

# MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 4/28/2021

SELECTMEN IN ATTENDANCE: George F. Miller, Chairman Dean R. Larabee, Clerk Wendy F. Cochrane, Member

TOPIC		ACTION
	Meeting Convened at 5:25pm in the Moitoza – Pettey Hearing Room and via Zoom	
Call to Order	<p>Pursuant to Article 21, "Zoning," Section 7C, "Special Permits," of the General Bylaws of the Town of Berkley, the Board of Selectmen will hold a public hearing on April 28, 2021, at 5 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts and via zoom at <a href="https://us02web.zoom.us/j/82145247136">https://us02web.zoom.us/j/82145247136</a>, regarding the application of Ledir Paulo Rodrigues for a special permit to operate a Petting Zoo, Horseback and Pony Rides, animal feeding and assorted entertainment activities for children at property known as and numbered 11 Babbit Way, Berkley, Massachusetts, further identified in the Assessor's records at Map 3, Lot 11. Interested parties are welcome to attend and comment. A copy of the aforesaid application is on file with the Town Clerk and is available for public inspection during the Town Offices' regular business hours. The Board of Selectmen voted to open the public hearing. Council Attorney Wayne Berube present and representing petitioners. Attorney Berube stated that they would like to have a petting zoo and other small activities on Saturday 10-7 and Sunday 2-7 and also some relief on Thursday and Friday 2-6 as well. He noted that on the 5 acres of agricultural land and 3 plus acres of residential land, they would have pony and horse rides, possible waterslides, swing sets, reception area, hay rides, and BBQ set ups. He stated that people coming would be by invitation only. People would call and make reservations. The entry fee is \$15.00 for children and adults over the age of 12, \$10.00 for children aged 5-12, and children under the age of 5 are free. He also stated that there would be no fee on Thursdays and Fridays. They intend to run only in the spring, summer, and fall. Attorney Berube, regarding security and safety procedures, stated that they will have surveillance cameras, staff monitoring the activities, a fenced in property, and on-site parking in designated area on their property. He also noted that a neighbor has agreed to lease land for parking, if necessary, but absolutely no on street parking. He stated that it is a planned operation to promote control and to keep Berkley rural. To control noise, there will be no loud sound systems. For safety, a document with rules will be given to guests concerning speed and parking regulations. They stated that parking is in the back of the property and not close to the street and would have about 50 cars on each property. Mr. Miller stated that a special permit will not cover both properties. Town Council noted that it is not unusual in some communities to contract with adjacent properties but did recite Berkley's zoning bylaw. Attorney Berube mentioned that the petitioners went door to door and received 57 signatures supporting the petition. He also stated that they were hoping to get police details, food trucks, port-a-potties, first aid station, washing station, selling produce, eggs, and other items grown on the property. Mr. David Barwick, 6 Babbitt Way, questioned if a traffic study was done. Mr. Miller stated that they did not submit a traffic study but did submit an estimate. Ms. Cochrane stated that if a traffic study were to be done now, it would only be the residents, but a traffic study could be done after one week and reviewed later. Ms. Debra Barwick, 6 Babbitt Way, stated that the one signature from Babbitt Way was from someone who leases, not owns. She also stated that the waterslides last year were very loud. She also asked if a background check was going to be done. Mr. Miller stated that they typically do not do CORI checks for special permits. Attorney Berube stated that it is not meant to be a camp or noisy, it is meant to be an organized situation. Mr. Miller stated that on the insurance, it excludes waterslides. Mr. Frank Vaz, 9 Babbitt Way, noted that the neighbors experienced this before. He mentioned the limited hours and stated that they were not limited. He also stated that they had private parties outside of business hours. Mr. Vaz also mentioned that last year they had hayrides going out into the street and said that there has been more traffic than he has seen before and stating that this will cause more. Ms. Vivian Carlos, 3 Babbitt Way, stated that she has lived there for over 40 years. She stated, that now, it is hard to go out and enjoy her property with it being so loud. Mr. Miller stated that they legally have to consider the application and stated that it is unlikely that a decision will be made tonight and would like to have Town Council present. Town Council explained chapter land, referring to Zoning Bylaw Section 4, what uses are allowed and where. Mr. Stephen Castelina explained the special permit process. He also mentioned that other departments have not been able to voice their concerns. Town Council stated that there is no right way for a special permit process, but there are certain parameters and deadlines.</p>	Cochrane motion to open public hearing, Larabee 2nd voted

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	<p>He also mentioned that it is up to the Board of Selectmen to decide an appropriate length to continue, as there are no deadlines as to when it must close. They can keep the hearing process open as long as necessary. Discussion continued. Mr. Miller suggested 45 days to continue the hearing. Mr. Larabee stated that he appreciates the nostalgia and Berkley feeling, but struggles with the dividing line with petting zoo and amusement park. Mr. Larabee also noted that the insurance caps at 10 animals. Ms. Martin-Sterling read comments via Zoom. Ms. Lisa Hoxie, 728 Berkley Street, stated that she is concerned about the health and wellbeing of the animals. Ms. Martin-Sterling stated that the barn inspector is required to do a yearly inspection. Mr. Joe Freitas, 18 Country Lane, stated that he believes there is a lack of humanity and does not think the Board will be able to please the neighbors. He stated that he understands that they have operated in the past, but thinks they should be given an opportunity. Mrs. Rodrigues stated that they have received many ASPC visits and they did not find anything. Mr. Rodrigues explained their experience and how they take care of the animals and maintenance. The Board of Selectmen voted to continue the public hearing regarding the petting zoo at 11 Babbitt Way for 42 days on their next meeting on June 9, 2021.</p>	<p>Cochrane motion to continue public hearing, Larabee 2<sup>nd</sup> voted</p>
	<p>The Board of Selectmen voted to go into a brief recess.</p>	<p>Cochrane motion to go into a brief recess, Larabee 2<sup>nd</sup> voted</p>
	<p>The Board of Selectmen voted to reconvene The Board of Selectmen meeting at 7:31 p.m.</p>	<p>Cochrane motion to reconvene, Larabee 2<sup>nd</sup> voted</p>
New Business	<p>Taken out of order, Common use request form. Ms. Lisa Crosby, 62 Padelford St, asked to use common for dedication of basketball court on June 12<sup>th</sup>, 12:00-3:00 p.m. Ms. Cochrane stated that the Fire Detail had a concern about crowd control. Mr. Martin-Sterling stated that COVID regulations will change to 250 people outside by that time. She also stated that she will talk to the Police Chief regarding a police detail. The Board of Selectmen voted to allow the Crosby-Couto Memorial Court Opening Day to take place June 12<sup>th</sup>, 12:00-3:00p.m.</p>	<p>Cochrane motion to allow Common use for the Crosby-Couto Memorial Courts.</p>
Minutes	<p>January 27, 2021 – Regular Session February 3, 2021– Regular Session January 20, 2021– Regular Session March 3, 2021 Morning Minutes – Regular Session March 3, 2021 Evening Minutes – Regular Session April 21, 2021 – Regular Session The Board of Selectmen voted to approve the following minutes.</p>	<p>Cochrane motion to approve the following minutes, Larabee 2<sup>nd</sup> voted</p>
Meeting Mail	<p>Email from BAA requesting meeting attendance. The Board of Selectmen voted to file email from BAA requesting meeting attendance.</p> <p>Letter from Taunton Planning Board regarding Special Permit/Site Plan Review – 2 &amp; 8 Galleria Mall Drive. Ms. Martin-Sterling stated this was their approvals and conditions from the public hearing. The Board of Selectmen voted to file letter from Taunton Planning Board regarding Special Permit/Site Plan Review – 2 &amp; 8 Galleria Mall Drive.</p> <p>Letter from Berkley Public Schools regarding surplus items. The Board of Selectmen voted to file the letter from Berkley Public Schools regarding surplus items.</p> <p>Petition for warrant article for annual Town meeting regarding amending town general bylaws. Mr. Miller stated it was a citizen petition and will be reviewed by Town Council. He also stated that they are required to have a public hearing at least 10 days prior of Town meeting. The Board of Selectmen voted to file petition for warrant article for annual Town meeting regarding amending town general bylaws.</p>	<p>Cochrane motion to file, Larabee 2<sup>nd</sup> voted</p> <p>Cochrane motion to file, Larabee 2<sup>nd</sup> voted</p> <p>Cochrane motion to file, Larabee 2<sup>nd</sup> voted</p> <p>Cochrane motion to file, Larabee 2<sup>nd</sup> voted</p>

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	<p>Petition for warrant article for annual Town meeting regarding amending town general bylaws. Mr. Miller stated it will be reviewed by Town Council and stated that they are required to have a public hearing at least 10 days prior of Town meeting. The Board of Selectmen voted to file petition for warrant article for annual Town meeting regarding amending town general bylaws.</p>	<p>Cochrane motion to file, Larabee 2<sup>nd</sup> voted</p>
New Business	<p>Presentation from SBRHS school committee regarding formula change to assessment. The Board of Selectmen voted to table presentation from SBRHS school committee regarding formula change to assessment.</p>	<p>Cochrane motion to table, Larabee 2<sup>nd</sup> voted</p>
	<p>Board to vote to open and close the warrant. The Board of Selectmen voted to open town warrant for Town meeting at 7:44 p.m. and to have to warrant closed on May 5, 2021 at 10:00 a.m.</p>	<p>Cochrane motion to open and close warrant, Larabee 2<sup>nd</sup> voted</p>
	<p>Board to vote and sign annual town election warrant. Mr. Miller listed election openings. The Board of Selectmen voted to sign annual town election warrant.</p>	<p>Cochrane motion to sign Annual Town Election warrant, Larabee 2<sup>nd</sup> voted</p>
	<p>Selection Budget Presentation. Ms. Martin-Sterling noted that she is presenting it to the Finance Committee and will be presenting it to the Board of Selectmen. She briefly touched upon the overtime in the Police Department, as of December 31<sup>st</sup>, all reserve police officers must become full time. She also noted that an increase in the Fire Department side was due to OSHA requirements. Discussion continued. Ms. Martin-Sterling stated she will go into more detail on the 12<sup>th</sup> when she presents it to the Board of Selectmen. The Board of Selectmen voted to continue conversation on May 12<sup>th</sup>.</p>	<p>Cochrane motion to continue conversation, Larabee 2<sup>nd</sup> voted</p>
	<p>Board to discuss the continuation of Zoom meetings. Mr. Freitas stated that he no longer is using Zoom. Mr. Miller stated that it is good for emergency situations. Mr. Miller and Ms. Cochrane in favor of discontinuing Zoom, Mr. Larabee not in favor.</p>	<p>Cochrane motion to discontinue Zoom unless designated by the chair, Larabee 2<sup>nd</sup> voted</p>
	<p>Board to discuss Town council draft personnel bylaw change. Mr. Miller stated that Town council is still researching it. The Board of Selectmen voted to table board to discuss Town council draft personnel bylaw change.</p>	<p>Cochrane motion to table, Larabee 2<sup>nd</sup> voted</p>
Town Administrator Report	<p>Ms. Martin-Sterling stated that the new Town Administrator Assistant started on Monday.</p>	<p>Informational, no action needed.</p>
Public Input	<p>Mr. Luke Pereira, 23 Point Street, questioning term limits and separation of duties. Mr. Miller stated that they do not take commentary or questions on items on the agenda that have passed and been covered. He stated that the Board of Selectmen has to hold a public hearing within 10 days prior to town meeting for bylaw changes.</p>	<p>Informational, no action needed.</p>
	<p>Board to interview and hire planning board clerk. The Board of Selectmen voted to table.</p>	<p>Cochrane motion to table interview, Larabee 2<sup>nd</sup> voted.</p>
	<p>The Board of Selectmen voted to adjourn. The next meeting will be May 5<sup>th</sup> at 10:00 a.m.</p>	<p>Cochrane motion to adjourn, Larabee 2<sup>nd</sup> voted</p>

George F. Miller, Chairman

Dean R Larabee, Clerk

Wendy F. Cochrane, Member

Heather Martin-Sterling, Interim Town Administrator

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