



2025 SPECIAL 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 MIDDLE SCHOOL GYMNASIUM**, 21 North Main Street, in said Berkley on **SATURDAY, the Fifteenth day of NOVEMBER 2025 AT 2:00 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 Finance Committee, or to take any other action relative thereto.

ARTICLE 2: To see if the Town will vote to hear the report of the SAVE Committee, formally known as the Fiscal Task Force, or to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to transfer from FY2026 funds, a sum from Town Treasurer salaries to Town Treasurer salaries elected, and Town Collector salaries elected, or to take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to amend the Berkley Zoning By-Law, being Article 21 of the Town's General By-Laws, by adding a new Section 9.3 thereto, entitled "Residential Development Overlay District (RDOD)," comprised of Sections 9.3.1, entitled "Purpose," 9.3.2, entitled "Establishment and Applicability," 9.3.3, entitled "Site Plan Review," 9.3.4, entitled "Definitions," 9.3.5, entitled "Permitted Uses," 9.3.6, entitled "Dimensional Standards," 9.3.7, entitled "General Development Standards," 9.3.8, entitled "Invalidity and Severability," and 9.3.9, entitled "Exemptions," and to amend the "Town of Berkley Zoning Map" referenced in said Zoning By-Law, Section 2.2, to add said RDOD thereto, the complete text of the foregoing Zoning By-Law amendment and the supplemental amendment to the Zoning Map both being on-file with the office of the Town Clerk; or to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to amend the Berkley Zoning By-Law, being Article 21 of the Town's General By-Laws, by adding a new subsection 9.3.5.2(c), entitled "Special Permit of the Planning Board," to allow the following uses for the purpose of mixed-use development within the Residential Development Overlay District by grant of Special Permit from the Planning Board: bar or tavern, for-profit entertainment or recreation facility, medical or dental office, and veterinary office or hospital, or to take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to increase the membership of the Board of Selectmen; provided, however that the General Court may make any clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, it being authorized hereunder to do so, which are within the scope of the general public objectives of the petition; or to take any other action relative thereto.

An Act authorizing the Town of Berkley to increase the membership of the Board of Selectmen

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Berkley shall consist of 5 members. Each selectman shall serve for a three-year term.

SECTION 2. At the first annual town election following not less than 64 days after the effective date of this section, the town shall elect 2 members in addition to the 1 member otherwise to be elected. The 2 new seats shall be contested separately from the expiring office, with the candidate receiving the highest number of votes to serve a term of 3 years and the candidate receiving the second highest number of votes to serve a term of 2 years. Thereafter, all members of the board of selectmen shall serve terms of 3 years. Selectmen in office on the effective date of this act shall serve until the expiration of their terms.

SECTION 3. This act shall take effect upon its passage.

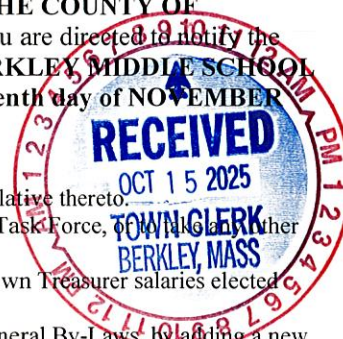
ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, meaning for nominal consideration, an easement, determined to be unique, in an approximately 5,688-square-foot portion of the property known as 52 Anthony Street (Map 21, Lot 107), identified as the "Proposed 75' x 75' Access Easement Area = 5,688 S.F." on a plan entitled "Easement Plan, 52 Anthony Street, Assessors Map 21 Lot 107," on-file with the office of the Town Clerk, said acquisition having been determined to be necessary for the health, safety and/or welfare of the inhabitants of Berkley, for general municipal purposes; or to take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, meaning for nominal consideration, the property, determined to be unique, known as 2 Riverside Drive (Map 8, Lot 92-1), or any interest or interests therein, said acquisition(s) having been determined to be necessary for the health, safety and/or welfare of the inhabitants of Berkley, for general municipal purposes; or to take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to transfer from the income earned on the Cemetery Perpetual Care Fund the sum of \$3,000, or any other amount, to the General Fund for the purpose of funding Cemetery Department operations, and to take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to transfer from the Special Revenue Fund established under Massachusetts General Laws, Chapter 44, Section 53F½, known as the PEG Access and Cable Related Fund, a sum of money, to the General Fund for the purpose of funding Cable Department operations in FY2026, or to take any action relative thereto.

ARTICLE 11: To see if the Town of Berkley will vote to accept 42nd Street, located within Chapter 40B affordable housing development, as a public way and to dissolve the associated Homeowners Association (HOA) thereby transferring responsibility for road maintenance, snow removal and related infrastructure to the Town. This action ensures equity and compliance with the intent of Chapter 40B by eliminating financial burdens on residents who already pay full property taxes; corrects an existing inequity where some households benefit from services without contributing HOA dues; aligns with the Town's acceptance of other neighborhood roads; and serves the public interest by standardizing maintenance, safety, and access under municipal oversight.



...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 9th day of October, in the year two thousand twenty five.

BOARD OF SELECTMEN:



Jennifer Vincent, Chairman



Tabitha K. McCrohan, Clerk

BRISTOL, SS:

Berkley, Oct. 15 2025

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.

STM WARRANT FY26

Constable of Berkley 