

TOWN OF BERNARDSTON
Office of the Town Clerk
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Regular Office Hours:
Tuesday, Wednesday, Thursday
8:30am to 11:30am
Wednesday – 6:00pm to 8:00pm
Other times by appointment
townclerk@townofbernardston.org

**Public Notice as per MGL Chapter 40, Section 32
of Amendments and Additions to Bernardston Zoning By-Laws approved
at The Annual Town Meeting of June 6, 2018, Articles 31, 34 & 35**

Any claims of invalidity by reason of any defect in the procedure of adoption or amendment regarding these Zoning By-Law amendments and additions may only be made within ninety (90) days of this posting.

**THE ARTICLES LISTED BELOW WERE APPROVED BY THE ATTORNEY GENERAL'S OFFICE ON
SEPTEMBER 24, 2018 AND CERTIFIED COPIES OF THIS ANNOUNCEMENT POSTED BY THE TOWN
CLERK ON SEPTEMBER 25, 2018**

**Complete copies of all these amendments and additions as well as the current Zoning
By-laws may be examined at the Office of the Bernardston Town Clerk.**

Article 31: Amend the Bernardston Zoning Bylaw by adding Recreational Marijuana Retail Business to the use schedule section 2234 Business/Industrial Uses as allowed in the Business and EPD districts with Site Plan Review and Special Permit from the Planning Board.

Article 34: Addition of municipal use as an allowed by-right in all districts in the table of use regulations, section 2233 Community Service Uses.

Article 35: Additions to Site Plan Review 4400 subsection 4430 – **new text shown in bold underline**

4430. Any use permitted by right, by special permit, or by special exception in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents or other substance, conditions or element in an amount as to affect adversely the surrounding environment.

Site Plan approval shall be granted upon determination by the Planning Board that the following conditions are complied with:

- A. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage, consistent with functional requirements of the Planning Board's Subdivision Rules and Regulations.
- B. New building shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

- a. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, threat of air or water pollution, and noise and **odors** emanating from the site;
 - b. Maximize pedestrian and vehicular safety both on the site and egressing from it;
 - c. Minimize obstruction of scenic views from publicly accessible locations;
 - d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 - e. Minimize glare from headlights through plantings or other screening;
 - f. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site, with fixture mounting not higher than 15 feet;
 - g. The site will function harmoniously in relation to other structures and open spaces to the natural landscape, existing buildings and other community assets in the area as it relates to landscaping, drainage, sight lines, building orientation, massing, egress and setbacks as viewed from public ways.
 - h. The requested use will not overload, and will mitigate adverse impacts on the Town's resources, including the effect on the Town's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The construction materials and methods for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be those set forth in the Bernardston Subdivision Regulations (even for projects that are not part of a subdivision) unless the Planning Board finds that a different standard is more appropriate.
- C. Solar. For new buildings and additions, the applicant must show that the building is designed to accommodate solar power installation. This is met by showing that the roof design can support solar panels and that roof orientation, conduit and electrical service will be incorporated so that installation can easily be added either at the time of construction or at any point thereafter. Alternatively, the applicant may show the site is designed to accommodate solar with conduit to be located to accommodate a ground mount system. The Planning Board may waive this requirement for green roofs or if the applicant provides information to show that either building-mounted or ground mounted systems are impracticable due to site constraints/orientation.

ALL THE AMENDMENTS AND ADDITIONS LISTED ABOVE TAKE EFFECT AS OF JUNE 6, 2018 IMMEDIATELY UPON THE POSTING OF THIS PUBLIC NOTICE.

Posted as per MGL Chapter 40, Section 32 in 5 (five) public places:
 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

A True Copy. Attest: Town Clerk 
 Paul W. Luther