Borrowing to Purchase Public Safety Defibrillators.
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CITY COUNCIL ORDER

City of GREENFIELD **MASSACHUSETTS**

Councilor _____:

Second by Councilor _____:

The City Council,

Moved that it be ordered,

**THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED
RESOLUTION TITLED “A RESOLUTION IN SUPPORT OF RECOGNIZING
THE SECOND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES DAY.”**

Majority vote required

VOTE:

Explanation of supporting rationale:

RESOLUTION in Support of Recognizing the **Second** Monday of October as Indigenous Peoples **Day**

WHEREAS, the City of Greenfield recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and,

WHEREAS, the City of Greenfield recognizes that it is built upon the ancestral homelands and villages of the Indigenous Peoples of this region without whom the building of the City would not have been possible; to wit, and,

WHEREAS, the City of Greenfield wishes to uplift the indigenous roots and history of, and contributions to, our city and this country; and,

WHEREAS, the City of Greenfield has a responsibility to oppose the systemic racism towards Indigenous People in the United States which perpetuates their income, health, educational, and social inequality; and,

WHEREAS, despite the fact that the federal government guaranteed the health, safety, and welfare of tribal nations in exchange for over 450 million acres of tribal land, Native American and Alaska Native citizens experience higher disease rates, lower life expectancy rates, higher dropout rates, and higher poverty rates than any other racial or ethnic group in the country'; and,

WHEREAS, the City of Greenfield understands that in order to help close the equity gap, government entities, organizations, and other public institutions should change their policies and practices to better reflect and significantly improve the wellbeing of Native American people; and,

WHEREAS, the United States federal government, the State of Massachusetts, and the City of Greenfield recognize Columbus Day on the second Monday of October, in accordance with the federal holiday established in 1937;

NOW THEREFORE BE IT RESOLVED, that the City Council of Greenfield, Massachusetts

1. Hereby proclaims that the second Monday in October each year will be known as

Indigenous Peoples Day; and,

2. Celebrates and honors the foundational contributions of Indigenous People to the history of our City, the State of Massachusetts, and our country; and,

3. Encourages the City's schools and other institutions to use Indigenous Peoples Day as a point from which to, throughout the year, reflect upon and learn about the historical abuses and continuing struggles of indigenous nations, and to celebrate the magnificent foundations of the indigenous people of this land upon which our city, state, and country were built; and,

4. Encourages businesses and organizations **in** Greenfield to recognize Indigenous Peoples Day; and,

5. Shall continue to promote racial, economic, educational, health, and social equity and justice for all people and oppose discrimination towards Indigenous Peoples as it is perpetuated through inequities in income, health, and education.

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____ :
Second by Councilor _____ :

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, TO ENACT A 365-DAY MORATORIUM ON DATA CENTERS BY AMENDING THE FOLLOWING SECTIONS IN THE ATTACHED EXHIBIT A:

ARTICLE II: DEFINITIONS; ADD NEW PARAGRAPH: DATA CENTERS

ARTICLE IV: USE REGULATIONS AND APPENDIX TABLE OF USES: TO ADD DATA CENTERS UNDER “INDUSTRIAL USES”

ARTICLE VII: SPECIAL REGULATIONS; NEW SECTION 7.21: 365-DAY MORATORIUM ON “DATA CENTERS”

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Majority Vote Required (7)

Vote:

Explanation of supporting rationale:

Data Center Moratorium

Purpose:

This ordinance is intended to address the proliferation of Data Center expansion in Massachusetts and to provide an opportunity for the City to consider reviewing the Zoning code which does not currently contain provisions for Data Centers either by right or by special use permit.

Because the scale, energy demands, and development patterns associated with modern data centers are rapidly evolving, this ordinance will implement a moratorium that is intended to fully allow Greenfield to consider public health, safety, and welfare; to ensure compatibility with surrounding land uses; and to allow for review of site-specific impacts of proposed Data Centers related to energy demand, water use, noise, emissions, site design, and municipal infrastructure. It will enable the City to consider whether such a facility is desired, and if so, provide time for the formation of governing regulations for such facilities before one is ever built.

1. Amend Article II Definitions by inserting a new paragraph as follows:

DATA CENTERS: A facility, or portion thereof, primarily designed or used to house computer servers and related information technology infrastructure for the storage, processing, management, or transmission of electronic data regardless of the number of tenants, building square footage, phased construction, or current utilization levels.

A Data Center may include, but is not limited to, server racks, data storage systems, cooling systems, power conditioning equipment, substations, uninterruptible power supplies, backup generators, telecommunications equipment, security systems, and associated mechanical and electrical infrastructure. It may also include distributed, modular, or networked computing facilities that collectively function as a single data processing or storage operation.

For purposes of this bylaw, a Data Center shall not be considered an Office, Warehouse, Manufacturing, or Research use.

Data centers include, but are not limited to, the following types:

- *Hyperscale Data Center* – A very large-scale facility typically operated by a single entity for cloud computing, large-scale data processing, or enterprise services, characterized by substantial electricity demand, extensive mechanical cooling systems, and limited on-site staffing.
- *Enterprise or Colocation (Colo) Data Center* – A facility in which multiple customers lease space, equipment areas, or “racks” within a shared infrastructure environment operated by a specialized provider, with common power, cooling, telecommunications, and backup systems.
- *Edge or Micro Data Center* – A smaller-scale facility designed to serve localized or network edge functions, typically occupying significantly less floor area and operating with minimal on-site personnel.
- *Fractional or Distributed Data Center* – a distributed computing model that places distributed computing nodes across multiple residential, commercial, or industrial properties.

These categories are descriptive only and shall not limit the Building Inspector's authority to classify a facility as a Data Center based on its functional characteristics and energy demand.

Without limiting the other definitional criteria contained herein, a use shall be classified as a Data Center where either:

- (a) more than twenty-five percent (25%) of the gross floor area is devoted to server racks, stationary computing equipment, or associated mechanical or electrical infrastructure; or
- (b) the primary purpose of the facility, as determined by the Building Inspector based on the functional characteristics of the use, is the housing and operation of computer servers and related infrastructure, regardless of floor area allocation.

2. Amend Article VII Special Regulations by inserting a new Section 7.21 as follows:

7.21 365-DAY MORATORIUM ON "DATA CENTERS"

2A. The purpose of this temporary moratorium is to provide the City an opportunity to better understand the impacts, if any, that the construction, expansion, and operation of Data Centers will have on City infrastructure and, more generally, the overall quality of life for residents.

2B. There is hereby imposed, effective immediately, a 365-day moratorium on any new construction and development within the City of Greenfield, Massachusetts, of "Data Centers", as defined above. Said moratorium prohibits acceptance by the City of Greenfield of any new applications and permits for zoning permissions and decisions for the intended purpose of the development and operation of a Data Center. Should the Greenfield Zoning Code regarding data centers be amended prior to the expiration of the 365-day period, the moratorium shall terminate on the effective date of amendment.

The moratorium period may be extended, one (1) time, by a 2/3 vote of the City Council, not to exceed 180-days.

2C. During the term of this moratorium, the Department of Planning and Development is encouraged to review current Zoning Codes and Regulations, develop a body of research on any impacts these facilities have on the community, public safety, city infrastructure, and on adjacent infrastructure; and also consider the impact, if any, to the area wildlife and natural resources. This list of potential impacts is not exhaustive and may include additional impacts, as identified.

Then, when deemed appropriate, it shall propose revisions (if any) to the Greenfield Zoning Code, to be placed before the Greenfield City Council for consideration.

2D. The Department of Planning and Development may consult with other City departments to ensure any recommendations (if any) address the impact on power, water, sewer availability and capacity limitations, noise, as well as any potential legal implications.

2E. If recommendations are made, emphasis should also be given to enforcement of regulations following construction and development, including operational limitations reasonably intended to ameliorate public concerns of legitimate land uses.

2F. If, after the expiration of the 365-day period, no revisions or recommendations are forwarded to the Greenfield City Council, then the Council may vote to extend the moratorium by no more

than 180-days. During this time, the Council must propose its own revisions to the Greenfield Zoning Code.

3. Amend the Appendix: Table of Uses, section 7 “Industrial Uses”, by inserting a new section as follows:

Industrial Uses	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Data Centers	N	N	N	N	N	N	N	N	N	N	N

4. Severability – If any provision of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

5. Should any provision of this moratorium conflict with or fail to address a matter within the purview of M.G.L. c. 40A, it is understood that M.G.L. c. 40A shall prevail.

6. This Ordinance shall take effect upon its passage in accordance with the Code of the City of Greenfield and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • ella.wise@greenfield-ma.gov • www.greenfield-ma.gov

TO: Lora Wondolowski, City Council President
Members of the Greenfield City Council

FROM: Jeff Sauser, Chairperson, Planning Board

DATE: September 3, 2026

RE: Planning Board recommendation on the proposed zoning amendments to amend Articles II Definitions, IV Use Regulations, and VII Special Regulations to enact a 365-day moratorium on data centers.

At its September 3, 2026 meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed zoning amendments to amend Articles II Definitions, IV Use Regulations, and VII Special Regulations to enact a 365-day moratorium on data centers.

MOTION: Moved by Toulountzis, seconded by Bledsoe, and voted 4:0:1 to forward a positive recommendation to the City Council on the proposed zoning amendments to amend Articles II Definitions, IV Use Regulations, and VII Special Regulations to enact a 365-day moratorium on data centers.

Respectfully submitted,
Jeff Sauser
Chairperson, Planning Board



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____ :
Second by Councilor _____ :

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, TO CLARIFY THE “DOVER AMENDMENT” AND HOW IT RELATES TO THE ZONING PERMIT REVIEW PROCESS BY AMENDING THE FOLLOWING SECTIONS IN THE STRIKETHROUGH ATTACHED:

ARTICLE II: DEFINITIONS

ARTICLE IV: USE REGULATIONS AND APPENDIX TABLE OF USES

ARTICLE VII: SPECIAL REGULATIONS; ADD NEW SECTION 7.20: SPECIAL REGULATIONS FOR RELIGIOUS, EDUCATIONAL, CHILD CARE USES

ARTICLE VIII: ADMINISTRATION, PARAGRAPH (F): SITE PLAN REVIEW

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Majority Vote Required (7)

Vote:

Explanation of supporting rationale:



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Ella.Wise@greenfield-ma.gov • www.greenfield-ma.gov

TO: Lora Wondolowski, City Council President
Members of the Greenfield City Council

FROM: Jeff Sauser, Chairperson, Planning Board

DATE: July 8, 2026

RE: Planning Board initiation of proposed zoning amendments to clarify the Dover Amendment and how it relates to proposed projects in Greenfield

The Planning Board considered and deliberated these zoning amendments over the course of multiple meetings from March 5 to July 2, 2026.

The Planning Board requests the initiation of the attached proposed zoning amendments in order to clarify the Dover Amendment and how it relates to proposed projects in Greenfield.

Respectfully submitted,
Jeff Sauser
Chairperson, Planning Board

Attachments:

- Proposed Amendments to Section 200-2 Definitions, Section 200-4 Use Regulations and Appendix Table of Uses, Section 200-7 Special Regulations, and Section 200-8.4 Site Plan Review and Approval of the Greenfield Zoning Ordinance



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a designated Green Community and a recipient of the "Leading by Example" Award*

**Section 200-2 Definitions, Section 200-4 Use Regulations and Appendix Table of Uses,
Section 200-7 Special Regulations, and Section 200-8.4 Site Plan Review and Approval of
the Greenfield Zoning Ordinance**

July 8, 2026

Note: Text with a ~~strike through~~ is text to be deleted, ***black bold italic*** text is newly proposed text.

1. Article II - Definitions

Dover Amendment. Those sections of M.G.L. 40A, Section 3, which limit the authority of local governments to regulate certain uses, including but not limited to religious, educational, agricultural, child care, public service, solar energy systems, accessory dwelling units, and amateur radio uses.

Educational Use, Exempt. The use of land or buildings primarily for the training and teaching of children, youths, or adults, including preschools, elementary and secondary schools, colleges, vocational schools, and technical schools. Exempt educational uses also include dormitory and residential facilities for students, faculty, and staff of an educational institution, and residential facilities that provide educational services for their residents, including group homes, homeless shelters, half-way houses, or any other program in which counseling, education, or residential facilities are provided to residents or clients. In order to qualify as an Exempt Educational Use such use must occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

Educational Use, Non-Exempt. The use of land or buildings primarily for the training and teaching of children, youths, or adults, including private for-profit schools and any other school or institution providing instruction or educational services, where such use does not occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

2. Article IV Use Regulations and Appendix Table of Uses

Appendix Table of Uses

D = Use allowed as of right subject to limited Site Plan Review as provided in Article IIX, pursuant to M.G.L. Chapter 40A, Section 3 (Dover Amendment)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Educational, Religious, and Charitable Uses											
Educational or religious uses, exempt from zoning regulation under the Zoning Act, M.G.L. c40A sec.3 <i>[Move this from "Institutional and Municipal Uses" to a new use category]</i>	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D
Private School not exempt from zoning under Section 200-4.1(B-1) <i>[Move this from "Institutional and Municipal Uses" to a new use category]</i>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Family day-care home <u>exempt from zoning regulation under the Zoning Act, M.G.L. c40A sec.3</u> <i>[Move this from "Residential Uses" to a new use category]</i>	SP D	SP D	SP D	Y D	Y D	N D	N D	N D	N D	N D	N D
Philanthropic or Charitable Institution <i>not exempt from zoning under Section 200-4.1(B-1)</i>	N	N	N	Y	N	Y	Y	Y	Y*	Y*	Y

3. Article VII – Special Regulations

Section 7.20 Special Regulations for Religious, Educational, Child Care Uses

Section 7.20.1 Uses Exempted by State Law

Religious Uses, Exempt Educational Uses, and Child Care uses are partially protected from local zoning regulation by M.G.L. Ch. 40A, Section 3, and shall be allowed in all districts, as stated in Section 200-4.1 Statutory Exemptions.

Section 7.20.2 Site Plan Review

Uses regulated under this section shall be subject to Site Plan Review with modified review standards in accordance with Section 200-8.4.

Section 7.20.3 Dimensional Requirements

The uses protected by Section 200-4.1 Statutory exemptions shall comply with the dimensional regulations of Article 5 unless the Site Plan Review approval authority determines that a particular dimensional regulation is unreasonable as applied to the use. If the Site Plan Review approval authority determines that a dimensional regulation is unreasonable, it shall modify such dimensional regulation in accordance with M.G.L Chapter 40A, Section 3.

Section 7.20.4 Qualification of uses that are Exempt

a. Demonstration of Qualification

To qualify for the protections of this Section 200-7.20, applicants shall submit proof that they comply with the definitional requirements for the use. In order to make this showing, Department of Planning and Development may require the applicant to furnish, if applicable, copies of the deed to the property, a proposed or existing lease, the articles of organization and bylaws of the applicant organization, the letter of determination granting the applicant tax-exempt status under the Internal Revenue Code, and program materials demonstrating, in the case of an exempt educational institution, that the organization has a bona fide educational purpose and program. In the case of exempt educational uses only, applicants must provide sufficient proof, in the form of catalogs, program descriptions, annual reports, articles of incorporation, bylaws, annual reports, tax exempt status, state license or other means that the organization provides educational services to students, residents, customers, or clients, and that the land on which the use occurs is owned or leased by a religious sect or denomination, or a nonprofit educational corporation, or the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic, including the City or any agency of the City and when the subject facility is designed and intended for persons with disabilities, as defined by the Fair Housing Act, shall be required to file an Application for a Reasonable Accommodation with the Building Commissioner.

b. Procedures

In order to qualify for the modified Site Plan Review procedures of this Section, an applicant must prove to the satisfaction of the Department of Planning and Development that the use is exempt under M.G.L. Ch. 40A, Section 3.

4. Article VIII – Administration

Section 200-8.4 Site plan review and approval

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 three (3) or more units including subdivisions; [Subsection amended by City Council on May 8, 2025] (4) Any site containing more than one (1) principal use; (5) Creation of an Unprotected Accessory Dwelling Unit; **(6) Religious, Exempt Educational, or Child Care Uses**

(F) Site Plan Review of exempt Religious, Educational, and Child Care Uses

1. Applicability

Religious uses, exempt educational uses, child care uses, which are partially exempted from local zoning regulation by M.G.L. Chapter 40A, Section 3, shall be subject to the modified Site Plan Review provisions of this Section.

2. Procedures

The application for Site Plan Review will not be accepted for review under this Section 8.4 unless the Department of Planning and Development determines that the proposed use qualifies under the applicable definitions per Section 7.20 Qualification of uses that are Exempt.

3. Review Standards

In approving any Site Plan for of an exempt use under this section, the Department of Planning and Development or Planning Board shall be limited to imposing reasonable restrictions on:

- A. The bulk and height of structures,*
- B. Yard sizes and setbacks,*
- C. Lot area,*
- D. Open space*
- E. Parking, and*
- F. Building coverage*



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

ELLA WISE

Director

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MEMO

TO: Planning Board

FROM: Ella Wise, Director of Planning and Development

DATE: June 2, 2026

RE: Draft Zoning Amendment to define Dover Amendment and clarify process for demonstrating zoning exemptions per Dover Amendment

The following draft zoning amendments provide potential amendments to the Greenfield Zoning Code based on the City of Springfield Zoning Code. The purpose of the draft amendments are to clarify the Dover Amendment (MGL Ch 40A Section 3) and how it applies to proposed projects in Greenfield, as recommended by ZBA Chair David Singer at the May 7, 2026 Planning Board meeting.

In comparing the Springfield and Greenfield Zoning Codes, I discovered more similarities than I had appreciated. For example, the Greenfield Zoning Code use table already allows “Educational or religious uses exempt from zoning regulation under the Zoning Act, MGL c. 40A, Section 3” by right in all districts. Therefore, to align the Greenfield Zoning Code with the approach taken by the Springfield Zoning Code, the only changes to the Use Table would be to move some uses to a new category called “Educational, Religious, and Charitable Uses” and to allow Family Day-Care use in all districts.

However, the draft zoning amendments would add a new section about how an applicant would demonstrate its qualifications for the Dover exemption and would require a modified Site Plan Review for those uses.

The draft zoning amendments are underlined below and summarized as follows:

- Define “Dover Amendment,” “Educational Use, Exempt,” “Educational Use, Non-Exempt”



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the “Leading by Example” Award*

- Create a new use category called “Educational, Religious, and Charitable Uses” and to allow Family Day-Care use in all districts
- Outline how the applicant must demonstrate its qualifications for Dover exemption
- Define the Site Plan Review for Dover-protected uses

1. Article II - Definitions

Dover Amendment. Those sections of M.G.L. 40A, Section 3, which limit the authority of local governments to regulate certain uses, including but not limited to religious, educational, agricultural, child care, public service, solar energy systems, accessory dwelling units, and amateur radio uses.

Educational Use, Exempt. The use of land or buildings primarily for the training and teaching of children, youths, or adults, including preschools, elementary and secondary schools, colleges, vocational schools, and technical schools. Exempt educational uses also include dormitory and residential facilities for students, faculty, and staff of an educational institution, and residential facilities that provide educational services for their residents, including group homes, homeless shelters, half-way houses, or any other program in which counseling, education, or residential facilities are provided to residents or clients. In order to qualify as an Exempt Educational Use such use must occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

Educational Use, Non-Exempt. The use of land or buildings primarily for the training and teaching of children, youths, or adults, including private for-profit schools and any other school or institution providing instruction or educational services, where such use does not occur on land owned or leased by (a) the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic; or (b) a religious sect or denomination; or (c) a nonprofit educational corporation.

2. Article IV Use Regulations and Appendix Table of Uses

Section 200-4.1 Application of use regulations

A. ...

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 nonprofit 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...

Appendix Table of Uses

D = Use allowed as of right subject to limited Site Plan Review as provided in Article IIX, pursuant to M.G.L. Chapter 40A, Section 3 (Dover Amendment)

	RC	RB	RA	SR	H	CC	LC	GC	O	GI	PI
Educational, Religious, and Charitable Uses											
Educational or religious uses, exempt from zoning regulation under the Zoning Act, M.G.L. c40A sec.3 <i>[Move this from "Institutional and Municipal Uses" to a new use category]</i>	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D	Y D
Private School not exempt from zoning under Section 200-4.1(B-1) <i>[Move this from "Institutional and Municipal Uses" to a new use category]</i>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Family day-care home <u>exempt from zoning regulation under the Zoning Act, M.G.L. c40A sec.3</u> <i>[Move this from "Residential Uses" to a new use category]</i>	SP D	SP D	SP D	Y D	Y D	N D	N D	N D	N D	N D	N D
Philanthropic or Charitable Institution <u>not exempt from zoning under Section 200-4.1(B-1)</u>	N	N	N	Y	N	Y	Y	Y	Y*	Y*	Y

3. Article VII – Special Regulations

Section 7.20 Special Regulations for Religious, Educational, Child Care Uses

Section 7.20.1 Uses Exempted by State Law

Religious Uses, Exempt Educational Uses, and Child Care uses are partially protected from local zoning regulation by M.G.L. Ch. 40A, Section 3, and shall be allowed in all districts, as stated in Section 200-4.1 Statutory Exemptions.

Section 7.20.2 Site Plan Review

Uses regulated under this section shall be subject to Site Plan Review with modified review standards in accordance with Section 200-8.4.

Section 7.20.3 Dimensional Requirements

The uses protected by Section 200-4.1 Statutory exemptions shall comply with the dimensional regulations of Article 5 unless the Site Plan Review approval authority determines that a particular dimensional regulation is unreasonable as applied to the use. If the Site Plan Review approval authority determines that a dimensional regulation is unreasonable, it shall modify such dimensional regulation in accordance with M.G.L Chapter 40A, Section 3.

Section 7.20.4 Qualification of uses that are Exempt

a. Demonstration of Qualification

To qualify for the protections of this Section 200-7.20, applicants shall submit proof that they comply with the definitional requirements for the use. In order to make this showing, Department of Planning and Development may require the applicant to furnish, if applicable, copies of the deed to the property, a proposed or existing lease, the articles of organization and bylaws of the applicant organization, the letter of determination granting the applicant tax-exempt status under the Internal Revenue Code, and program materials demonstrating, in the case of an exempt educational institution, that the organization has a bona fide educational purpose and program. In the case of exempt educational uses only, applicants must provide sufficient proof, in the form of catalogs, program descriptions, annual reports, articles of incorporation, bylaws, annual reports, tax exempt status, state license or other means that the organization provides educational services to students, residents, customers, or clients, and that the land on which the use occurs is owned or leased by a religious sect or denomination, or a nonprofit educational corporation, or the Commonwealth of Massachusetts or any of its agencies, subdivisions

or bodies politic, including the City or any agency of the City and when the subject facility is designed and intended for persons with disabilities, as defined by the Fair Housing Act, shall be required to file an Application for a Reasonable Accommodation with the Building Commissioner.

b. Procedures

In order to qualify for the modified Site Plan Review procedures of this Section, an applicant must prove to the satisfaction of the Department of Planning and Development that the use is exempt under M.G.L. Ch. 40A, Section 3.

4. Article VIII – Administration

Section 200-8.4 Site plan review and approval

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 three (3) or more units including subdivisions; [Subsection amended by City Council on May 8, 2025] (4) Any site containing more than one (1) principal use; (5) Creation of an Unprotected Accessory Dwelling Unit; (6) Religious, Exempt Educational, or Child Care Uses

(F) Site Plan Review of exempt Religious, Educational, and Child Care Uses

1. Applicability

Religious uses, exempt educational uses, child care uses, which are partially exempted from local zoning regulation by M.G.L. Chapter 40A, Section 3, shall be subject to the modified Site Plan Review provisions of this Section.

2. Procedures

The application for Site Plan Review will not be accepted for review under this Section 8.4 unless the Department of Planning and Development determines that the proposed use qualifies under the applicable definitions per Section 7.20 Qualification of uses that are Exempt.

3. Review Standards

In approving any Site Plan for of an exempt use under this section, the Department of Planning and Development or Planning Board shall be limited to imposing reasonable restrictions on:

A. The bulk and height of structures.

B. Yard sizes and setbacks.

C. Lot area.

D. Open space

E. Parking, and

F. Building coverage



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Guidance on Regulation of Religious and Educational Uses of Land Under the Dover Amendment, Massachusetts General Laws c. 40A, §3

For over 50 years, Massachusetts law has exempted educational and religious uses of land from certain local zoning regulations through the so-called “Dover Amendment,” Massachusetts General Laws chapter 40A, § 3. The statutory exemption is just one sentence long, but it has been given shape by dozens of court decisions applying it to a variety of real-life situations across the state. This guidance summarizes the law of the Dover Amendment as expressed through that case law. It is intended to help municipalities, developers, and residents to understand the types of land use that are exempted from local zoning requirements under the religious and educational use provision of the Dover Amendment and the practical implications of these exemptions.

What is the “Dover Amendment” and how does it protect religious and educational uses of land?

Since the 1920s, Massachusetts cities and towns have had certain authority to enact zoning by-laws and ordinances to control the use of land in their communities, subject to constraints imposed by the Legislature, the state constitution, and federal law. In 1950, the Legislature passed a law making it illegal for communities to use their zoning laws to restrict religious uses of land, including “religious, sectarian or denominational education[]”. St.1950, c. 325, § 1. The Attorney General sued to enforce the new state law against the town of Dover, where a land use dispute had arisen between the town and a religious organization. In the resulting case, the Supreme Judicial Court confirmed that the Legislature has the power to restrict a town’s zoning activity. *Attorney General v. Inhabitants of Town of Dover*, 327 Mass. 601, 604 (1951). The Court also declared the town’s by-law invalid to the extent it conflicted with the new state law. *Id.* at 608. The state law exempting religious uses from local zoning rules thereafter became known as the “Dover Amendment.”

Over time, the Legislature expanded the Dover Amendment, first to protect secular educational uses and then to protect other state priorities like childcare centers, solar energy systems, farms, and accessory dwelling units. The full list of protected uses can be found in Section 3 of the Zoning Act, which is chapter 40A of the Massachusetts General Laws.

The current version of the Dover Amendment protects both religious and educational uses of land and creates balance by allowing cities and towns to impose certain “reasonable” regulations on them. The relevant text is found in the second paragraph of G.L. c. 40A, § 3:

No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures 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 nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

This Guidance focuses on how courts have interpreted this protection of religious and educational uses. Most of the principles outlined below are generally applicable to all use protections contained in the Dover Amendment. *See, e.g., Tracer Lane II Realty, LLC v. City of Waltham*, 489 Mass. 775, 780 (2022) (using the “abundant case law interpreting that section’s other paragraphs” when interpreting the solar energy paragraph for the first time); *Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. 818, 825, n.10 (1998) (trial court properly applied “reasonable regulations” caselaw from educational context to childcare use protected by third paragraph of Dover Amendment); 760 C.M.R. 71.03(3) (test for assessing reasonableness of zoning regulations when applied to a religious or educational use applies equally to protected-use accessory dwelling units). However, because uses protected under other paragraphs of the Amendment may be subject to greater, lesser, or different types of regulation, caution is advised when using this guidance in other contexts. *See, e.g., G.L. c. 40A, § 3, eighth par.* (unlike religious or educational uses, a handicapped ramp cannot be subject to dimensional lot regulations like setbacks or open space requirements); *Tracer Lane*, 489 Mass. at 780 (solar energy uses may be subject to regulations that cannot be applied to educational uses). *But see G.L. c. 40A, § 3, third par.* (like religious and educational uses, childcare centers are subject only to “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements”).

What is the purpose of the Dover Amendment’s religious and educational use protections?

The Dover Amendment limits local zoning discretion around religion and education “to foreclose the ‘local exercise of preferences as to what kind of educational or religious uses will be welcome’” in a community. *Hume Lake Christian Camps, Inc. v. Planning Board of Monterey*, 492 Mass. 188, 194 (2023) (quoting *Newbury Junior College v. Brookline*, 19 Mass. App. Ct. 197, 205 (1985)). It reflects a legislative decision that religious and educational uses are important to the state and should be “free from local interference.” *Crossing Over, Inc. v. City of Fitchburg*, 98 Mass. App. Ct. 822, 829 (2020). At the same time, the Dover Amendment expressly allows certain kinds of reasonable regulation of protected uses, creating a balance between “legitimate municipal concerns that typically find expression in local zoning laws” and the ability of religious and educational nonprofits to carry out their work. *Hume Lake*, 492 Mass. at 194 (citing *Trustees of Tufts College v. Medford*, 415 Mass. 753, 757 (1993)).

What is the legal test for determining whether a use is a religious or educational use protected by the Dover Amendment?

A proposed use of land or structures is protected by the Dover Amendment if both of the following are true:

1. The land is owned or leased by a “religious sect or denomination,” a “nonprofit educational corporation,” or the Commonwealth or one of its agencies, subdivisions or bodies politic;
2. A bona fide religiously or educationally significant goal is the primary or dominant purpose for which the land or structure will be used.

See G.L. c. 40A, § 3, par. 2. *See also, e.g., Hume Lake*, 492 Mass. at 195; *Regis College v. Town of Weston*, 462 Mass. 280, 285 (2012) (quoting *Whitinsville Retirement Society, Inc. v. Northbridge*, 394 Mass. 757, 760 (1985)).

What qualifies as a “nonprofit educational corporation” under the Dover Amendment?

A nonprofit organization does not need to look like a traditional school or have education as its primary goal or purpose to qualify as a “nonprofit educational corporation” under the first prong of the Dover Amendment test. *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12, 16 (1987); *see also Regis Coll.*, 462 Mass. at 285. So long as a nonprofit corporation’s articles of organization allow it to engage in educational activities, the organization is considered “educational” for Dover Amendment purposes. *Gardner-Athol*, 401 Mass. at 15-16 (citing *Worcester County Christian Communications, Inc. v. Board of Appeals of Spencer*, 22 Mass. App. Ct. 83, 87 (1986)). The articles of organization of nonprofit corporations, including out-of-state corporations doing business in Massachusetts, are filed with the Secretary of the Commonwealth and available at <https://www.sec.state.ma.us/divisions/corporations/corporations.htm>.

What qualifies as a “religious sect or denomination” under the Dover Amendment?

Unlike an educational organization, a religious group need not be organized as a nonprofit corporation in order to seek protection under the Dover Amendment. G.L. c. 40A, § 3, second par.

Where a religious group is in fact registered as a nonprofit corporation, then it will satisfy the first prong of the Dover Amendment test if its articles of organization authorize it to engage in the religious (or educational activity) it proposes at a site. *See, e.g., Hume Lake Christian Camps, Inc. vs. Sawyer*, Case. No. 19 MISC 000386, 2022 WL 1256666, at *13 (Mass. Land Ct. Apr. 27, 2022), *rev’d on other grounds, Hume Lake Christian Camps*, 492 Mass. at 188 (an organization is a “religious sect or denomination” under the Dover Amendment if “its articles of

organization allow it to engage in religious activities”); *Timothy Hill Children's Ranch, Inc. v. Webb*, Case Nos. 08 MISC 382531, 09 MISC 404144, and 09 MISC 404850, 2012 WL 444018, at *9 (Mass. Land Ct. Feb. 10, 2012) (camp operator is “religious” under Dover where its articles of organization authorize it to “operate an educational outdoor camp to teach children and families leadership skills and life skills with a spiritual foundation which includes bible studies and church services”). Where a religious group is not organized as a nonprofit corporation, a subjective, good faith “system of belief, concerning more than the earthly and temporal, to which the adherent is faithful” may be sufficient for Dover Amendment purposes. *Needham Pastoral Counseling Center, Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31, 34 (1990) (discussing but not deciding question of how to define “religion” in a Dover Amendment case). The definition of a religious sect or denomination may also be impacted by developments in federal law. See, e.g., *Catholic Charities Bureau, Inc. v. Wisconsin Labor and Industries Review Commission*, United States Supreme Court Case No. 24-154 (pending as of March 2025) (addressing role of state government in defining whether group is “operated primarily for religious purposes”).

What is an “educationally significant goal”?

Under Massachusetts law, “education” is a “broad and comprehensive term” that is not limited to “traditional or conventional educational regimes.” *Regis Coll.*, 462 Mass. at 285 (citing *Mount Hermon Boys’ School v. Gill*, 145 Mass. 139, 146 (1887)). Instead, education is understood broadly as “the process of developing and training the powers and capabilities of human beings” and “preparing persons for activity and usefulness in life.” *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215, 220 (2019) (quoting *Mount Hermon Boys’ Sch.* at 146 and *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869, 875 (1980)).

As a result, in the context of the second prong of the Dover Amendment test, “[e]ducationally significant” uses are not “limited only to those facilities closely analogous to traditional schools and colleges.” *McLean Hosp.*, 483 Mass. at 220 (quoting *Regis Coll.*, 462 Mass. at 286). Similarly, whether a use is educational “does not, and should not, turn on an assessment of the population it serves.” *McLean Hosp.*, 483 Mass. at 222. Instead, courts have found an “educationally significant goal” for purposes of the Dover Amendment when, for example:

- the curriculum is narrowly targeted to serve the special needs of a particular population, contains therapeutic or other nonacademic training methods, or is delivered in a manner other than through classroom instruction;
- program participants do not resemble traditional school students in their demographic characteristics or educational goals;
- the program includes a residential or medical component; or
- an ancillary structure like a parking garage, or a recreational facility like a baseball field, supports the work of an educational institution.

The following cases illustrate the courts' generous interpretation of the "educationally significant goal" requirement. While this guidance separates these cases into categories for convenience, there is often overlap among the types of programs offered in each case.

Residential programs delivering targeted education and training to unique populations

Substance abuse treatment programs

- *Stanley Street Treatment & Resources v. City of Fall River*, Case No. 2273CV00372, 2024 WL 493561 (Mass. Super. Jan. 3, 2024). Residential substance abuse treatment program "offering 24-hour care in a structured environment," including relapse and overdose prevention counseling and education, HIV testing and education, TB testing and education, and tobacco use counseling and education. Program was led by social workers and drug treatment counselors; was founded on dialectical and cognitive behavioral therapy and motivational interviewing; and included both individualized treatment plans and group "education on harm reduction, tobacco cessation, life skills management, setting goals, gender identity, positive thinking, managing anxiety, relapse prevention strategies, coping skills, twelve step models, and understanding addiction and recovery."
- *Spectrum Health Sys. Inc. v. Framingham Zoning Bd. of Appeals*, Case No. 240789 (Mass. Land Ct. May 21, 1999). Facility providing substance abuse rehabilitation and mental health counseling services, with methadone administration for some participants.

Transitional programs for people experiencing homelessness

- *Brockton Coalition for Homeless v. Tonis*, Case No. 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Temporary housing with education designed to "assist homeless families in obtaining permanent housing and in becoming economically and socially independent," including classes, group activities, and individual coaching and assistance with topics ranging from life skills regarding housing, employment, and personal finance to parenting through homelessness and coping with domestic violence.
- *Congregation of the Sisters of St. Joseph of Boston v. Town of Framingham*, Case No. 194216, 1994 WL 16193868 (Mass. Land Ct. Mar. 31, 1994). Residence with classrooms for educational programming to teach "homeless families, single mothers, persons with AIDS and other physical disabilities such as deafness and blindness, and persons recovering from addictive habits...how to care and provide for themselves and their families." Programming included basic life skills like housekeeping, budgeting, and childcare; vocational and job search training; and personal health care, with "adjunct counseling services as needed to support these educational programs."

Programs where education is integral to mental health treatment

- *McLean Hospital Corp. v. Lincoln*, 483 Mass. 215 (2019). Residential program for adolescent males experiencing "severe emotional dysregulation." The program, run by a psychiatric hospital, would offer a "skills-based curriculum" based on dialectical behavioral therapy over the course of 60 to 120 days and help resident participants "to

develop the emotional and social skills necessary to return to their communities to lead useful, productive lives.”

- *Harbor Schools, Inc. v. Board of Appeals of Haverhill*, 5 Mass. App. Ct. 600 (1977). Residential facility providing academic instruction in traditional academic subjects as well as therapeutic and rehabilitation support to teens with special needs (“‘Education’ and ‘rehabilitation’...are not mutually exclusive.”).
- *Caldeira v. Levesque*, Case No. 197854 (Mass. Land Ct. Oct. 13, 1995). Residential facility for adolescents who have been removed from their homes after sexual and/or physical abuse. Residents attend school separately but receive education and training on “social skills, academic skills, conflict resolution, depression control, and the like” at the residence.

Re-entry programs for people leaving institutions/incarceration

- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Step down” residential facility for adults who were formerly institutionalized in psychiatric hospitals. Run by a mental health organization and staffed by social service workers, the facility would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458, 2025 WL 643720 (Mass. Land Ct. Feb. 21, 2025) (appeal taken March 2025). Twelve to 18-month residential program for formerly incarcerated people and other “disadvantaged and marginalized members of society” to receive “education and training in life and job skills” through “on-site education and training programs that are intended to assist participants with selecting and securing for full or part-time employment off-site and, eventually, becoming fully independent.”
- *Austen Riggs Ctr., Inc. v. Considine*, Case No. 288451, 2004 WL 1392279 (Mass. Land Ct. June 22, 2004). “Step down” facility aimed at helping people formerly institutionalized in psychiatric hospitals to develop independent living skills, with twice weekly program meetings and weekly workshops on vocational, interpersonal, and other life skills topics.

Longer term supportive housing programs

- *Campbell v. City Council of Lynn*, 32 Mass. App. Ct. 152 (1992), aff’d in part on other grounds, 415 Mass. 772 (1992). Group residence for elders with mental illness, run by senior services agency and providing “instruction in the activities of daily living” and “a basic understanding of how to cope with everyday problems and to maintain oneself in society.”

- *Watros v. Greater Lynn Mental Health and Retardation Ass'n, Inc.*, 421 Mass. 106 (1995). Barn on residential property to be renovated and “used to provide shelter and education for three mentally handicapped individuals and their caretakers” under a lease with a local nonprofit.
- *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12 (1987). Residential care facility for four adults with mental disabilities offering training in “daily living, as well as vocational skills, with the goal of preparing them for more independent living.”
- *Seven Hills Cmty. Servs. v. Town of Saugus*, Case No. 278982 (Mass. Land Ct. Apr. 22, 2003). Residential facility for developmentally disabled adults with skill building in daily life activities like housekeeping, personal care, and meal preparation. Residents learn to become “as independent as possible in all facets of their lives so they may become contributing members of society.”

Vocational and technical skills training programs

- *Arts Empowering Life, Inc. vs. Judd*, Case No. 15 MISC 000373, 2017 WL 2721186 (Mass. Land Ct. June 23, 2017). Facility for teaching of percussion by a prestigious youth music school.
- *City of Worcester v. New England Institute & New England School of Accounting, Inc., et al.*, 335 Mass. 486 (1957). Professional school for accountants with vocational training in skills like typing and stenography.
- *But see Metrowest YMCA, Inc. vs. Hopkinton*, Case No. 287240, 2006 WL 1881885 (Mass. Land Ct. July 10, 2006). YMCA gym not covered where “[t]he overwhelming majority of those who use the Hopkinton site receive no instruction, and those that do, mostly receive it in connection with sports and exercise activities.”

Educational components of senior living communities

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). Requirement that residents of a residential community for older adults complete two college courses per semester on the adjacent campus while receiving individualized academic advising and curriculum planning and gaining opportunities to participate in both classes and extracurricular activities with degree-seeking college students could serve an educational purpose: “the promotion of the cognitive and physical well-being of elderly persons through academic and physical instruction.”

Ancillary structures affiliated with and supporting educational institutions

Parking

- *Trustees of Tufts Coll. v. City of Medford*, 415 Mass. 753 (1993)
- *Radcliffe College v. Cambridge*, 350 Mass. 613 (1966)

Dorms

- *Newbury Junior College v. Town of Brookline*, 19 Mass. App. Ct. 197 (1985)
- *Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc.*, 11 Mass. App. Ct. 97 (1980)
- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)

Athletic facilities

- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)
- *Martha's Vineyard Reg'l Sch. Dist. vs. Oak Bluffs Planning Bd.*, Case No. 22 MISC 000294, 2023 WL 5704480 (Mass. Land Ct. Sept. 5, 2023)

What is a “religiously significant” goal?

As in the education context, Massachusetts courts have taken an expansive view of what is religiously significant under the second prong of the Dover Amendment test. A use qualifies as religiously significant if it is “something in aid of a system of faith and worship.” *Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141, 150 (2001). Religiously significant uses “encompass more than just ‘typical’ religious uses, such as worship or religious instruction,” and include “accessory uses” that are “components of a broader religious project, and that facilitate the functioning of that project.” *Hume Lake*, 492 Mass. at 196. The use need not be “intrinsically religious” nor a “necessary element” of the particular religion. *Id.* Some examples follow.

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park for seasonal staff, volunteers, and family attendees of camp that has evangelical aims and religious content; RV park makes it easier to run and more attractive to attend the camp, and informal religious discussions are expected to occur in park
- *Martin v. Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141 (2001). Church steeple (and adding in dicta that church kitchen or church parking lot would be similarly exempt).
- *Jewish Cemetery Ass'n of Massachusetts, Inc. v. Bd. of Appeals of Wayland*, 85 Mass. App. Ct. 1105, 2104 WL 886907 (2014) (unpublished Rule 1:28 decision). Expansion of Jewish cemetery.
- *But see Needham Pastoral Counseling Center Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31 (1990). Counseling center that does not proselytize or offer religious content *not* protected under the Dover Amendment.

When is education or religion the “primary” or “dominant” purpose of the proposed land use?

The Dover Amendment applies only if religion or education is the “primary or dominant” purpose for which the land or structures will be used. *Regis College*, 462 Mass. at 285. But religion or education need **not** be the **only** purpose of the program. It is common for religious or educational goals or activities to be intertwined with other goals and services, including housing, and courts have repeatedly cautioned against attempting to draw fine distinctions between the different aspects of an applicant’s program in assessing whether the Dover Amendment applied. See, e.g., *McLean Hosp.*, 483 Mass. at 220 (declining to attempt to separate “therapeutic” from “educational” aspects of program in assessing whether education was dominant). Similarly, the “primary or dominant” test does not turn on the percentage of the physical space that will be devoted to educational or religious activity, since ancillary structures like parking lots are still Dover-protected. See, e.g., *Tufts Coll.*, 415 Mass. at 757-762 (applying Dover analysis to college parking garage). Rather than taking a “piecemeal approach” or restricting the exemption to single-focus uses, the Dover Amendment requires looking at the use as a whole and ensuring that the educational or religious purpose is not “mere window dressing for a nonexempt use.” *Hume Lake*, 492 Mass. at 195 (internal quotes omitted).

The following cases illustrate how this test has been applied:

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park housing seasonal staff, volunteers, and family attendees of camp with evangelical aims and religious content has a primarily religious purpose. RV park makes it easier to run the camp and more attractive to attend it and thereby supports the operator’s evangelical mission.
- *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215 (2019). Residential program of psychiatric hospital that teaches emotional and behavioral skills to adolescents who experience severe emotional dysregulation is primarily educational. Given unique needs of participants, it is inappropriate for local zoning board to attempt to separate what is “educational” from what is “therapeutic” in the program.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458 (Mass. Land Ct. Feb. 21, 2025). Twelve to 18-month residential program is primarily educational rather than residential where it offers multi-format life and job skills training for formerly incarcerated people and others seeking to change their life trajectories and incorporates features of residential life, like paying rent, into curriculum.
- *Brockton Coalition for Homeless v. Tonis*, Case No. CA 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Primary and dominant purpose of temporary shelter for homeless families—“assisting homeless families in obtaining permanent housing and in becoming economically and socially independent”—is educational given the shelter’s structured, mandatory program of life-skills training in various formats.
- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Stepdown” residential facility for adults who were formerly institutionalized in

psychiatric hospitals is primarily educational, despite “therapeutic” elements. Run by a mental health organization and staffed by social service workers, the program would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). College’s long-term residential community for older adults could be protected by Dover Amendment, but only if college demonstrated at trial that its goals were primarily educational by showing, for example, that residents would be held to the requirement that they complete two college courses per semester on the adjacent campus, that residents’ advising and curriculum plans would be developed in consultation with trained educators, and that residents would be truly socially and academically integrated into the broader college community.

But see:

- *Whitinsville Ret. Soc., Inc. v. Northbridge*, 394 Mass. 757 (1985). Nursing home offering optional courses to residents and giving less healthy residents the opportunity to interact with and thereby learn from healthier ones had “merely an element of education” and was not an “educational use” under the Dover Amendment.
- *Sullivan v. Heritage Plantation of Sandwich, Inc.*, Case No. 1472CV00560, 35 Mass. L. Rptr. 281 (Mass. Super. Sept. 10, 2018). Recreational outdoor activity park that offered brief instruction in the available recreational activities was not primarily educational.

Which local official evaluates whether a use is a religious or educational use protected under the Dover Amendment?

It varies by municipality. Some municipalities have by-laws or ordinances that specify where an applicant for a building permit should first make its claim of Dover protection, and applicants must follow the local rules so long as they are lawful. In other communities, there is no specialized local process.

In some communities, a local ordinance or by-law instructs the proponent of a Dover use to seek a determination of Dover Amendment protection from the designated local zoning enforcement official, who is typically the building inspector or commissioner. *See, e.g.*, City of Framingham Planning Board Rules and Regulations, Section 20.3.1, <https://www.framinghamma.gov/3997/Planning-Board-Rules-and-Regulations>. When in doubt, the zoning enforcement official can consult with the municipality’s lawyer—a wise practice given the extensive case law that governs the Dover Amendment’s scope—and determine whether the use qualifies for Dover protection. This is the default process where a community has not adopted a by-law or ordinance creating a Dover-specific practice.

In other communities, a local ordinance or by-law instructs the applicant to make their claim of Dover protection to a municipal land use board, which will hold a public hearing before making a decision. Given the extensive case law applicable to most Dover Amendment questions, any municipal board considering whether to extend Dover protections to a proposed

religious or educational use should strongly consider involving municipal counsel before and/or during the hearing to ensure that all decisionmakers have the appropriate legal foundation.

This Guidance, in combination with specific local by-laws setting forth the proper trajectory for a claimed Dover use in a particular community, may help members of the public understand how the Dover Amendment applies to a proposed use. Public understanding of the complexities of Dover Amendment exemptions is important to promote both active and informed public engagement at the local level and protection of religious and educational uses from local prejudice and interference.

Initial decisions about Dover protection can be appealed, by appropriate parties, to the local zoning board of appeals. G.L. c. 40A, §§ 8 and 14.

Which local regulations can a city or town impose on a Dover-protected religious or educational use?

A municipality cannot ban or restrict the use of a site for Dover-protected religious or educational activity, either by denying a permit or by putting conditions on the use that make it impossible or impractical to use the site as the applicant intends. While the municipality must not deny or excessively burden the protected use, it may impose “reasonable” dimensional requirements in one of the eight categories listed in the statute, G.L. c. 40A, § 3, second par.:

- bulk and height of structures;
- yard sizes;
- lot area;
- setbacks;
- open space;
- parking; and
- building coverage.

The Dover Amendment does not exempt religious or educational uses from state laws, including state health and safety codes, or from municipal rules that are separately authorized by or intended to enforce state laws. *See Southern New England Conference Ass’n of Seventh-Day Adventists v. Town of Burlington*, 21 Mass. App. Ct. 701, 706-07 (1986) (municipalities are independently empowered by state environmental law to regulate wetlands, and the Dover Amendment’s zoning exemption therefore does not apply regardless of whether the wetlands rules are incorporated into the local zoning code); *Spectrum Health Sys., Inc. v. City of Lawrence*, Case No. 1577CV00288 (Mass. Super. Ct. Mar. 9, 2015) (“[D]espite the language of the statute, the city [c]an also reasonably require Spectrum to comply with the provisions of the state’s building, health and safety codes.”).

What does it mean for a local zoning rule to be “reasonable” when applied to a Dover-protected religious or educational use?

It is unreasonable—and therefore not lawful—for a municipality to impose a local zoning regulation on a Dover-protected religious or educational use unless *all of the following* are true:

1. The rule concerns one of the eight dimensional restrictions specifically listed in the statute;
2. The rule otherwise applies to similar uses in the same zoning district; *and*
3. Applying the rule would not, in purpose or effect, nullify the use or excessively burden the use without sufficient benefit to the legitimate interests that the municipality typically protects through its zoning.

The threshold question for a municipality seeking to regulate a Dover-protected religious and educational use is therefore whether the rule it seeks to impose is an otherwise applicable dimensional regulation of the land or structures in one of the eight categories listed in the Dover Amendments second paragraph. If it is not, then the rule cannot be applied to the protected religious or educational use. *See, e.g., Darish v. Needham Zoning Board of Appeals*, Case No. 24 MISC 000097, 2024 WL 5205565, at *9 (Mass. Land Ct. Dec. 24, 2024) (town cannot require landscaped transition area even if it “concerns” open space in some manner, because it is not the kind of “dimensional” regulation the Dover Amendment allows); *Martha’s Vineyard Reg’l Sch. Dist.*, 2023 WL 5704480, at *5 (town cannot apply local groundwater protection by-law to school’s athletic field because groundwater protection is not one of the “dimensional” regulations allowed by the Dover Amendment and, unlike wetlands protection, is not separately derived from state law); *Primrose School Franchising Co. v. Town of Natick*, Case No. 12 MISC 459243, 2015 WL 3477072, at *9 (Mass. Land Ct. May 29, 2015) (school enrollment cannot be capped to address traffic impacts of childcare center on surrounding neighborhood, because neighborhood traffic is outside the scope of permissible dimensional regulation of the use site itself); *Brockton Area Multi-Servs., Inc. vs. Lundberg*, Case No. 330728, 2008 WL 4000903, at *7 (Mass. Land Ct. Aug. 28, 2008) (blocking expansion of educational programming into third floor of existing building is not a permissible dimensional regulation of the building’s “height” but an impermissible regulation of its use). *See also Tracer Lane*, 489 Mass. at 780 (the “statutory protections for land use for education, religion, and childcare...allow only for reasonable regulations on such matters as bulk and height”).

If the municipal regulation falls into one of the eight permissible categories, then the municipality must determine whether the rule is reasonable *when applied to the use*. Reasonableness “will depend on the particular facts of each case,” *Tufts Coll.*, 415 Mass. at 759, but the following general rules apply:

The local rule cannot be applied if it would nullify the Dover-protected use.

A municipality cannot impose any zoning regulation—even one listed in the statute—if it would “nullify” the protected use, *i.e.*, if following the rule would be impossible or so difficult that the rule would have the effect of prohibiting the use. *See Sisters of Holy Cross of Mass. v. Town of Brookline*, 347 Mass. 486, 494 (1964) (town cannot apply dimensional requirements for

single-family homes to college dorms in same neighborhood because restrictions would virtually nullify Dover protection); *Campbell*, 415 Mass. at 779 (applying bulk and dimensional requirements would nullify Dover Amendment protection of an educational use where building to be used as a group home already occupied most of its small lot); *Caldeira* (Mass. Land Ct. Oct. 3, 1995) (in Dover-protected residential educational facility for adolescent victims of physical or sexual abuse, “dimensional regulation that has the effect of prohibiting or unreasonably limiting the use for educational purposes shall not be given effect”).

The local rule cannot be applied if the financial and other costs of compliance would outweigh the benefits to the municipality.

If a regulation is expressly allowed by the statute and would not “nullify” the use, the Dover Amendment still requires the municipality to balance the municipal interest in applying the rule with the burden imposed on the protected use. If the local regulation will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns,” the rule will be considered unreasonable as applied to the project. *Tufts Coll.*, 415 Mass. at 757, 759.

Among other things, in deciding whether it may lawfully impose a zoning rule on a Dover-protected use, the municipality must consider the applicant’s financial burden of complying with the rule and assess whether compliance is necessary under the circumstances. “Excessive cost of compliance...without significant gain in terms of municipal concerns” renders a rule unreasonable as applied to a Dover-protected use. *Tufts Coll.*, 415 Mass. at 759-60. It is important to note that “[p]articulated proof as to cost of compliance is not required in every case.” *Rogers v. Norfolk*, 432 Mass. 374, 385 (2000) (internal quotation marks omitted). Instead, “the central question is whether application of the...requirement to the[] proposed project furthers a legitimate municipal concern to a sufficient extent to warrant requiring the [applicant] to alter her plans.” *Id.* See also *Radcliffe Coll.*, 350 Mass. at 619 (City may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project); *Petrucci*, 45 Mass. App. Ct. at 825-27 (under *Tufts* test, it is unreasonable to apply local setback rules to childcare facility operating in barn where barn would have to be relocated on lot to conform to setbacks); *Austen Riggs Ctr.*, 2004 WL 1392279, at *5 (dimensional requirements could not reasonably be applied to a pre-existing non-conforming structure where applicant demonstrated that “compliance with the dimensional requirements will require the existing structure to be torn down and it would be impossible to replace it with a conforming structure for educational purposes” and there was no showing that requiring compliance would “advance the municipality’s legitimate concerns.”).

Similarly, “matters of aesthetic and architectural beauty” may be part of the “character” of land or structures, and so local zoning requirements that regulate them without a sufficient municipal justification can be unreasonable. *Martin*, 434 Mass. at 152 (citing *Petrucci*, 45 Mass. App. Ct. at 826-27) (Dover Amendment precluded application of zoning ordinance that would “disturb the sense of the building’s continuity” and ruin its “architectural integrity”). See also *Trustees of Boston College v. Bd. of Aldermen of Newton*, 58 Mass. App. Ct. 794, 804 (2003) (application of height and story requirements deemed unreasonable where it would bar college from hiding mechanical equipment under Gothic-style false roof matching rest of campus).

The local rule cannot have the effect of subjecting the use to discretionary approvals.

A municipality cannot impose a regulation that would have the effect of forcing a protected educational or religious use to obtain discretionary zoning relief, like a special permit, variance, or waiver. Eliminating local discretion to interfere with a protected use is at the heart of the Dover Amendment. If imposing an otherwise permissible dimensional regulation on a Dover-protected use would trigger a requirement that the project obtain a variance or other discretionary zoning relief, the regulation will be deemed unreasonable and invalid as applied to the use. *See Boston Coll.*, 58 Mass. App. Ct. at 802 (city's floor-area-ratio requirement cannot be applied to college campus where campus already exceeded FAR limit and zoning ordinance required special permit for any noncompliant construction).

The local rule cannot discriminate against the Dover-protected use.

Zoning laws that “facially discriminate” against religious and educational uses are invalid. *Trustees of Tufts College v. City of Medford*, 33 Mass. App. Ct. 580, 581 (1992), *aff'd*, 415 Mass. 753, (1993). Moreover, an otherwise permissible restriction would be unreasonable if it were applied only, or more stringently, to a religious and/or educational use.

How should a municipality decide which local zoning regulations are “reasonable” when applied to a religious or educational use protected under the Dover Amendment?

In some communities, the local zoning enforcement official (generally the building inspector or commissioner) determines which of the local zoning rules are lawful when applied to a Dover-protected use. The zoning enforcement official can consult with municipal counsel and ensure that the inquiry is properly cabined and does not venture into the type of discretion that the Dover Amendment prohibits but that might be more common in other contexts. *See Bay Farm Montessori Academy v. Duxbury*, Case No. 329566, 2007 WL 6954812 (Mass. Land Ct. May 25, 2007) (“The legitimate municipal concerns manifested in local zoning by-laws are properly served by the involvement of the zoning enforcement officer, rather than the exercise of discretion by an elected or appointed board. The zoning enforcement office is charged with the statutory responsibility to determine what is a reasonable regulation of an educational use.”), *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). In other communities, a municipal land use board conducts the assessment at a public hearing. In both cases, decisions may be appealed to the local board of appeals.

Regardless of the local procedure, a municipality seeking to impose conditions on a Dover-protected use should be specific and transparent in its decision-making and should make clear how, in imposing conditions on the use, the municipality has “str[uck] a balance between preventing local discrimination against an educational use and legitimate municipal goals advanced by reasonable zoning regulations.” *Sharon Bd. of Library Trustees vs. Brahmachari*, Case No. 20 MISC 000525, 2021 WL 4059907, at *4 (Mass. Land Ct. Sept. 2, 2021).

Can a municipality require the proponent of a Dover-protected religious or educational use to obtain a special permit?

No. Any process that gives the municipality discretion over the use of land or structures for religious or educational purposes is prohibited. A special permit is inherently discretionary. G.L. c. 40A, § 9. In addition, in some cases, obtaining a special permit requires showing that a use meets criteria that are impermissible under the Dover Amendment. *See, e.g.*, G.L. c. 40A, § 9, seventh par. (requiring that any reduction in parking requirements be shown to serve the public good).

Because a municipality does not have discretion to deny a special permit to a Dover-protected religious or educational use, the municipality cannot require a Dover project to go through the rigors of the special permit process or obtain a special permit before moving forward with the use. *See Campbell*, 415 Mass. at 775 & n. 5 (“As a general rule, a municipality cannot condition the use of property for an educational purpose on the grant of a special permit”); *Tufts Coll.*, 415 Mass. at 765 (“A local zoning law that improperly restricts an educational use by invalid means, such as by special permit process, may be challenged as invalid in all circumstances”); *The Bible Speaks*, 8 Mass. App. Ct. at 33 (municipal process that introduces discretionary review, “as a practical matter, enables the town to exercise its preferences as to what kind of educational or religious denominations it will welcome, the very kind of restrictive attitude which the Dover Amendment was intended to foreclose”); *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19 (city cannot require college to obtain G.L. c. 40A, § 6, finding through special permit process where rezoning rendered entire section of campus nonconforming to FAR limits and thus subject to special permit requirement; special permit processes “offend the spirit, if not the letter, of the Dover Amendment”); *Jewish Cemetery Ass’n of Mass.*, 85 Mass. App. Ct. 1105 (2014) WL 886907 (development of site for Jewish cemetery is religious use and therefore exempt from special permit requirement for earth removal). *See also Bay Farm Montessori*, 2007 WL 6954812, at *2, *aff’d* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision) (invalidating site plan review that went beyond reasonable regulations specified in Dover Amendment and introduced discretionary decision making by planning board); *Forster v. Bd. of Appeals of Belmont*, 60 Mass. App. Ct. 1118, 2004 WL 323545, at *3 (Feb. 20, 2004) (unpublished Rule 1:28 decision) (affirming dismissal of neighbors’ appeal of decision by local board of appeals to allow school’s athletic field lights to exceed height requirement without regard to special permit requirement in zoning by-law; under Dover Amendment, board lacked discretion to limit height where necessary to the educational use).

Can a municipality require a religious or educational use to go through site plan review?

Yes, but only if the site plan review is limited to assessing whether one or more of the eight categories of permissible regulation may be imposed reasonably on the Dover-protected use in a manner that does not prohibit or unduly burden the use. *Y.D. Dugout, Inc. v. Bd. of Appeals of Canton*, 357 Mass. 25, 31 (1970) (site plan approval acts as a method for reasonably regulating as-of-right uses rather than for prohibiting them). Where site plan review is limited to an assessment of what may constitute “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements,” G.L. c. 40A, § 3, second par., it is permissible. *See Jewish Cemetery*

Ass'n of Mass., 2014 WL 886907 (site plan review by building commissioner appropriate where limited to reasonable regulations permitted under Dover Amendment); *see also, e.g.*, Town of Westford Zoning By-law (2025), §§ 9.4.2 and 9.4.7.2 (outlining special, limited site plan review process for Dover Amendment uses).

On the other hand, requiring a Dover Amendment project to go through a site plan review process that looks beyond the permissible factors or introduces any discretion over the use of the land is unlawful. *See Bay Farm Montessori*, 2007 WL 6954812, at *2-3, *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). *See also The Bible Speaks*, 8 Mass. App. Ct. at 33 (town cannot require applicant to submit site plan and “informational statement” with details about its landscaping plans, projections about the increased impact on municipal services, and other details outside the scope of what the town could lawfully regulate under the Dover Amendment); *Watros*, 421 Mass. at 115 (zoning restrictions other than those allowed by the statute do not apply to a Dover Amendment use).

What procedure should a municipality follow if the Dover-protected use will result in alteration or expansion of a pre-existing nonconforming structure or use?

At times, a religious or educational use will be proposed in a structure that is “nonconforming” to zoning or will replace an existing nonconforming use. A structure or use is considered “nonconforming” when it violates current zoning rules but is excused from complying with them because it pre-dates them.

Under ordinary circumstances, a pre-existing nonconforming structure or use cannot be extended or altered “unless there is a finding...that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood.” G.L. c. 40A, § 6. But religious and educational uses are exempt from zoning requirements that prohibit them, create substantial burdens, or fall outside the eight permissible categories of reasonable regulation outlined in the Dover Amendment. As a result, Dover projects are often exempt from whatever regulation would otherwise create a nonconformity and therefore do not need any “Section 6 finding” to proceed. *See Watros*, 421 Mass. at 115 (nonconforming accessory structure used as barn can be used as congregate living facility for adults with disabilities and program staff without Section 6 finding because Dover Amendment exempts that use from local zoning rules that create nonconformity for barn). Put another way, a Dover-protected use is not “nonconforming” to any zoning by-law that cannot lawfully be imposed on it and therefore is neither extending nor altering any nonconformity. *Id.*

In practice, therefore, G.L. c. 40A, § 6, does not apply where a Dover-protected use will merely move into an existing structure, despite the nonconformity of the structure or its existing use. *Campbell*, 415 Mass. at 777, n. 6 (change of use in existing nonconforming structure does not require a finding under § 6 because of § 3’s use protection). In these circumstances, the municipality cannot require a “Section 6 finding” that the Dover-protected use will “not be substantially more detrimental...to the neighborhood.” G.L. c. 40A, § 6. The use cannot be denied or based on such neighborhood effects or conditioned on mitigating them.

By the same logic, where changes to structures are necessary to enable a Dover-protected use to proceed, or where it would be unlawful or unreasonable to apply the regulations creating a nonconformity to a particular Dover-protected use, no Section 6 finding is required. *See Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. at 824-27. *See also Ellsworth vs. Mansfield*, Case No. 08 MISC 382311, 2011 WL 3198174, at *4 (Mass. Land Ct. July 25, 2011) (no Section 6 finding required because “effectively, G.L. c. 40A, § 3 removes the non-conformity (the lack of frontage) because it would not be a ‘reasonable regulation’ of the proposed school in these circumstances”).

Where a Dover applicant proposes to alter a nonconforming structure in a manner that can lawfully be regulated by the municipality under the Dover Amendment—*i.e.*, where the alteration of the structure triggers a zoning regulation that both falls into one of the eight categories of permissible regulation of religious and educational uses *and* can be reasonably applied without excessively burdening the use—then a Section 6 finding might be required as to that alteration – but not as to the use itself. *See Boston Coll.*, 58 Mass. App. Ct. at 802-803 (applying Dover Amendment analysis to redevelopment of preexisting nonconforming building on campus). In these circumstances, the Section 6 neighborhood-impacts analysis effectively folds into the “municipal interest” prong of the Dover Amendment reasonableness test and must be balanced with the impact on the protected use. *See Tufts Coll.*, 415 Mass. at 757, 759-60 (local regulation is unreasonable as applied to a religious or educational use if it will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns”). No special permit can be required, even where local by-laws prescribe a special permit process for Section 6 findings. *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19.

Can a municipality require impact studies or “mitigation” fees or measures as a condition of permitting a Dover-protected educational or religious use?

Not unless the studies are necessary for the municipality to act in areas of statutorily authorized regulation. A religious or educational use protected under the Dover Amendment may very well have local impacts, including adding foot or automobile traffic or increasing the potential demand on municipal services like trash collection or law enforcement. A municipality cannot condition a use protected by the Dover Amendment on an applicant’s agreement to mitigate these effects, unless they fall into one of the eight categories of municipal regulation authorized by the statute, G.L. 40A, § 3, second para. Even in areas of permissible regulation, any mitigation required must be proportionate to the actual local impacts. *See Radcliffe Coll.*, 350 Mass. at 619 (city may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project). *See also Sheetz v. County of El Dorado*, 601 U.S. 267 (2024) (“legislatively prescribed monetary fees,” such as those established by by-law or regulation, must meet the “essential nexus” and “rough proportionality” test of *Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994)).

For the same reasons, it is unlawful for a municipality to require the proponent of a protected religious or educational use to produce studies measuring the projected impact of the project on the neighborhood or municipality, unless a study is necessary to inform a decision about a regulation that can lawfully be imposed on the project. Questions about the fiscal impact

of a project on municipal services like public education for school-age children or neighborhood impacts like increased traffic are not relevant to the assessment of “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Because such impacts cannot lead either to allowable regulations or to the prohibition of a use, they are not appropriate subjects for municipal consideration in the context of a Dover-protected religious or educational use. The fiscal effect of adding school children to the local population is an inappropriate subject for zoning consideration in any event. *See Bevilacqua Co. v. Lundberg*, Case No. 19 MISC 000516, 2020 WL 6439581, at *8–9 (Mass. Land Ct. Nov. 2, 2020), judgment entered, No. 19 MISC 000516 (HPS), 2020 WL 6441322 (Mass. Land Ct. Nov. 2, 2020) (because municipality must provide “fundamental public services” to public regardless of their ability to pay, considering whether an applicant for zoning relief would be a drain on municipal resources is inappropriate, particularly in the case of schoolchildren) and *160 Moulton Drive LLC v. Shaffer*, No. 18 MISC 000688 (RBF), 2020 WL 7319366, at *13–15 (Mass. Land Ct. Dec. 11, 2020), judgment entered, No. 18 MISC 000688 (RBF), 2020 WL 7324778 (Mass. Land Ct. Dec. 11, 2020) (same).

Can municipal decisions on Dover Amendment projects be challenged in court?

A “person aggrieved” by a decision of a local zoning board of appeals or special permit granting authority can appeal the decision in either the Land Court or the Superior Court. G.L. c. 40A, § 17. Not every person unhappy with the decision is a “person aggrieved” who can challenge the decision in court. A case can be brought only by 1) the original parties to the zoning board appeal, including the Dover applicant, or 2) a person who “sufficiently allege[s]” and “plausibly demonstrate[s]” through “credible evidence” a “measurable injury, which is special and different to [them], to a private legal interest that will likely flow from the decision.” *Id.*, third par. The standing requirement for nonparties was made more stringent in 2024, and project opponents now face a heavier burden to establish standing. St. 2024, c. 150, Section 11 (amending standing requirement for appeals of zoning decisions under G.L. c. 40A, § 17).

In addition, a person who brings a case challenging an approved special permit, variance, or site plan can be ordered to pay a bond of up to \$250,000 “if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.” *Id.* A bond can be required even if the appeal is brought in good faith. Moreover, a party who appeals a zoning decision “in bad faith or with malice” can be ordered to pay the other parties’ costs, including reasonable attorneys’ fees, at the end of the case. G.L. c. 40A, § 17, sixth par.

Do state and federal fair housing laws apply to municipal decisions on Dover-protected religious and educational uses of land?

Yes. State and federal fair housing laws apply to municipal zoning and land use decisions. If a Dover-protected religious or educational use includes a residential component, the municipality’s approval process and decisions must comply with the Federal Fair Housing Act, 42 U.S.C. §§ 3601–3619, among other fair housing laws. The Fair Housing Act makes it unlawful to “make unavailable or deny” housing on the basis of a protected characteristic like

race, disability, or the presence of children. 42 U.S.C. § 3604. It is also unlawful “to coerce, intimidate, threaten, or interfere with” the exercise of fair housing rights or attempts to assist another person in exercising or enjoying such rights. 42 U.S.C. § 3617. *See also* G.L. c. 151B, § 4(4A) (state law equivalent); § 4(5) (making it unlawful for “any person” to “aid, abet, incite, compel or coerce” unlawful discriminatory conduct or attempt to do so); 804 C.M.R. § 2.01. In 2016, the U.S. Department of Housing and Urban Development and the Department of Justice published information for the public on the application of the Fair Housing Act in the zoning context. *See* HUD/DOJ Joint Statement on State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Nov. 10, 2016) (the “HUD/DOJ Statement”) (<https://www.justice.gov/crt/page/file/909956/dl?inline=>). The HUD/DOJ Statement summarizes several decades of federal case law interpreting the Fair Housing Act in the zoning and land use context and offers a useful guide to understanding the topic.

The fair housing laws prohibit both intentional discriminatory treatment and facially neutral policies that have unjustified discriminatory effects. Intentional discrimination occurs when a municipality or municipal officials treat a project differently because of a protected characteristic of either the permit applicant or the likely residents of the housing. Intentional discrimination can occur when municipal officials act on community bias, even if the officials themselves do not feel animus or hold prejudicial views. HUD/DOJ Statement at p. 3-4.

In one local Fair Housing Act case, *South Middlesex Opportunity Council, Inc. v. Framingham*, 752 F. Supp. 2d 85 (D. Mass. 2010), both the town and individual town officials faced claims of fair housing violations and defamation in connection with their attempts to delay and ultimately stymie the siting of supportive housing for people with disabilities. While the applicant in *South Middlesex* ultimately received a permit, it was subjected to more hearings and layers of process, over a longer period, than was normal and required. *Id.* at 97-98, 100-01. Town officials who opposed the project became involved in decisions outside their official purview. *Id.* at 98-99, 101-02. The Planning Board held repeated and lengthy public comment sessions, allowing comment on matters outside of those necessary for the Dover Amendment analysis. *Id.* at 97-102. All of these factors led the judge to find sufficient evidence for a jury to find intentional discrimination and deny the municipal defendants’ motions for summary judgment. *Id.* The court rejected the individual officials’ claims that they were immune from suit due to their official roles, even if the officials themselves did not hold discriminatory views and were only acting on the unlawful biases of town residents. *Id.* at 110-13. *See also* G.L. c. 40A, § 3, fourth par. (Under separate paragraph of Dover Amendment, municipalities cannot treat people with disabilities differently and specifically must treat congregate living arrangements among people with disabilities as they would families or other similarly sized groups of unrelated persons.) *Id.*; *BAK Realty, LLC v. Fitchburg*, 495 Mass. 587 (2025).

A discriminatory treatment claim can also be based on the protected characteristics of the developer of a project rather than its likely residents, as illustrated by another recent Massachusetts case. *See Valentin v. Town of Natick*, 633 F.Supp.3d 366, 371-73 (D. Mass. 2022) (denying town’s motion to dismiss Black developers’ Fair Housing Act claim where town planning board initially voiced approval of project but reversed after opposition movement to project arose, town board held approximately 29 hearings about project over 16 months, members of neighborhood opposition group made racist comments, and town board rejected town counsel’s opinion that project met requirements of bylaw).

Unlawful discrimination can occur even in cases where there is no intentional discrimination. A zoning or land use policy violates the Fair Housing Act where it has a substantial discriminatory effect on protected groups without a sufficient municipal justification. *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015).

Fair housing and other civil rights laws also require a municipality to make zoning-related reasonable accommodations for people with disabilities. If a change to the application of a rule, policy, or practice is necessary to afford people with disabilities an equal opportunity to use and enjoy a residential facility or program and it would not be an undue burden on the municipality to make the change, then civil rights laws may impose limitations on municipal zoning decisions beyond the Dover Amendment.

A municipality or municipal officials found liable for violating fair housing laws can be ordered to pay actual and punitive damages as well as the plaintiff's attorneys' fees. A court can also award injunctive relief. 42 U.S.C. § 3613(c). See also G.L. c. 151B, § 9 (providing for actual and punitive damages and mandatory attorney fee shifting "unless special circumstances would render an award unjust" in state law housing discrimination cases). Municipalities can consult with municipal counsel for additional information on fair housing laws; information for the public on fair housing law and how to report suspected discrimination is available on the Attorney General's website at <https://www.mass.gov/info-details/overview-of-fair-housing-law>.



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • ella.wise@greenfield-ma.gov • www.greenfield-ma.gov

TO: Lora Wondolowski, City Council President
Members of the Greenfield City Council

FROM: Jeff Sauser, Chairperson, Planning Board

DATE: September 3, 2026

RE: Planning Board recommendation on the proposed zoning amendments to amend Zoning Ordinance Article II: Definitions; Article IV: Use Regulations and Appendix Table of Uses; Article VII: Special Regulations; Article VIII: Administration, Section 8.4: Site plan review to clarify the Dover Amendment and how it relates to proposed projects in Greenfield.

At its September 3, 2026 meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed zoning amendments to amend Zoning Ordinance Article II: Definitions; Article IV: Use Regulations and Appendix Table of Uses; Article VII: Special Regulations; Article VIII: Administration, Section 8.4: Site plan review to clarify the Dover Amendment and how it relates to proposed projects in Greenfield.

MOTION: Moved by Toulountzis, seconded by Moschella, and voted 5:0:0 to forward a positive recommendation to the City Council on the proposed zoning amendments to amend Zoning Ordinance Article II: Definitions; Article IV: Use Regulations and Appendix Table of Uses; Article VII: Special Regulations; Article VIII: Administration, Section 8.4: Site plan review to clarify the Dover Amendment and how it relates to proposed projects in Greenfield.

Respectfully submitted,
Jeff Sauser
Chairperson, Planning Board



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered,

AS REQUIRED BY SECTION 5-11 OF THE CITY CHARTER, THE CITY COUNCIL APPOINTS THE FIRM OF SCANLON & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS (CPAS), A PRIVATELY OWNED FIRM LOCATED IN SOUTH DEERFIELD, MA, FOR THE PURPOSE OF AN OUTSIDE AUDIT SUBJECT TO APPROPRIATION SETFORTH IN THE CITY AUDIT LINE ITEM OF THE FY27 BUDGET.

Majority Vote Required (7)

Vote:

Attachments:

Chapter C. Charter

Article 5. Finance and Fiscal Procedures

SECTION 5-11. Independent audit.

The City Council shall annually provide for an outside audit of the books and accounts of the City to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers. The Mayor shall annually provide to the City Council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the Mayor, in writing, by the City Council. The award of a contract to audit shall be made by the City Council, on or before September 15th of each year. The City Council shall coordinate the work of the individual or firm selected with the municipal officials. The report of the audit shall be filed in final form with the City Council not later than March first in the year following its award.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

PURSUANT TO M.G.L. C150E § 7, THE CITY COUNCIL APPROVES THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE SALARY SCHEDULE EMPLOYEES ASSOCIATION (SSEA) AND THE CITY OF GREENFIELD AND, TO FULFILL THE CONTRACT, APPROPRIATE THE AMOUNT OF TEN THOUSAND NINE HUNDRED DOLLARS (\$10,900) FROM THE CONTRACT STABILIZATION FUND (FUND 8403).

Majority Vote Required (7)

Vote:

Explanation or Supporting Rational:

Financial Changes Summary

- a) 2.5% COLA effective 7/1/26, and a five hundred (\$500) dollar one-time lump sum bonus for the employees at the top step who will not have step movement in FY 27(16 employees, \$8,000 total).
- b) 2.5% COLA effective 7/1/27
- c) 2.5% COLA effective 7/1/28
- d) Removed the one thousand (\$1,000) dollar incentive for IT Facilitator for the Library
- e) Removed the two thousand (\$2,000) dollar incentive for Assistant Field Superintendent
- f) Removed the two thousand (\$2,000) dollar incentive for Field Superintendent
- g) New Outfitting Reimbursement for OSHA standard safety shoes or boots for several positions.
Total annual Outfitting Reimbursement for all eligible positions = \$2,900

Contract Stabilization Fund has a balance of 156,153.98 as of 7/31/26

Attachments

- 1. Approved MOU
- 2. Contract Stabilization Fund Balance

MEMORANDUM OF AGREEMENT

Between

SALARY SCHEDULED EMPLOYEES ASSOCIATION (SSEA)

And

CITY OF GREENFIELD

The City of Greenfield and the SSEA Union, hereby agree to amend the terms of the July 1, 2024 to June 30, 2026 labor agreement, as follows, with all other terms unchanged, and subject to the ratification of the Mayor, the bargaining unit and approval of funding by the Greenfield City Council. Unless otherwise specified, all provisions are to become effective upon execution of the Parties' collective bargaining agreement embodying the terms of this MOA:

1. Three (3) Year Agreement: July 1, 2026 to June 30, 2029.
2. Amend Article 4, Section A, to read as follows:
The normal work week for employees shall begin at 12:01 am on Sunday and end on the following Saturday at midnight. The pay day shall begin at 12:01 am on Sunday and end at midnight on the second Saturday as stated above.
3. Replace language in Article 7, Section F, with the following:
Part-time employees shall be entitled to holiday pay for the hours they were scheduled on the holiday, rather than a pro rata holiday (if scheduled to work the holiday). For example, if a part-time employee is set to work 7.50 hours on a Wednesday, and that Wednesday happens to be a holiday, they will receive the full 7.50 hours of holiday pay. Holiday pay will be pro-rated for part-time employees who either (1) are scheduled to work four (4) days per week or (2) if scheduled to work fewer than four (4) days per week, are scheduled to work on the holiday.
4. Amend Article 7, Section G, to read as follows:
If an employee is ~~requested~~required to work on a holiday, they shall be compensated at their straight-time equivalent rate for all hours worked on that holiday, in addition to any holiday pay they are entitled to. Employees who are required to work the holiday, shall report their actual hours worked in the manner agreed upon between the employee and the department head.
5. Amend Article 7, Section I, to read as follows:
Effective July 1, 2021, Employee birthdays will be a paid holiday (birthday holiday must be used within the week the birthday lands, scheduled in collaboration with their direct supervisor if it is not on their actual birthday). If birthday occurred before ratification and it landed on 7/1/21 or after, employee can still take the birthday holiday.
6. Move the current Article 16, Section F, to Section G, and insert the following language as the new Section F:

The City agrees to pay the fees associated with obtaining and maintaining the requisite licenses and certifications as specified in the special requirements outlined in their job descriptions, except for the Class D driver's license.

7. Amend Article 22, of the section preceding Section A, as follows:

The classifications, grades and wages have been negotiated and are made a part of this contract as Appendix "C." The wages on Appendix "C" shall increase by ~~threetwo and one-half percent (2.503%)~~ COLA on July 1, 2026~~2024~~, and a five hundred (\$500) dollar one-time lump sum bonus payment outside the base for those that are already at the top step (currently at Step 11) and do not have step movement in FY27; and threetwo and one-half percent (2.503%) COLA on July 1, 2027~~2025~~, and two and one-half percent (2.50%) COLA on July 1, 2028. Parties agree to retroactive payment if an agreement is reached before August 1, 2026.

In connection with the payment of retroactive amounts of pay under this agreement, said retro shall be limited to employees still actively employed in the bargaining unit as of the date this collective bargaining agreement is signed by all of the parties and will not be processed for payment until after the collective bargaining agreement is ratified by the Association and approved by the City to include appropriation by the City Council. The City may adjust the payroll work week to comply with DOL regulations barring payment for work not previously performed.

8. Amend Article 22, Section F, to read as follows:

Some bargaining unit positions are held by employees who have, in addition to their position's duties, taken on additional responsibilities not within the position's job description. Those employees who have accepted such additional responsibilities, and who have been provided a stipend for such duties, may volunteer to continue to perform such responsibilities and, if offered and voluntarily accepted, those stipends will continue for as long as the voluntary responsibilities are so assigned. Neither the City nor the employee shall be obligated to continue the stipend assignment. Should the City decide to establish and assign other stipend responsibilities to employees within the bargaining unit, it shall first give notice to the Association and negotiate the terms of such an assignment. The existing stipends are as follows:

Annual Stipends for S Employees Performing Work Outside
of the Parameters of Their Regular Assignments

<u>Function</u>	<u>Stipend Amount</u>
Recycling Coordinator	\$2,000
IT-Facilitator for the Library	\$1,000
Assistant Field Superintendent(s)	\$2,000
Field Superintendent	\$2,000

9. Rename the current Article 33 to Article 35, and insert the following as the new Article 33, Outfitting Reimbursement:

The City will provide an outfitting allowance for OSHA standard safety shoes or boots for the positions listed below, which will be paid annually in the amount indicated below, on a fiscal year basis, as a reimbursement through receipts (Receipt method must be a one-time submission for the full allowance amount), and must be used by the end of each fiscal year. Employees who are currently on a leave of absence exceeding five (5) consecutive calendar days (for example, FMLA, Leave of Absence, Workers' Compensation, etc.) shall not be eligible for outfitting allowances until they have fully resumed their work duties.

Annual Allowance Amount of three hundred dollars (\$300.00)

DPW WPCF Superintendent

DPW WPCF Oper. Supervisor

Laboratory Manager

Fleet Maintenance Supervisor

Annual Allowance Amount of two hundred dollars (\$200.00)

Field Superintendent

Assistant Field Superintendents

Health Inspector

Annual Allowance Amount of one hundred dollars (\$100.00)

Building Commissioner

Engineering Technician

Local Inspector

Assistant Engineer

Local Building inspector

10. Insert a new Article 34, Repair and Replacement of Certain Items Damaged on the Job, as follows:

The City agrees that it will repair or replace with serviceable substitutes any DPW Department and Recreation Department employee's eyeglasses, false teeth, hearing aids, clothing or personal articles damaged as a result of a work-related accident without negligence on the part of the employee.

Other unit members may request a repair or replacement, which would be assessed and, at the city's discretion.

11. Amend Article 35 to read as follows:

This agreement shall be in full force and effect between the dates of July 1, ~~2024~~2026 and midnight June 30, ~~2026~~2029 and thereafter shall automatically renew itself for successive terms of one (1) year until the negotiation of a new contract has been executed.

During the term hereof, this agreement may not be modified or amended except by the mutual written addendum of the parties.

The failure by the City or the Association to observe or enforce any provision of this agreement shall be not be construed as a waiver of said provision.

If any portion(s) of this agreement shall be found to be invalid by law, rule, appropriation or regulation, then said portion shall be amended so as to conform to same. The remaining portion(s) of this agreement shall continue in full force and effect.

DATED THIS ____ DAY OF _____ 2024~~2026~~.

FOR THE CITY:

FOR THE ASSOCIATION:

Mayor Virginia Desorgher

SSEA President ~~Christy Moore~~ Nicholas Garmalo

12. Amend Appendix A to read as follows:

5/4/2021

LIST OF POSITIONS INCLUDED IN THE BARGAINING UNIT

~~Animal Control Officer/ Animal Inspector~~
Assistant Accountant (~~Vacant~~)
Assistant Assessor (~~Vacant~~)
Assistant Collector/ Treasurer (~~Vacant~~)
Assistant Library Director
Assistant City Clerk
*Chief Assessor
City Council Administrative Assistant
COA Activities Director
COA Financial/ Office Manager
COA Outreach Coordinator (~~Vacant~~)
COA Volunteer Coordinator (~~Vacant~~)
COA Wellness Coordinator (~~Vacant~~)
Collector/Treasurer
~~DECD~~ Administrator
~~DECD Grant Program~~ Assistant
DCD Grants Specialist
DCD Rehabilitation Specialist
~~Dispatch Manager~~
DPD Conservation Agent
DPD Land Use Agent (~~Vacant~~)
DPD Land Use/ GIS Planner (~~Vacant~~)
DPD Permits Manager (~~Vacant~~)
DPD Principal Planner/ Permits Manager (~~Vacant~~)
DPD Senior Planner/ GIS Planner (~~Vacant~~)
DPW Assistant Field Superintendent
DPW Engineering Technician
DPW Engineering Superintendent
DPW Assistant Engineer
DPW Field Superintendent
~~DPW Fleet Maintenance Supervisor~~
DPW Office Manager
DPW Office Manager Assistant
DPW WPCF Laboratory Technician (~~Vacant~~)
DPW WPCF Laboratory Manager
DPW WPCF Operations Supervisor
DPW WPCF Superintendent
Energy and Sustainability Assistant
Energy and Sustainability Coordinator (~~Vacant~~)

Fire Chief Administrative Assistant (~~Vacant~~)
Fire Office Manager
Health Inspector
IEC Administrator (~~Vacant~~)
IEC Assistant Inspector of Buildings (~~Vacant~~)
*IEC Building Commissioner
IEC Building Inspections and Enforcement Coordinator
IEC Local Building Inspector
~~Licensing Coordinator~~
~~Police Manager Assistant~~
Recreation Assistant Director
~~*Recreation Director~~
Recreation Program Supervisor
Recreation ~~Teen~~ Youth Center Coordinator
Sealer of Weights and Measures (~~Vacant~~)
~~Staff Accountant/Payroll Administrator~~
TD Network Administrator
~~TD Systems Administrator~~

TD Network Technician/ Analyst (~~Vacant~~)
TD Network Technician/ Support Equipment Administrator (~~Vacant~~)
TD Server Desktop Support Specialist
Veterans Service Assistant
Veterans Service Officer
Youth Services Program Manager (~~Vacant~~)

The following positions are excluded from the bargaining unit: all managerial and confidential employees including but not limited to: Mayor's department, HR department, DPW Director, Library Director, Director of Municipal Finance, Director of Planning and Development, City Accountant, City Clerk, Director of Council on Aging, ~~Dispatch Manager~~, Central Maintenance Facilities Manager, Energy / Sustainability Manager (Director), Information Technology Manager (Director), Police Department Management Assistant, Veterans Services District Director, Deputy DPW Director, Deputy Police Chief, Fire Chief, ~~Deputy Fire Chief~~, Police Chief, Court Administrator, Veterans Services Deputy Director, Procurement, Project and Grant Coordinator, Public Health Nurse, ~~and~~ Health Director, ~~and~~ ~~**Recreation Director~~.

~~An asterisk~~ *identifies positions identified as in dispute as set forth in Article 30.

~~** Recreation Director~~- see footnote¹

¹ Per the MOA executed on April 29, 2024, "Upon separation of Ms. Moore from the position of the City's Recreation Director for any reason, the City, at the request of the Union, shall meet with and confer with the Union concerning whether the Recreation Director position should remain outside the bargaining unit represented by the Union because it is a "Managerial" position or whether it should be placed back into the bargaining unit represented by the Union. Absent agreement on this issue, either Party has the right to petition the DLR to determine the proper placement of this position in accordance with applicable Massachusetts law and regulations.

13. Amend wage schedules and rename the steps on the wage schedule in Appendix C from letters to numbers as MUNIS does not recognize letter. Steps A-K will become Steps 1-11 as follows:

<u>APPENDIX C</u> <u>S SALARY SCHEDULE</u> <u>FISCAL YEAR 2027 2.50% COLA</u> <u>July 1, 2026 to June 30, 2027</u>											
	1	2	3	4	5	6	7	8	9	10	11
S1	\$21.04 <u>\$1,578.10</u> \$41,030.60	\$21.57 <u>\$1,617.51</u> \$42,055.26	\$22.11 <u>\$1,657.96</u> \$43,106.96	\$22.66 <u>\$1,699.42</u> \$44,184.92	\$23.23 <u>\$1,741.93</u> \$45,290.18	\$23.81 <u>\$1,785.47</u> \$46,422.22	\$24.40 <u>\$1,830.13</u> \$47,583.38	\$25.01 <u>\$1,875.84</u> \$48,771.84	\$25.64 <u>\$1,922.79</u> \$49,992.54	\$26.28 <u>\$1,970.83</u> \$51,241.58	\$26.93 <u>\$2,020.11</u> \$52,522.86
S2	\$23.94 <u>\$1,795.75</u> \$46,689.50	\$24.54 <u>\$1,840.65</u> \$47,856.90	\$25.16 <u>\$1,886.67</u> \$49,053.42	\$25.78 <u>\$1,933.85</u> \$50,280.10	\$26.43 <u>\$1,982.16</u> \$51,536.16	\$27.09 <u>\$2,031.76</u> \$52,825.76	\$27.77 <u>\$2,082.52</u> \$54,145.52	\$28.46 <u>\$2,134.58</u> \$55,499.08	\$29.17 <u>\$2,187.93</u> \$56,886.18	\$29.90 <u>\$2,242.65</u> \$58,308.90	\$30.65 <u>\$2,298.72</u> \$59,766.72
S3	\$25.76 <u>\$1,931.81</u> \$50,227.06	\$26.40 <u>\$1,980.12</u> \$51,483.12	\$27.06 <u>\$2,029.62</u> \$52,770.12	\$27.74 <u>\$2,080.34</u> \$54,088.84	\$28.43 <u>\$2,132.39</u> \$55,442.14	\$29.14 <u>\$2,185.66</u> \$56,827.16	\$29.87 <u>\$2,240.30</u> \$58,247.80	\$30.62 <u>\$2,296.32</u> \$59,704.32	\$31.38 <u>\$2,353.75</u> \$61,197.50	\$32.17 <u>\$2,412.60</u> \$62,727.60	\$32.97 <u>\$2,472.90</u> \$64,295.40
S4	\$27.28 <u>\$2,046.09</u> \$53,198.34	\$27.96 <u>\$2,097.19</u> \$54,526.94	\$28.66 <u>\$2,149.63</u> \$55,890.38	\$29.38 <u>\$2,203.44</u> \$57,289.44	\$30.11 <u>\$2,258.51</u> \$58,721.26	\$30.87 <u>\$2,314.96</u> \$60,188.96	\$31.64 <u>\$2,372.84</u> \$61,693.84	\$32.43 <u>\$2,432.15</u> \$63,235.90	\$33.24 <u>\$2,492.93</u> \$64,816.18	\$34.07 <u>\$2,555.27</u> \$66,437.02	\$34.92 <u>\$2,619.13</u> \$68,097.38
S5	\$28.66 <u>\$2,149.47</u> \$55,886.22	\$29.38 <u>\$2,203.22</u> \$57,283.72	\$30.11 <u>\$2,258.28</u> \$58,715.28	\$30.86 <u>\$2,314.78</u> \$60,184.28	\$31.63 <u>\$2,372.60</u> \$61,687.60	\$32.43 <u>\$2,431.94</u> \$63,230.44	\$33.25 <u>\$2,493.43</u> \$64,829.18	\$34.07 <u>\$2,555.05</u> \$66,431.30	\$34.92 <u>\$2,618.94</u> \$68,092.44	\$35.79 <u>\$2,684.39</u> \$69,794.14	\$36.69 <u>\$2,751.51</u> \$71,539.26
S6	\$30.47 <u>\$2,285.55</u> \$59,424.30	\$31.24 <u>\$2,342.65</u> \$60,908.90	\$32.02 <u>\$2,401.23</u> \$62,431.98	\$32.82 <u>\$2,461.23</u> \$63,991.98	\$33.64 <u>\$2,522.81</u> \$65,593.06	\$34.48 <u>\$2,585.87</u> \$67,232.62	\$35.34 <u>\$2,650.55</u> \$68,914.30	\$36.22 <u>\$2,716.76</u> \$70,635.76	\$37.13 <u>\$2,784.66</u> \$72,401.16	\$38.06 <u>\$2,854.28</u> \$74,211.28	\$39.01 <u>\$2,925.62</u> \$76,066.12
S7	\$33.74 <u>\$2,530.39</u> \$65,790.14	\$34.58 <u>\$2,593.66</u> \$67,435.16	\$35.45 <u>\$2,658.49</u> \$69,120.74	\$36.33 <u>\$2,724.97</u> \$70,849.22	\$37.24 <u>\$2,793.06</u> \$72,619.56	\$38.17 <u>\$2,862.88</u> \$74,434.88	\$39.13 <u>\$2,934.50</u> \$76,297.00	\$40.10 <u>\$3,007.85</u> \$78,204.10	\$41.11 <u>\$3,083.07</u> \$80,159.82	\$42.14 <u>\$3,160.14</u> \$82,163.64	\$43.19 <u>\$3,239.12</u> \$84,217.12
S8	\$36.10 <u>\$2,707.26</u> \$70,388.76	\$37.00 <u>\$2,774.94</u> \$72,148.44	\$37.92 <u>\$2,844.28</u> \$73,951.28	\$38.87 <u>\$2,915.41</u> \$75,800.66	\$39.84 <u>\$2,988.27</u> \$77,695.02	\$40.84 <u>\$3,063.01</u> \$79,638.26	\$41.86 <u>\$3,139.54</u> \$81,628.04	\$42.91 <u>\$3,218.09</u> \$83,670.34	\$43.98 <u>\$3,298.49</u> \$85,760.74	\$45.08 <u>\$3,380.96</u> \$87,904.96	\$46.21 <u>\$3,465.48</u> \$90,102.48
S9	\$37.73 <u>\$2,829.71</u> \$73,572.46	\$38.67 <u>\$2,900.41</u> \$75,410.66	\$39.64 <u>\$2,972.94</u> \$77,296.44	\$40.63 <u>\$3,047.26</u> \$79,228.76	\$41.65 <u>\$3,123.42</u> \$81,208.92	\$42.69 <u>\$3,201.51</u> \$83,239.26	\$43.75 <u>\$3,281.56</u> \$85,320.56	\$44.85 <u>\$3,363.59</u> \$87,453.34	\$45.97 <u>\$3,447.65</u> \$89,638.90	\$47.12 <u>\$3,533.83</u> \$91,879.58	\$48.30 <u>\$3,622.19</u> \$94,176.94
S10	\$39.18 <u>\$2,938.46</u> \$76,399.96	\$40.16 <u>\$3,011.93</u> \$78,310.18	\$41.16 <u>\$3,087.25</u> \$80,268.50	\$42.19 <u>\$3,164.44</u> \$82,275.44	\$43.25 <u>\$3,243.56</u> \$84,332.56	\$44.33 <u>\$3,324.65</u> \$86,440.90	\$45.44 <u>\$3,407.76</u> \$88,601.76	\$46.57 <u>\$3,492.95</u> \$90,816.70	\$47.74 <u>\$3,580.29</u> \$93,087.54	\$48.93 <u>\$3,669.80</u> \$95,414.80	\$50.15 <u>\$3,761.56</u> \$97,800.56

Note: Employees receive a weekly salary paid on a biweekly basis. Hourly and Annual wages may be approximate and are only for informational purposes.

APPENDIX C
S SALARY SCHEDULE
FISCAL YEAR 2028 2.50% COLA

July 1, 2027 to June 30, 2028

	1	2	3	4	5	6	7	8	9	10	11
S1	\$21.57 <u>\$1,617.55</u> \$42,056.30	\$22.11 <u>\$1,657.95</u> \$43,106.70	\$22.66 <u>\$1,699.41</u> \$44,184.66	\$23.23 <u>\$1,741.91</u> \$45,289.66	\$23.81 <u>\$1,785.48</u> \$46,422.48	\$24.40 <u>\$1,830.11</u> \$47,582.86	\$25.01 <u>\$1,875.88</u> \$48,772.88	\$25.64 <u>\$1,922.74</u> \$49,991.24	\$26.28 <u>\$1,970.86</u> \$51,242.36	\$26.93 <u>\$2,020.10</u> \$52,522.60	\$27.61 <u>\$2,070.61</u> \$53,835.86
S2	\$24.54 <u>\$1,840.64</u> \$47,856.64	\$25.16 <u>\$1,886.67</u> \$49,053.42	\$25.78 <u>\$1,933.84</u> \$50,279.84	\$26.43 <u>\$1,982.20</u> \$51,537.20	\$27.09 <u>\$2,031.71</u> \$52,824.46	\$27.77 <u>\$2,082.55</u> \$54,146.30	\$28.46 <u>\$2,134.58</u> \$55,499.08	\$29.17 <u>\$2,187.94</u> \$56,886.44	\$29.90 <u>\$2,242.63</u> \$58,308.38	\$30.65 <u>\$2,298.72</u> \$59,766.72	\$31.42 <u>\$2,356.19</u> \$61,260.94
S3	\$26.40 <u>\$1,980.11</u> \$51,482.86	\$27.06 <u>\$2,029.62</u> \$52,770.12	\$27.74 <u>\$2,080.36</u> \$54,089.36	\$28.43 <u>\$2,132.35</u> \$55,441.10	\$29.14 <u>\$2,185.70</u> \$56,828.20	\$29.87 <u>\$2,240.30</u> \$58,247.80	\$30.62 <u>\$2,296.31</u> \$59,704.06	\$31.38 <u>\$2,353.73</u> \$61,196.98	\$32.17 <u>\$2,412.59</u> \$62,727.34	\$32.97 <u>\$2,472.92</u> \$64,295.92	\$33.80 <u>\$2,534.72</u> \$65,902.72
S4	\$27.96 <u>\$2,097.24</u> \$54,528.24	\$28.66 <u>\$2,149.62</u> \$55,890.12	\$29.38 <u>\$2,203.37</u> \$57,287.62	\$30.11 <u>\$2,258.53</u> \$58,721.78	\$30.87 <u>\$2,314.97</u> \$60,189.22	\$31.64 <u>\$2,372.83</u> \$61,693.58	\$32.43 <u>\$2,432.16</u> \$63,236.16	\$33.24 <u>\$2,492.95</u> \$64,816.70	\$34.07 <u>\$2,555.25</u> \$66,436.50	\$34.92 <u>\$2,619.15</u> \$68,097.90	\$35.79 <u>\$2,684.61</u> \$69,799.86
S5	\$29.38 <u>\$2,203.21</u> \$57,283.46	\$30.11 <u>\$2,258.30</u> \$58,715.80	\$30.86 <u>\$2,314.74</u> \$60,183.24	\$31.64 <u>\$2,372.65</u> \$61,688.90	\$32.43 <u>\$2,431.92</u> \$63,229.92	\$33.24 <u>\$2,492.74</u> \$64,811.24	\$34.08 <u>\$2,555.77</u> \$66,450.02	\$34.92 <u>\$2,618.93</u> \$68,092.18	\$35.79 <u>\$2,684.41</u> \$69,794.66	\$36.69 <u>\$2,751.50</u> \$71,539.00	\$37.60 <u>\$2,820.30</u> \$73,327.80
S6	\$31.24 <u>\$2,342.69</u> \$60,909.94	\$32.02 <u>\$2,401.22</u> \$62,431.72	\$32.82 <u>\$2,461.26</u> \$63,992.76	\$33.64 <u>\$2,522.76</u> \$65,591.76	\$34.48 <u>\$2,585.88</u> \$67,232.88	\$35.34 <u>\$2,650.52</u> \$68,913.52	\$36.22 <u>\$2,716.81</u> \$70,637.06	\$37.13 <u>\$2,784.68</u> \$72,401.68	\$38.06 <u>\$2,854.28</u> \$74,211.28	\$39.01 <u>\$2,925.64</u> \$76,066.64	\$39.98 <u>\$2,998.76</u> \$77,967.76
S7	\$34.58 <u>\$2,593.65</u> \$67,434.90	\$35.45 <u>\$2,658.50</u> \$69,121.00	\$36.33 <u>\$2,724.95</u> \$70,848.70	\$37.24 <u>\$2,793.09</u> \$72,620.34	\$38.17 <u>\$2,862.89</u> \$74,435.14	\$39.13 <u>\$2,934.45</u> \$76,295.70	\$40.10 <u>\$3,007.86</u> \$78,204.36	\$41.11 <u>\$3,083.05</u> \$80,159.30	\$42.14 <u>\$3,160.15</u> \$82,163.90	\$43.19 <u>\$3,239.14</u> \$84,217.64	\$44.27 <u>\$3,320.10</u> \$86,322.60
S8	\$37.00 <u>\$2,774.94</u> \$72,148.44	\$37.92 <u>\$2,844.31</u> \$73,952.06	\$38.87 <u>\$2,915.39</u> \$75,800.14	\$39.84 <u>\$2,988.30</u> \$77,695.80	\$40.84 <u>\$3,062.98</u> \$79,637.48	\$41.86 <u>\$3,139.59</u> \$81,629.34	\$42.91 <u>\$3,218.03</u> \$83,668.78	\$43.98 <u>\$3,298.54</u> \$85,762.04	\$45.08 <u>\$3,380.95</u> \$87,904.70	\$46.21 <u>\$3,465.48</u> \$90,102.48	\$47.36 <u>\$3,552.12</u> \$92,355.12
S9	\$38.67 <u>\$2,900.45</u> \$75,411.70	\$39.64 <u>\$2,972.92</u> \$77,295.92	\$40.63 <u>\$3,047.26</u> \$79,228.76	\$41.65 <u>\$3,123.44</u> \$81,209.44	\$42.69 <u>\$3,201.51</u> \$83,239.26	\$43.75 <u>\$3,281.55</u> \$85,320.30	\$44.85 <u>\$3,363.60</u> \$87,453.60	\$45.97 <u>\$3,447.68</u> \$89,639.68	\$47.12 <u>\$3,533.84</u> \$91,879.84	\$48.30 <u>\$3,622.18</u> \$94,176.68	\$49.50 <u>\$3,712.74</u> \$96,531.24
S10	\$40.16 <u>\$3,011.92</u> \$78,309.92	\$41.16 <u>\$3,087.23</u> \$80,267.98	\$42.19 <u>\$3,164.43</u> \$82,275.18	\$43.25 <u>\$3,243.55</u> \$84,332.30	\$44.33 <u>\$3,324.65</u> \$86,440.90	\$45.44 <u>\$3,407.77</u> \$88,602.02	\$46.57 <u>\$3,492.95</u> \$90,816.70	\$47.74 <u>\$3,580.27</u> \$93,087.02	\$48.93 <u>\$3,669.80</u> \$95,414.80	\$50.15 <u>\$3,761.55</u> \$97,800.30	\$51.41 <u>\$3,855.60</u> \$100,245.60

Note: Employees receive a weekly salary paid on a biweekly basis. Hourly and Annual wages may be approximate and are only for informational purposes.

APPENDIX C
S SALARY SCHEDULE
FISCAL YEAR 2029 2.50% COLA

July 1, 2028 to June 30, 2029

	1	2	3	4	5	6	7	8	9	10	11
S1	<u>\$22.11</u> <u>\$1,657.99</u> \$43,107.74	<u>\$22.66</u> <u>\$1,699.40</u> \$44,184.40	<u>\$23.23</u> <u>\$1,741.90</u> \$45,289.40	<u>\$23.81</u> <u>\$1,785.46</u> \$46,421.96	<u>\$24.40</u> <u>\$1,830.12</u> \$47,583.12	<u>\$25.01</u> <u>\$1,875.86</u> \$48,772.36	<u>\$25.64</u> <u>\$1,922.78</u> \$49,992.28	<u>\$26.28</u> <u>\$1,970.81</u> \$51,241.06	<u>\$26.94</u> <u>\$2,020.13</u> \$52,523.38	<u>\$27.61</u> <u>\$2,070.60</u> \$53,835.60	<u>\$28.30</u> <u>\$2,122.38</u> \$55,181.88
S2	<u>\$25.16</u> <u>\$1,886.66</u> \$49,053.16	<u>\$25.78</u> <u>\$1,933.84</u> \$50,279.84	<u>\$26.43</u> <u>\$1,982.19</u> \$51,536.94	<u>\$27.09</u> <u>\$2,031.76</u> \$52,825.76	<u>\$27.77</u> <u>\$2,082.50</u> \$54,145.00	<u>\$28.46</u> <u>\$2,134.61</u> \$55,499.86	<u>\$29.17</u> <u>\$2,187.94</u> \$56,886.44	<u>\$29.90</u> <u>\$2,242.64</u> \$58,308.64	<u>\$30.65</u> <u>\$2,298.70</u> \$59,766.20	<u>\$31.42</u> <u>\$2,356.19</u> \$61,260.94	<u>\$32.20</u> <u>\$2,415.09</u> \$62,792.34
S3	<u>\$27.06</u> <u>\$2,029.61</u> \$52,769.86	<u>\$27.74</u> <u>\$2,080.36</u> \$54,089.36	<u>\$28.43</u> <u>\$2,132.37</u> \$55,441.62	<u>\$29.14</u> <u>\$2,185.66</u> \$56,827.16	<u>\$29.87</u> <u>\$2,240.34</u> \$58,248.84	<u>\$30.62</u> <u>\$2,296.31</u> \$59,704.06	<u>\$31.38</u> <u>\$2,353.72</u> \$61,196.72	<u>\$32.17</u> <u>\$2,412.57</u> \$62,726.82	<u>\$32.97</u> <u>\$2,472.90</u> \$64,295.40	<u>\$33.80</u> <u>\$2,534.74</u> \$65,903.24	<u>\$34.64</u> <u>\$2,598.09</u> \$67,550.34
S4	<u>\$28.66</u> <u>\$2,149.67</u> \$55,891.42	<u>\$29.38</u> <u>\$2,203.36</u> \$57,287.36	<u>\$30.11</u> <u>\$2,258.45</u> \$58,719.70	<u>\$30.87</u> <u>\$2,314.99</u> \$60,189.74	<u>\$31.64</u> <u>\$2,372.84</u> \$61,693.84	<u>\$32.43</u> <u>\$2,432.15</u> \$63,235.90	<u>\$33.24</u> <u>\$2,492.96</u> \$64,816.96	<u>\$34.07</u> <u>\$2,555.27</u> \$66,437.02	<u>\$34.92</u> <u>\$2,619.13</u> \$68,097.38	<u>\$35.80</u> <u>\$2,684.63</u> \$69,800.38	<u>\$36.69</u> <u>\$2,751.73</u> \$71,544.98
S5	<u>\$30.11</u> <u>\$2,258.29</u> \$58,715.54	<u>\$30.86</u> <u>\$2,314.76</u> \$60,183.76	<u>\$31.63</u> <u>\$2,372.61</u> \$61,687.86	<u>\$32.43</u> <u>\$2,431.97</u> \$63,231.22	<u>\$33.24</u> <u>\$2,492.72</u> \$64,810.72	<u>\$34.07</u> <u>\$2,555.06</u> \$66,431.56	<u>\$34.93</u> <u>\$2,619.66</u> \$68,111.16	<u>\$35.79</u> <u>\$2,684.40</u> \$69,794.40	<u>\$36.69</u> <u>\$2,751.52</u> \$71,539.52	<u>\$37.60</u> <u>\$2,820.29</u> \$73,327.54	<u>\$38.54</u> <u>\$2,890.81</u> \$75,161.06
S6	<u>\$32.02</u> <u>\$2,401.26</u> \$62,432.76	<u>\$32.82</u> <u>\$2,461.25</u> \$63,992.50	<u>\$33.64</u> <u>\$2,522.79</u> \$65,592.54	<u>\$34.48</u> <u>\$2,585.83</u> \$67,231.58	<u>\$35.34</u> <u>\$2,650.53</u> \$68,913.78	<u>\$36.22</u> <u>\$2,716.78</u> \$70,636.28	<u>\$37.13</u> <u>\$2,784.73</u> \$72,402.98	<u>\$38.06</u> <u>\$2,854.30</u> \$74,211.80	<u>\$39.01</u> <u>\$2,925.64</u> \$76,066.64	<u>\$39.98</u> <u>\$2,998.78</u> \$77,968.28	<u>\$40.98</u> <u>\$3,073.73</u> \$79,916.98
S7	<u>\$35.45</u> <u>\$2,658.49</u> \$69,120.74	<u>\$36.33</u> <u>\$2,724.96</u> \$70,848.96	<u>\$37.24</u> <u>\$2,793.07</u> \$72,619.82	<u>\$38.17</u> <u>\$2,862.92</u> \$74,435.92	<u>\$39.13</u> <u>\$2,934.46</u> \$76,295.96	<u>\$40.10</u> <u>\$3,007.81</u> \$78,203.06	<u>\$41.11</u> <u>\$3,083.06</u> \$80,159.56	<u>\$42.14</u> <u>\$3,160.13</u> \$82,163.38	<u>\$43.19</u> <u>\$3,239.15</u> \$84,217.90	<u>\$44.27</u> <u>\$3,320.12</u> \$86,323.12	<u>\$45.37</u> <u>\$3,403.10</u> \$88,480.60
S8	<u>\$37.92</u> <u>\$2,844.31</u> \$73,952.06	<u>\$38.87</u> <u>\$2,915.42</u> \$75,800.92	<u>\$39.84</u> <u>\$2,988.27</u> \$77,695.02	<u>\$40.84</u> <u>\$3,063.01</u> \$79,638.26	<u>\$41.86</u> <u>\$3,139.55</u> \$81,628.30	<u>\$42.91</u> <u>\$3,218.08</u> \$83,670.08	<u>\$43.98</u> <u>\$3,298.48</u> \$85,760.48	<u>\$45.08</u> <u>\$3,381.00</u> \$87,906.00	<u>\$46.21</u> <u>\$3,465.47</u> \$90,102.22	<u>\$47.36</u> <u>\$3,552.12</u> \$92,355.12	<u>\$48.55</u> <u>\$3,640.92</u> \$94,663.92
S9	<u>\$39.64</u> <u>\$2,972.96</u> \$77,296.96	<u>\$40.63</u> <u>\$3,047.24</u> \$79,228.24	<u>\$41.65</u> <u>\$3,123.44</u> \$81,209.44	<u>\$42.69</u> <u>\$3,201.53</u> \$83,239.78	<u>\$43.75</u> <u>\$3,281.55</u> \$85,320.30	<u>\$44.85</u> <u>\$3,363.59</u> \$87,453.34	<u>\$45.97</u> <u>\$3,447.69</u> \$89,639.94	<u>\$47.12</u> <u>\$3,533.87</u> \$91,880.62	<u>\$48.30</u> <u>\$3,622.19</u> \$94,176.94	<u>\$49.50</u> <u>\$3,712.73</u> \$96,530.98	<u>\$50.74</u> <u>\$3,805.56</u> \$98,944.56
S10	<u>\$41.16</u> <u>\$3,087.22</u> \$80,267.72	<u>\$42.19</u> <u>\$3,164.41</u> \$82,274.66	<u>\$43.25</u> <u>\$3,243.54</u> \$84,332.04	<u>\$44.33</u> <u>\$3,324.64</u> \$86,440.64	<u>\$45.44</u> <u>\$3,407.77</u> \$88,602.02	<u>\$46.57</u> <u>\$3,492.96</u> \$90,816.96	<u>\$47.74</u> <u>\$3,580.27</u> \$93,087.02	<u>\$48.93</u> <u>\$3,669.78</u> \$95,414.28	<u>\$50.15</u> <u>\$3,761.55</u> \$97,800.30	<u>\$51.41</u> <u>\$3,855.59</u> \$100,245.34	<u>\$52.69</u> <u>\$3,951.99</u> \$102,751.74

Note: Employees receive a weekly salary paid on a biweekly basis. Hourly and Annual wages may be approximate and are only for informational purposes.

14. Delete the last section of Appendix F, as follows:

Health Insurance:

The Union recognizes that health insurance costs are a significant and rising expenditure and liability to the City's annual budget. The Union will continue to cooperate with other Unions and the City through the Insurance Advisory Committee.

Either party may serve notice on the other that they wish to reopen the contract on the subject of health insurance during the life the contract, which shall include wages as part of the re-opener. By mutual agreement, the parties will meet and bargain in good faith within 30 days of such notice.

LTD Proposal:

The parties agree to re-opener on the subject of LTD in the event the City develops a proposal during the life of the contract. By mutual agreement, the parties will meet and bargain in good faith within 30 days of such notice.

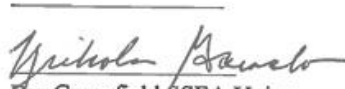
Collins Wage Classification Study ("Collins Report"):

~~Either party may request the other party in writing to reopen negotiations after issuance of the Report of the Collins Wage Classification Study ("Collins Report") for the purpose of negotiating over potential adjustments to compensation of any position within the bargaining unit.~~



By: City of Greenfield

Date: 7/23/24



By: Greenfield SSEA Union

Date: 7/23/24

BALANCE SHEET FOR 2027 1

FUND: 8403 Stabilization - Contractual Ag		NET CHANGE FOR PERIOD	ACCOUNT BALANCE
ASSETS			
8403	1080	Cash Due From Gen Fund	.00
			156,153.98
		TOTAL ASSETS	.00
			156,153.98
FUND BALANCE			
8403	3590	Fund Balance	.00
			-156,153.98
		TOTAL FUND BALANCE	.00
			-156,153.98
		TOTAL LIABILITIES + FUND BALANCE	.00
			-156,153.98

** END OF REPORT - Generated by Katherine Cabrera-Veloz **

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$30, 836 BE APPROPRIATED FOR THE PURCHASE OF PUBLIC SAFETY DEFIBRILLATORS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$30,836 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

This project replaces end-of-life and non-supported Automated External Defibrillators (AEDs) assigned to Fire Department front-line apparatus and command/staff vehicles and police cruisers and command/staff vehicles. Each replacement includes an AED unit, adult and pediatric pads, battery, and necessary accessories. These units will be purchased through Stryker and work directly with the ambulance monitor as well as devices operated by the contracted ALS service.

AEDs are a critical component of the city's cardiac arrest survival chain, allowing police officers and firefighters to deliver early defibrillation before EMS transport. National data show early defibrillation significantly improves survival from sudden cardiac arrest. This project supports goals to: Maintain current mission-ready life-saving equipment, ensure compatibility with regional protocols and accessories, and avoid failures due to obsolete batteries, pads, or discontinued models.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$36,450 BE APPROPRIATED FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIREFIGHTING PERSONNEL AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$36, 450 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The Greenfield Fire Department proposes purchasing five (5) sets of personal protective equipment (PPE) to replace out of date / expired gear. A complete set of PPE consists of turnout coat, turnout pants, structural boots, particulate hood, firefighting gloves and a portable radio. These items have a ten-year life cycle, this project advances department goals to a) protect firefighters' health and safety by ensuring compliant-modern PPE, b) maintain safe staffing levels with properly equipped personnel, and c) enhance fireground communications and interoperability through reliable portable radios. These goals are consistent with National Fire Protection Association (NFPA) standards: 1971, 1851, 1500, and 1581. Each set of turnout gear has a born-on date, five years from that time we strive to move that to reserve and issue a new set of gear. This allows a firefighter to have two compliant sets of gear that are consistent with current standards and keep the emergency responder safe. By ensuring that the age gap between garments remains consistent we ensure that we are good stewards of the city's funds and that the gear is worn as much as possible within the confines of the standards.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$25,000 BE APPROPRIATED FOR THE REPLACEMENT OF CAR #4 (2012 FORD FOCUS) WITH A NEW ELECTRIC VEHICLE FOR THE BUILDING INSPECTIONS DEPARTMENT AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$25,000 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT OR BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

Car 4 has served the Inspections Dept for some time and is critical to everyday operations to allow Inspectors to conduct inspections, investigate complaints, etc. It is essential that inspectors arrive at homes in an official vehicle to allay resident concerns regarding fraud or other criminal activity through misrepresentation.

It is getting more difficult to find parts resulting in the vehicle being out of service for extended periods of time. Public Works Director, Paul Newell, expressed that the time has come to replace this vehicle.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$30,000 BE APPROPRIATED FOR THE REPLACEMENT OF VAN FOR THE VETERAN'S DEPARTMENT AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$30,000 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

Purchasing a department vehicle outright was determined to be less expensive for Greenfield and the Veterans District than paying employees' travel reimbursement. The Cost of Vehicle is assessed to district communities over 5 years, thus recouping 44% of the vehicle cost to Greenfield. Delay of purchase would increase maintenance costs above each year's assessed value and could result in the department not meeting the inter-municipal agreement regarding outreach and staffing hours at satellite locations within the district.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$40,000 BE APPROPRIATED FOR THE UPDATE AND IMPLEMENTATION OF A HAZARD MITIGATION PLAN AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$40,000 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The Federal Emergency Management Agency (FEMA) and the Massachusetts Emergency Management Agency (MEMA) define Hazard Mitigation as any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards such as flooding, storms, high winds, hurricanes, wildfires, earthquakes, etc. Mitigation efforts undertaken by communities will help to minimize damages to buildings and infrastructure, such as water supplies, sewers, and utility transmission lines, as well as natural, cultural and historic resources. Pre-disaster planning emphasizes actions that can be taken before a natural disaster occurs. Future property damage and loss of life can be reduced or prevented by a mitigation program that addresses the unique geography, demography, economy, and land use of a community within the context of each of the specific potential natural hazards that may threaten a community. Planning efforts, like the one undertaken by the City of Greenfield, which expired in April 2025, make mitigation a proactive process. Through funding from both FEMA/MEMA, the Franklin Regional Council of Governments (FRCOG) was able to prepare all previous versions of Greenfield's Local Hazard Mitigation Plan. This is the first funding cycle that the FRCOG was not funded to assist its communities in preparing and updating their local hazard mitigation plans. Greenfield's grant writer, Athena Bradley, and the Department of Planning & Development secured a PDM grant from FEMA for technical assistance to update Greenfield's Local Hazard Mitigation Plan in 2024, however the new administration pulled the funding for this grant in early 2025. Preparing and updating a hazard mitigation plan every five years, can save the community money and facilitate post-disaster funding. FEMA requires that a community adopt a pre-disaster mitigation plan as a condition for mitigation funding.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$45,000 BE APPROPRIATED FOR THE REHABILITATION OF MILLBROOK WELL #2 AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$45,000 PURSUANT TO M.G.L. C44 § 8, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

Reconditioning wells every four years is a Best Management Practice to ensure quality water and dependable wells for public use. The rehabilitation will entail taking well #2 offline, inspecting and repairing components. This includes rebuilding main shaft, impellers and replacing bearings if needed.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$65,000 BE APPROPRIATED FOR THE UPGRADE OF OAK HILL FILTER PLANT WIRING AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$65,000 PURSUANT TO M.G.L. C44 § 8, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The current electrical wiring at Oak Hill is from 1923; the felt covering for the wires is degrading and exposing bare wire. Electrical upgrades at Oak Hill are necessary to maintain function and maintain the drinking water supply to the City. A wiring/electrical failure at Oak Hill would cause the loss of the well and result in a loss of drinking water to residents.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$70,000 BE APPROPRIATED FOR THE PURCHASE AND INSTALLATION OF A MINI SPLIT UNIT FOR THE WATER TREATMENT PLANT AND TO MEET SAID APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$70,000 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The water treatment plant currently has limited HVAC, especially in laboratory areas which require a temperature controlled environment for lab sample quality.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$100,000 BE APPROPRIATED FOR ENGINEERING NITROGEN REMOVAL UPGRADES, AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$100,000 PURSUANT TO M.G.L. C44 § 8, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

Nitrogen removal from wastewater is required by MassDEP and we are currently underequipped to meet these regulations. An engineering plan for upgrades is the first step in implementing MassDEP requirements.

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$100,000 BE APPROPRIATED FOR WATER POLLUTION CONTROL FACILITY (WPCF) PUMP HOUSE ELECTRICAL UPGRADES AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$100,000 PURSUANT TO M.G.L. C44 § 8, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The Water Pollution Control Facility is a critical facility, and electrical upgrades are required due to age and use. The work to be done includes connecting the pump house to a new Motor Control Center compatible with updated controls for wastewater pumping.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$110,000 BE APPROPRIATED FOR THE UPGRADE OF TRAFFIC LIGHTS AND TO MEET SAID APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$110,000 PURSUANT TO M.G.L. C44 § 7, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT TO BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The City has received numerous complaints about the functionality of its traffic lighting in several key areas. The light at Pierce/Beacon is particularly problematic due to seldom used turning lanes. The issue of solar glare during morning and evening hours at certain intersections has continued to cause larger traffic issues as the City grows and sees increased traffic. These systems also integrate into the dispatch camera systems which helps with both safety and security. By upgrading these intersections with modern video/detection hardware using SmartView 360, the City can significantly improve safety, reliability, and operational performance of its signal network.

City of Greenfield
MASSACHUSETTS

Councilor: _____
Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered:

THE SUM OF \$150,000 BE APPROPRIATED FOR ENGINEERING AND DESIGN FOR THE REDEVELOPMENT OF MILLBROOK WELL #1 AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$150,000 PURSUANT TO M.G.L. C44 § 8, OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANT AVAILABLE FOR THIS PROJECT O BE USED TO REDUCE THE WITHIN APPROPRIATION.

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

The Millbrook Wells serve as a primary drinking water source for the City of Greenfield. The necessary redevelopment of Well #1 is crucial to maintaining the consistent quality and supply of our municipal drinking water. A new well needs to be drilled and a structure built around it, plans for this need to be engineered and stamped.

City Council – First Reading- September 16, 2026

- Amend and Increase Total Budgetary Expenditure of Greenfield Community Energy and Technology (GCET) by \$180,769 for Fiscal Year 2027 Funded from their Revenues and General Operations.
- Appropriate \$271.91 from Griswold/Greenfield Tap and Die (GTD) Conservation Fund (1602) to Repair Two (2) Rotting Boardwalks on the Trails in the Conservation Area.

City of Greenfield
MASSACHUSETTS

Councilor _____ :

Second by Councilor _____ :

The City Council

Upon recommendation of Mayor Desorgher,

Moves that it be Ordered,

To amend and increase the total budgetary expenditure of Greenfield Community Energy and Technology (GCET) by \$180,769 for Fiscal Year 2027 to be funded from GCET revenues and general operations.

Majority Vote Required (7)

VOTE:

Explanation or Supporting Rational:

City of Greenfield
MASSACHUSETTS

Councilor: _____

Second by Councilor: _____

The City Council

Upon recommendation of Mayor Desorgher,

Move that it be ordered,

THE SUM OF \$271.91 BE APPROPRIATED FOR THE REPAIR OF TWO ROTTING BROADWALKS ON THE TRAILS IN THE CONSERVATION AREA AND, TO MEET SAID APPROPRIATION, TRANSFER SAID AMOUNT OF \$271.91 FROM THE GRISWOLD/GREENFIELD TAP AND DIE (GTD) CONSERVATION FUND (1602)

Two-Thirds Vote Required (9)

Vote:

Explanation or Supporting Rational:

GTD Conservation Fund (1602) Balance as of August 26, 2026: \$9,444.86.

The Greenfield Conservation Commission manages the Griswold and GTD Conservation Areas. There are two wooden boardwalks that cross over wetlands in need of repair due to rot, and that could become a safety hazard. The Commission made the following decision regarding the appropriating of funds from the GTD Conservation Fund totaling \$271.91 at its meeting on Tuesday, June 9, 2026.

Attachments:

1. Memorandum from the Greenfield Conservation Commission dated 08/11/26 about the Appropriation of Funds from the GTD Conservation Account.
2. Balance in the GTD Conservation Account (1602).
3. Close up picture showing the condition on the slats.
4. Picture of the boardwalk.



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS
CONSERVATION COMMISSION

City Hall • 14 Court Square • Greenfield, MA 01301
Phone: 413-772-1548 ext 3 • Fax 413-772-1309
jessica.siegel@greenfield-ma.gov • www.greenfield-ma.gov

Elizabeth Garofalo, Chair. Dec, 2026
Travis Drury, Vice-Chair. Dec, 2026
Erika LaForme. Dec, 2028
Emily Boss. Dec, 2027

Agent: Jessica Siegel

MEMORANDUM

TO: City Council

FROM: Greenfield Conservation Commission

DATE: August 11, 2026

RE: Appropriation of Funds from the GTD Conservation Account

The Greenfield Conservation Commission manages the Griswold and GTD Conservation Areas. There are two wooden boardwalks that cross over wetlands in need of repair due to rot, and that could become a safety hazard. The Commission made the following decision regarding the appropriating of funds from the GTD Conservation Fund totaling \$271.91 at its meeting on Tuesday, June 9, 2026.

MOTION: Motion by Travis to appropriate \$271.91 from the Greenfield Tap & Dye Conservation Account for the purpose of purchasing boards and screws to repair the deteriorated boards on the trails of the GTD Conservation Area.

Seconded by Emily.

No comments.

Emily AYE

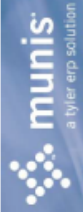
Travis AYE

Elizabeth AYE

Motion passes 3-0-0

City of Greenfield

BALANCE SHEET FOR 2027 12



FUND: 1602 GTD Cons Area-Res For Approp				NET CHANGE FOR PERIOD	ACCOUNT BALANCE
ASSETS	1602	1080	Due To/from General Fund	.00	9,444.86
		TOTAL ASSETS		.00	9,444.86
FUND BALANCE	1602	3590	Fund Bal/conserv.gtd	.00	-9,444.86
		TOTAL FUND BALANCE		.00	-9,444.86
		TOTAL LIABILITIES + FUND BALANCE		.00	-9,444.86

** END OF REPORT - Generated by Katherine Cabrera-Veloz **



The following zoning amendment proposal(s) have been submitted to the Greenfield City Council for consideration:

- Proposed Zoning Amendment to Section 200-7.2: Multifamily Dwellings, to add new paragraph (4), submitted by the Planning Board September 9, 2026.



Virginia Desorgher
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Ella.Wise@greenfield-ma.gov • www.greenfield-ma.gov

TO: Lora Wondolowski, City Council President
Members of the Greenfield City Council

FROM: Jeff Sauser, Chairperson, Planning Board

DATE: September 3, 2026

RE: Planning Board initiation of proposed zoning amendments to Section 200-7.2 to allow multifamily buildings to consist of more than one building per lot.

At its September 3, 2026 meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed zoning amendments to Section 200-7.2 to allow multifamily buildings to consist of more than one building per lot.

MOTION: Moved by Moschella, seconded by Brown-Anson, and voted 5:0:0 to initiate the proposed zoning amendment as further amended below to allow multifamily buildings to consist of more than one building per lot in the Central Commercial, General Commercial, Limited Commercial, and General Industrial zoning districts.

~ 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



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

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) Multifamily dwellings may consist of one (1) or more buildings on one (1) lot in the Central Commercial (CC), General Commercial (GC), Limited Commercial (LC), and General Industry (GI) zoning districts.

(45) 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.

(56) 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,¹ 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.

(67) 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.

(78) A development phasing schedule may be established by the Board of Appeals in accordance with ~ 200-8.3.

(89) 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.

(910) 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.

Respectfully submitted,
Jeff Sauser
Chairperson, Planning Board