

Berkley Conservation Committee Meeting Minutes

April 9th, 2025

- **Roll Call:** The following persons were present, ☒ Nate Kelliher (NT), ☒ David Patrick (DP), ☒ Diane Maxwell (DM), ☐ Tom Fernandes (TF), and ☒ Jeff Cuttner (JC).
- **Berkley Town Hall (Hearing Room),** DP called to order the Conservation Committee (ConCom) at 6:07 pm on 4/9/2025. DM 1st and JC 2nd.
- **For detailed information on the meeting,** a recording can be found at <http://198.0.152.34/CablecastPublicSite/?site=1>, located on the Town Hall's website—search meeting by date.
- **Denise Cole (DC) conducted the minutes.**

PUBLIC HEARING:

- **Request for COC for 16 Riverside Drive (Map 8 Lot 98), Kenneth McAuliffe, Represented by Outback Engineering Inc.**
 - DP raised to make a motion to approve the COC. DM 1st, JC 2nd, all in favor.
 - The signed COC was handed to the representative.

Motion to come out of public hearing, DM 1st, JC 2nd.

- **OPEN BUSINESS:**
 - **Enforcement Order for 97 Jerome Street, violation of SE 4-0572 OOC Special Conditions**
 - The property owners, including Jose Botelho, were in attendance. Botelho stated that the cows will be moved to a new, larger property that they have purchased.
 - The board plans to conduct a site visit during the last week in June (exact date and time to be determined) to ensure that 97 Jerome St is not in violation of the 2018 OOC.
 - Board clarifies that they are concerned about groundwater contamination from the number of animals on the property.

Motion to reopen public hearing from last meeting for Continued Discussion: (NOI) Nyles Notice of Intent Hudson Drive (formally Meadow Way) SE 004-0642 Map 20 Lots 72,72-2,72-3, and 72-4 – construction of turtle nesting habitat.

- Incoming Mail from Mass Wildlife: Letter concerning Hudson Drive (formerly Meadow Way) was discussed.
- Carl Malloch, Malloch Construction, 113 Padelford St, and Nyles Zager, Zenith Consulting, were in attendance.
- Carl Malloch (CM) stated that Natural Heritage wants money in escrow to maintain this property.
- Nyles Zager (NZ) stated that MESA and WPA will influence all actions taken with this plan.
 - Need the boards approval for the turtle nesting habitat to move forward. There will be conditions and continued
 - MESA is going to make sure it is managed.
- The board consulted the map to assess the access road.
 - CM stated that the easement will be gravel and loam, grow grass on it, and it won't sink. People can get machines out of there if needed, but it is not a public way and does not meet the town standards to be a public way.
- DP: on top of the \$10,000 escrow with Fisheries and Wildlife, we want to see the approved signage, leave the issue of a gate open until we can go out there and evaluate, want to see a more detailed plan on how the maintenance is going to go,
- Rob Lambert, 32 Holloway St, expressed his concerns about the method of construction of the turtle nesting habitats.
- DP recommends that the board approves with the following conditions:
 - The board is involved with the approval of any signage that is going into that area.
 - Once MESA approves, there needs to be a meeting with the owners and the board to discuss maintenance moving forward.
- DP raises a motion to approve the NOI with the above conditions, DM 1st, JC 2nd, all in favor.
- Lisa Dagel, 26 Holloway, expresses concerns about increased road crossings with construction of homes.

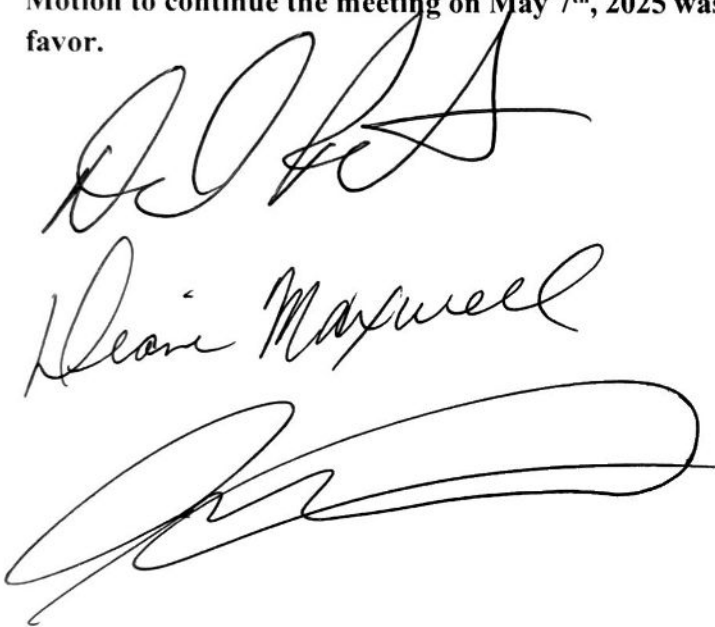
Motion to come out of public hearing for Hudson drive, DM 1st, JC 2nd, all in favor.

OPEN BUSINESS:

- **Continued Discussion: 515 Berkley St (SE 004-0643), OOC appealed by MassDEP**
 - Meeting on April 24th at 10:00 am at the property location.
- **Update of Berkley General By-Laws**
 - Article 6 Sections 2 & 4

- Article 36 entitled "Right to Farm"
- Vote on Previous Minutes from 5.25.2025. DP looking for motion, DM, JC. All in favor.
- **Billing:**
 - Conservation Commission Clerk Payroll: Last three paychecks approved.
- **Mail:**
 - DEP Mail: 401 Water Quality Certification, Application for BRP WW 10, Major Fill and Excavation Projects
 - Some areas of wetland will have to be dug up to access the gasoline pipes, lines are no longer in use.
- **Upcoming meeting for May 7th, 2025 was planned.**
- The board discussed a riverfront property that needs to be observed based on an anonymous report.

Motion to continue the meeting on May 7th, 2025 was made by DM. JC 1st and 2nd, all in favor.



Heidi Maxwell