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A. Tigano  
Town Clerk



One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: selectmen@berkleyma.us

**TOWN OF BERKLEY  
MASSACHUSETTS**

**BOARD OF  
SELECTMEN**

**MEETING POSTING**

Thursday, May 23, 2024 @ 6:05 p.m.  
Moitoza – Pettey Hearing Room, Town Hall, 1 North Main Street

**REVISED SELECTMEN'S AGENDA**

**I. Call to Order:**

**II. Public Hearing**

1. Pursuant to Article 1, Section 2, of the General Bylaws of the Town of Berkley, the Board of Selectmen will hold a public hearing on Thursday, May 23<sup>rd</sup>, 2024 at 6:05 p.m. in the Moitoza-Pettey Hearing Room at Town Hall, One North Main Street, Berkley, Massachusetts, regarding proposed amendments to the aforementioned General Bylaws, as follows:

**ARTICLE 16:** To see if the Town will vote to amend the Berkley Zoning By-law as follows:

1. By deleting from Section 3.4.2, entitled "Home Occupation – By Special Permit," and its Subsections, all references to the "Board of Appeals" and substituting therefor references to the "Planning Board."
2. By amending Section 3.2, a.k.a. the Table of Use Regulations, specifically Item F.4 therein, entitled "Building materials and/or contractor's yard," by changing the "B" in the GB column to "BA."
3. By adding the following definition for "Adult Use Marijuana Establishment" to Section 11.0:

**Adult Use Marijuana Establishment:** A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

By amending Section 10.6, entitled "Site Plan Review," Subsection 10.6.2, entitled "Applicability," by (a) deleting the word "and" at the end of Item 1 and substituting the word "or" therefor; and (b) adding the word "or" at the end of Item 2.

**ARTICLE 17:** To see if the Town will vote to amend the Berkley Zoning By-law to conform with the Office of the Attorney General's recommendations by making the following changes to Section 10.8 thereof, entitled "Request for Reasonable Accommodation":

1. By striking from Section 10.8.5 the words "at an open meeting."
2. By striking from Section 10.8.5 the following language:

"The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation is reasonable;
2. Whether the requested accommodation would require a fundamental alteration of a legitimate City policy; and
3. Whether the requested accommodation would impose undue financial or administrative burdens on the City government."

And substituting the following language therefor:

"An accommodation is reasonable when:

1. it does not cause any undue hardship or fiscal or administrative burden on the municipality; and
2. it does not undermine the basic purpose that the zoning bylaw seeks to achieve.”

or to take any other action relative thereto.

### **III. Executive Session:**

1. Board to enter into Executive Session under MGL Ch 30A §21(a) 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel to review contract of Fire/Rescue.
2. Board to enter into Executive Session under MGL Ch 30A §21(a) 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel to review contract of Town Administrator.
3. Board to enter into Executive Session under MGL Ch 30A §21(a) 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel to discuss potential action for Treasurer/Clerk position or creation of new floating clerk.
4. Board to enter into Executive Session pursuant to M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigating position of the Board and Town and the Chair so declares; review of matter, votes may be taken.

### **IV. Adjournment:**

\*Next Scheduled Meeting is Wednesday, May 29, 2024 at 6:00 p.m.\*