

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 05/24/2023

SELECTMEN IN ATTENDANCE: Joe Freitas, Chairman, Tabitha K. McCrohan, Clerk, Wendy F. Cochrane, Member

TOPIC		ACTION
	Meeting Convened at 6:02 p.m. in the Moitoza – Pettey Hearing Room	
New Business (taken out of order)	Board to approve Common Use Request for Library Fundraiser Event. The Board voted to approve.	Cochrane to motion to approve, McCrohan 2 nd , voted.
Public Hearing	<p>Pursuant to M.G.L. c.148 §13, the Board of Selectmen will hold a public hearing on Wednesday, May 10, 2023, at 6:00 pm in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, on request of Kevin Gottwald, Vice President of Global Contracting Services, Inc., for a license to allow the installation and use of a Gas and Diesel Fueling Facility with Convenience Store. The property is located at 34-38 Padelford Street in Berkley, Massachusetts, more specifically through certain property identified in the Assessor's records as Map 10, Lots 63 and 64. Interested parties are welcome to attend and comment; persons wishing to be heard should appear on the date and at the time and place designated above. Comments can also be sent to the Board of Selectmen either by mail, c/o Town Administrator, One North Main Street, Berkley, Massachusetts 02779, or via e-mail, to selectmen@berkleyma.us, prior to the date and time of the public hearing. The Board voted to open the continuation of the Public Hearing. Kevin Gottwald, representative of KC Realty Trust gave a brief project overview. The Town Administrator confirmed that the Fire Department had signed off on the project. There were no abutters present. The Board voted to approve the License. The Board voted to close the Public Hearing.</p> <p>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 Wednesday, May 24, 2023, at 6:00 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:</p> <ol style="list-style-type: none"> 1. By amending Article 21 of the General Bylaws, entitled "Zoning", Section 2.B, untitled, by rezoning the following lots as part of and to be included in the General Business District: 27 Locust Street (Map 11 Lot 37); 29 Locust Street (Map 11 Lot 38); 31 Locust Street (Map 11 Lot 38-02); and 37 Locust Street (Map 11 Lot 38-1). 2. By further amending Article 21 of the General Bylaws, entitled "Zoning", by deleting therefrom: <p>In their entirety, the following Sections of the existing Berkley Zoning By-Law, Article 21 as aforesaid, including all provisions comprising the same, but NOT the Town's Official Zoning Map: Section 1: Purpose; Section 2: Establishment of Districts; Section 3: Definitions; Section 4: Use Regulations by Zoning District; Section 5: Dimensional Regulations; Section 6: Nonconforming Buildings and Uses and Structures; Section 7: Administration and Procedures; Section 8: Rate of Development; Section 9: Off Street Parking; Section 10: Signage; Section 11: Adult Entertainment Uses Sexually Oriented Business; Section 12: Aquifer Protection District; Section 13: Accessory Apartments, which Sections together constitute the entirety of said Zoning By-Law (excepting the aforementioned Zoning Map).</p> <p>And substituting therefor, the following new Sections, the complete text of which is contained in a document entitled: "Berkley Zoning By-Law, Draft 9 March 7, 2023", on file with the Town Clerk and the Planning Board:</p> <p>Section 1.0: Purpose and Authority; Section 2.0: Districts; Section 3.0: Use Regulations; Section 4.0: Dimensional Regulations; Section 5.0: Nonconforming</p>	<p>McCrohan to motion to approve, Cochrane 2nd, voted.</p> <p>Information only; no action needed.</p>
Minutes to be approved		

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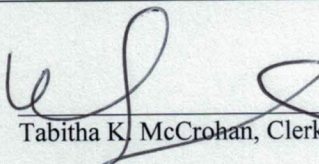
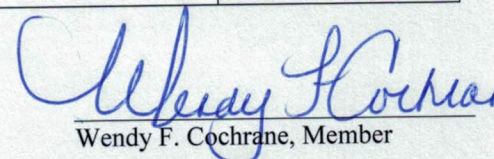
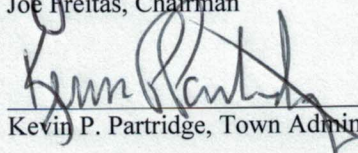
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Personnel	<p>Uses and Structures; Section 6.0: General Regulations; Section 7.0: Special Regulations; Section 8.0: Special Residential Regulations; Section 9.0: Special Districts; Section 10.0: Administration and Enforcement; Section 11.0: Definitions.</p> <ol style="list-style-type: none"> By adding a new Article 28 of the General Bylaws, entitled "Wetlands Bylaw" comprised of Sections including I. Purpose, II. Jurisdiction, III. Applications for Permits and Requests for Determination, IV. Notices and Hearings, V. [Omitted], VI. Permits and Conditions, VII. Setbacks, VIII. Regulations, IX. Definitions, X. Enforcement, XI. Burden of Proof, XII. Appeals, XIII. Relationship to the Wetlands Protection Act, and XIV. Severability. By adopting a certain Petition for Article for Annual Town Meeting entitled "Regulations, Bylaws, & Policies for Berkley Massachusetts", the complete text of which is on file with the Town Clerk's Office and can be viewed at the Town Clerk's Office during normal business hours. By adopting a certain Petition for Article for Annual Town Meeting entitled "Right to Farm", the complete text of which is on file with the Town Clerk's Office and can be viewed at the Town Clerk's Office during normal business hours. <p>The Board voted to open the Public Hearing. Resident Robert Rose of 93 Locust Street questioned what the benefit of changing the zoning v. special permits would be; he also questioned if it opened the Town up to new warehouse issues, etc. It was confirmed that the Planning Board will also be holding a meeting to discuss the matter and anyone with questions was encouraged to attend that meeting for further clarity. David Patrick of the Conservation Commission provided a brief overview of the Wetlands By-Law. It was confirmed that the proposed By-Laws are nearly identical to current ConCom By-Laws throughout the State, with specific amendments to benefit Berkley. The purpose of the proposed By-Law is ultimately to allow ConCom to enforce state laws as opposed to DEP. George Faria of the Conservation Commission reiterated that without the passing of this By-Law, they have no authority. George Faria also provided a brief description of the Right to Farm Petition. He reaffirmed that passing the Right to Farm does not change any farming practices that have been going on for 100+ years. It was also suggested that with the Right to Farm, there is a possibility of agricultural grants. It was reconfirmed that dogs and all other domestic animals are <u>not</u> included. Resident Darcy Giardini of Howland Road voiced concern over ambiguous language and questioned why it was important to get this passed now. It was confirmed that this does not give farmers any further rights than currently available. It was confirmed that any Citizens' Petition with 10 or more registered voter signatures were legally required to appear on the Annual Town Warrant. The Board voted to closing the Public Hearing.</p>	
Minutes to be Approved	Board to approve Meeting Minutes for the Board of Selectmen Meeting of May 10, 2023. The Board voted to approve.	McCrohan to motion to approve, Cochrane 2 nd , voted.
Personnel (taken out of order)	<p>Board to interview and possibly hire Dean Gouveia as the Class B Truck Driver/Laborer Position for the Highway Department. The Board voted to hire.</p> <p>Board to offer presentation for Carolyn Sousa. Ms. Sousa was not present, but Chairman Freitas read the official Certificate of Appreciation.</p>	<p>Cochrane to motion to hire, McCrohan 2nd, voted.</p> <p>Information only; no action needed.</p>

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	Board to discuss appointing Dean Larabee to continue as GATRA Representative. The Board voted to appoint.	McCrohan to motion to appoint, Cochrane 2 nd ; voted.
Meeting Mail	Board to review correspondence from the Office of the County Commissions of Bristol County. The Town Administrator confirmed that we need to appoint someone to sit on the Committee. Clerk McCrohan volunteered. The Board voted to appoint.	Cochrane to motion to appoint, Freitas 2 nd ; voted.
Old Business	Board to sign as approved Special Labor Counsel correspondence from Gay & Gay, P.C.. The Board voted to sign and approve.	McCrohan to motion to sign, Cochrane 2 nd ; voted.
New Business	Superintendent Ryan to provide an update on building project. Chad Crittenden, Project Manager from PMA Consultants and project engineer, provided a presentation of the project overview. A project timeline and preliminary numbers were provided, there is a possible cost reimbursement of over 50%. Enrollment for the new building is state determined at 385 students for grades K-4, Pre-K is not included. Tours of the current school may be offered to the community prior to Town Meeting.	Information only; no action needed.
Town Administrator Report	<p>The Town Administrator offered an update on the search for Town Administrator. The search is continued and a Committee has been formed.</p> <p>An invitation was received from Bristol County Agricultural High School. The Board discussed attending.</p> <p>There is a Motorcycle Run that will travel through Berkley and it was confirmed by the Board that no permit is required, but to notify Police and Fire Chiefs.</p> <p>There is a legal counsel meeting scheduled with the Board for May 31.</p>	Information only; no action needed.
Finance Committee Update	The Finance Committee offered the FY 24 Budget of \$22,734,698.00. The Board voted to approve.	McCrohan to motion to accept, Cochrane 2 nd ; voted.
Adjournment	The Board voted to adjourn, with the announcement of the next two meetings to be held on Wednesday, May 31, 2023 at 2:00 p.m. (special meeting) and Wednesday, June 7, 2023 at 6:00 p.m.	McCrohan to motion to accept, Cochrane to 2 nd ; voted.


Tabitha K. McCrohan, Clerk
Joe Freitas, Chairman
Wendy F. Cochrane, Member
Kevin P. Partridge, Town Administrator