

September 6, 1990 ...

**ORANGE:** Selectmen appoint new police chief. Page 4.

**GREENFIELD:** Fitness center seeks to keep design on building. Page 2.

# The R

198th Year-No. 213

## Three towns look

By **CHUCK MEYER**  
and **DIANE HICKS**  
Recorder Staff

**GREENFIELD** — Buckland, Charlemont and Orange have come up as possible sites for a regional composting facility in the wake of Montague's virtual rejection of plans for such a plant at its landfill site.

Buckland has offered two possible sites for a co-composting solid waste facility, with between 30 and 50 acres of usable land available at each site, said Franklin County Regional Solid Waste District Administrator Robert Rottenberg.

Orange has also found a possible

parcel for the site, he said.

Charlemont has identified a 50-acre privately owned site it would try to purchase for the operation, Rottenberg said.

The composting facility, which would cost between \$8 million and \$9 million to build, depending on the technology used, would process solid waste together with sewage sludge from waste-water treatment plants, according to Rottenberg. It would serve the 20 Franklin County towns that are in the solid waste district, and, if built and run by the district, it would have to be in one of the district towns.

A preliminary search for a site had focused on about 35 acres at the Montague landfill. Initially town officials said they would look into the idea, but last month, selectmen and

### See-thr

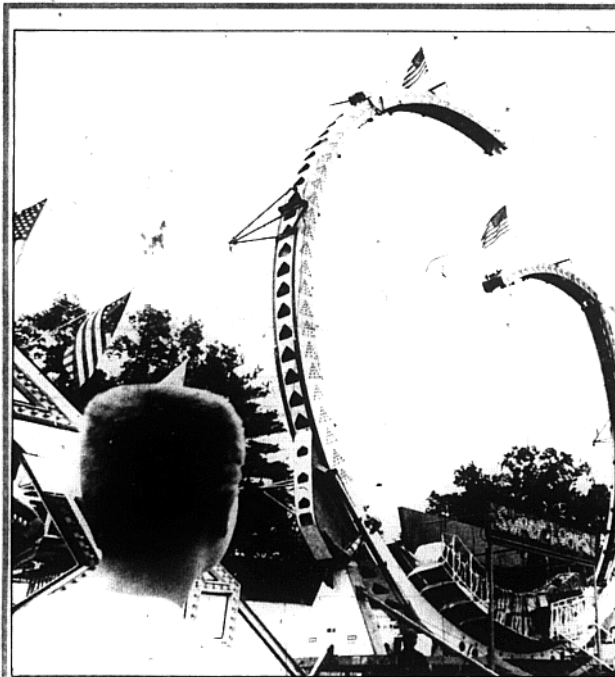
**The Associated Pres**

**SPRINGFIELD** — T of how to enforce west chusetts' ambitious re gram has surfaced in town where residents at a new requireme through trash bags.

"A lot of people at

the Montague Board of H out against it.

Selectmen left open the of further talks, but l



Tim McNally, left, and Jacy Birdsong, 12-year-old Greenfield boys, watch as one of the Coleman Brothers' rides is assembled at the Franklin County Fair Wednesday runs through Monday.

## Let the games begin — it's

**GREENFIELD** — The 143 annual Franklin County Fair gets its official send off today with a parade that begins at 5:30 p.m. on Federal Street, and moves to the Wisdom Way fairgrounds along Main Street and Laurel Street. The fairground gates open at 1 p.m. Exhibits of all types, rides, food booths and live entertainment will jam the fairgrounds for the traditional agricultural fair's five-day run.

Here are highlights of today's and Friday's events.

### Today

- |                                    |    |
|------------------------------------|----|
| 1 p.m. — Gates open                | 7: |
| 2 — Sire Stakes horse racing       | N  |
| 3 — Granpa Cratchet                | 12 |
| 4 — Coleman midway opens           | 1: |
| 4 — Great American Lumberjack Show | 2: |
| 5 — Yiegst Magic Circus            | 2: |
| 5:30 — Kickoff parade              | 3: |
| 6:30 — Yiegst Magic Circus         | 5: |
| 7 — Grandpa Cratchet               | 6: |
| 7:30 — Motorcycle stunt man        | 6: |

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## Greenfield could draft law to restrict murals

By **MICHAEL TERAULT**  
Recorder Staff

**GREENFIELD** — It's too late to affect the mural now being painted downtown, but the town could draft a bylaw that could legally restrict the size of murals on private property, according to Town Attorney Edward P. Smith.

And Selectmen Bernard J. McGarrath Wednesday said the town should develop a policy on murals.

"This is something that hasn't been addressed previously. It just dropped out of the blue," he said. "We put two years into addressing the bylaws, and no one had any thought of a mural."

There is nothing in the town's zoning bylaws as they are now written that could restrict or prohibit a mural such as the one planned near the Veterans Memorial Mall, Smith concluded in a formal legal opinion.

But there is no reason why the town could not craft a bylaw that could regulate the sizes of any future mural projects in town, Smith said.

"You're talking about First Amendment rights. You have to be careful. It becomes different from a separate zoning issue. However, that does not mean you can't put in effective bylaws," Smith said. "Properly done bylaws can restrict."

See MURAL Page 16.

# Mural

From Page 1

The Colrain-based Institute for Cultural Understanding is sponsoring the mural to celebrate Greenfield's past. The mural has been controversial because some people oppose its location so close to a monument for veterans and because some others do not like its appearance.

Smith said his legal research found that bylaws can be fashioned that can restrict the sizes of murals if there is a "significant government interest" in such issues as public safety or traffic. For example, if a mural were to be so large that it was going to distract passing motorists and possibly cause accidents, a bylaw could restrict its size without violating First Amendment rights, he said.

Smith said he was not necessarily recommending that such a bylaw be drafted. He said that would be a decision that would have to be made by town councilors and planning officials.

Smith likened it to the town's demonstration permit bylaw. Selectmen cannot deny a permit for a demonstration on the town common, but they do reserve the right to make certain restrictions in the name of public safety.

Smith said he did not get into the specific issue of whether a mural constitutes a sign under the town's bylaws in his legal opinion. Rather, he focused on the larger question of whether the town's bylaws could be used to restrict or regulate murals.

"Since the definition of a 'sign' is so narrow and so very vague, it is my opinion that the zoning bylaws are unenforceable as they relate to murals and wall paintings as involving non-commercial, First Amendment rights," Smith read from his five-page opinion.

Selectmen have signed the permits for the scaffolding needed for the painting of the mural on the eastern wall of the Borofsky Block. The board dropped its opposition to the mural after proponent Rebekka Tippens of Colrain agreed to hold a public forum on the mural last week.

When the mural project was first discussed at a selectmen's meeting last month, Smith said he was of the opinion that a mural could be considered a sign legally. And if the mural were technically a sign under the town's bylaws, the mural as proposed would exceed the size limits for signs spelled out in the town's zoning bylaws. The zoning board of

appeals would have to grant a special permit.

## Long-range committee

McGarrah's comment came during a meeting of the town's Long Range Advisory Committee, which was discussing issues affecting the town.

Committee Chairman Joseph P. Mattei agreed that the issue should be discussed. He predicted that the town might be seeing proposals for other murals in the years ahead, now that the present one has finally gotten the go-ahead.

"We opened the floodgates," McGarrah agreed.

He said later, "It was a hot potato and it was certainly an issue that drew attention," McGarrah said. McGarrah had opposed the current mural when it was first proposed.

Greenfield Public Library Director J. Michael Franceschi suggested that an ad hoc committee or advisory panel of some kind could be set up to review mural projects. He said that he knew of some communities that had such panels for reviewing public art displays.

Franceschi said the members of

such a panel could evaluate a project and consider its impact on the community's overall image.

But Franceschi added that he could see the inherent difficulty with setting up a panel and defining its regulatory or advisory powers.

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