

## **2020 ANNUAL TOWN MEETING**

### **TO EITHER OF THE CONSTABLES OF THE TOWN OF BERKLEY, IN THE COUNTY OF**

**BRISTOL, GREETING:** In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Berkley qualified to vote in elections to meet at the **BERKLEY COMMUNITY SCHOOL GYMNASIUM**, 59 South Main Street,, in said Berkley on **MONDAY, the TWENTY SEVENTH day of JULY 2020 AT 7:00 P.M.** then and there to act the following articles viz:

**ARTICLE 1:** To see if the Town will vote to hear the report of the Financial Committee, or to take any other action relative thereto.

**ARTICLE 2:** To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, or to take any other action relative thereto.

**ARTICLE 3:** To see if the Town will vote to appropriate and transfer from available FY20 funds a sum of money to various departments, and for capital expenditures and for any unpaid bills of prior years, or to take any other action relative thereto.

**ARTICLE 4:** To see if the Town will vote to fix salaries and compensation of elected / appointed officers / employees, and to see what sums the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide for the payment of said salaries and compensation, for a reserve fund, and for the charges, expenses and outlays of the several town departments for the twelve (12) month period from July 1, 2020 through June 30, 2021, or to take any other action relative thereto.

**ARTICLE 5:** To see if the Town will vote to raise and appropriate the necessary monies for the following governmental accounts for Debt Service: *Exempt Debt Service*: School Renovation Debt Service; Well Debt Service; Multi-use Land Debt Service; Somerset Berkley Regional School Debt Service; Town Office Building Debt Service; or to take any other action relative thereto.

**ARTICLE 6:** To see if the Town will vote to raise and appropriate and/or transfer the necessary monies for the following governmental accounts: School Committee Salaries; Berkley School Department; Bristol County Agricultural High School and Bristol-Plymouth Regional Technical School District, or to take any other action relative thereto.

**ARTICLE 7:** To see if the Town will approve the Somerset/Berkley Regional School District budget for fiscal year 2021 of \$2,912,698 and raise and appropriate or transfer from the Somerset/Berkley Regional School District stabilization fund the sum of \$2,684,464.55 and raise and appropriate or transfer from taxation the sum of \$228,233.45, or take any other action relative thereto.

**ARTICLE 8:** To see if the Town will vote to authorize expenditure limitations for the following revolving funds pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2020, to be expended in accordance with Article 35 of the General Bylaws: wiring inspector, \$10,000; gas inspector, \$10,000; plumbing inspector, \$10,000; Board of Appeals, \$5,000; Planning Board, \$10,000; Soil Conservation Board, \$5,000; Board of Health, \$48,300; Police Department, \$60,000; School Department, \$60,000; or take any other action relative thereto.

**ARTICLE 9:** To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated by the Commonwealth and/or federally aided programs for the construction, reconstruction and improvements of Town roads, or to take any other action relative thereto.

**ARTICLE 10:** To see if the Town will vote to authorize the Board of Assessors, in accordance with Massachusetts General Laws, Chapter 41, Section 4A to hire one or more of its members to do annual tax maintenance on real and personal property and to set the fee paid to said members at \$15.00 per parcel. Said funds to be paid from Annual Tax Maintenance Account, or to take any other action relative thereto.

**ARTICLE 11:** To see if the Town will vote to accept the provisions of Ch. 126 of the Acts of 1988, amending Sec. 4 of Ch. 73 of the Acts of 1986 to allow an additional **exemption** which shall be for all exemptions and none of which shall exceed 25% of said exemption for which they qualify in Fiscal Year 2021, or to take any other action relative thereto.

**ARTICLE 12:** To see if the Town will authorize the Board of Health in accordance with Chapter 41, Section 4A to appoint one or more of its members as agents(s) of the Board of Health as well inspectors and sanitation inspectors and to set the dollar amount for said agents Inspector fees as follows: \$75.00 per perc hole, \$100.00 per well inspection, \$150 per sanitation inspection, \$75.00 per food service inspection, \$50.00 per pumper truck inspection, \$75.00 for other miscellaneous inspections when a license or certificate is required, or to take any other action relative thereto.

**ARTICLE 13:** To see if the Town will vote to accept G.L. c. 64N, §3, and pursuant thereto impose a local sales tax upon the sale or transfer of recreational, a.k.a. adult use, marijuana by a marijuana retailer operating within the Town at a rate of three percent (3%) of the gross receipts of said retailer from the sale or transfer of said marijuana and marijuana products, or take any other action relative thereto.

**ARTICLE 14:** To see if the Town will vote to appropriate and transfer \$300,000.00 from Ambulance User fees; and to authorize the Board of Selectmen to enter into a purchase agreement for the expenditure of said funds on the acquisition of a new ambulance and related equipment for the **Fire Department**; or act thereon.

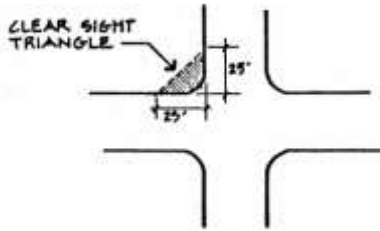
**ARTICLE 15:** To see if the Town will vote to amend the "**Official Zoning Map Town of Berkley**," referenced in Article 21 of the General Bylaws, entitled "Zoning," Section 2.B, untitled, by adding the following properties to the General Business (GB) zoning district: 109 Padelford St. (*Map 16, LOT 81-27*); 113 Padelford St. (*Map 16, LOT 84*); 120 Padelford St. (*Map 16 LOT 85*); 122 Padelford St. (*Map 16, LOT 85-02*); 124 Padelford St. (*Map 16, LOT 85-01*); and portions of the properties at 9 Hill St. (*Map 16, LOT 81-15*) and 18 Heritage Dr. (*Map 16, LOT 81-16*) limited to a depth of 150' as measured in a Southerly direction from Padelford St., as further shown on a plan on file at the offices of the Town Clerk, Board of Selectmen and Planning Board; or to take any other action relative thereto.

**ARTICLE 16:** To see if the Town will vote to amend Article 21 of the General Bylaws, entitled "**Zoning**," Section 5, entitled "**Dimensional Regulations**," by adding the following new Subsection G thereto:

**G. Corner Lots**

A corner lot or a lot opening on two streets shall be subject to the regulations for front yards set forth in the table of Dimensional Requirements with respect to every street on which it fronts. In the case of corner lots, frontage shall be measured between one side lot line and the mid-point of the corner. Corner lots shall not have rear lot lines.

On a corner lot, no visual obstruction between 2 ½ and eight feet above the lowest elevation at the curb line shall be permitted within the area of a triangle formed on two sides by the intersecting ways and on the third side by a line drawn between points on each of said intersecting ways 25 feet from the corner, as depicted below:



For the purpose of this section, the word “visual obstruction” shall mean any shrub, tree, wall, fence, sign, temporary building, pile of material, terrace or retaining wall, but shall not include permanent buildings or structures otherwise in compliance with this zoning by-law; or to take any other action relative thereto.

**ARTICLE 17:** To see if the Town will vote to amend Article 21 of the General Bylaws, entitled “Zoning,” Section 3, entitled “Definitions,” by deleting the definition of “Frontage” therefrom and substituting the following therefor:

**FRONTAGE:**

The boundary of a lot coinciding with the street line, being an unbroken distance along a way currently maintained by the town, county, or state, or along ways shown on the Definitive Plans of approved subdivisions, through which actual access to the potential building site shall be required. A private way which has not been constructed as part of a subdivision approved in accordance with the subdivision control law may provide frontage only upon a determination by the Planning Board that it provides adequate access for fire, police, and emergency vehicles. Lot frontage shall be measured continuously along one street line between side lot lines, or, in the case of corner lots, between one side lot line and the mid-point of the corner. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous frontage section, without any totaling of discontinuous frontage sections; or to take any other action relative thereto.

**ARTICLE 18:** To see if the Town will vote to amend Article 2 of the General Bylaws, entitled “Town Meetings,” Section 2, untitled, but which in-part identifies the election of certain Town officers, by deleting therefrom:

For a three year term of office, five members of the Planning Board, two members to be elected each year in each of two years, and one member in a third year. To accomplish this, the newly elected person shall serve for three years, the next elected person shall serve two years, and the next elected person shall serve for one year.

And substituting the following therefor:

For a five-year term of office, five members of the Planning Board, one member to be elected each year. To accomplish this, the next election shall have a three-year term and a four-year term, the election thereafter shall have a four-year term, and the election thereafter shall have a four-year term and a five-year term. Beginning in 2024, one member shall be elected each year for a five-year term;

or to take any other action relative thereto.

**ARTICLE 19:** To see if the Town will vote to amend Article 21 of the General Bylaws, entitled “Zoning,” Section 4, entitled “Use Regulations by Zoning District,” Subsection A, entitled “Residential District,” by adding under “Special Permit Uses” the following new Item D, chronologically;

D. Helipad or heliport, by only as accessory to a principal use otherwise allowable in the Residential District. For the purposes hereof, a helipad or heliport shall be defined as a noncommercial private restricted landing area for helicopters; and, notwithstanding any zoning approval, shall also require a determination of airspace suitability from the Federal Aviation Administration and airspace review and approval by the Massachusetts Department of Transportation’s Division of Aeronautics, as applicable;

or to take any other action relative thereto.

...and you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Old Town Hall, Public Library, Common Crossing – 11 North Main St., and the Public Safety Building Lobby, Fire Station #2 at 6 Grove Street, in addition to The Town Hall, all in said Berkley fourteen days at least before the time of holding said Meeting. Said Warrant shall also be distributed by the Board of Selectmen by bulk-rate mailing to every residence in the Town in accordance with the Town of Berkley by-law Article 2, Section 1. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk of the time and place of Meeting as aforesaid.

Given under our hands, this, the 8<sup>th</sup> day of July, in the year two thousand twenty.

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
George F. Miller, Chairman

\_\_\_\_\_  
Dean Larabee, Clerk

\_\_\_\_\_  
Wendy F Cochrane, Member

BRISTOL, SS:

Berkley, \_\_\_\_\_, 2020

**I have served the above Warrant by posting up attested copies, one at each of the above-named places in said Berkley, fourteen days at least before the time of holding said meeting.**

ATM WARRANT FY20

Constable of Berkley \_\_\_\_\_

Berkley Board of Selectmen  
1 N. Main St.  
Berkley, MA 02779

**BERKLEY BOXHOLDER  
BOXHOLDER WS/RR016  
BERKLEY, MA 02779**

PRESORTED STD.  
U.S. POSTAGE  
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TAUNTON, MASS