



Town of Berkley Highway Department

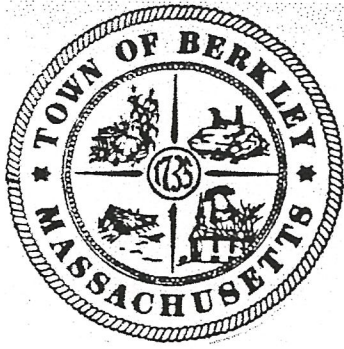
Scott A. Fournier

Highway Surveyor - Tree Warden
3R North Main St., Berkley, MA 02779

Town of Berkley, Massachusetts
Storm Water Management Program

Berkley Description

Population:	5951 (2003)
Registered Voters:	3569 (2003)
School enrollment:	952
County:	Bristol
Square Miles:	Total Land Area: 17.36 sq. miles Dry Land Area: 16.57 sq. miles
Population Density:	256.9 per sq. miles
Per Capita Income:	\$14,639.00
Median Family Income:	\$43,008.00
Tax Rate:	\$11.82
Operating Budget:	\$12,100,000.00



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Urbanized Area: The Town of Berkley is surrounded by the Taunton River on the west and the Assonet River at the Southeast point. Enclosed is an EPA map that was downloaded to show the areas that have tributaries that connect to these large bodies of water. These areas include: Point St. Area

Bryant St. Area
Anthony St. area
Macomber St. area
Cotley St. Area
Bay View Avenue

Berkley has no water or sewage districts but is served by two public wells which are located at the two public schools. The Berkley Community School is located at 59 South Main Street and the Berkley Middle School is located at 21 South Main Street. The well at the Berkley Middle School services the public buildings located in the Berkley Common Area which include: Berkley Town Office Building
Berkley Highway Department
Berkley Recycling & Solid Waste Center
Old Town Hall
Berkley Public Safety Building (Fire, Police, Dispatchers)
Berkley Library

This well is fairly new and is periodically tested by Fred Parmenter, our water operator, for quality.

The Town has two schools which house the K-8th grades and hosts no high school. School buses are operated by a contractor, so there's no town facility for their maintenance.

The Recycling and Solid Waste Center is located off the Berkley Common in back of the Communications Building. Waste material is trucked out of Town. The Board of Health also operates the Town Transfer Station and Recycling Center.

The Town of Berkley has no Parks Department. The Berkley Highway Department maintains the Town recreational areas which include: The Berkley Common which is used for Town functions (flea markets and other such events). It also has a playground for the children. There are several ballfields in Town which are also maintained by the Highway Department along with the Berkley Athletic Association. The location of these fields are on

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Anthony St., Myricks St., and the Berkley Common. Scott Fournier, Highway Surveyor/Tree Warden for the Town of Berkley oversees the Town maintenance and is aware of the Phase II storm water regulations. He works closely with the Berkley Board of Selectmen to assure that the town remains in compliance.

A few spots in Berkley that abut the river include: a portion off Bayview Avenue which does have houses adjacent to it, Elm St. by the Berkley Dighton Bridge, Berkley St., and Point St. The Berkley Planning Board, The Soil Conservation Board, the Berkley Conservation Commission and the Building Department keep the problems in mind that could possibly arise in that area due to the proximity of water and issue their permits accordingly with restrictions that are necessary.

Dighton Rock State Park is in the area of off Bayview Avenue with the Assonet Bay on the east side and the Taunton River on the west side. This area is open to the public and is run by the State of Massachusetts.

The area around the Berkley Dighton Bridge has been a spot for fishing and for just enjoying the view of the river. The Highway Department maintains this area and the State monitors the bridge.

Creating a Storm Water Management Program

Julie Taylor, Chairman of the Board of Selectmen along with Scott Fournier, Highway Surveyor have been working together to become aware of the impending Phase II storm water regulations and to inform the other Boards of their findings to work together to remain in compliance. By downloading information from the Internet, working with SRPEDD and reading brochures they have become quite knowledgeable and can use this knowledge in coordinating efforts with other Boards (Conservation Commission, Board of Health, Planning Board etc.) to protect our quality of water.

The local cable studio will be putting information together about the proper storage and disposal of household chemicals and about the effects of illegal dumping. A video will be produced and available to educate the citizens of Berkley on these matters. Information will be gathered and printed materials will be handed out to residents at public buildings in Town.

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River Cleanup:

Residents of Berkley, the Harbormaster, and the Scouts in town are involved yearly in cleaning the river areas. This is always a joint effort and everyone becomes aware of the problem with illegal dumping. Everyone involved enjoys this cleanup effort.

Local Businesses:

Dunkin Donuts
Heritage Flowers
N'Trigue
St. Yves Car Dealership
E & R Gas Station
Agway
Split Ends
Hair It is
Common Place
Berkley Country Store
Berkley Junction
Pizza Market
Chamberlain's Farm Stand
Countryside Restaurant

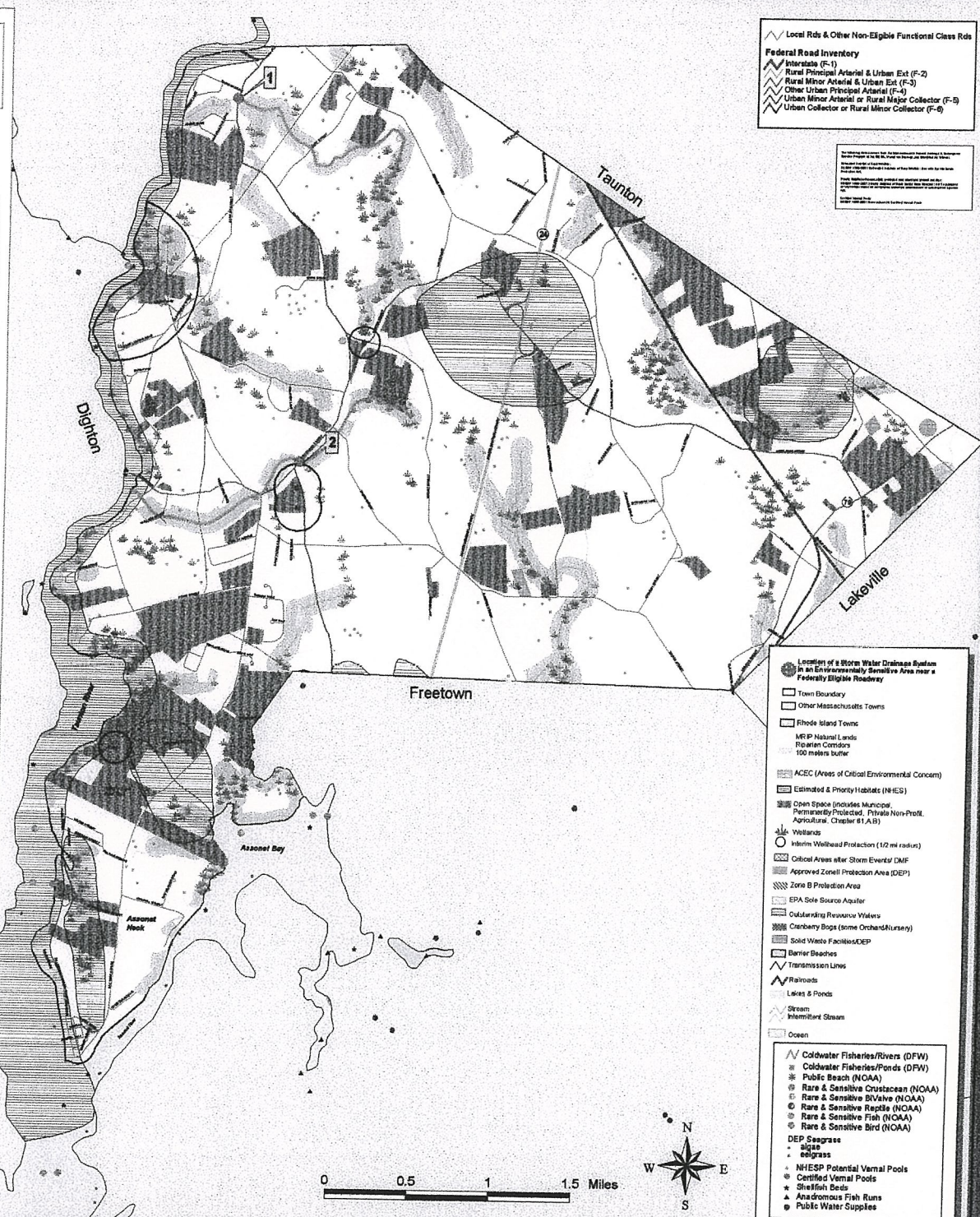
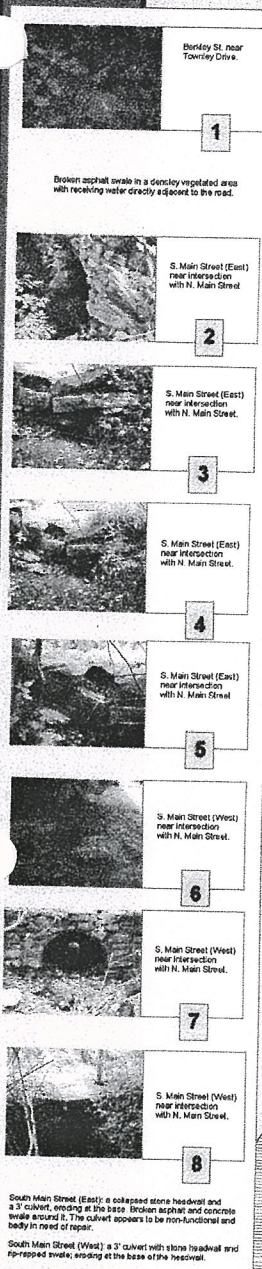
The Town of Berkley is a small rural Town which is known as a "Bedroom Community". Most of the residents have to commute out of Town to work etc. Because of the fact that the homes are dependent of well water, contamination has always been an issue here in Berkley. Enclosed are some of the by-laws for Berkley. It is apparent that this has been an issue for years now just by looking at the dates these by-laws were adopted and have been in effect. In order to keep our wells from being contaminated we've had to be strict with everything that involves our streams and waterways in Town. With the Storm Water Management Program in effect, Berkley can only benefit from the regulations that have been set forth and the information that was accumulated to comply.

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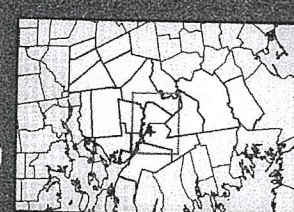
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Town of Berkley, MA

All of Berkley falls within
the Taunton River Watershed



- Local Rds & Other Non-Eligible Functional Class Rds
- Federal Road Inventory**
- Interstate (F-1)
 - Rural Principal Arterial & Urban Ext (F-2)
 - Rural Minor Arterial & Urban Ext (F-3)
 - Other Urban Principal Arterial (F-4)
 - Urban Minor Arterial or Rural Major Collector (F-5)
 - Urban Collector or Rural Minor Collector (F-6)
- Location of a Storm Water Drainage System in an Environmentally Sensitive Area near a Federally Eligible Roadway**
- Town Boundary
 - Other Massachusetts Towns
 - Rhode Island Towns
 - MRP Natural Lands
 - 100 meters buffer
 - ACEC (Areas of Critical Environmental Concern)
 - Estimated & Priority Habitats (NHES)
 - Open Space (includes Municipal, Permanently Protected, Private Non-Profit, Agriculture, Chapter 61A/B)
 - Wetlands
 - Interim Wetland Protection (1/2 mi radius)
 - Critical Areas after Storm Events (DAF)
 - Approved Zoned Protection Area (DEP)
 - Zone B Protection Area
 - EPA Sole Source Aquifer
 - Outstanding Resource Views
 - Cemetery Bogs (some Outwash/Lunenburg)
 - Solid Waste Facilities/DEP
 - Barrier Beaches
 - Transmission Lines
 - Railroads
 - Lakes & Ponds
 - Stream
 - Intermittent Stream
 - Ocean
 - Coldwater Fisheries/Rivers (DFW)
 - Coldwater Fisheries/Ponds (DFW)
 - Public Beach (NOAA)
 - Rare & Sensitive Crustacean (NOAA)
 - Rare & Sensitive Bivalve (NOAA)
 - Rare & Sensitive Reptile (NOAA)
 - Rare & Sensitive Fish (NOAA)
 - Rare & Sensitive Bird (NOAA)
 - DEP Seagrass
 - algae
 - NHESP Potential Vernal Pools
 - Certified Vernal Pools
 - Shellfish Beds
 - Anadromous Fish Runs
 - Public Water Supplies



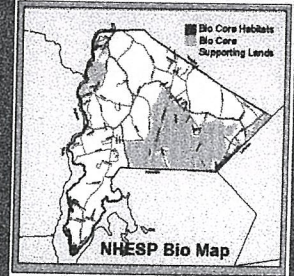
GRRIP II (Geographic Roadway Runoff Inventory Program) is an analysis of roadway drainage basins in relation to watershed environmental concerns, using state-of-the-art Federal and "functional class" maps. The GRRIP II project utilized SRPEDO tools within the Geographic Information System and mapped those same water drainage basins onto the state-of-the-art functional class map to identify areas of concern.

The Towns of Fall River, Freetown, Lakeville, Middleborough, Carver, Aquinnah, Bourne, Duxbury, Falmouth, Sandwich, Taunton, and Wareham are also participating in the GRRIP II project.

This map was produced by SRPEDO (Statewide Roadway Planning and Environmental Data Overlay) in cooperation with the Massachusetts Department of Transportation (MassDOT) and the Massachusetts Department of Environmental Protection (MassDEP). The map is for informational purposes only. It is not intended for legal, engineering or survey purposes.

The location of future boundaries shown on this map are approximate and are subject to change. The map is for informational purposes only. It is not intended for legal, engineering or survey purposes.

The funding for this project was provided by the Executive Office of Transportation (EOT) and the Massachusetts Highway Department under the Statewide Water Program.



Minimum Control Measure #1 Public Education and Outreach

The Town of Berkley established a Stormwater Management Program for the long term goal of protecting water resources. The Town will actively seek appropriate sources of funding available from State and Federal agencies in helping to achieve the goals set out in the program.

It is very important to educate the public about the importance of implementing the program. This goal can be achieved many ways. EPA has available many resources that can be distributed at key locations for use by residents. The Town can create a brochure to be mailed yearly with the census form containing a basic overview of the program. The School and students could be helpful in the testing and monitoring phase of the program. The Town could also work with the School to develop the brochure to be mailed to residents and also in creating posters for display at town meetings and the Transfer Station. Students and other community groups can work with the local cable access channel to develop educational videos to be aired on the channel or for use in the classroom.

Measurable Goals and Timetables

1. Mailing once a year to residents – each of the permit years
2. Stormwater video – by end of year 2 – involving students

Minimum Control Measure #2 Public Participation and Involvement

The Town must work with local environmental and other groups to hold public meetings to inform the public and get them actively involved in the process. Through these public meetings, volunteers can be recruited to set up teams to monitor water quality and identify outfall areas and any problems that need to be addressed. Results can be reported on local access programs.

The Town also sponsors several hazardous waste collection days thru the Transfer Station. Local Scout groups can be called upon to organize town wide clean up days. These dates can be published thru local newspapers and cable access. The Taunton River Watershed Alliance also annually hosts a Taunton River clean up day. A report of items recovered during these clean up days can be posted on the local access channel.

Measurable Goals and Timetables

1. Public Meetings – year 1
2. Stream Teams – years 2, 3, 4, 5

Minimum Control Measure #6
Good Housekeeping

The Town of Berkley will develop an operations and maintenance plan to include proper disposal of street sweepings, catch basin cleanout, snow disposal, roadway de-icing procedures, vehicle washing and outside storage of materials. A program including maintenance logs and scheduling for catch basin cleaning, repairs and installation will be started. The Highway Department will review all town properties for storm water contamination potential and prepare a plan to prevent pollution. Sites to be included are the Transfer Station, Highway yard, schools, Town Hall, parking lots, Public Safety Building, Library, dumpsters and parks and playing fields. Areas of focus are drainage system maintenance, town construction and renovation, fueling of Town vehicles and road repairs.

Finally the Town recognizes the need for continual employee training to reinforce the importance of good storm water management. The Town will make use of any and all training seminars sponsored by Mass Highway and other relevant agencies.

Measurable Goals and Timetables

1. Employee training – duration of permit
 2. Review of Town Properties – end of year 2
 3. Pollution Prevention Plan – end of year 5
-

6. Hotline to receive reports of dumping – year 2
 7. Update by-law – end of year 2
 8. Pass by-law changes if needed – year 2
-

Minimum Control Measure #4 Construction Site Storm Water Runoff Control

The Town of Berkley will review a model by-law developed by DEP that addresses Erosion and Sedimentation Control. This will require the assistance of the Planning Board, the Conservation Commission, and the Soil Board. After review of the proposed by-law and all by-laws in force, a public hearing will be scheduled one month before the Town meeting to consider a new by-law or revisions to existing by-laws. The Conservation Commission can explain the effects of sediment and erosion on the water system.

Measurable Goals and Timetables

1. Produce by-law or revisions for consideration at the Annual Town Meeting – by end of year 2
 2. Adopt Construction Site Runoff Control By-Law or revisions – by end of year 3
-

Minimum Control Measure #5 Post Construction Runoff Control

The Town of Berkley has tried to improve water quality issues through the Town by-laws and through the Site Plan Review administered by the Planning Board. The Town is in the process of developing its Master Plan. The Open Space plan was completed in 2002.

The Town should review all current by-laws that affect drainage issues to assess that they comply with all aspects of Phase II Storm Water Management policies and update as needed.

Measurable Goals and Timetables

1. Undertake review of all pertinent by-laws – end of year 1
 2. Draft revisions or any new by-laws needed – end of year 2
-



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TOWN OF BERKLEY

MASSACHUSETTS

OFFICE OF
TOWN CLERK - TREASURER

TOWN BULLETIN

COMMONWEALTH OF MASSACHUSETTS

BRISTOL,SS

TO: EITHER OF THE CONSTABLES OF THE TOWN OF BERKLEY IN THE COUNTY OF BRISTOL GREETING:
IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE DIRECTED TO NOTIFY THE
INHABITANTS OF THE TOWN OF BERKLEY OF CHANGES IN BY-LAWS AS APPROVED BY THE
ATTORNEY GENERAL'S OFFICE ON JANUARY 27, 1999 BY POSTING UP ATTESTED COPIES THEREOF OF
THIS TOWN BULLETIN ONE AT THE OLD TOWN HALL, BOTH HALLS AT TOWN OFFICE BUILDING, 1
NORTH MAIN ST, ONE AT THE MYRICKS FIRE STATION, GROVE ST, ALL IN BERKLEY.

At the Special Town Meeting held in the Town of Berkley on October 26, 1998: Voted:
To add Article 29 and amend Article 6 of the Town of Berkley By-laws as follows:

TOWN OF BERKLEY BY-LAWS

ARTICLE 29. SEPARATION OF RECYCLABLE MATERIALS

SEPARATION OF RECYCLABLE MATERIALS

1. Disposable of recyclable material in trash.

The disposal of any recyclable materials in any trash generated by the residents of the Town of Berkley and its municipal buildings, going to any landfill within the Town of Berkley, or to any waste disposal facility outside the Town of Berkley, if such disposal is provided by the Town, is prohibited.

2. Determination of what constitutes recyclable materials. They are as follows:

Antifreeze, automobile and household batteries, corrugated cardboard, fluorescent light bulbs, glass - clear and colored food and beverage containers, leaves and grass clippings, magazines, metal - any item more than 50% metal, mixed paper - excluding plastic coated, newspapers, paint - including thinners, phone books, plastic bags - any number, plastic - #1 (HDPE and #2 (PETE), textiles, used oil and used oil filters, white goods - washers, dryers, freezers, rangers, refrigerators, air conditioners.

ARTICLE 29 (continued)

The total amount of materials recycled must meet or exceed those standards as set forth by state mandate. The committee reserves the right to temporarily remove any item from the above list due to market restrictions or environmental regulations.

3. Violations and Penalties.

Failure to comply with any of the provisions of the Article shall result in a fine of \$25.00. Habitual violations (more than three in any one fiscal year) may result in the Recycling and Solid Waste Committee revocation of violator(s) disposal permit.

ARTICLE 6. TOWN CONTRACTS

ARTICLE 6. Town Contracts. Section 2. Every officer, board or committee of the town, when authorized to purchase any supplies or property, or erect, construct, or repair any building, shall in each case when the estimated cost of the entire amount of supplies or property to be purchased, worked or other matter exceeds ten thousand (\$10,000) dollars, shall make a written contract thereof, and before executing any such contract shall invite proposals thereof by advertising in one or more newspapers in general circulation in the town. Such notices of proposals shall state time and place for opening the proposals, and also reserve the right to reject any and all proposals.

A TRUE COPY OF RECORD:
ATTEST:

Carolyn Awalt,
Town Clerk-Treasurer

Boston, Massachusetts

February 2, 1999

The foregoing amendments to the by-laws adopted under Articles 4 and 5 of the warrant for the Berkley Special Town Meeting that convened on October 26, 1998, are approved.

Thomas Reilly, Attorney General

By: (s) Kathryn B. Palmer, Assistant Attorney General

recommendations of the amounts necessary to be appropriated for the support of their several departments for the ensuing year. The Finance Committee shall then investigate the estimates and recommendations so presented and give opportunity to said various boards and officers to be heard and explain such estimates and recommendations.

SECTION 3

The Committee shall at each Annual Town Meeting present and explain such budget with advice and recommendations, and it shall also at each Special Town Meeting give its advice and recommendations with reference to any appropriation of the town funds or other municipal matter coming before such Special Meeting.

ARTICLE 8

CARE OF BURIAL GROUNDS AND LOTS

SECTION 1

The town will accept and forever hold in trust any money or securities which may hereafter be deposited with the Town Treasurer for the perpetual care, preservation, improvement, or embellishment of any public or private place, or any lots or graves therein, therein, agreeably to the provisions of the statutes of the Commonwealth.

SECTION 2

The Town Treasurer is authorized to enter into agreement in behalf of the town with the holders of the burial rights in any lot in the cemeteries of the town to keep forever such lot and the structures of grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for such purpose.

SECTION 3

Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the town, but shall be kept and invested separately as a cemetery fund and unless otherwise specially provided for in terms of the gift, the income only shall be used.

ARTICLE 9

Adopted 3/14/42 - Amended 6/24/68

USE OF STREETS, SIDEWALKS, AND PUBLIC PLACES

SECTION 1

No person except officers of the town in the lawful performance of their duties, and those acting under their orders shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same, without first obtaining a written permit from the Selectmen therefore. Every person receiving such permit shall execute a written agreement to indemnify and save harmless the town against all loss, damage, or cost suffered or claimed on account of the existence of such obstruction or excavation, and shall leave the street or way at the completion of the work in as good condition as the same was before the work was commenced.

SECTION 2

No person shall throw, place or cause to be thrown or placed upon any street, roadside or sidewalk, or on the shore of any private way, without consent of the owners any dirt, ashes, stones, hoops, boards or other wood with nails projecting therefrom, shavings, sawdust, manure, nails, spikes, screws, glass, containers, filth, rubbish, or any noxious or refuse liquid or solid matter of substance.

SECTION 3

Article 12 - Soil Conservation ^{unapproved} 11/79/92

such time as the disqualification of the person whose place they are appointed shall be removed, or until the next Annual Town Election. A vacancy or vacancies of an appointed member shall be substituted by the majority vote of the remaining board members and shall continue to serve for the time remaining on that member's appointment which is being substituted. The Board shall elect a Chairman and Secretary. The Secretary need not be a member of the Board and shall keep a true record of the proceedings of the Board which shall be public records.

SECTION 4 PERMITS

Except as herein provided, no earth shall be altered from any land within the Town until a written permit from the Board, stating the land to which it applies, has been issued after a public hearing, a notice of which setting forth the time, place and purpose of said meeting, and the land with reference to which application has been made, shall have been published in one or more newspapers in general circulation in the Town, at least fourteen (14) days prior to the day set for the hearing, and shall have been mailed Certified Mail, return receipt requested, to all abutters. All other provisions concerning the hearing shall be in conformance with Massachusetts General Laws, Chapter 40A, sections relative to the granting of special permits.

SECTION 5 EXEMPTIONS *Amended 11/10/93*

A permit shall not be required for the alteration of earth in the course of excavation incidental to the construction of the foundation of buildings, walks, driveways, septic systems, nor swimming pools. A permit shall not be required for the alteration of earth in the ordinary and customary agricultural, horticultural or floricultural use of land. (Note: Excavation in the building of farm ponds and excavations that will result in the lowering or raising of an existing elevation by more than two (2) feet shall not be deemed normal and customary within the meaning of the foregoing). A permit shall not be required for the excavation and/or earth alterations made or done to complete the construction of ways and the installation of drainage and municipal services pursuant to a definitive subdivision plan submitted to and approved by the Berkley Planning Board under the Subdivision Control Law. Note, however, a permit will be required for the excavation and/or earth alteration made or done to complete the construction of such ways or installation of drainage and municipal services whenever existing elevations will be altered either in lowering or raising by more than two (2) feet. Under such circumstances, an earth alteration permit will be required in addition to approval by the Planning Board. The Soil Conservation Board may also issue a permit without a hearing for any alteration or use within the Town of not more than one hundred (100) yards of earth for any other purpose which is not commercial.

SECTION 6 APPLICATIONS

The application shall include the following information, and any other information the Board may require in its rules and regulations, and shall not be acted upon until all such information is provided.

- A. The location of the site upon which alteration is proposed, identified by both Berkley Assessor's Map and Lot number, and by street address and identified by the Registry of Deeds book and page references.
- B. The name and address of the Applicant.
- C. The name and address of the Owner.
- D. The name and address of the Operator.
- E. A certified list from the Assessor's Office of the names and addresses of all abutters, as published on the most recent Assessor's tax list.
- F. A site plan submitted to the Board in conformance with the rules and regulations of the Board.
- G. An estimated number of cubic yards of earth proposed for alteration based on field data from the engineering firm issuing the Site Plan.
- H. Under this bylaw the Board shall establish a filing fee, and the Board shall also establish a fee for the issuance of permits which shall be no more than sufficient in the opinion of the Board to reimburse the Town for the cost of applying and enforcing this bylaw; and the Board shall also establish a reasonable removal fee to be held for further appropriation at a future Town Meeting; and no permit shall be issued until such fees are paid. The fees collected under this bylaw shall, at intervals determined by the Board, be paid over to the Town Treasurer.

Article 12 - Adopted 11/19/92

- I. Plan to show all relationship to any existing wetlands and/or Order of Conditions from the Conservation Commission for the entire project must accompany the application and at least one plan with a majority of the signatures from the Conservation Commission indicating this is the plan they have reviewed and approved.

SECTION 7 PERFORMANCE SPECIFICATIONS

All work performed under an earth alteration permit granted under this bylaw shall be done in accordance with the following specifications which shall be deemed to be incorporated therein by reference:

- A. An earth alteration permit shall not be issued for alteration of earth within three hundred (300) feet of a public way or within two hundred and fifty (250) feet of a private way or within two hundred and fifty (250) feet of an abutter, unless the Board determines that such removal will not undermine the way or otherwise endanger the safety of public travel upon it, nor impair the convenience and welfare of the public or the amenities of living in the houses upon such way, nor injuriously affect the abutting owners, as further set out in Section 8 hereof.
- B. All trees are to be cut and removed in compliance with all local, state and federal laws and regulations.
- C. All loam and topsoil must be scraped and stockpiled on the site for use in later landscaping. Upon completion of all earth alteration, the loam or topsoil must be spread back over the entire area and the regraded area must then be seeded with an acceptable material and maintained until the grass heights have reached the two (2) inch minimum. No loam or topsoil may be removed from the site, except when necessary for or incidental to the construction of a road, or other permanent facility which changes the character or use of the land: but in such case the Board shall require evidence of good faith in the intent of the applicant to complete such road or other facility, and shall make such evidence part of its records.
- D. All public ways utilized for earth alteration operations must be paved to minimize dust and mud. All access roads leading to public ways shall be paved for a distance of not less than one hundred fifty (150) feet back from the public way. Any spillage on public ways, within one thousand (1,000) feet of the access road, shall be cleaned by the operator on a daily basis following working hours.
- E. Earth must be altered to contours set forth in the approved Site Plan.
- F. Unless the site conditions or specific needs set out in the permit application expressly requires alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the total discharge at peak flow is not increased; and so that the hydrography of any post development stream is not more than that of the predevelopment stream.
- G. Any earth alteration in the vicinity of or within wetland areas governed by Massachusetts General Laws Chapter 131 or other wetland related laws, shall also be subject to orders of conditions from the Conservation Commission. Whether such proposed earth alteration projects fall within the jurisdiction of the Conservation Commission shall be determined by the Conservation Commission and applicable local, state and federal laws and regulations.
- H. The Board shall also establish rules and regulations relative to all other design or alteration standards that it deems necessary and these rules and regulations will be attached to the permit as additional conditions as outlined in section 8 hereof.

SECTION 8 CONDITIONS

In issuing a permit, the Board may impose reasonable conditions, which shall be written upon and shall constitute part of the permit, requiring the restoration of the land within a designated period, by grading, leveling, or filling and by replacing sufficient topsoil for planting cover to the end that no substantial injury to health, safety, convenience, welfare, natural beauty, and economic prosperity of the neighborhood, town, and the inhabitants will be caused by the acts authorized by such permit, all as set out by this bylaw. Conditions may in like manner be imposed to provide adequate protection for the neighborhood, the aquifer, and the Town from nuisances that may arise from the course of such removal. If such alteration is carried on in such a way as to injuriously affect the welfare of the town, by an increase in the amount of products removed or otherwise, and the Town is not adequately protected by the conditions imposed by the permit, the Board may impose additional restrictions. The Board may, and in the case of the alteration for commercial purposes, such as soil stripping and gravel operations, shall require a bond or other security to

Article 12 - Adopted 11/19/92

enforce the performance of conditions listed in this paragraph, and may also revoke or suspend a permit if the conditions are not complied with.

SECTION 9 REASONS FOR DENIAL

No permit shall be issued if any of the following conditions exist and cannot be rectified through the use of reasonable conditions as provided by Section 8 to the satisfaction of the Soil Conservation Board:

- A. Any vehicular traffic of a type or quantity so as to adversely affect the immediate neighborhood.
- B. Any conditions dangerous to premises and residents in the neighborhood through fire, explosion, emission of wastes or other causes.
- C. Any creation of noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisances or serious hazards so as to adversely affect the immediate neighborhood.

SECTION 10 DURATION OF PERMIT

A permit issued under this bylaw shall expire upon completion of the earth alteration and subsequent regarding for which the permit was issued, and in any event on the following October 31st. If on the October 31st expiration, it appears that the operations for which such permit was issued have been carried on continuously; and in good faith, but have not been completed and that all conditions presently applicable have been complied with, the permit may be renewed for an additional year without a hearing. The expiration or revocation of the permit shall not affect the obligation of the holder thereof to comply with the conditions attached to the permit, or release him or the surety on his bond from the obligations thereof or require the return of any deposit made by him until such conditions have been complied with.

SECTION 11 ENFORCEMENT

If the Board shall find that there has been a violation of this bylaw, the Board shall send by registered mail to the offender a written warning. If such violation continues, then any penalties authorized by the Massachusetts General Laws may be imposed. The penalty for earth alteration in violation of this bylaw shall be a fine of not more than three hundred (\$300) dollars for the first offense after such warning; any subsequent violation shall result in permit revocation and/or any other remedy available at law or in equity. Each day on which earth removal takes place shall constitute a separate offense for the person removing the same. If the offender holds a permit issued under this bylaw, such permit shall be revoked.

SECTION 12 ENDANGERMENT TO PUBLIC HEALTH OR SAFETY

When the Board finds that any excavation hitherto made for the purpose of earth removal is maintained in such a way as to endanger the public health or safety or to constitute a nuisance, the Board shall request the Board of Health to take such steps as are authorized by law to protect the public health and safety, or to cause such nuisance to be abated.

SECTION 13 EXISTING OPERATIONS

Whenever the Board shall find that the alteration of any earth has previously been undertaken in a particular location, and was in continuous operation at the time when notice of the warrant for the Town Meeting at which this bylaw was adopted was given, a permit for the further continuance of such operation within the same territorial limits shall be issued subject to conditions in the same manner as other permits.

SECTION 14 SEVERABILITY

The invalidity of any part of this bylaw shall not affect the validity of the remaining parts or in any way act thereon.

ARTICLE 13

BOARD OF HEALTH

SECTION 1

There shall be a Board of Health comprised of three (3) members who shall make such reasonable rules and regulations not inconsistent with law as they may deem necessary to protect the general health, welfare, and safety of the town.

vehicle on streets or highways on its own wheels, and to be used as a residence for living purposes, whether on wheels or on a temporary or permanent foundation.

A house trailer or mobile home is one of a variety of structures sometimes classified as "manufactured" and/or "modular" structures and regulated by a variety of state and federal regulatory agencies. It is distinguished from other "manufactured" or "modular" structures by having been constructed upon a steel frame with permanently mounted wheel and axle components which remain with the housing unit once it has been installed on a suitable foundation or support system. Generally though not always "mobile home" consist of lightweight walls and wood frame components of less than two by four (2"x4") construction covered with aluminum or vinyl siding over a minimal sheathing. Characteristically, wheels and towing yokes are removable for permanent installation and may be re-attached if the structure should be removed to another location

- (b) A PERMIT is the authority granted by the Inspector of Buildings to allow a mobile home or house trailer to be permitted on a house lot.
- (c) A TEMPORARY PERMIT is a permit issued by the Inspector of Buildings to an applicant in the process of actual construction, erection, or the making of major repairs to a dwelling on the same premises. Such a permit shall be valid for one year, but may be extended for one additional year if the Inspector of Buildings is satisfied that said construction, erection, or repair is being carried forward in good faith. If the construction ceases to be carried forward in good faith, said Inspector of Buildings shall revoke the permit.
- (d) A REPLACEMENT PERMIT is a permit issued by the Inspector of Buildings to an applicant who is desirous of replacing on the same lot of land his then existing house trailer or mobile home.

ARTICLE 21

ZONING

Accepted 4/19/85

SECTION 1 PURPOSE AND SCOPE

- A. Purpose and Authority. Under the authority of its independent constitutional powers to protect the health, safety and general welfare of its inhabitants and under the provisions of Massachusetts General Laws, Chapter 40A, the Town of Berkley has adopted this zoning bylaw to minimize dangers from fire, flood and congestion; to protect shrinking water and other surface and ground water and land resources from pollution and depletion; to encourage the most appropriate use of land; to protect property values; and to preserve the open, rural character of the town.
- B. Scope. This bylaw shall not apply to buildings, structures and uses of land lawfully begun or in existence at the time this bylaw is adopted; but all new construction, relocation, expansion, alteration or change of use shall be in conformity with the provisions of this bylaw.

SECTION 2 DEFINITIONS

Unless the context clearly indicates otherwise, the words and terms shall have the meaning defined below; singular shall include plural; and the word "shall" indicates a requirement;

ACCESSORY BUILDING OR USE

a building or use located on the same lot as the principal permitted building or use and customarily incidental to such main permitted building or use.

BUILDING

a structure having a roof and used or intended to shelter people, animals, or goods.

DWELLING

a single unit providing independent living facilities for one household, including permanent provisions for living, sleeping, cooking, eating and sanitation.

FRONTAGE

a continuous boundary line between a lot and a single street providing physical and legal access to the lot.

HOME OCCUPATION

an activity conducted in a dwelling by a resident thereof which makes use of no equipment or process creating noise, vibration, glare, fumes, odors, electrical or radio magnetic interference detectable to persons on adjacent premises, and which does not generate a greater volume of traffic or parking than would normally be expected from a residence.

INDUSTRY

extraction, developing, manufacturing, assembling, processing or treatment of raw or processed materials, parts, or assemblies using other than manual power. A light industry is one using quiet motive power and processes which do not generate more noise, odor, smoke, fumes, vibrations, glare, electrical or magnetic interference, or hazard of fire, explosion or pollution of ground water than could be expected of any of the other permitted uses in that location. A heavy industry is one generating one or more of the above neighborhood impacts.

LOT

an area of land in one ownership with definite boundaries, described by plan or deed and recorded in the North Bristol Registry of Deeds or the land Court.

LOT LINE

a boundary line separating a lot from another lot or lots or from a street or other public place.

NONCONFORMING STRUCTURE OR USE

a structure or use lawfully in existence or lawfully begun at the time this bylaw or any amendment there of becomes effective which does not conform to the requirements of this bylaw or of such amendment.

OWNER

a person or persons, legal entity, firm or corporation, or a duly designated agent, having a legal or equitable interest in a property.

SETBACK

an open yard, unbuilt upon, extending across a lot to the depth of 50 feet, or other depth specified according to this bylaw, from any street line. No structure or building or part thereof, other than uncovered steps, shall be located in or project into the setback. Also called the front yard.

SIDE YARD

an open space, unbuilt upon, inside and contiguous to all lot lines other than street lines to the depth of 15 feet, or other depth specified according to this bylaw. No structure or building shall be located in or project into any side yard, except that uncovered steps, bulkheads, eaves, bay windows and attached chimneys may project into a side yard, but shall not be closer than 10 feet to a lot line.

SPECIAL PERMIT

a written authority granted after a duly advertised public hearing to locate, build, or use structures or land in accordance with the provisions of this bylaw, for certain uses, including the expansion or alteration of existing nonconforming uses and buildings.

SPECIAL PERMIT GRANTING AUTHORITY

the Board of Selectmen of the Town of Berkley or such other board as may in the future be designated by this bylaw for certain categories of special permits.

STREET

a way open and dedicated to public use, including a way in a subdivision approved under the provisions of the Subdivision Control Law, section 81L through 81GG of Chapter 41, General Laws.

Joining - Article 21 - Adopted 9/30/82

STRUCTURE

any combination of materials attached to or requiring a fixed location on or in the ground. For the purposes of location on a lot, the following shall not be deemed to be structures prohibited within a setback or side yard: boundary walls and fences, utility poles, support posts not over 4 feet in height for mailboxes and name signs.

USE

the purpose for which a building, structure or land is intended, designed or used.

WIDTH OF A LOT

straight line distance between lot lines at points 75 feet from the street line, measured at right angles or radially from the street line.

SECTION 3 USE REGULATIONS

- Adopted 2/12/90

- (a) One and One-Half Acre Lots. The following uses may be located on a lot at least one and a half acres (65,340 square feet) in area, meeting the dimensional requirements of section 4 hereof; single family dwellings, religious facilities, agriculture, parks, home occupations including day care for not over ten children. Not more than one principal permitted building, or use, together with its accessory buildings and uses, may be located on any lot. At least 30,000 sq. ft. must not be subject to wetlands classification, as defined by Massachusetts General Laws, Chapter 131.
- (b) Two Acre Lots. The following uses may be located on a lot at least two acres (87,120 square feet) this in area, meeting the relevant dimensional requirements of Section 4 hereof; offices and studies in the home of a resident professional, such as a physician, engineer, consultant or artist; children's camps; municipal and governmental facilities and uses and public educational institutions; provided that not more than one principal permitted building, together with its accessory buildings and uses, may be located on any lot.
- (c) Special Permit Uses. The following uses shall require a special permit to be located in Berkley on a lot of one acre or greater area, as may be specified by the Special Permit Granting Authority:
 - (1) public and private recreational uses;
 - (2) multifamily dwellings, not to exceed four dwelling units per building and provided that the area shall comprise at least one and one-half acres (65,340 square feet) per dwelling unit;
 - (3) commercial uses including, but not limited to, retail sales and services, wholesale and warehousing, light industry, research and development facilities, professional and business offices, restaurants, institutions and buildings for social, civic and fraternal uses; provided that the applicant shall submit a site plan showing the location, dimensions and materials of proposed construction including paving and services, parking, drainage and landscaping, and an environmental evaluation in a specified form in SPGA rule projecting and analyzing the expected impact of noise, lights, electromagnetic radiation, traffic, waste generation and disposal.
 - (4) uses permitted under paragraph b. above but which do not comply with the applicable area or other dimensional requirements, provided the applicant demonstrates to the satisfaction of the SPGA that such dimensional deficiency will have no adverse effect on the area.
- (d) Prohibited Uses. The following uses are prohibited: uses which are noxious, offensive, harmful, or dangerous by reason of significant emission of smoke, fumes, odor, noise, electromagnetic radiation or interference, vibration, glare, or by reason of danger of explosion or fire, pollution of ground or surface water, air or soil; including specifically, but not limited to, heavy industry; asphalt or cement mixing plant; petroleum or other chemical refining or processing plant; hazardous, solid, or radioactive waste disposal or treatment facility; provided, that a municipal waste disposal facility on land owned by the Town of Berkley and serving Berkley inhabitants shall not be subject to this prohibition.

SECTION 4 DIMENSIONAL REGULATIONS

- (a) Table of Dimensional Requirements. No building or use shall be permitted to be located, erected, relocated or altered, except on a lot and in a manner specified in the following table:

MINIMUM REQUIREMENTS

Permitted Use	Lot Area	Width & Frontage ***	Setback	Side Yard
on 1 and 1 ½ acres	1 ½ acre	200 feet	50 feet	15 feet
on at least 2 acres	2 acres	200 feet	50 feet	30 feet *
Under Section 3.(c).(3) Special Permit**	1 ½ acre or as required	200 feet or as required	50 feet or as required	30 feet * or as required

Footnotes:

* Next to a lot occupied by a single family dwelling or farm, there shall be provided a landscaped buffer strip 100 feet wide containing no buildings, parking or outdoor storage.

** The Special Permit Granting Authority may impose greater requirements where needed for the protection of the neighborhood and to minimize adverse impact.

*** Roadside stands for sale of locally grown farm products and pump islands of gasoline service stations may be located within the required setback, but at least 10 feet from the street line.

- (c) Parking. All uses other than single family residence shall provide sufficient off street parking on lot, together with safe and convenient access ways, to accommodate all employees, occupants, customers, clients or patrons, and also any supply or delivery trucks, including any needed loading or unloading docks or space.
- (d) Previously Recorded Lots Exempt. Any lot which was duly recorded by plan or deed in the North Bristol Registry of Deeds or the Land Court and was in a separate ownership at the time of adoption or any increase of the dimensional requirements of this bylaw may be built upon for single family residential use even though such lots do not conform to the dimensional requirements of Table (a), provided such lot has at least 5,000 square feet area and 50 feet frontage. Any lot shown on an approved subdivision plan or endorsed by the planning board as not requiring subdivision approval which was a building lot prior to the adoption of this bylaw, may be built upon for a single family residential use within five years following such approval or endorsement, and may be transferred into separate ownership within said five years and built upon for single family use at any time thereafter.

SECTION 5 NONCONFORMING BUILDINGS AND USES

Buildings, structures and uses lawfully in existence or begun at the time of adoption of subsequent amendment of this bylaw may be continued, even though they do not comply with this bylaw or amendment, but shall not be expanded, altered or replaced by other than a conforming use, except upon issuance of a special permit therefore. A nonconforming use which has been abandoned or discontinued for a period of more than two years or has been replaced by a conforming use shall not revert to a nonconforming use.

SECTION 6 ADMINISTRATION

- (a) ENFORCEMENT This bylaw shall be enforced by the Building Inspector. No building or structure shall be constructed, reconstructed, altered structurally, expanded, moved or demolished, except in accordance with a building permit issued by the Building Inspector. No such permit shall be issued unless the proposed construction, alteration, location, relocation and use conform in all respects to the applicable provisions of this bylaw or of a duly recorded decision of the Board of Appeals or the Special Permit Granting Authority. In order to obtain a building permit, each applicant shall submit an application and a plot plan, the form and contents of which shall be prescribed by the Building Inspector, and shall show sufficient information to verify compliance with the provisions of this

bylaw. Such applications, plot plans and permits shall be a public record, and copies therefore shall be kept on file by the Building Inspector.

- (b) FLOOD PLAIN. No building and no structure impeding the flow of water or subject to flood damage shall be located within the 100 year flood plain, as shown on the HUD flood Insurance Rate Maps, Town of Berkley, Mass., dated 3 July, 1978, on file in the office of the Town Clerk. Where applicable, flood plain boundaries from said maps shall be shown on building permit plot plans and special permit site plans.
- (c) VALIDITY OF PERMITS. A building permit or a special permit shall lapse if construction or operation authorized thereby does not commence within six months of the effective date of such permit, except that if there is a court appeal, this period shall be extended by the length of time it takes to dispose of such an appeal.
- (d) BOARD OF APPEALS. The Board of Appeals established under Article 19 of the bylaws of the Town of Berkley shall be the permit granting authority under the provisions of the Zoning Act and shall have the following powers:

- (1) APPEALS: to hear and decide appeals taken by any person aggrieved by their inability to obtain a permit, or by an alleged violation by any officer or board of any provision of Chapter 40A of General Laws, or of this bylaw. Appeals shall be filed with the Town Clerk, who shall forthwith transmit copies thereof to the affected board or official and to the Board of Appeals.
- (2) VARIANCES: to authorize variances from the provisions of this bylaw, including use variances, where the Board of Appeals finds that due to circumstances relating to soil conditions, shapes or topography of lands or structures and especially affecting lands or structures, but not generally the neighborhood or area in which they are located, a literal enforcement of this bylaw would cause substantial hardship, financial or otherwise, to the petitioner or applicant, and that the desired relief may be granted without substantial detriment to the public good and without substantial derogating from the intent of this bylaw. The Board of Appeals shall hold a duly advertised public hearing on any application for a variance as provided in the Zoning Act, and may impose conditions and limitations of time and use, but not based on the continued ownership of the premises by the applicant. A variance shall lapse if the rights authorized thereby are not exercised within one year from its effective date.
- (3) RULES: the Board of Appeals shall adopt and file with the Town Clerk, rules consistent with the Zoning Act, prescribing the procedures, forms and requirements for the submittal and processing of appeals and applications for variances.

- (e) SPECIAL PERMITS. the Special Permit Granting Authority shall adopt and file with the Town Clerk, rules for the submittal and processing of applications for special permits, which rules shall be consistent with the Zoning Act and with these bylaws, including the following provisions:

- (1) Special permits may be granted only following a duly advertised hearing and notice, which hearing shall be held within 65 days of the filing of an application.
- (2) Applications for special permits, including site plans, shall be referred for review by the Board of Health, the Planning Board, and the Conservation Commission, and the Special Permit Granting Authority shall not act until comments of these boards have been received and given due consideration, or until 35 days have elapsed without receipt of such comments.
- (3) The granting of a special permit shall require an unanimous vote of the entire Board of Selectmen, acting as the Special Permit Granting Authority.
- (4) A special permit shall only be granted if the Special Permit Granting Authority finds that the proposed use or construction is in harmony with the intent of this bylaw and will have no significant adverse effect on the community, the immediate neighborhood, or the streets in the vicinity.
- (5) The Special Permit Granting Authority may impose limitations and conditions of time and use, and may impose dimensional requirements greater than those specified in this bylaw.

- (6) Special permit uses shall also be subject to the following general and specific requirements for different categories of use, and to additional requirements, conditions and limitations imposed as provided in paragraph (5) above.

USE REQUIREMENTS

1. Retail sales and services wholesale and warehousing, professional and business offices.
 - (a) Adequate spatial separation (buffer) or screening from residence uses.
 - (b) No undue interference with free flow of traffic on adjacent streets
 - (c) Parking off street, screened and landscaped, no backing out into streets or across pedestrian ways, 1 space per 300 square foot floor area except warehouses.
 - (d) Applicant can show existing or potential demand for the proposed facility in that area.
2. Light industry, research and development.
 - (a) Adequate spatial separation (buffer) or screening from residence uses.
 - (b) No traffic congestion in rush hours.
 - (c) No discharges to ground or streams which may contaminate ground water or water supplies.
 - (d) Adequate off street parking, no backing out into street 1 space per 800 sq. ft floor area unless otherwise specified by SPGA.
3. Restaurants, institutions, buildings for social, civic, and fraternal uses.
 - (a) To serve inhabitants of Berkley and nearby communities.
 - (b) Size, occupancy or membership use not to exceed capacity of the site, including space and capacity to assimilate discharges.
 - (c) Adequate off street parking, landscaping, and screened.
 - (d) Provisions against undue noise, glare, odors, windblown paper and debris.
 - (e) Hours of operation and illumination may be specified
4. Special permit uses other than listed above that the SPGA finds to be relevant to the proposed use.
 - (a) Compliance with requirements applicable to 1 through 3
 - (b) Evidence of being now or potentially needed by or serving the inhabitants of Berkley and nearby communities.
 - (c) Size or capacity and hours of operation and illumination, signs and access or egress ways may be specified
 - (d) Compatible with other existing uses in the area.

Special permit uses are allowed uses, and the intent of the bylaw is that such uses be permitted if meeting the above requirements relevant to each use and compatible with the neighborhood, provided that the Special Permit Granting Authority shall specify and may ensure, through bondings or other methods, compliance with limitations and conditions imposed by it and with the above general requirements.

- (f) **PENALTIES** Any person violating any provision of this bylaw or a decision of the Special Permit Granting Authority, the Board of Appeals or the Building Inspector, rendered pursuant to this bylaw, shall be fined not more than \$100.00 for each offense. Each day a violation continues after a notice of violation and a reasonable time for its abatement have been given shall constitute a separate offense.
- (g) **AMENDMENTS** This bylaw may be amended at an annual or special town meeting within six months after an advertised public hearing by the after an advertised public hearing by the Planning Board and as otherwise provided by Chapter 40A of the General Laws.
- (h) **SEPARABILITY** The provisions of this bylaw are separable, and if any section or provision hereof or the administration thereof is declared invalid by a court of competent jurisdiction, this shall not invalidate any other section or provision or the administration thereof.

SECTION 7 RATE OF DEVELOPMENT

- A. The purpose of this section is to regulate the timing of development of building lots in residential subdivision and street lots (ANR - FORM A) in a manner which promotes the health, safety, convenience and welfare of the inhabitants of the Town of Berkley. This bylaw has the following broad objectives:
 - 1) To prevent the development of traffic conditions which are hazardous to citizens due to heavy vehicular travel or usage.

- 2) To coordinate the timing of land development in Berkley with the economic feasibility of the expansion of public services.
 - 3) To preserve the unique rural character and natural resources of the Town.
- B. For the purpose of administering Section 7(Rate of Development), the Planning Board shall be the Special Permit Granting Authority.
- C. The Building Commissioner shall not issue building permits authorizing more than ten (10) dwelling units during any twelve month period to any parcel or parcels of land which, as of the effective date of this bylaw, were contiguous and in the same ownership as several lots; or of continuous street frontage as one large parcel sufficient to create two or more lots in accordance with zoning regulations; or in different ownership's each involving one (1) or more of the same principals; or to any one (1) applicant or set of applicants involving one (1) or more of the same principals, unless the Special Permit Granting Authority (S.P.G.A.) has granted a Special Permit for rapid development. Such Special Permit shall be granted only upon determination of the S.P.G.A. that all Special Permit criteria as set forth in MGL Chapter 40A Section has been fulfilled and that such development, after a public hearing, in the opinion of the S.P.G.A. as expressed in an affirmative vote thereof; (a) would serve a salient housing need; (b) would be economically infusible if limited to ten (10) construction permits over a twelve month period and (note "or") (c) would not overburden existing public services. (Public services shall include, but are not limited to, fire, police, and ambulance services, public highway maintenance, and public school transportation services.) This bylaw shall apply to all legally created lots as defined by MGL Chapter 40A (The Zoning Act), especially Section 6, in addition to lots legally created under the provisions of MGL Chapter 41 Sections 81K-81GG (The Subdivision Control Law) and all current conditions of zoning control as set forth in the Town of Berkley Zoning Bylaw and as it may, from time to time, be amended.

ARTICLE 22

DOG CONTROL BYLAW

SECTION 1 LICENSE FEES

The annual fee for every dog license, except as otherwise provided by law, shall be four (\$4.00) dollars for a male dog and six (\$6.00) dollars for a female dog, unless a certificate of a registered veterinarian has been shown to the Town Clerk indicating that such female dog has been spayed, in which case the fee shall be four (\$4.00) dollars. No fee shall be charged for a license for a dog especially trained to lead or serve a blind person; provided, that the Division of the Blind certifies that such dog is so trained and actually in the services of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the Commonwealth, or other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the Town Treasurer.

SECTION 2 DISTURBING THE PEACE

No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public or creates a public nuisance.

SECTION 3 COMPLAINT OF NUISANCE

If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer.

SECTION 4

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268A of the Massachusetts General Laws, in the business or activity conducted in or on said property.

SECTION 5

This Article shall not apply to licenses and permits for open burning; bicycle permits; children work permits; sales of articles for charitable purposes; licenses to allow clubs or associations to dispense food or beverages; dog licenses; fishing, hunting and trapping licenses; marriage licenses and permits for theatrical events or public exhibitions.

ARTICLE 25 - *Adopted 9/14/80*

PROTECTION OF WATER SUPPLIES FROM GASOLINE AND OTHER POLLUTION

SECTION 1 EXISTING UNDERGROUND STORAGE TANKS

All underground storage tanks located within the Town of Berkley and licensed for use prior to the date of adoption of this bylaw, as provided by Massachusetts General Laws, Chapter 148, Section 13, shall be subject to periodic inspection by the Board of Health. The purpose of such inspections shall be to determine if liquids are escaping to the surrounding soil or groundwater, thereby creating a public nuisance and a threat to the public and private water supplies. The inspection of such storage tanks may include the performing of pressure or other tests. Such inspections shall be performed at no cost to the owner or operator of the storage tank. The frequency of inspections will be determined by the Board of Health, which shall consider the expected life span of the storage tank, the type of material stored, the proximity to sources of water supply, and indications that leakage may have occurred.

SECTION 2 NEW UNDERGROUND STORAGE INSTALLATIONS

All storage tanks located within the Town of Berkley requiring a license from the Board of Selectmen under Massachusetts General Laws, Chapter 148, Section 13, shall comply with the following conditions of the Board of Health, which shall be included as part of the licensing agreement with the Board of Selectmen.

- A) The applicant shall provide for testing of the structural integrity of the storage tank at installation and at other such times as deemed appropriate by the Board of Health, depending upon the expected life span of the storage vessel, the corrosiveness of material being stored, and proximity to water supply. Such tests may include the application of five pounds per square inch of pressure to the tank, or other methods acceptable to the Board of Health.
- B) Monitoring facilities, such as observation wells or vapor detectors, capable of detecting the leakage of stored liquids into the adjoining soil or groundwater, may be required. The need for such facilities will be determined by the Board of Health, based upon the following: capacity of the storage tank; proximity to sources of water supply; type of liquid being stored; frequency of pressure or other testing.

SECTION 3 LEAKING TANKS NOT TO BE CONTINUED IN USE

No tank used for the storage of petroleum products, solvents, acids, or hazardous industrial chemicals or wastes, whether located above or below ground, shall be continued in use if it is determined that such materials are leaking into the soil or groundwater. The owner shall immediately remove the contents, within a period of not longer than 72 hours. Within a period of not longer than 10 days, such leaking tank shall be removed from the Town of Berkley, or filled with material which will render such leaking tank incapable of future use, or otherwise dismantled to the satisfaction of the Board of Health that it shall be rendered incapable of future use. The Board of Health shall mandate methods and materials to be used to abate these conditions.

SECTION 4 PENALTY

Whosoever violates any of the provisions of this bylaw shall be subject to a fine of not more than two hundred dollars for each offense. Each day of noncompliance with the orders of the Board of Health shall constitute a separate offense and shall be fined accordingly.

ARTICLE 26

FLOOD PLAIN DISTRICT BYLAW

Adopted 11/03/94

SECTION 1 STATEMENT OF PURPOSE

The purposes of the Flood Plain District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

SECTION 2 FLOOD PLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOOD WAY DATA

FLOOD PLAIN DISTRICT BOUNDARIES

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Berkley Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of National Flood Insurance Program (NFIP) dated July 3, 1978 as Zone A, AE, AH, AO, A1-30 A99; the Map which indicates the 100 year regulatory flood plain. The exact boundaries of the district may be defined by the 100 year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study Booklet dated January 1978. The FIRM and Flood Insurance Study Booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission.

BASE FLOOD ELEVATION AND FLOOD WAY DATA

1. FLOOD WAY DATA. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory designated, the best available Federal, State, Local, or other flood way data shall be used to prohibit encroachments in flood ways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. BASE FLOOD ELEVATION DATA. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered A zones.

SECTION 3 NOTIFICATION OF WATERCOUSE ALTERATION

Notify, in a riverine situation, the following, of any alteration or relocation of a watercourse:

Adjacent Communities

NFIP State Coordinator
Massachusetts Office of Water Resources
100 Cambridge St.
Boston, MA 02202

NFIP Program Specialist
FEMA Region I, Room 462
J. W. McCormack Post Office & Courthouse
Boston, MA 02109

SECTION 4 REFERENCE TO EXISTING REGULATIONS

The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR 2102.0, "Flood Resistant Construction");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variance from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

OTHER USE REGULATIONS

1. Within Zones AH and AO on the FIRM, require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zones A1-30 and AE, along water courses that have a regulatory flood way designated on the Berkley FIRM or Flood Boundary & Flood Way Map encroachments are prohibited in the regulatory flood way which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. Review all subdivision proposals to assure that; a). such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.
4. Existing contour intervals of site and elevations of existing structures must be included on the plan proposal.
5. There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Inspector, Highway Surveyor and the Board of Selectmen for comments which will be considered by the appropriate permitting board prior to issuing permits.

SECTION 5 PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district.

1. Agricultural uses such as farming, horticulture, truck farming, etc.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.
8. Construction of single family dwellings and such other structures as may be permitted by Town of Berkley Zoning Bylaws.

SECTION 6 DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeding in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means flood plain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOOD WAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100 year and 500 year floods and the 100 year flood way. (For maps done in 1987 and later, the flood way designation is included on the FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevation, or an examination, evaluation and determination of flood related erosion hazards.

FLOOD WAY means the channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, or other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community. For the purpose of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (7/3/78).

ONE HUNDRED YEAR FLOOD see Base Flood.

REGULATORY FLOOD WAY see Flood Way.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. Structure for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

ZONE A means the 100 year flood plain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

ZONE A1-30 AND ZONE AE (for new revised maps) means the 100 year flood plain where the base flood elevation has been determined.

ZONE AH and ZONE AQ means the 100 year flood plain with flood depths of 1 to 3 feet.

ZONE A99 means areas to be protected from the 100 year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, and X are areas identified in the community Flood Insurance Study as areas of moderate and minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ARTICLE 27

CAPITAL IMPROVEMENT PLANNING COMMITTEE

SECTION 1

The Town of Berkley shall establish and appoint a committee to be known as the Capital Improvement Committee, composed of five registered voters from the Town of Berkley. No member may hold any other elective or appointed town position during his term of office. Said committee shall be appointed by the Chairmen of the Finance Committee, Moderator, and Selectmen.

SECTION 2

Each member of this committee shall service a three year overlapping term except for the first initial appointment two members shall service a 3 year term, two shall service a two year term, and one a one year term. The committee shall appoint its own officers. Such officers shall consist of a Chairperson and

from Open Space Plan
June 1, 2000

C. Water Resources of the Town of Berkley

The Taunton River

General:

The Taunton River flows along the entire western perimeter of Berkley and joins with the Assonet River at the tip of the towns Assonet Peninsula. At Berkley, the river is actually an extremity of Mount Hope Bay, and the most northerly reach of Naragansett Bay into Massachusetts. Here, entering the sea, the river is tidal and brackish, with its primary characteristics best described as coastal estaurine.

The Berkley riverbank of the Taunton River is approximately 7.5 miles long. At the northwest border of Berkley, the Taunton River is approximately 650-700 feet wide and it gradually widens all along its route past the town. At the Berkley-Dighton Bridge, about 3 miles downstream, the river width is approximately 1100 feet. As it passes the tip of Assonet Neck Peninsula the river is approximately 2000 feet wide, with the entrance to Assonet River on the other side of the peninsula about 800 feet in width. The convergence point of the river and the bay is over 1/2 mile wide just south of the peninsula tip.

Before describing the Taunton River as it passes Berkley, it is essential to put it into a larger context, by considering the river upstream from Berkley. It is a major watershed drainage feature of southeastern Massachusetts handling the outflow of water from major portions of Bristol, Plymouth and Norfolk Counties; draining from 35 municipalities. The river is 36 miles long from where it officially starts at the convergence of the Matfield and Town Rivers in Paper Mill Village of Bridgewater, Massachusetts. Its drainage area is 528 square miles, including at least 50 square miles of swamps and 23 square miles of lakes and ponds, of which more than 50 cover 10+ acres.

The approximate population in the Taunton River drainage area in the year 2000 is just over one million people, with rapid growth prevalent throughout the region. Outflow from the Taunton River drainage area, averaged over the period from 1931 to 1965, was approximately 280 billion gallons annually. The lower 8-9 miles of the river, all of the Berkley frontage is a tidal estuary, and in storm surge conditions, the river can be effected by tides reaching up to 15 miles inland. The drainage area is generally flat to gently rolling hill terrain with a maximum height of 450 feet above sea level. At Berkley, the river grade ranges from only a few feet above sea level inland to sea level at the tip of the peninsula, with tidal variation the more consequential factor. Depth of the river ranges from 1 to 4 feet inland to 1 to 10 feet as it passes the tip of the peninsula. Just below the peninsula, as it converges with Assonet River, depths exceed 15 feet. A narrow, man-made navigation channel near the middle of the river extends from its mouth to about a 1/2 mile north of Peters Point that is nominally 8-10 feet deep.

The Taunton River (continued.)

Taunton River History and Character:

It is important to note that for over 300 years the Taunton River has been used extensively for potable water, agricultural irrigation, sanitation, commerce, industry, fishing and recreation. In that time, myriad instances of input and extraction of water, water-power, fish, bottom, vegetation and riverbank have occurred, with very little usable, recoverable record. Throughout that time, numerous mills, factories, farms, municipal sewers and surface/storm drains have all added wastewater. The volumes of such wastewater contributions and their exact chemical content has been largely unrecorded and can only be partially deduced by costly, detailed and clever scientific testing. Fortunately, as a river with a very dependable outflow, the Taunton has been able to quite successfully flush itself and remain a relatively clean body of water. Recent state and federal programs have further assisted the river to be as clean as possible. That does not mean that localized areas of polluted bottom due to heavy metal deposition and accumulation do not exist, and a wide variety of debris can still be found in and along the river. Nor does it assure the continued cleanliness of the Taunton River in the face of rampaging development and new environmental threats along its banks. For instance, the recent discovery that the gasoline additive MTBE required by the Federal EPA since 1995 to protect the air, may be a significant threat to all surface and ground-waters wherever it is in widespread use. That issue is just now being addressed and is of real consequence to our area, as MBTE treated gas is mandated for all of Massachusetts.

For Berkley, the Taunton River is a focal point of the town. For centuries of prehistory Native Americans lived along the river, fished it, traveled it and assigned it great spiritual significance. Their impact on it was negligible, but they may have contributed to the most notable historical artifact: Dighton Rock.

No mention of Berkley and the Taunton River would be complete without mention of Dighton Rock. It is a large boulder (9.5' x 11.5' x 5' high) that rests in the river just offshore from what is now Dighton State Park. The rock was quite low in the water and submerged with each high tide. What made it notable, was the discovery in colonial times of petroglyphic graffiti on the rock that have never been well deciphered or explained to indisputable scientific standards. It is called Dighton Rock instead of Berkley Rock because at the time, the town of Dighton extended into its area, which later became part of Berkley.

In 1963, Dighton Rock was raised up so that it wouldn't submerge at high tide and a small museum was built over it. The Dighton Rock Museum provides weather and tide protected access to the rock, plus exhibits on its history and the theories it has generated. It is in the small Dighton Rock State Park in Berkley.

Taunton River History and Character: (continued.)

There are many theories to explain and decipher the engravings on Dighton Rock, but the most generally accepted, suggest a combination of contributors. One sage claims to have deciphered 'M. Cortereal 1511 V. Dei Dux Ind.' indicating that the Portuguese explorer, Miguel Cortereal, who sailed to the new world in 1502. He was never heard of again but may have inscribed his own 'epitaph' on the rock. It has also been suggested that native Americans and colonial pranksters also added their own marks to the rock, although nothing readable has been deciphered.

In recorded history, the Taunton River at Berkley is known to have been an active site of weir fisheries, shipbuilding, miscellaneous commerce and various agrarian pursuits. Ferry service across the river and inland lightering barges also have been based in Berkley. Except for minor logging/sawmills and small tanneries, no big industry has ever been on the Berkley riverbank, nor have there been any dams. However, above Berkley, in Taunton and a dozen other towns, there were, and are, major mills and industry along the banks of the river.

The second most notable thing on the Taunton River in Berkley is the Berkley-Dighton Bridge. Built in 1896, it is a swing bridge to allow boat passage; one of only two such bridges extant in Massachusetts. Today, it no longer opens at all. For over a decade, it has been a one lane bridge for vehicles of less than three tons gross weight. Signal lights let eastbound and westbound traffic alternately use the bridge. Many aborted plans to restore or replace the bridge have come and gone, while minimal maintenance is done to prevent the bridge from further decay. The bridge limits boat access upriver to very small boats and canoes. However, its one lane, one-way traffic is a steady and increasing stream, comprised of some locals and many more out-of-owners using it as a short-cut between Routes 138 and 24.

Today the Taunton River through Berkley is primarily noted for residential and limited agricultural use, with some areas protected as wetlands. The result is a very pastoral character to the river as it passes Berkley.

Assonet River and Assonet Bay:

General:

Along the SE shore of the Assonet Neck Peninsula is the Assonet River and Assonet Bay. The river runs from the tip of the peninsula for a distance of about 8000 feet and then it opens up into Assonet Bay, a very well protected, shallow, inland bay measuring about 2000 by 6500 feet in size, with a few large coves. From its NE end, the Assonet River continues from inland. Berkley's Assonet Neck Peninsula shoreline along the Assonet River and Assonet Bay is about 2.5 miles long. Then, Shoves Neck, a blunt, lesser peninsula, extending into the bay, adds another 3700 feet of shoreline. This peninsula is created by two large brooks that enter Assonet Bay from Berkley. One flows only about 3000 feet from some

Assonet River and Bay: (continued)

wetlands on the SE flank of Berkley's Hospital Hill, at the inland end of Assonet Neck. The other, Shoves Neck Brook, runs about two miles into central Berkley, where it begins in a wetlands area on the SW flank of Bryant Hill, the highest point in Berkley. Shoves Neck Brook is the town line with Freetown until it turns NNE in the center of a small pond just south of Friend Street. That line goes only about 2100 feet until it turns to a line running due east for about 2.75 miles, where it ends at a bend in the inland portion of the Assonet River just east of Myricks Street (Route 79). From this point the Assonet River veers off into Freetown, but runs parallel to Myricks Street for about 4000 feet. It then turns NE and re-enters Berkley, extending for about a mile, crossing Pierce Street into wetlands south of Myricks Street between Pierce and Church Streets, which is its starting point..

The Assonet River, including Assonet Bay is a relatively minor tributary of the Taunton River, and yet it is an important drainage feature for the area. Its own most prominent tributary is the Cedar Swamp River which empties from Cedar Swamp in Lakeville, a major, protected wetlands area and wildlife habitat.

Assonet River and Bay History and Character:

There is no record of any significant industry on the Berkley shoreline of the Assonet River or Bay. In the past, there were a few mills and a forge on the river in Freetown but they are long gone. One mill building remains, that is now a 'self storage' firm, and there is a small woodworking mill on the riverbank. An old mill dam by Locust Street in Freetown, constricts the river to form Forge Pond along side of Route 79. Otherwise, the banks of the Assonet River are now exclusively the domain of residences, farms, cranberry bogs, wetlands and woodlands.

Minor Rivers, Brooks and Streams of Berkley:

The Cotley River: A small tributary of the Taunton River that enters Berkley from Taunton just NW of the intersection of County and Holloway Streets. It flows in an irregular arc through NE Berkley for a distance of about 2.5 miles before it returns into Taunton just NW of Cotley Street. The Cotley is hardly more than an oversized brook that is seldom more than 2-3 yards wide or 2-4 feet deep. Public access to the Cotley River is extremely limited because it flows almost entirely through privately held land. However, it is noted for recreational fishing and it does serve to drain several wetland habitat areas in Berkley.

Minor Rivers, Brooks and Streams of Berkley: (Continued)

Quaker Brook: The brook starts in wetlands of the NE slope of the Bryant Hill area of Berkley, with tributary brooks just east and west of Route 24, at a point roughly halfway between that highways Padelford and Bryant Street Bridges. It flows an irregular course of about 2.1 miles before exiting Berkley into Freetown at a point about 1600 feet east of where Algerine Street ends at the Freetown line. It proceeds on into Freetown and empties into the Assonet River at Forge Pond. The Quaker Brook provides drainage for a significant part of central Berkley on the NE watershed of Bryant Hill, with outflow from several important wetlands and wildlife habitat areas. The brook's name celebrates a Quaker community that existed in Berkley in the late 18th and early 19th century.

* 'Charles Brook': A brook of about 3.5 miles in length that starts in wetlands about 500 feet north of the Berkley Commons, west of Porter Street that flows an irregular course north to just south of Jerome Street, where it turns roughly west and flows in a 'lazy S' course to the Taunton River. About 800 feet east of where it passes under Berkley Street, it is joined by a unnamed tributary about 4800 feet in length that drains an area between North Main Street and Berkley Street.

* 'Cuds Brook': A brook of about 2.2 miles in length that starts at a small pond at the north base of Bryant Hill about 600 feet west of Locust Street. It flow west for about 1500 feet and then turns SW running alongside of Mains Street. At about the intersection of Main Street and Bayview Avenue it turns to an arc running due west to join the Taunton River just south of the Berkley Bridge.

* 'Hospital Hill Brook': A half mile long brook that starts at base of the north slope of Hospital Hill. It runs due west to the Taunton River just south of Grassy Island. It flows into the salt-marsh tidal flats that surround Grassy Island.

There are many other small brooks in Berkley, but they are too small to mention here. They are noted on the associated maps and drainage flow charts.

(*Indicates that the name for this brook is not necessarily it's official name, which could not be ascertained. The assigned name is one used by local residents.)

Clark's Brook - Silveira site

Lakes, Ponds and Vernal Ponds of Berkley:

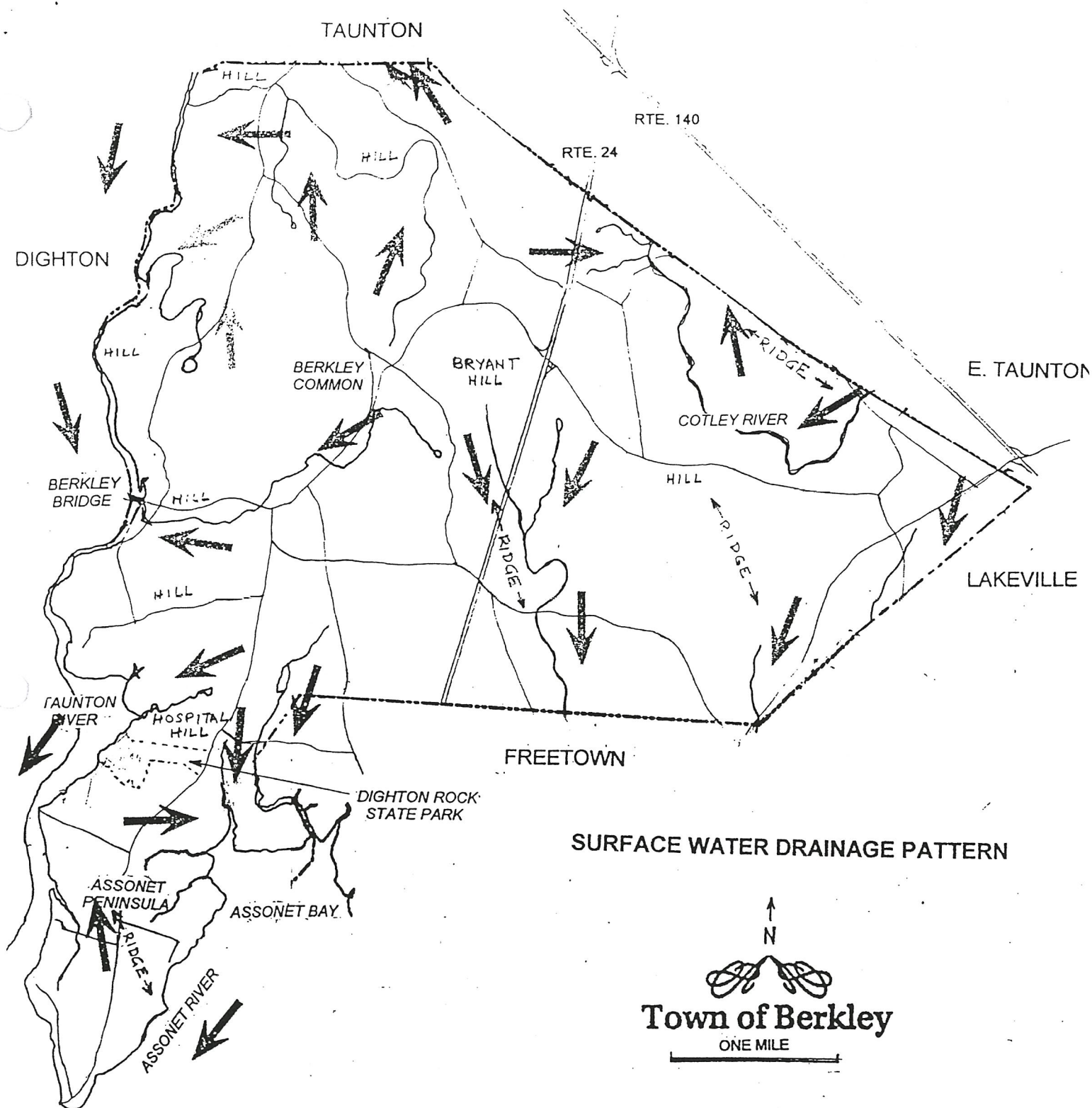
Berkley has no freshwater body of water that could be labeled as a lake, but it does have numerous small ponds. The 1985 Geological Survey Map of the U.S. Department of the Interior for Somerset (No. 41071-G1-TM-025) depicts all of Berkley and it shows approximately 62 small ponds. However, there is reason to believe that some of the 'ponds' are actually cranberry bogs. In addition, a very informal survey done by this committee indicated that there are many more ponds that are not mapped, with most being vernal ponds that form in the winter and spring and dry out during the late summer. In a few cases, ponds very close to the Taunton and Assonet Rivers are known to have brackish water.

Public Use and Access to Surface Water in Berkley

At this time the one official and legal public access to a major body of water in Berkley is the riverbank of the Taunton River at Dighton Rock State Park. Even in this case, access is limited and problematical by circumstances beyond the control of the town. For one, there is no beach or boat ramp at the state park. Even the Dighton Rock Museum is only open by appointment, or by chance, if a Massachusetts State Park employee happens to be present and available to open it. The park is officially open and staffed for limited hours in the spring/summer season, and not including early evening hours. The reputation of the park locally, is that it is only officially open and staffed during ' work-week / business hours', when most working people and families are least able to visit. Fortunately, the gate to the park is generally left open, even when no staff is present, so residents may use the park at their own risk.

Except for incidental bridge right-of-ways where a public road crosses a river or brook, all other access to the rivers, bay, brooks and ponds is restricted due to being on privately owned land. This has been identified as a major problem by this committee and a goal has been set to identify and expedite increased river access for the general public.

Indeed, it has recently come to this committee's attention that Chapter 88: Sec. 14 of the General Laws of the Commonwealth of Massachusetts (copy attached) mandates that all towns in Massachusetts that have tidal shoreline must have and maintain a public boat ramp. Nevertheless, Berkley has no such boat ramp, nor does it own land suitable for such a boat ramp. It is hoped that this Open Spaces and Recreation Plan will be the first step in a process that will result in a town boat ramp and generally improved access to the town's various shorelines.



Note: The Taunton is a tidal estuary along its full course through Berkley, with maximum salinity occurring south of the Berkley Bridge. With seasonal and storm surge variations effecting inland tidal ranges.

Note: The Assonet River including Assonet Bay and extending up to the Forge Pond Dam at Locust St., Freetown, is tidal. With seasonal and storm surge variations effecting inland tidal ranges.

The Aquifers and Groundwater of Berkley

Except for few homes tied into Taunton's water lines, Berkley has no public water system and all supply of potable water, water for sanitation, commercial uses and much of the water for agriculture is from wells. Some water for agriculture, in particular for cranberry bogs is from surface water sources. For fire fighting emergencies surface water from some designated ponds is used.

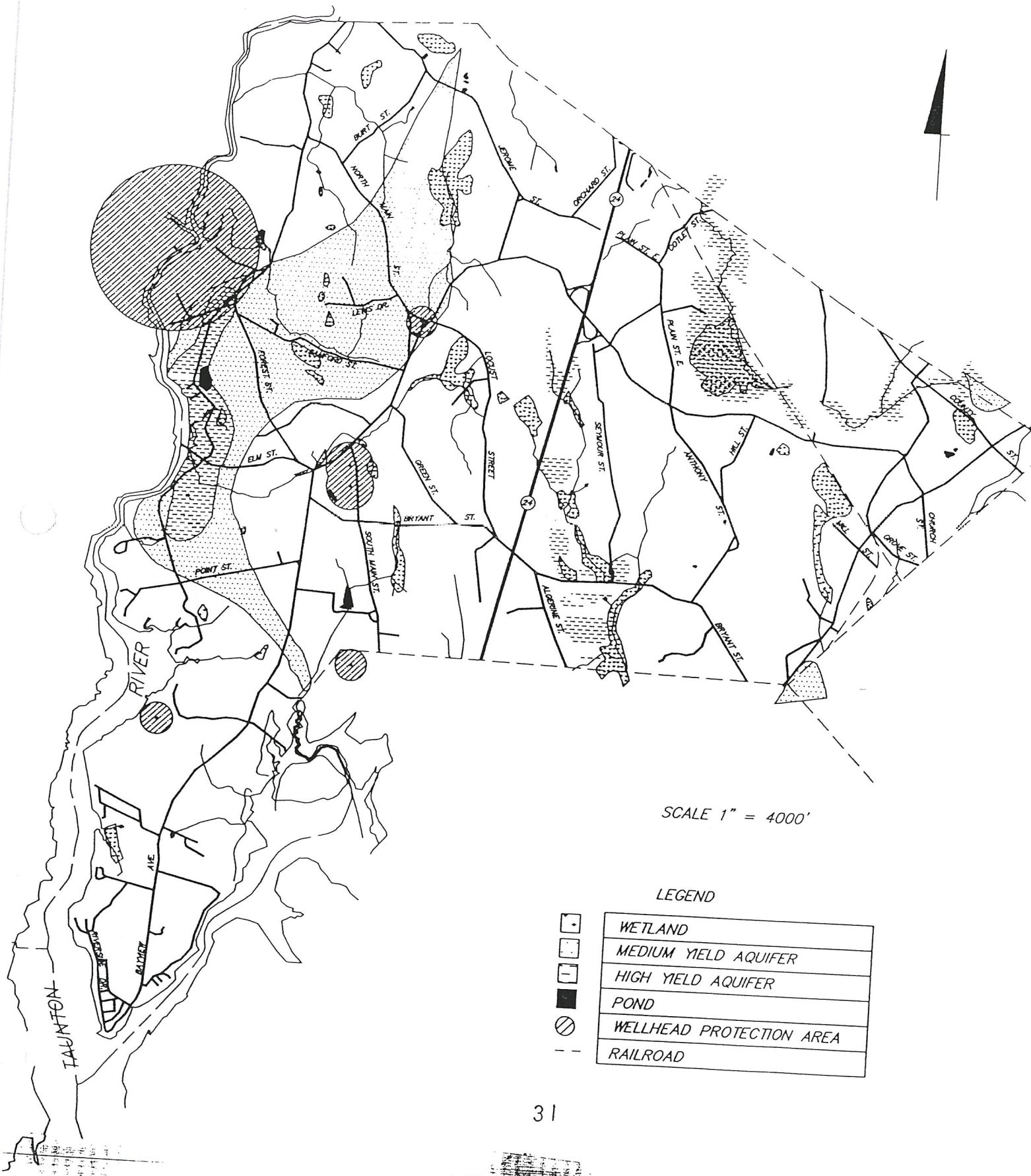
The availability of sub-surface water by well digging and drilling is extremely variable from site to site in Berkley. This is due largely to the varied depositions and land forms that resulted from the effect of glaciation on the area. In addition to the obvious effect of ridges, high water table glacial plains and a large aquifer located in the NW to West Central section of the town, micro-geologic conditions of bedrock fracturing, glacial till deposition and clay stratas all effect the success or failure of wells in town. However, it is the general case that wells in all but the most geologically adverse sites will produce reasonable quantities of good quality water, although the depth at which it is reached may vary significantly.

Berkley's one major aquifer runs from just north of Jerome Street, near the Taunton line, SSW along the Taunton River to a point focused just about at the location of the Berkley Bridge. From there it turns SSE and runs for about 1.7 miles to just about the Freetown line at Friend Street. The overall length of the aquifer is about 4.7 miles and its average width is about $\frac{1}{2}$ a mile. It is a primarily medium yield aquifer, but it is a high yield aquifer in the area centered around the Berkley Bridge. That high yield portion measures about 1.5 miles in length and averages about $\frac{1}{4}$ of a mile in width. This high yield area extends from near the intersection of Berkley and Sanford Streets in the north to the intersection of Berkley Street and Swing Drive in the south.

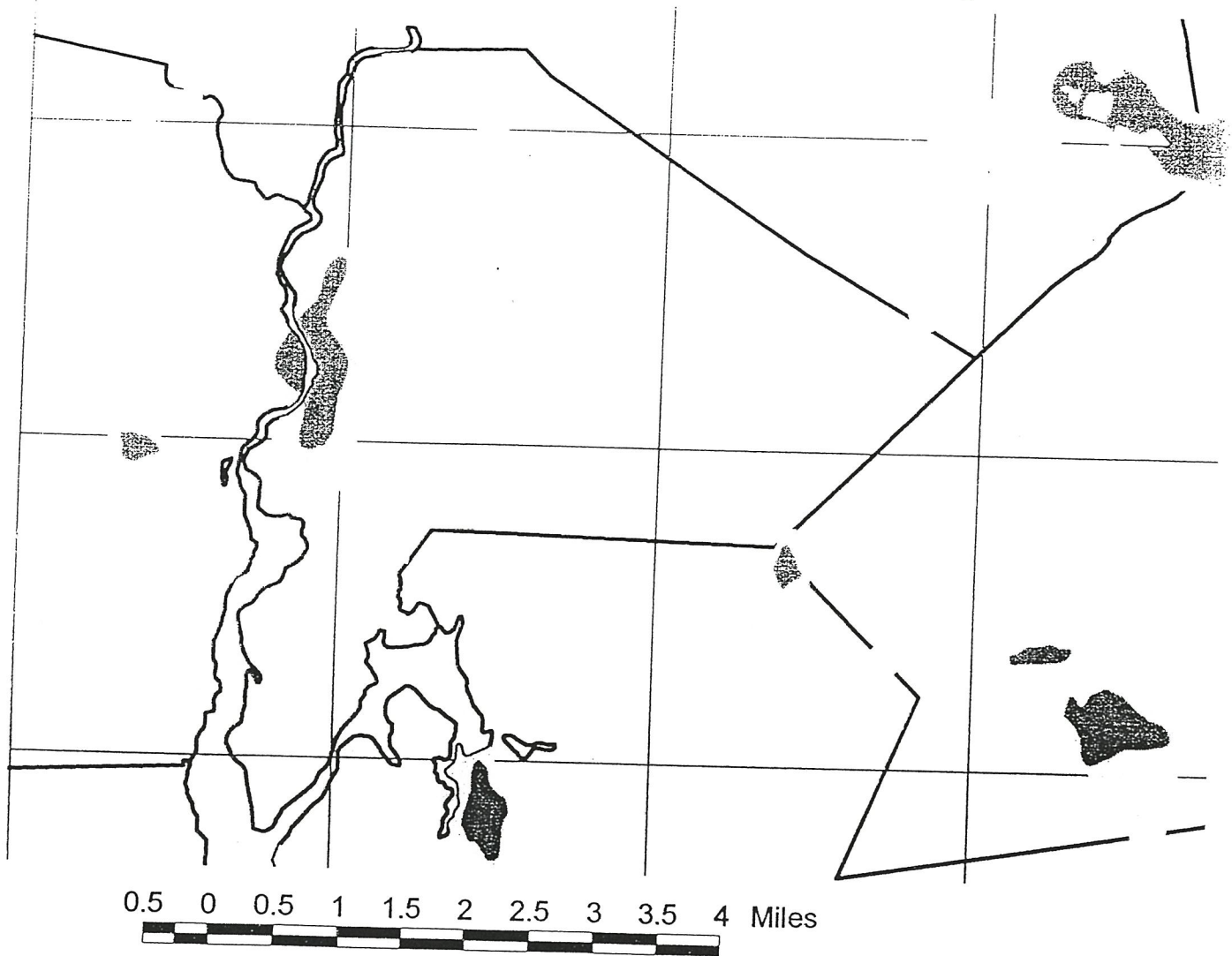
A map provided by the Massachusetts Department of Natural Conservation is provided that indicates the location and shape of the aquifer.

✱ In addition, we have included in its entirety a copy of the Community Aquifer Protection Planning Study of June 1988. It was professionally prepared by the firm of IEP, Inc., 6 Maple St., Northborough, MA 01532 and provides far more detailed and scientific data on the Berkley aquifer, Berkley wells, groundwater contamination and groundwater protection strategies than could ever be provided by this committee of amateur volunteers. It also contains precipitation and seasonal climatic data for Berkley, in addition to a considerable amount of miscellaneous ancillary support data, including Flood Plain data. That is further supported by inclusion of the January 1978 Flood Plan Insurance Study for the Town of Berkley provided to the town by the U.S. Department Housing and Urban Development's Federal Insurance Administration.

AQUIFERS AND WELLS



Berkley Open Space

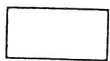


Aquifers

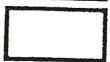


HIGH YIELD

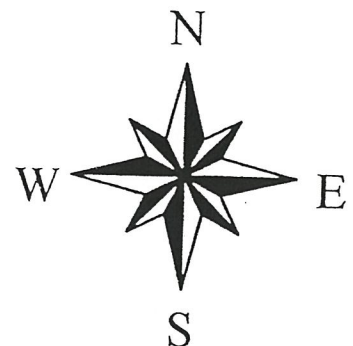
MEDIUM YIELD



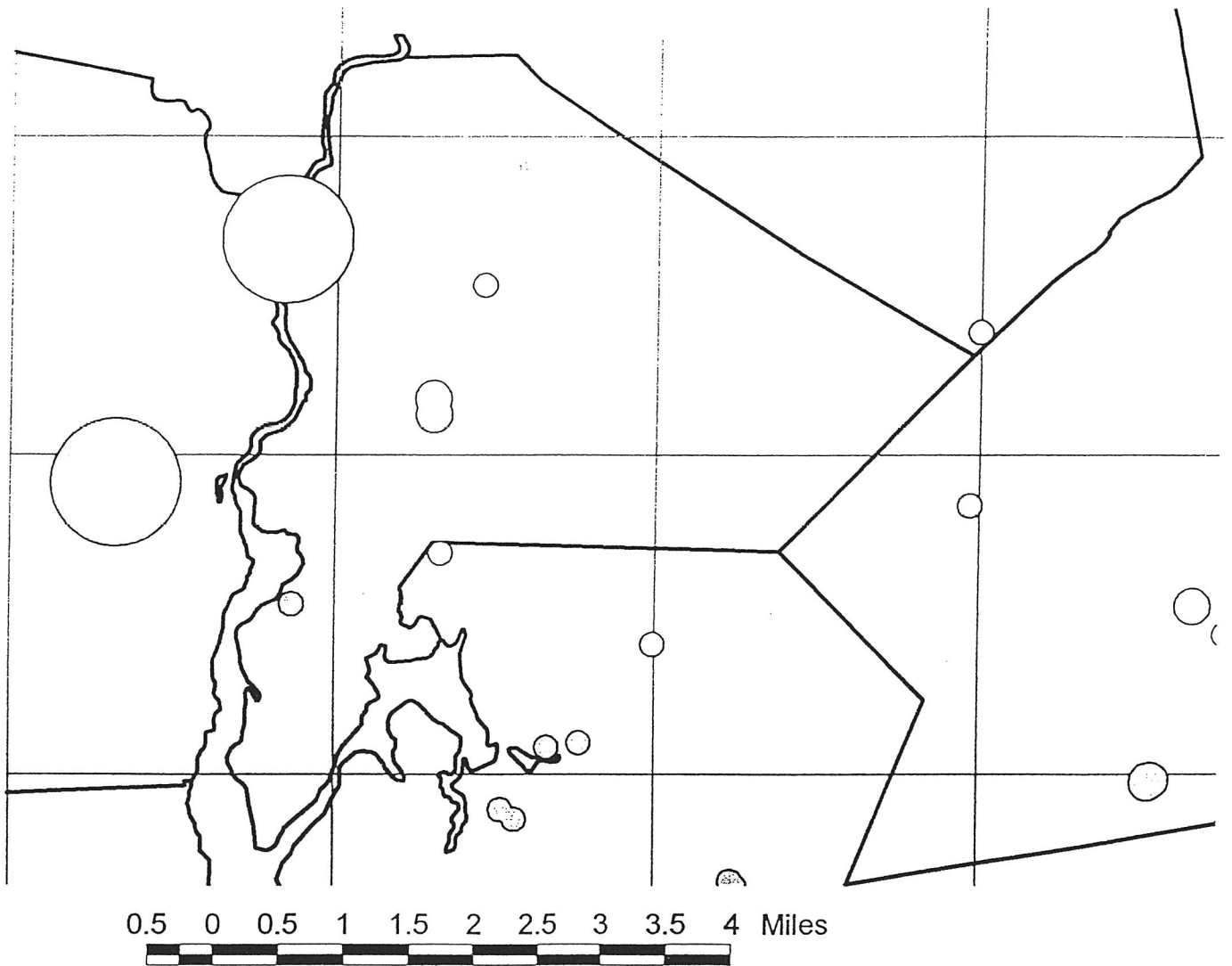
Mainland Orthos




MA Town Boundaries



Berkley Open Space



POTENTIAL PUBLIC WELLHEAD SITES

-  IWPAs
-  Mainland Orthos
-  MA Town Boundaries

