

TOWN OF BERNARDSTON



ANNUAL TOWN MEETING - May 5, 2021

Franklin:

To either of the constables of the Town of Bernardston in the County of Franklin:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet at the Kringle Barn Events Center, 219 South Street in Bernardston, Wednesday the 5th day of May next, at seven o'clock in the evening, to conduct the annual business meeting then and there to act upon the following articles:

Article 1: To act upon the reports of the Town Clerk, Town Treasurer, Selectboard, School Committees, all other Town Officers and Committees as contained in the Annual Town Report for 2020, and

- a) to hear an oral report from the Selectboard on the status of the Charity Lot Trust Fund;
- b) to hear a report from the Selectboard.
- c) to hear a report from Finance Committee Chair regarding the FY21 Town budget;

Article 2: To see if the Town of Bernardston will authorize the Selectboard to apply for and accept state and/or federal monies and to expend any monies received as set forth in the appropriate application and/or document, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 3: To see if the Town will vote to authorize the Selectboard to accept and expend without further appropriation any monies, which may be made available from the Commonwealth through the Massachusetts Department of Transportation for improvements to Town roads, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 4: To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements for Fiscal 2022, commencing on July 1, 2021 pursuant to M.G.L. c. 44, section 53F, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 5: To see if the Town will vote, under the provisions of the General Laws of Massachusetts, Chapter 41, §108, or any amendments thereto, to fix the salaries of all elected officials for Fiscal Year 2022, and raise and appropriate any sum or sums therefore, and further:

Raise and Appropriate	\$492,048.31
Transfer from Free Cash	\$83,000.00
Transfer from Newsletter Revolving Fund	\$800.00
For A Total of	\$575,848.31

for the maintenance of the several departments of the Town, in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table I), or pass any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

TABLE I		FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer	*	Recommended by Finance Committee	Requested	Appropriated
Moderator				
Annual Meeting		50.00	50.00	50.00
Special Town Meeting (3@\$60)		180.00	180.00	180.00
Total Moderator		230.00	230.00	230.00
Selectboard Department				
Selectboard Stipends: Chairman		2,050.00	2,050.00	2,050.00
2nd Member		2,000.00	2,000.00	2,000.00
3rd Member		2,000.00	2,000.00	2,000.00
Town Coordinator Salary		59,780.00	59,093.72	53,893.72
Selectboard Expenses		2,800.00	2,800.00	3,000.00
Town Reports, Printing of		1,200.00	1,200.00	1,200.00
Newsletter Stipend	T	800.00	800.00	800.00
Newsletter Expense		1,800.00	1,800.00	2,600.00
Newsletter		2,600.00	2,600.00	3,400.00
Town Hall Payroll		6,227.52	6,142.50	6,222.06
IT Services		4,000.00	4,000.00	4,000.00
Operating & Other Expenses		21,700.00	21,700.00	21,950.00
Sub-Total Town Hall Expense		31,927.52	31,842.50	32,172.06
Total Selectboard Department		104,357.52	103,586.22	99,715.78

TABLE I		FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer	*	Recommended by Finance Committee	Requested	Appropriated
Assessor's Office				
Assessors' Stipends	Chairman	1,050.00	1,050.00	1,050.00
	2nd Member	1,000.00	1,000.00	1,000.00
	3rd Member	1,000.00	1,000.00	1,000.00
Assessors' Assistant Payroll		36,788.64	35,544.60	35,544.58
Assessors' Expenses		9,445.00	9,445.00	9,345.00
Total Assessors Office		49,283.64	48,039.60	47,939.58
Treasurer's Department				
Salary		23,378.27	22,587.70	22,587.70
Treasurer Certification		1,000.00	1,000.00	1,000.00
Expense		6,050.00	6,050.00	6,025.00
<i>Total Treasurer's Office</i>		<i>30,428.27</i>	<i>29,637.70</i>	<i>29,612.70</i>
Town Officers' Bonds		652.00	652.00	800.00
Tax Title Expenses		5,000.00	5,000.00	5,000.00
Total Treasurer's Dept.		36,080.27	35,289.70	35,412.70
Debt Service				
Interest on Short Term Borrowing		100.00	100.00	100.00
2022-Highway Truck – Initial payment		F 60,000.00	58,269.00	
Total Debt Service		60,100.00	58,369.00	100.00
Tax Collector's Department				
Salary		20,488.13	19,795.30	19,795.30
Expenses		8,213.00	8,213.00	7,777.91
Total Tax Collector's Dept.		28,701.13	28,008.30	27,573.21
Town Clerk's Dept.				
Salary		15,500.16	16,640.00	14,976.00
Assistant Town Clerk		6,027.84	6,656.00	5,824.00
Expenses		1,850.00	1,850.00	1,700.00
Elections/Registration		4,300.00	4,300.00	9,440.00
Registrars' Stipends		480.00	480.00	480.00
Total Town Clerk's Office		28,158.00	29,926.00	32,420.00
Planning Board				
Payroll		4,482.90	4,331.30	4,331.30
Operating & Other Expenses		1,000.00	1,000.00	1,000.00
Total Planning Board		5,482.90	5,331.30	5,331.30

TABLE I		FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer	*	Recommended by Finance Committee	Requested	Appropriated
Board of Health				
Board of Health Stipends - - Chairman		1,200.00	1,200.00	1,200.00
2nd Member		1,000.00	1,000.00	1,000.00
3rd Member		1,000.00	1,000.00	1,000.00
Wetlands		3,000.00	3,000.00	3,000.00
Board of Health Expenses		1,000.00	1,000.00	1,500.00
Total Board of Health		7,200.00	7,200.00	7,700.00
Human Services				
Powers Institute Payroll		3,113.76	10,290.00	9,678.76
Powers Institute Operating Expenses		40,467.00	40,467.00	28,790.00
Council on Aging Payroll		68,914.82	70,006.10	59,105.20
Council on Aging Operating Expenses		3,700.00	3,700.00	3,314.00
<i>Sub-Total Senior Center</i>		<i>116,195.58</i>	<i>124,463.10</i>	<i>100,887.96</i>
Veterans' Benefits		3,600.00	3,600.00	7,344.00
Veterans' Services		5,030.81	5,030.81	4,190.97
Veteran's Memorial Committee		1,000.00	1,000.00	1,000.00
Total Human Services		125,826.39	134,093.91	113,422.93
Cushman Library				
Payroll		55,911.66	54,021.00	54,020.92
Operating Expenses		17,335.00	17,335.00	16,266.03
Total Cushman Library		73,246.66	71,356.00	70,286.95
Appeals Board (Zoning)				
Payroll		324.93	313.94	313.94
Operating & Other Expenses		300.00	300.00	300.00
Total Appeals Board (Zoning)		624.93	613.94	613.94
Conservation Commission				
Payroll		649.86	627.89	627.89
Operating & Other Expenses		882.00	882.00	882.00
Total Conservation Commission		1,531.86	1,509.89	1,509.89
Other Boards & Committees				
Agricultural Commission		1,125.00	1,125.00	1,125.00
Historical Commission		400.00	400.00	400.00

TABLE I		FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer	*	Recommended by Finance Committee	Requested	Appropriated
MPIC (Master Plan Implementation Committee)		500.00	500.00	500.00
Reserve Fund (R&A 30,000; Transfer from Free Cash 23,000)	F	53,000.00	50,000.00	60,000.00
Total Other		55,025.00	52,025.00	62,025.00
TOTAL of ARTICLE		575,848.31	575,578.86	504,281.29

Article 6: To see if the Town will vote to

Raise and Appropriate	\$3,249,110.00
Transfer from Free Cash	\$8,983.37
for a Total of	\$3,258,093.37

for Bernardston's share of the education expense in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table II), or pass any vote or votes relative thereto. (*The Selectboard and Finance Committee recommend passage of this article.*)

TABLE II	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
Schools				
School Committee Stipends				
PVRS-1st Representative		200.00	200.00	200.00
PVRS-2nd Representative		200.00	200.00	200.00
PVRS-3rd Representative		200.00	200.00	200.00
FCTS Representative		200.00	200.00	200.00
Franklin County Technical				
Operating Budget		434,266.00	434,266.00	372,388.00
Capital Budget (3rd payment)	F	6,286.47	6,286.47	6,322.04
<i>Total FCTS</i>		<i>440,552.47</i>	<i>440,552.47</i>	<i>378,710.04</i>
Pioneer Valley Regional				
Operating Budget		2,814,044.00	2,987,167.00	2,814,044.00

TABLE II	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
PVRS Capital Projects				
FY22 carpet (rooms 118, 208 & Chorus Rooms)	F	2,696.90	2,696.90	
BES Capital Projects				
Capital Improvements (FY22-Trans from WIFI Project-see Special	T		5,000.00	5,000.00
Total PVRS		2,816,740.90	2,994,863.90	2,819,044.00
Total Schools		3,257,293.37	3,435,416.37	3,197,754.04
TOTAL of ARTICLE		3,258,093.37	3,436,216.37	3,198,554.04

Article 7: To see if the Town will vote to

Raise and Appropriate	\$453,799.40
Transfer from Recycling Dividend Program	\$2,000.00
For a Total of	\$455,799.40

for Contracted Services, Pension and Insurance Expense in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table III), or pass any vote or votes relative thereto. (*The Selectboard and Finance Committee recommend passage of this article.*)

TABLE III	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
CONTRACTED SERVICES				
FRCOG Statutory/Core Services		13,066.00	13,066.00	13,832.00
FRCOG Fees for Service:				
Accounting Program		30,749.00	30,749.00	29,543.00
Procurement		2,426.00	2,426.00	2,348.00
Public Health		20,287.00	20,287.00	16,906.00
Regional Emergency Planning Committee (REPC)		150.00	150.00	
Building Inspection		7,600.00	7,600.00	7,600.00

TABLE III	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
Emergency Communications		8,943.06	8,943.06	8,945.62
<i>Sub-Total FRCOG</i>		83,221.06	83,221.06	79,174.62
Franklin County Solid Waste Management District (Raise & Appropriate \$8,000; & transfer from Recycling Dividend Program \$2,000)	T	10,000.00	10,000.00	9,715.00
Town Counsel		4,500.00	4,500.00	5,000.00
Street Lights		4,900.00	4,900.00	4,500.00
Cell phones (COA, Fire, Highway)		3,360.00	3,360.00	3,420.00
Total Contracted Services		105,981.06	105,981.06	101,809.62
PENSIONS AND INSURANCE				
Franklin Regional Retirement System		124,370.00	124,370.00	116,882.00
Social Security		100.00	100.00	100.00
Medicare		14,000.00	14,000.00	14,000.00
Unemployment Insurance (1.45% * payroll)		13,500.00	13,500.00	8,750.00
Insurance: buildings, vehicles, equipment, liability town officers		68,968.00	68,968.00	67,205.22
Employee health insurance		121,820.40	121,820.40	126,700.00
Employee dental insurance		6,394.62	6,394.62	7,662.00
Employee life insurance		665.32	665.32	787.68
<i>Sub-Total Employee Insurance Benefits</i>		128,880.34	128,880.34	135,149.68
Total Pensions & Insurance		349,818.34	349,818.34	342,086.90
TOTAL of ARTICLE		455,799.40	455,799.40	443,896.52

Article 8: To see if the Town will vote to

Raise and Appropriate	\$866,199.57
Transfer from Landfill Receipts	\$72,825.00
Transfer from Transfer Station Recycling Account	\$1,600.00
Transfer from Free Cash	\$20,000.00
For a Total of	\$960,624.57

for Public Services in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table IV), or pass any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

TABLE IV	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
Public Services				
Fire Department				
Stipends		12,800.00	12,800.00	12,800.00
Payroll		55,245.81	53,377.59	53,377.59
Operating Expenses		66,350.00	66,350.00	57,350.00
Ambulance Service	F	10,000.00	10,000.00	10,000.00
Total Fire Department		144,395.81	142,527.59	133,527.59
Emergency Management				
Stipend		5,000.00	5,000.00	5,000.00
Supplies		6,400.00	6,400.00	6,390.00
Total Emergency Management		11,400.00	11,400.00	11,390.00
Police Department				
Payroll		239,399.64	246,789.11	243,962.55
Operating Expenses		38,675.00	38,675.00	38,645.00
Total Police Department		278,074.64	285,464.11	282,607.55
Highway Department				
Payroll		187,920.87	176,143.02	191,285.65
Operating Expenses		105,650.00	105,650.00	101,600.00
Snow & Ice		47,480.00	47,480.00	55,435.00
Snow & Ice payroll		17,319.58	20,068.75	
sub Snow & Ice		64,799.58	67,548.75	
Total Highway Department		358,370.45	349,341.77	348,320.65
Transfer Station				
Payroll		32,980.54	32,404.50	30,028.52
Operating Expenses (incl \$1600 Annual Recycling Rolloff replacement from Transfer Station Recycling and transfer 65,000 from	T	104,650.00	104,650.00	83,950.00

TABLE IV	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
Landfill Receipts) (FY21- trans \$50,000 fm landfill receipts)				
Landfill Testing (transfer from Landfill Receipts Account)	T	7,825.00	7,825.00	7,825.00
Total Transfer Station (FY22- 1,600 from TS Recycling, 72,825 from Landfill receipts & R&A- 71,030.54)(FY21-\$1,600 fm TS Recycling, \$57,825 fm Landfill Receipts & R&A - \$63,049)		145,455.54	144,879.50	121,803.52
Tree Warden				
Tree Warden Payroll		4,928.13	5,400.00	4,761.48
Tree Warden Operating Expenses		6,500.00	5,925.00	5,450.00
Tree Removal	F	10,000.00	10,000.00	
Total Tree Warden		21,428.13	21,325.00	10,211.48
Other Public Works				
Municipal Animal Inspector (including Barn Inspections & Animal Control- see State description)		1,000.00	1,000.00	1,000.00
Memorial Day		500.00	500.00	500.00
Total Other Public Works		1,500.00	1,500.00	1,500.00
TOTAL of ARTICLE		960,624.57	956,437.97	909,360.79

Article 9: To see if the Town will vote to

Transfer from Free Cash \$75,900.00

for the Stabilization accounts in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table V), or pass any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Annual Town Meeting, May 5, 2021

TABLE V	*	FY 2022	FY 2022	FY 2021
* F = Free Cash S = Stabilization T = Transfer		Recommended by Finance Committee	Requested	Appropriated
Stabilization Accounts				
Special Purpose Stabilization Fund – Vehicle replacement	F	20,000.00		50,000.00
Transfer to stabilization	F	55,900.00	35,900.00	100,000.00
Total Stabilization Accounts		75,900.00	35,900.00	150,000.00
TOTAL of ARTICLE		75,900.00	35,900.00	150,000.00

Article 10: To see if the Town will vote to Raise and Appropriate the amount of \$4,485.00 for payroll and transfer from the Barber Fund the amount of \$3,758.00 for operating expense making a total of \$8,243.00 for the Recreation Commission Account and, further, to transfer from the Kiwanis Expendable Interest Account the sum of \$1,000.00 to the Kiwanis Recreation Equipment Fund to be expended by the Recreation Commission for Recreation Programs and Field Maintenance, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 11: To see if the Town will vote to amend the Bernardston Revolving Fund Bylaw by removing the column labeled “**Spending Limit**”, or take any vote or votes in relation thereto. *(The Finance Committee and The Selectboard recommend passage of this article.)*

Article 12: To see if the Town will vote to raise and appropriate the amount of \$5,000.00 for the third of three installments, for the FY22 Town Audit, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 13: To see if the Town will vote to raise and appropriate the amount of \$2,400.00 for the third of five installments, for the Board of Assessors FY24 revaluation, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 14: To see if the Town will vote to raise and appropriate the amount of \$4,000.00 for the third of five installments for the Board of Assessors Ten-Year Reinspection Program, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 15: To see if the Town will vote to raise and appropriate the amount of \$1,200.00 for the Bernardston Cemetery Commission for maintenance at the Old Cemetery, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 16: To see if the Town will vote to raise and appropriate the amount of \$300.00 for the Flag Replacement Account, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 17: To see if the Town will vote to transfer from Free Cash the sum of \$5,000.00 to be added to the Employee Retirement/Separation Account, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 18: To see if the Town will vote to transfer from Free Cash the amount of \$5,000.00 to be added to the Other Post-Employment Benefits (OPEB) Trust Fund or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 19: To see if the Town will vote to transfer from Free Cash the amount of \$15,000.00 for the Renovate/Construct Town Buildings Account, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 20: To see if the Town will vote to transfer the balance (\$5,104.52) of the WIFI Project Account to the BES Capital Expenses Account, or take any vote or votes in relation thereto. *(The Finance Committee and The Selectboard recommend passage of this article.)*

Article 21: To see if the Town will vote to transfer from the Vehicle Stabilization Account an amount up to \$25,000.00 for the purchase of a used Rescue Truck from Greenfield, Mass., and an amount up to \$5,000 to remark/rename said truck for a total of \$30,000 for the Fire Department, or take any vote or votes in relation thereto. *(The Finance Committee and The Selectboard recommend passage of this article. A 2/3 majority vote is required for passage of this article.)*

Article 22: To see if the Town will vote to transfer from Free Cash the amount of \$42,000 for the purchase of a Skid Steer (used) including (new) accessories such as a plow, snowblower, mower, broom, and power rake for the Highway Department, or take any vote or votes in relation thereto. *(The Finance Committee and The Selectboard recommend passage of this article.)*

Article 23: To see if the Town will vote to transfer from Free Cash the amount of \$2,000.00 for a Highway Tools Fund. *(The Finance Committee and The Selectboard recommend passage of this article.)*

Article 24: To see if the Town will vote to accept Exemption Clause 37A of MGL Ch. 59, Sec. 5 which will exempt the sum of \$500.00 of actual taxes due of a blind person who is a legal resident of the Commonwealth, whether such property is owned by them separately or jointly or as a tenant in common; provided that such property is occupied by such person as their domicile. Approval of this article supersedes Clause 37 which currently exempts \$437.50. *(Submitted by the Board of Assessors)*

Article 25: To see if the Town will vote to authorize the following spending limits for Revolving Funds in accordance to Massachusetts General Laws Chapter 44, section 53E½ and the Town of Bernardston Bylaw for the fiscal year beginning July 1, 2021, or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Revolving Fund	Spending Limit
Council on Aging Donations	\$10,000.00
Board of Health	\$15,000.00
Zoning Board of Appeals	\$1,000.00
Planning Board	\$2,000.00
Fire Department	\$2,000.00
Dog Licenses	\$3,000.00
Public Safety	\$15,000.00
Transfer Station Recycling	\$37,000.00
Cushman Library	\$5,000.00
Agricultural Commission	\$5,000.00
Newsletter	\$2,000.00
Street Flag Replacement Fund	\$5,000.00

Article 26: To see if the town will vote to approve the sale of a parcel of land comprising approximately 14.6 acres, located off Huckle Hill Road in Bernardston, Massachusetts, and recorded with the Franklin County Registry of Deeds at Book 982 Page 489 to the Massachusetts Department of Fish and Wildlife for the offered price of \$15,000 (fifteen thousand dollars), or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

Article 27: To see if the town will vote to increase the fees charged by the Town Clerk and may at the Town Clerk’s discretion waive such fees for the following documents and services or take any other action thereto.

Town Clerk Fee Schedule	Current Fees	Proposed Fees
Birth Certificate	\$5.00	\$10.00
Death Certificate	\$5.00	\$10.00
Burial Permit	\$0.00	\$0.00
Marriage Intentions/ Cert.		
Resident	\$15.00	\$25.00
Non Resident	\$20.00	\$30.00
Certified Copy Additional	\$5.00	\$10.00
Marriage Outside State	\$20.00	\$30.00
Corrections to Vital Records	\$10.00	\$15.00
Gas Storage Permits	\$10.00	\$20.00
Residency Certificate	\$0.00	\$0.00
Solicitation/Raffle Permit		\$20.00
Street List	\$5.00	\$10.00
Utility Pole Permit	\$50.00	\$50.00
Copy of Zoning Bylaws	\$10.00	\$10.00
Business Certificates 4 years	\$20.00	\$30.00

Article 28: To see if the town will vote to change the numbering format of the Bernardston Zoning Bylaws to allow more flexibility for future changes or additions to the Zoning Bylaws or take any other action relative thereto.

Zoning Renumbering as Proposed:

ARTICLE I.

- 1.1
 - A.
 - 1)
 - a)
 - b)
- 1.2
 - A.

- 1)
 - a)
 - b)

ARTICLE II.

- 2.1
 - A.
 - 1)
 - a)
 - b)

Article 29: To see if the town will vote to add to the Bernardston Zoning Bylaws the following waiver or take any action relative thereto.

Upon written request by the applicant, the Special Permit Granting Authority may waive or reduce any requirement of this Section by the same majority vote required for the permit itself upon written findings included in the permit of: 1) special circumstances of the site, its surroundings, or the proposal that negate the need for imposition of the requirement; or 2) the objectives of this Section may be met in an alternative manner; and 3) that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw. In the case of a special permit, such requests must be made by the applicant no later than the close of the public hearing. An affirmative or negative vote under this paragraph shall not be construed as an approval or disapproval of the permit sought.

Article 30: To see if the town will vote to add to the Bernardston Zoning Bylaws a bylaw allowing Accessory Business Uses at Active Farms or take any other action that is relative thereto.

Accessory Business Uses at Active Farms

Purpose.

The purpose of this subsection is to encourage farming and agricultural operations within the town by permitting, in addition to the principal agricultural activities conducted upon the site as defined in M.G.L. c.40A, §3, farm events and business uses using the farm grounds and accessory structures while also minimizing impacts on abutting properties.

Buildings and Uses.

The Planning Board, by special permit, may grant approval for the following accessory business uses at farms on contiguous farmland parcels in excess of 2 or 5 acres as defined in M.G.L. c.40A, §3

- Veterinarians' office.
- Feed storage, milling and delivery.
- Rental garden lots
- Farm education
- Facilities for hosting or staging of revenue-generating events, tours, weddings, and functions which are appropriate in scale of the premises and any surrounding residential area, including the preparation and serving of food and beverages for such events.
- Small-scale abattoir/meat processing facilities.
- Facilities for the production and sale of farm-related products, including as but not limited to cider, baked goods, butter, wine, beer, cheeses, or ice cream, whether or not the farm is the main source of the raw materials used in the farm products, provided that the facilities and associated parking shall not occupy more than 10% of the total farm area.
- Farm stand restaurants designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area; provided that the facilities and parking for the farm stand restaurant, and the associated farm stand, shall not occupy more than 10% of the total farm area.
- Animal boarding facilities for the boarding of up to 50 animals other than those stabled, raised, or kept onsite in connection with the primary agricultural use.
- Petting zoos
- Passive recreational activities for which a fee may be charged, including snow shoeing, cross country skiing, hiking and picnicking
- Farm implement and similar heavy machinery repair services, such as a welding operation, blacksmith shop, etc. that the farm operator would normally undertake in maintenance of machinery for his/her own farm.

B. The Planning Board may set conditions such as hours of operation, number of employees, or other conditions that they deem appropriate when granting a special permit pursuant to this section. In order to maintain agriculture as the primary use for the property, the uses provided for herein (excluding those uses for which a specific maximum is provided above), and any associated parking, shall occupy no more than 5% of the land area of the farm parcel(s). The special permit shall recite the circumstances under which the special permit is being granted (e.g. the amount of land area in active agricultural use, the nature of the primary agricultural use, etc.) and shall include a condition requiring that the agricultural circumstances continue to exist.

C. Decision Criteria: Special Permits for accessory business uses at active farms shall be granted only if the Planning Board determines that the criteria

of Section ____ are met, after consideration of the following:

- (1) Roads, water and drainage facilities are existing, or as committed by the applicant to be improved, and their ability to serve this proposal adequately and safely without material deterioration in service to other locations.
- (2) Degree of assurance that no planned process or unplanned contingency will result in undue hazard or contamination of air, land, or water resources.
- (3) Visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale, retention of existing site features, especially trees, and architectural character.
- (4) Degree of threat to environmental resources, including loss of trees and other vegetation, disturbance to habitats, and soil loss through erosion.
- (5) Buffering and screening from any nearby uses of different character.
- (6) Retaining prime agricultural soils and soils of statewide importance in active production.

Specific uses that are prohibited as accessory uses pursuant to this section include:

- Retail gas stations or fuel storage or delivery.
- Retail Stores such as drug, department, hardware, and clothing stores.
- Manufacture of non-agricultural products.

D. This section shall not preclude a landowner from seeking any other permits that are not incompatible with the agricultural uses

E. This section is not intended to, and does not, impact the ability of the landowner to undertake any use or construct any structure allowed by right under local zoning, M.G.L. c.40A, §3, first part and/or state definitions related to agriculture, or take any other action in relation thereto.

Article 31: To see if the town will vote or take votes to allow drive-in or drive-thru's at restaurants in the Center Village zoning district or take any other action there to. *(The Planning Board does not support this article.)*

2230. Use Regulation Schedule.

Symbols employed below shall mean the following:

Y: A permitted use.

N: An excluded or prohibited use.

SP: A use authorized under Special Permit as provided under Section 5300.

SPR: Site Plan Review required (see Section 4400 for other uses requiring Site Plan Review)

SPP: Special Permit from the Planning Board required following procedures and criteria of Section 5300

2234. Business/Industrial Uses	R/A	R1	CV	B	I	EPD
Restaurant, drive-in or drive-thru service	N	N	N SPP/SPR	SP	SP	SPP

Article 32: To see if the town will vote or take votes to make changes and additions to the Bernardston Zoning Bylaws as highlighted in Section 2230 Use Regulation Schedule, 2232 Extensive Uses, 2234 Business / Industrial Uses, and to add definitions to Article VI Definitions for new Marijuana businesses and Microbrew Pub, and to amend Section 4800 Planned Unit Development to allow such development in the Business (B) and Industrial (I) Districts or take any other action there to.

PROPOSED CHANGES IN HIGHLIGHT

2200. Use Regulations

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule," or in Section 2400, "Accessory Buildings and Uses," unless exempted by Section 2240, or by statute. No more than one (1) principal structure may be erected on a lot, unless otherwise specified in this By-Law.

Symbols employed below shall mean the following:

Y: A permitted use.

N: An excluded or prohibited use.

SP: A use authorized under Special Permit as provided under Section 5300.

SPR: Site Plan Review required (see Section 4400 for other uses requiring Site Plan Review)

SPP: Special Permit from the Planning Board required following procedures and criteria of Section 5300

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule.

2231. Residential Uses.	R/A	R1	CV	B	I	EPD
One-family dwelling	Y	Y	Y	N	N	N
Two-family dwelling	SP/SP R	SP/SP R	Y	N	N	N
Multi-family dwelling in Major Residential	SPP	SPP	SPP	N	N	N
Multi-family dwelling by conversion of an Existing Structure	SP/SP R	SP/SP R	SP	N	N	N
Other Multi-family Dwelling not to exceed four units per structure	N	N	SP	N	N	N
Major Residential Development	SPP	SPP	SPP	N	N	N
Non-family accommodations (boarding house, etc.)	SP/SP R	SP/SP R	Y	N	N	N
2232. Extensive Uses.	R/A	R1	CV	B	I	EPD
Agriculture (not including Marijuana Cultivation) or forestry	Y	Y	Y	Y	Y	Y
Private commercial campgrounds	SP/SP R	SP/SP R	N	N	N	N
Commercial earth removal	N	N	N	SP/SPR	SP/SPR	N
Conservation Area, Public Park	Y	Y	Y	Y	Y	SPP
Golf Club, Riding Club	SP/SP R	SP/SP R	SP/SPR	SP/SPR	SP/SPR	SPP
Aircraft Landing Field	N	N	N	N	N	N
Commercial Piggery on 5 acres or less	SP	N	N	N	N	N
2233. Community Service Uses	R/A	R1	CV	B	I	EPD
Public Service Corporation Facility not exempted from zoning regulation by M.G.L. Ch.40A	SP/SP R	SP/SP R	SP/SPR	SP/SPR	SP/SPR	SPP
School Exempted from Zoning Regulations M.G.L. ch.40A, s.3	Y	Y	Y	Y	Y	Y
Other Educational Uses	SP	SP	SP	SP	SP	SPP
Church, Other Religious Use	Y	Y	Y	Y	Y	Y

	R/A	R1	CV	B	I	EPD
Cemeteries	SP/SP R	SP/SP R	SP/SPR	SP/SPR	SP/SPR	N
Other non-commercial community service use	SP/SP R	SP/SP R	SP	SP	SP	N
Municipal Use	Y	Y	Y	Y	Y	Y
2234. Business/Industrial Uses						
Hotel or motel	N	N	N	Y	SP/SPR	SPP
Inn	N	N	SP	Y	SP	SPP
Bed & Breakfast	SP	SP	SP	SPP	N	N
Restaurant with drive-in or drive-thru service	N	N	N	SPP	SPP	SPP
Restaurant or Microbrew Pub	N	N	SP/SPR	Y	SP/SPR	SPP
Kiosk (*walk-up only)	N	N	SPP*	SPP	SPP	SPP
Junkyard, salvage yard	N	N	N	N	N	N
Gasoline service stations and auto repair	N	N	SP/SP R	SPP/SPR	SPP/SP R	SPP
Bank, with or without drive thru	N	N	SPP/SP R	Y	SPP/SP R	SPP/ SPR
Health or Exercise Club	N	N	SPP/SP R	SPR	SPP/SP R	SPP/ SPR
Business or professional offices	N	N	SP	Y	SP	Y
Retail uses (by square feet of enclosed floor area with or without outside storage)						
Less than 2,500 sq. ft.	N	N	SP	SPR	SPR	SPP
2,500 – 7,500 sq. ft.	N	N	SP	SPR	SPR	SPP
7,500 – 12,500 sq. ft.	N	N	N	SP	N	SPP
12,500 – 50,000 sq. ft.	N	N	N	N	N	SPP
Large-Scale Ground- Mounted Solar Photovoltaic installations (1-5 acre	SPP/ SPR	SPP/ SPR	SPP/ SPR	SPR	SPR	SPR
Large-Scale Ground- Mounted Solar Photovoltaic installations (>5acres)	SPP/ SPR	SPP/ SPR	SPP/SP R	SPP/ SPR	SPP/ SPR	SPP/ SPR
Wireless Telecommunication Facilities	SPP	SPP	SPP	SPP	SPP	SPP
Recreational Marijuana Retail Business	N	N	N	SPP/ SPR	SPP/SP R	SPP/ SPR

	R/A	R1	CV	B	I	EPD
Marijuana Delivery-Only Retail	N	N	N	SPP/SP R	SPP/SP R	SPP/ SPR
Medical Marijuana Treatment Center	N	N	N	N SPP/SP R	N SPP/SP R	SPP/ SPR
Recreational Marijuana Social Consumption Establishment	N	N	N	SPP/SPR	N	SPP/ SPR
Theatre	N	N	N	SPP/SPR	N	SPP/ SPR
Manufacturing or Research & Development facilities up to 20,000 square feet of enclosed floor area for Solar, Wind, Geothermal, or Biomass renewable energy that meet the Performance Standards of Section 4700	N	N	N	SP/SPR	SP/SP R	SPR
Manufacturing or Research & Development facilities for Solar, Wind, Geothermal, or Biomass renewable energy that do not meet the Performance Standards of Section 4700 or are greater than 20,000 square feet of enclosed floor area	N	N	N	SP/SPR	SP/SP R	SPP
Marijuana Microbusiness with up to 5,000 square feet of enclosed floor area	N	N	N	SPP/SP R	SPP/SPR	SPP/ SPR
Marijuana Cultivation Facilities with up to 50,000 sq. ft. of enclosed floor area	N	N	N	SPP/SP R	SPP/SPR	SPP/ SPR
Other Manufacturing, production, assembly, processing or research facility including Marijuana Product Manufacturer, Marijuana Research Facility or Marijuana Independent Testing Laboratory	N	N	N	SPP/SP R	SPP/SP R	SPP/ SPR
Wind or Hydroelectric Generating Facilities	SP/SP R	SP/SP R	SP/SPR	SP/SPR	SP/SP R	SPP

	R/A	R1	CV	B	I	EPD
Biomass or Other Electric Generating Facilities	N	N	N	N	N	N
Bulk Storage, Warehousing & Distribution	N	N	N	SP/SPR	SP/SP R	SPP/ SPR
Farm stand, seasonal	Y	Y	Y	Y	Y	Y
Commercial non-motorized recreation	SP/SP R	N	N	SP/SPR	SP/SP R	SPP/ SPR
Kennels	SP/SP R	SP/SPR	N	SP/SPR	SP/SP R	N
Veterinarian Clinic	SPP/SP R	SPP/SP R	N	SPP/SP R	SPP/SP R	SPP/ SPR
Nursing home, funeral home	N	SP/SP R	SP/SPR	SP/SPR	N	SPP/ SPR
2235. Other Principal Uses.						
Having externally observable attributes similar to a use permitted (Y SP, or SPP) above	SP/SP R	SP/SPR	SP/SPR	SP/SPR	SP/SP R	SPP/ SPR
Other Principal Use	N	N	N	N	N	N

Article 33: To see if the town will vote or take votes to make changes and additions to the Bernardston Zoning Bylaws as highlighted to add definitions to Article VI Definitions for new Marijuana businesses and Microbrew Pub or take any other action there to.

Add the following definitions to Article VI. Definitions:

Marijuana Delivery-Only Retailer - An entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer and does not provide a retail location accessible to the public.

Marijuana Cultivator - An entity licensed by the Cannabis Control Commission to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Independent Testing Laboratory - A laboratory that is licensed by the Cannabis Control Commission and is: (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is

otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Microbusiness - A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license from the Cannabis Control Commission. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Product Manufacturer – An entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Products – Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility – An entity licensed to engage in research projects by the Cannabis Control Commission.

Marijuana Social Consumption Establishment (aka Marijuana Café) – An entity licensed by the Cannabis Control Commission to purchase Marijuana or Marijuana Products from a cultivator, manufacturer or Microbusiness, sell Marijuana or Marijuana Products to Consumers at an approved premise, and allow Consumers to consume Marijuana or Marijuana Products at this premise.

Medical Marijuana Treatment Center (MMTC) – an entity formerly registered under 935 CMR 501.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana or Marijuana Products, Tinctures, aerosols, oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MMTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

Microbrew Pub – A restaurant with a small brewery that produces limited amounts of specialty beer (15,000 barrels per year or less).

Article 34: To see if the town will vote or take votes to make changes and additions to the Bernardston Zoning Bylaws as highlighted to amend Section 4800 Planned Unit Development to allow such development in the Business(B) and Industrial(I) Districts or take any other action there to.

Amend Section 4800 Planned Unit Development as follows:

4830. Location. Planned Unit Developments may be located in the Expedited Permitting Districts (EPD), Business (B) or Industrial (I) Districts.

Article 35: To See if the town will vote or take votes to amend the Town of Bernardston Zoning Map dated October 8, 2014, by changing one parcel of land located within the Expedited Permitting District(EPD) from Industrial(I) to EPD and to remove all elevation contour lines or take any other action relative there to.

Article 36: To see if the Town will vote to borrow or otherwise provide for a sum up to \$3,000,000.00 for the purpose of building a Fire Station, including original equipment, site improvements, and all costs incidental and related thereto, and further, to authorize the Treasurer with the approval of the Selectboard to borrow, pursuant to MGL Ch. 44, Sec. 7(1), or any other enabling authority, said sum or a portion thereof for the purposes set forth herein, and to issue bonds and notes therefore, and further, to authorize the Selectboard and other appropriate public officials to take all actions necessary to effect the purposes of this article, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2½ debt exclusion referendum under General Laws Chapter 59, Sec. 21C(k), or take any vote or votes in relation thereto. *(The Selectboard and Finance Committee recommend passage of this article. Requires a 2/3 majority vote for approval)*

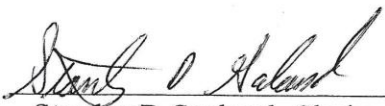
Article 37: (non-binding) Discussion and citizen suggestions regarding needed renovations to town owned buildings.


You are hereby directed to serve this warrant by posting up certified/attested copies thereof at least 7 (seven) days before the time of holding said meeting at the 5 (five) places within the town listed below:

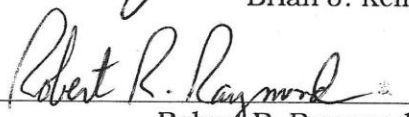
Bernardston Town Hall, 38 Church Street
Bernardston Post Office, 9 Center Street
Country Corner Store, 44 Church Street
Bernardston Senior Center, 20 Church Street
www.townofbernardston.org

Hereof fail not and make due return of this notice with your doing thereon to the Town Clerk at the time and place of said meeting aforesaid.

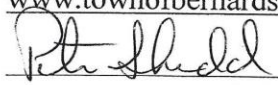
Given under our hands this 27th (Twenty-seventh) Day of April in the year (2021) Two Thousand and Twenty-one

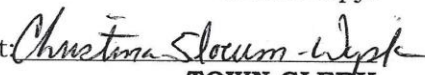

Stanley D. Garland, Chairman


Brian J. Keir


Robert R. Raymond
SELECTBOARD,
TOWN OF BERNARDSTON

Franklin, SS. Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bernardston by posting up attested copies of this Warrant 7 (seven) days before the date of said election, as within directed at:

Bernardston Town Hall, 38 Church Street;
Bernardston Post Office, 9 Center Street;
Country Corner Store, 44 Church Street;
Bernardston Senior Center, 20 Church Street;
www.townofbernardston.org
 4-28-21

A true copy:
Attest: 
TOWN CLERK
Christina Slocum-Wysk