

PROCEEDINGS AT THE ANNUAL TOWN MEETING – November 12, 2013

According to legal notice the voters of the Town of Berlin met at the Berlin Memorial School on Tuesday, November 12, 2013, at 7:30 PM. Assistants were Madeline P. McTague, Danielle Valcourt and James H. Wheeler as checkers and Police Chief Tom Galvin and Officer Kevin Pond. Live cable television coverage was provided by William Anderson. Joel Bard served as Town Counsel. Barry W. Eager, Moderator, called the meeting to order at 7:35 PM. There were approximately 166 voters present. The Moderator waived the reading of the articles in the warrant. The Town Clerk then read the call of the meeting and the Constable's return.

Article 1. Voted to pass over. (to amend "Table of Development and Dimensional Controls")

Article 2. Voted to amend the Berlin Zoning Bylaw Section 456.3, "Table of Development and Dimensional Controls", as described in the warrant for the Special Town Meeting.

The Town of Berlin Planning Board held a public hearing on Tuesday, October 29, 2013 at 8:00 p.m. at the Berlin Town Offices. The purpose of the public hearing was to provide interested parties with an opportunity to comment on Article 2 on the Special Town Meeting Warrant to be held on November 12, 2013.

At the Planning Board Meeting held on Tuesday October 29, 2013 the Planning Board voted 4 in favor 0 opposed to Article 2.

Total hand count was 160: 127 Yes; 33 NO. The 2/3's number was 107.

Appointed to assist with the hand vote were Lee Tabor, Ray Dona, Steve Huntley, Marsha Johnston, Jane Sawyer and Marshall Tate.

Article 3. Voted to amend Section 456.3 of the Zoning By-law, the "Table of Development and Dimensional Controls", Note 2, by deleting the word "office" in both places it appears, and inserting the word "commercial" before the words: "space is so developed".

The Town of Berlin Planning Board held a public hearing on Tuesday, October 29, 2013 at 8:00 p.m. at the Berlin Town Offices. The purpose of the public hearing was to provide interested parties with an opportunity to comment on Article 3 on the Special Town Meeting Warrant to be held on November 12, 2013.

At the Planning Board Meeting held on Tuesday October 29, 2013 the Planning Board voted 4 in favor, 0 opposed to Article 3.

The Moderator declared 2/3's vote.

Article 4. Unanimously voted to pass over. (allow change of building height in the Zoning Bylaws)

Article 5. Unanimously voted to amend Section 320 "Table of Principal Use Regulations" and Section 620 "Table of Dimensional Regulations" of the Berlin Zoning Bylaw as described in the warrant for the Special Town Meeting.

The Town of Berlin Planning Board held a public hearing on Tuesday, October 29, 2013 at 8:00 p.m. at the Berlin Town Offices. The purpose of the public hearing was to provide interested parties with an opportunity to comment on Article 5 on the Special Town Meeting Warrant to be held on November 12, 2013.

At the Planning Board Meeting held on Tuesday October 29, 2013 the Planning Board voted 4 in favor, 0 opposed to Article 5.

Moderator declared 2/3's vote.

*A TRUE COPY,
ATTEST: Elaine E. Sallé
Town Clerk of Berlin*

Article 6. Unanimously voted to amend Section 320 "Table of Principal Use Regulations" as follows: Under "Agricultural and Rural Uses", under "Riding Stable" delete the letter "S" (Special Permit required) from each of the Zoning Districts where it occurs and add the letter "N" (the use is prohibited in the district) under "MD" (Multiple Dwelling district).

The Town of Berlin Planning Board held a public hearing on Tuesday, October 29, 2013 at 8:00 p.m. at the Berlin Town Offices. The purpose of the public hearing was to provide interested parties with an opportunity to comment on Article 6 on the Special Town Meeting Warrant to be held on November 12, 2013.

At the Planning Board Meeting held on Tuesday October 29, 2013 the Planning Board voted 4 in favor 0, opposed to Article 6.

Article 7. Voted to authorize the Board of Selectmen to enter into an amendment of the Riverbridge/Town of Berlin Development Agreement by adding a new sentence at the end of paragraph 1.5 and replacing the current paragraph 1.6 with new text as printed in the Special Town Meeting warrant with the following change: wherever the word "apartments" appears, change to "apartment dwelling units".

Article 8. Voted to authorize the Board of Selectmen to enter into an amendment of the Riverbridge/Town of Berlin Development Agreement by adding new sentences at the end of paragraph 3.1 (a) as printed in the Special Town Meeting warrant with the following change: add, at the end, the words "and other related work as described in paragraph 3.1 (a)".

Article 9. Voted to authorize the Board of Selectmen to enter into an amendment of the Riverbridge/Town of Berlin Development Agreement as follows:

A new sentence is added at the end of paragraph 3.1 (f), as follows:

"The requirement to construct a connector road connecting River Road West and Whitney Road may be waived by the Planning Board in VO Site Plan Review".

Article 10. Unanimously voted to authorize the Board of Selectmen to enter into an amendment of the Riverbridge/Town of Berlin Development Agreement by adding a new Section 4.5 as printed in the Special Town Meeting warrant.

Article 11. Voted to authorize the Board of Selectmen to enter into an amendment of the Riverbridge / Town of Berlin Development Agreement by adding the following sentences at the end of the second full paragraph of paragraph 14.2:

"If Riverbridge does not construct a CCRC or Assisted Living Facility, but does construct a State-licensed Memory Care or Nursing facility with at least 50 beds, either at Riverbridge or elsewhere in Berlin, it shall no longer be liable for the above-mentioned annual fee of \$51,200. This shall be considered accomplished if Riverbridge has obtained a Certificate of Occupancy for said State-Licensed Memory Care or Nursing Facility. The PILOT requirements set forth in paragraph 1.8 shall apply to any such State-Licensed Memory Care or Nursing facility. In recognition of the above, the Option Exercise Period, during which the Town may exercise the option to purchase the so-called Parcel 6B, as set for in paragraph 14.7 (b) shall be extended to four (4) years from the date on which this First Modification of Development is effective, or until November 12, 2017, whichever date is later."

Article 12. Unanimously voted to authorize the Board of Selectmen to discontinue that portion of Fosgate Road no longer in use beginning at the terminus of the Fosgate Road cul-de-sac as depicted in the January 8, 1963 State Layout and running in a southwesterly direction approximately sixty five (65) feet to the side line of Interstate Route 495.

Article 13. Voted to accept a parcel of land as a layout for a road to be named Kendall Road, and to accept Kendall Road as a public way as described in a Definitive Subdivision Plan entitled Maplewood Estates, dated April 11, 2006, drawn by Thomson–Liston Associates, Inc. for Kendall Homes, Inc. and recorded with the Worcester Registry of Deeds Plan Book #854, Plan #101, dated 3/20/07, said plan being on file with the Town Clerk.

During the discussion a motion to pass over failed.

Article 14. Unanimously voted to transfer from Free Cash the sum of \$9,986.80 to install a new roof on the Library, said sum to be expended by the Board of Library Trustees. The Finance Committee recommended this motion.

Article 15. Unanimously voted to close out Special Article 20 Fiscal Year 2013, Municipal Building Legion Hall Window replacement, in the amount of \$85.92 to the Stabilization Fund. The Finance Committee recommended this motion.

Article 16. Unanimously voted to authorize the Selectmen to amend the Development Agreement between the Town and Highland Commons LLC dated as of the 14th of May 2008, as amended by vote of Special Town Meeting on the 26th of June, 2013, to reduce the denominator of the fraction used to calculate annual public safety payments from 480,000 square feet to 425,000 square feet and to make such conforming amendments as may be required to effect this change. The Finance Committee recommended this motion.

Meeting dissolved at 9:47 PM. One hundred seventy-seven (177) voters took part in this meeting.

BARRY W. EAGER
Moderator

ELOISE E. SALLS
Town Clerk