

Zoning Board of Appeals – Minutes
August 12, 2025
Location: Town Hall, Moitoza-Petty Hearing Room
Time: 6:00pm to 8:00pm

Board Member Attendees: Meghan Connolly- Chairman, Antonio Carmo Vice-Chairman, & Mark Petty Jr.-Member.

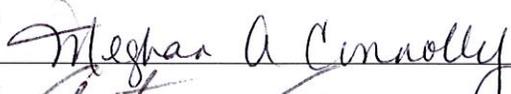
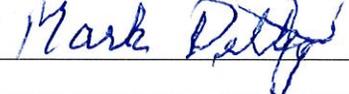
Board Member Out: Sal Botelho Alt Member & Patricia Dougherty- The board had a quorum.

Attendees: Atty. Adam Costa, Atty. Paul Prew, David DeRosa, James Cambra, Jeffrey Lopes, Robin Marshall, and Nathan Kelliher.

Topic	Discussion:
Mail & Minutes:	<p>6:06pm- M. Connolly opened up the meeting, introduced herself and the Board members that were present. T. Carmo made a motion to move the Mtg. Mins., Bills, & Correspondence out of order on the agenda. M. Petty seconded.</p> <p>Meeting Minutes: The meeting minutes from 2/27/25 were reviewed by the Board. T. Carmo made a motion to accept the minutes as read. M. Connolly seconded.</p> <p>Bills: None</p> <p>Correspondence: None</p> <p>The Board reorganized- Clerk: Mark Petty, Chairman- Meghan Connolly, and Vice Chairman- Tony Carmo.</p> <p>No other New Business came in front of the Board at this time.</p>

Derco Inc. 27 Locust St.- Map 11 Lot 37 40A Public Hearing

6:08pm- Chairman Meghan Connolly opened the Public Hearing for Derco Inc. 27 Locust St. Map 11 Lot 37 for a Special Permit. The newspaper ad ran in the Taunton Daily Gazette on 7/24/25 & 7/31/25. All certified mailings were mailed out to abutters. The newspaper article was read into the record by the Chairman. Mr. Pettey of the Board stated he had a disclosure, he is an abutter to the property, but feels he can make a fair decision. All Board members and the applicant were all set with this. There were several abutters present. Atty. Paul Prew introduced himself to the Board. He represents David DeRosa. He gave a quick background of what was going on at the property. There had been enforcement action. He also thanked the Town and Atty. Adam Costa for all they have done for Mr. DeRosa. He is requesting a waiver for a Special Permit; they did not include the plot plan due to cost. Mr. DeRosa purchased the property in 2019 from RRR, since then he has used the property as a contracting yard and he is understanding of the permitting use issue. When he was made aware of the issue, he didn't know how to proceed going through all the Boards. He was consistent of what was already there as a use. He tried doing things on his own. The first owner had a Class II Auto license, when Mr. DeRosa bought it that was the same use, he didn't change anything for what it was being used for. There were many permits and amendments for the property and all are still active. They are asking for a contractor's yard use from the Board. Mr. DeRosa has invested in the property for many yrs. If he had to leave, he would have to sell and move his business. The uses already exist in the area; there has been and industrial use there for years. T. Carmo asked what some of the uses were. Atty Prew stated Class II & Class III Auto and Scrap Yard. They would like to get it out of court and his enforcement actions that have been given to him. T. Carmo spoke more about a contractor's yard use and landscaping. Mr. DeRosa told the Board he does landscaping and trucking, it is not a retail facility, there is no traffic. M. Connolly asked about wetlands. Atty. Prew stated they had already gone through Con Com in 2020-2021 everything all cleaned up. All further discussed the property and the land. Atty. Adam Costa explained the situation. The town enforced use of the property, the property is not being used for the use on the site and further explained. The State Law allows only if in By-Law, in Berkley no Special Permits in residential zones. If historically been used for commercial purposes, if it can be established, can change from one non-conforming use to another. It is the Board's decision. They are asking for a Special Permit for a contractor's yard use, the Board can get specific of the permit. Is it more detrimental to the property. M. Connolly asked Atty. Costa if the prior use is not used, there are gaps, does it stop. Atty. Costa asked Atty. Prew stated there has been a use with no two-year gap, first auto use then went to a landscaping business. M. Pettey did state to the Board Mr. DeRosa did comply with everything the Con Comm asked for when he was Chairman of the Board. The Board opened any questions to the audience. Jeff Lopes an abutter from the Fournier Farm stated there was a property marker that was there, but has since been removed. He feels they need a plot plan to go forward with the situation; his property has been encroached upon where Mr. DeRosa filled in the property, his fence goes on his property too and the tractor trailers he has could be parked on his property. Atty Prew stated that is a boundary issue. Robin Marshall 32 Locust St. if they just allow what he is doing on his property now, she has no problem with it. Nathan Kelliher 29 Locust St. stated he has no attest to this, he is a good neighbor, he should be able to run his business there. James Cambra an abutter from the Fournier Farm he is concerned about him encroaching on their property, asked if it has been surveyed. Mr. DaRosa stated he did not have a plot plan. Mr. Lopes said there were also concrete blocks on the edge of the property, that are now gone. The Board asked if either Attorneys had anything more to add. Atty. Adam Costa stated he had nothing more to add, he will answer any questions the Board has, to grant a Special Permit it has to have all 3 votes from the Board Members. Atty. Prew stated he had nothing more to add. T. Carmo made a motion to close the hearing. M. Pettey seconded.

<p>Derco Inc. 27 Locust St.- Map 11 Lot 37 40A Public Hearing Cont.</p>	<p>The Board further deliberated and discussed. They all agreed the property line issue has nothing to do with the use. They need to recognize the use and be more specific of the type of use no just contractors' yard, maybe add landscaping. They reviewed the waiver of the plot plan requirement. In their findings; it is a pre-existing non-conforming, with no 2-year lapse of use, it is a historic non-conforming use, and it is not more detrimental to the neighborhood. Should add a specific use flexible to the renters. The Board made a motion to not use normal procedure to require a plot plan, all in favor. A motion was made the pre-existing use continues, historical use, the intended use is not detrimental, grant the use with limits; landscaping, hardscaping, and fencing, all in favor. The Chairman will sign the decision on behalf of the Board; Atty. Costa will write the decision.</p>
	<p>All Motioned the next meeting date- To Be Determined</p>
	<p>Motion to adjourn was made by T. Carmo @ 6:57pm</p>
<p>Signatures</p>	<p>1. </p>
	<p>2. </p>
	<p>3. </p>