

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 07/07/2021

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

TOPIC		ACTION
	Meeting Convened at 6:00p.m. in the Moitoza – Pettey Hearing Room	
New Business (Taken Out of Order)	Board gave an official citation to James S. King, Jr., for his 45-year dedication on the Soil Board, Planning Board, and long-term member of the Zoning Board of Appeals. Board gave there thanks and expressed their appreciation to his time given to the Town of Berkley.	No Action Taken
Hearing #1 (Taken Out of Order)	<p>The Board of Selectmen of the Town of Berkley, as the Cable Television License Issuing Authority, will hold a public hearing on Wednesday, July 7, 2021 at 6:00 P.M. at the Town Office Building in the Moitoza- Pettey Hearing Room, One North Main St., Berkley, MA, pursuant to 207 C.M.R. 3.05 and any applicable cable television renewal license, laws, regulations or requirements, regarding the renewal of the cable television license of Comcast Cable Communications Management, LLC (formerly Comcast of Massachusetts I, Inc.) Any applications, reports, statements and/or amendments in the possession of the Town to be considered at the hearings shall be available for public inspection and reproduction at a reasonable fee at the Board of Selectmen's office during regular Town Office Building hours.</p> <p>Miller asked if anyone was here for public input, nobody responded. Bored discussed how there're still waiting on the final contract. When the contract comes in they will then schedule to vote on the contract.</p>	<p>Larabee Motion to Open Hearing, Cochrane 2nd, all voted</p> <p>Cochrane motion to close the public hearing, Larabee 2nd, all voted</p>
Public Hearing #2	<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 July 7, 2021, at 6 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts regarding the application of Thomas & Ashley Fullen for a special permit to use the farm grounds as a Recreational Rental Space for small family gatherings and celebrations, Community group rentals, Small interactive educational workshops, small acoustic style "open-Air music events", Farm Family Movie Nights and small pop-up "Open-Air Market" at property known as and numbered 115R South Main St, Berkley, Massachusetts, further identified in the Assessor's records at Map 13, Lot 7-21.1. 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.</p> <p>While waiting on the applicants to attend the public hearing, Miller asked if there was anyone from the public who wished to speak.</p> <p>Gerald Antcil, 129 South Main Street, who use to be a previous owner of the discussed property, spoke about his previous construction to the lot. Antcil shared his previous business ideas for the lot that consisted of agricultural events.</p> <p>Antcil finishes his thoughts on the proposed special permit. He feels that business they are looking to conduct would be a deterrent to him. He would like to keep his current living arrangements the way they are, private and quiet. Antcil wanted to add that the water on the property is not clean and shouldn't be used for drinking water. Antcil seen on Facebook a posting of an event that the Fullen's hosted and wants to know if this was properly hosted through town's regulations. Antcil stating that the music would be hard on him as well.</p> <p>Ashley Fullen the applicant, 115 South Main Street, reads a breakdown of her proposal for the Special Permit. Explaining things like scouting groups, horse clinics, yoga, small family reunions/gatherings, birthday celebrations, as well as bridal and baby showers. Stating she wants to share their 41-acre space, with the local community and make it more of a recreational gathering space for friends and family to come together in a safe/open air environment. Also, addressing that they have plenty of space for parking and set locations for the type of event they may be hosting. Miller asked if they have done a formal sight plan. Mrs. Fullen answered no. Cochrane asked if they are anticipating on opening a bartending school. Mrs. Fullen answered no and explained, a state licensed vendor, would come to the property to do small, fun, interactive workshops that may be about thirty people or so, would host these bartending events.</p>	<p>Larabee Motion to Open Hearing, Cochrane 2nd, all voted</p>

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Miller read into the record, a letter provided by John and Susan Mattie, 111 South Main Street, expressing that they fully support the Fullen family's request.

Jeff Macomber, 20 Thomas Road, an abutter to the property, thinks the Fullen's trying to run the farm is fantastic. Regarding the noise, changing the way of life, having a silimiliar farm in town already, like what the Fullen's are trying to do, he feel it seems redundant. Macomber stating that once a special permit is granted there's no taking it back or it's hard to take it back. As an abutter, Macomber would love to see it stay the way it already is. Macomber would like to know the difference of the events they're doing now, compared to what they are proposing top host.

Gerald Ancil, 129 South Main Street, wants to clarify that as a former building commissioner, and a zoning officer, if they don't follow the special permit requirements, the special permit can be taken back.

Joel Figueiredo, 28 Thomas Road, feels on a regular basis, the noise would be a disturbance. Would like to know the hours of the proposed business.

Joe Biszko, Berkley's Building Inspector, read into the record, a letter Mrs. Fullen submitted on October 18, 2020, regarding zoning and compliance. Biszko stated he agreed with her requests in the letter. Biszko stated, after receiving complaints of parties, he went to the address but Mrs. Fullen wasn't there. He followed up with a letter dated, June 9, 2021, Biszko read letter into the record, letting the Fullen's know, if they don't follow the towns compliances, failure to do so, may require certification. Biszko explained shortly after this letter was given, the Fullen's then applied for the Special Permit as of June 9, 2021.

Donna Gottwalk, 40 Thomas Road, had a couple questions. Asking how many acres is the lot and is there any business on the property now. Miller explaining that there may be some business like activities happening which is why he believes, Mrs. Fullen has requested this special permit. Gottwalk asking if the Fullen's live on the property now. Mrs. Fullen responded saying they live at 115 and the proposed lot for the Special Permit is 115R.

Kerrie Ann Auclair, 100 North Main Street, also with Berkley's Conservation. Auclair asking if there is any work being done to the property, 100-feet from the wetlands. Mrs. Fullen stated that the only work that was done, in regards to the building of their home, has already gone through the conservation and been completed. Mrs. Fullen also explaining they are not looking to expand their business much more than what they are already doing.

Auclair asks about a parking lot, and stated that if any new work is to be done, the Fullen's need to speak with the conservation first.

Miller asked Mrs. Fullen if she has any proposed hours. Mrs. Fullen suggested Monday through Friday, 5pm to 10pm. Saturday and Sunday from Noon to 10pm. Miller and Mrs. Fullen discussed parking. Cochrane asked for further details about Primo, the Bartending School. Miller asked if this proposed business plan is seasonal. Mrs. Fullen stated three out of the four seasons, being summer, fall, and spring. Cochrane asked about bathroom facilities. Mrs. Fullen stated that they have porta johns, and an outdoor concrete sink.

Gerald Ancil, 129 South Main Street, gives details of the property.

Brian Rapoza, 101 South Main Street, after he heard the hours, his concern is that South Main Street is a very dangerous street. After 5pm, the street becomes quiet and he doesn't want the added disturbance.

Stephanie Figueiredo, 28 Thomas Road, lives right behind the farm, wants to know if it's indoors or all outdoors. Her concern is amplifiers, microphones, music, and megaphones. Mrs. Fullen stated no additional structures are anticipated and that all events will be outdoors. Mr. Fullen added that if there was music, most likely they would have some type of an amplifier.

Discussion continued.

Joseph Freitas, 18 Country Lane, touching base on the amplified music, he hopes there would be some type of structure to hold some of the sound in. Freitas is concerned that with any new proposed business in town, we need to find a way to let these businesses flourish, while still maintaining a rural aspect in town. Freitas suggests that applicants proposing a business in a residential area, first course of action, should be to speak to their neighbors/abutters.

Tom Fullen, the owner of 115R South Main Street, thanked everyone in the room for attending. Fullen stated as a 20-year business owner, most of his business has been done with a handshake. Mr. Fullen stated that he would love to speak to everyone but time has not allowed him or his wife to do so. Mr. Fullen also explaining that their intentions are not to have a party/drinking scene but to educate the youth, and have herbal remedies, and

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	<p>spirituality. Fullen giving details on why they rushed this Special Permit application and why they wanted to get the ball rolling and do it the right way.</p> <p>Dinah Garant, 113 South Main Street, abutter to the property, stating the Fullen's have been good neighbors. Garant wants to know what the abutters benefit, by the Fullen's having a Special Permit. Miller explains we don't know yet, which is why they are having this hearing and to get more detailed information.</p>	<p>Cochrane motion to continue the Public Hearing to July 21st at 6p.m., Larabee 2nd, all voted</p>
Meeting Minutes	<p>May 26, 2021 Meeting Minutes</p> <p>June 16, 2021 Meeting Minutes</p> <p>June 23, 2021 Meeting Minutes & Executive Session</p>	<p>Cochrane motion to table the minutes for a future agenda, Larabee 2nd, all voted</p>
New Business (Taken Out of Order)	<p>Board discussed possible changes to General Bylaw Article 3, Procedures at town Meeting, Section 7. Miller states that the board received an inquiry from Mr. Rowbottom regarding a concern at Town Meeting. Miller offers his apologies to Mr. Rowbottom that this wasn't addressed in a timely manner. After receiving Mr. Rowbottom's follow-up email, stating he didn't know why the board didn't discuss this by-law issue in the last meeting. Miller explained that he didn't hear about this until a later date after town meeting and feels the whole board should handle an issue like this together.</p> <p>Deborah Pereira, Berkley's Town Clerk, addressing the Citizens Guide to Town Meeting packet she provided the board. Pereira explain after doing her research and reaching out to other Town Clerks, each of the towns have different procedures but they all concurred they have a separate section. Stating that they only way to monitor a vote a Town Meeting is to have a registered voters, and a separate section of non-voters. Discussion continued. Larabee explained the bylaw in further detail. Discussion continued on what they can do to make the public more welcomed at Town Meeting. Larabee feeling a change may be beneficial to the procedures at Town Meeting, offered his assistance to look further into this topic and will follow-up with possible recommendations at a further date. The Town Clerk also offered her assistance to look further into other solutions.</p>	<p>Discussion Only</p>
Personnel Board	<p>Board accepted the resignation of John D. Blake's, from the Town Moderator position, dated June 8, 2021. Board gave there thanks for his many years served as Town Moderator.</p>	<p>Information Only</p>
New Business (Taken Out of Order)	<p>The Board and the Town Clerk, discussed the vacant position of Town Moderator.</p>	<p>Discussion Only</p>
Meeting Mail	<p>Information from the Scholarship Committee, announcing Berkley's Assessor, Gary Hoitt winning a \$400.00 scholarship. He can use this on a course to further his studies. The board thanked Hoitt.</p>	<p>Information Only</p>
Appointments	<p>Re-Appointment of Sgt. Daniel Mosher.</p>	
	<p>Deborah Pereira, Town Clerk, questioned why the police officers aren't appointed for 3-years. Pereira stated that with the limited hours of Town Hall and the police officers 3rd shift, it makes it difficult to get them sworn in. Miller believes it was an Attorneys recommendation. Miller stating we can definitely look into this suggestion.</p>	<p>Cochrane motion to re-appoint, Larabee 2nd, all voted</p>
New Business	<p>Hearing request from TMLP, covering the proposed (14) new joint pole locations on Ferry Lane. Board accepted the hearing request scheduled for August 4, 2021.</p>	<p>Cochrane motion to schedule hearing, Larabee 2nd, all voted</p>
	<p>Board discussed ideas on forming a committee for upgrades/improvements to the Town Common. Miller volunteering his time to be a part of this committee. Miller suggesting about seven or so person committee. Discussion continued. Board wants to make the public aware of the need for volunteers by Spring, to participate on this committee to revitalize the Common.</p>	<p>Discussion Only</p>

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	Board discussed ideas on how to get information out to the Town, that boards/committees have vacant seats. The board suggested to post on the website. Joe Freitas, suggestion putting a blub on residents tax bills. Cochrane suggested the census or the dog licenses. Miller suggested the Town Warrant. Discussion continued.	Discussion Only
Town Administrators Report	Heather Martin-Sterling, Town Administer, spoke to the Fire Chief, and he stated the flagpole at the Common has been damaged for a longtime. Chief wants to know if there is anything against him trying to gain resourcing to get this fixed. Discussion continued. Board all agreed that this would be great for the Common.	Discussion Only
	Gary Hoitt from the Assessor's office, cutout an article for the board from the Taunton Daily Gazette, published July 4 th , 2021, which featured three Berkley residents, Laura Burke, Ethan Burke, and William Fyfe. Article reading that the Berkley Natives are all working at the Beth Israel Deaconess Medical Center in Boston. Board expressing how it was a great article.	Information Only
	Miller asked the Town Administrator to try to get an update from the head of the school committee, on whether or not the school will be forming a committee to get some ideas or opinions on the article at Town Meeting.	Discussion Only
Public Input	Cochrane asked fellow board members, about the neighbor from the Special Permit public hearing, who was in the parking lot. Cochrane expressing that after receiving allegations over the weekend regarding the public hearing, she wants the entire board to be in the loop. Board discussed public input matters.	Discussion Only
	Joseph Freitas, wanted to express his feelings on what happened at Town Meeting. Freitas wants to make the public more educated on Town Meetings and the rules/procedures, rather than making accommodations on every different situation that comes up.	
Adjournment	Executive Session to start at 8:42p.m.	Cochrane motion to go into Executive Session, Larabee 2 nd , all voted
Executive Session	Board to go into Executive Session under Chapter 30A §21(a) 3. To discuss strategy with respect to collective bargaining or litigation if open meeting may have a detrimental effect on the bargaining or litigating position of the public body and chair so declares; review of matter, votes may be taken.	

George F. Miller, Chairman

Dean R. Larabee, Clerk

Wendy F. Cochrane, Member

Heather Martin-Sterling,
Interim Town Administrator