

# ***Berkley Conservation Committee Meeting Minutes***

June 3<sup>rd</sup>, 2026

- **Roll Call:** The following persons were present, ☒ Nate Kelliher (NK), ☒ David Patrick (DP), ☐ Jeff Cuttner (JC), and ☒ Mary Kate Moreau (MKM).
- **Berkley Town Hall (Public Hearing Room),** DP called to order the Conservation Committee (ConCom) at 6:04 pm on 6/3/2026.
- **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.**

## **OPEN PUBLIC HEARING:**

Motion to open the meeting raised by DP. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.

**Notice of Intent, 1 Kellan Way (SE 004-0651), Mark and Rachel Mello represented by Zenith Consulting.** Project Description: Construction of a single-family house with associated well, drainage, grading and landscaping within the 100' buffer of a bordering vegetated wetland.

- DP raised the motion to open a public hearing for 1 Kellan Way. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- Nyles Zager (NZ), of Zenith Consulting Engineers, representing the Mellos, gave an update on the project.
- DP asked NZ if the house and the septic are in the same location as the previous plans, how many square feet is the house, and about erosion control inspections.
- Stacy Simbro of 65 Seymour ST, Abutter, asked about noise during construction.
  - NZ said the noise was from compaction of road. The road has been done since December.
- Mrs. Audrey L. Fucci of 105 Seymour, Trustees 71 Seymour, abutter, made a comment about Box Turtle sites marked on this property. She is worried about the wetland and does not want the 2<sup>nd</sup> lot built on.
  - NZ said the 2nd lot is not buildable.
  - DP will contact Natural Heritage on her behalf.
- Brendan Clark of 61 Seymour ST, abutter, asked about stormwater control measures.
  - Infiltration basin.

- DP recommended to the board that the NOI is approved with the conditions that nothing is done until the board goes out to inspect the erosion controls. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor. The signature page was signed.
- Motion to come out of public hearing made by DP. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.

**Notice of Intent, 9 Deerfield Drive (SE 004-0652), Ben and Elizabeth Aguiar represented by Zenith Consulting.** Project Description: Construction of an accessory dwelling unit associated driveway, septic tank, utilities and grading within 100' of a bordering vegetated wetland.

- DP raised the motion to enter a public hearing for 9 Deerfield Way. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- NZ presented the project to the board on behalf of Ben and Elizabeth Aguiar.
  - The leaching field is not changing, just updating a septic tank.
  - Very minimal clearing and grading to be done.
  - No work within the 25-foot buffer zone.
- DP asked about erosion control measures. NZ answered.
- DP raised the motion to approve with the standard erosion control measures in place, NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor. Signature page was signed.
- DP raised the motion to come out of the public hearing for 9 Deerfield Drive. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.

**Request for Determination of Applicability, 5 Deerfield Drive, Dustin and Lori Gorman represented by Zenith Consulting.** Project Description: construction of an inground pool with a patio and 12' x 12' pergola.

- DP raised a motion to open a hearing for an RDA for 5 Deerfield Drive. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- NZ presented the project to the board.
  - No fill. 8 foot deep on the deep end side. The pool does not have drainage – cartridge filter.
- NK asked about the grading of the site.
- DP raised a motion to issue a Negative Determination of Applicability. MKM 1<sup>st</sup>, NK 2<sup>nd</sup>, all in favor. The signature page was signed.
- DP raised a motion to come out of the public hearing for 5 Deerfield Drive. MKM 1<sup>st</sup>, NK 2<sup>nd</sup>, all in favor.

**Notice of Intent, 11 Hudson Drive/5 Berkley Meadow (SE 004-0654), Malloch Construction Inc. represented by Zenith Consulting.** Project Description: Clearing of woods and grading associated with a residential duplex building within 200' of a perennial stream

- DP raised a motion to open the public hearing for 11 Hudson Drive. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- NZ presented the project in front of the board.
- Mrs. Fucci asked for clarification on property address.
- NZ explained that he is back in front of the board for approval for work in individual lots now.

- DEP said that there is a 10% riverfront disturbance on this project.
- NZ recommended that a deed restriction (no additional work in the river front area) is required as a special condition upon approval.
  - This is applicable to lots 5, 6, 11, and 12 for certain. It may be applicable to other lots unknown at this time.
- DP commented that the erosion controls on the site are already in place.
- DP recommended that the NOI is approved with additional special conditions that there is a deed restriction for no further work to be done. MKM 1<sup>st</sup>, NK 2<sup>nd</sup>, all in favor. The signature page was signed.

DP spoke about the awarded grant relevant to this property that will be discussed further on in this meeting. DP then asked about town water for these houses.

**Notice of Intent, 13 Hudson Drive (Lot 6)/5a Berkley Meadow (SE 004-0653), Malloch Construction Inc. represented by Zenith Consulting.** Project Description: construction of a residential duplex building with associated clearing, grading and landscaping.

- DP raised the motion to open the public hearing for 13 Hudson Drive. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- NZ presented the project to the board. It is very similar to the previously presented site project.
- Barbara Cyr 8 Oak Run, abutter, asked about how city water impacts well water.
  - DP said that there would be a minute impact - not noticeable. NZ agreed with DP and stated that they have complied with Board of Health. NK commented that it would be worse for you if they were all wells rather than city water.
- DP requested that any and all turtle sitings be reported to conservation.
- MKM raised the motion to approve the OOC for 13 Hudson Drive. NK 1<sup>st</sup>, DP 2<sup>nd</sup>, all in favor.
- DP raised the motion to come out of the public hearing. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.

#### **OPEN BUSINESS:**

- **Vote on Previous Minutes from 5/6/2026**
  - DP made a motion to approve the minutes. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.
- **Billing:**
  - Conservation clerk payroll: approved and signed.
- **ConCom Budget**
  - Updates on end of Fiscal Year 26 shared with the board.
  - DC presented a fee schedule change. DP recommended that a vote on changes to the fee schedule be postponed to July.
- **Possible Wetlands Violations**
  - **146/148 Bryant Street**
    - Jordan Resendes (JR), 146 Bryant ST, owner, present.
      - JR stated that Mother-in-law is previous owner.
      - JR Stated the trees cleared were for perc test.
      - DP stated the work was done within 10 feet of the mapped wetland which is a violation of the Berkley Bylaws. DP stated that before

any other work is done. An after-the-fact NOI will have to be filed. DP stated that the lot is still wet.

- JR stated that he wants to do a perc test in January.
- DC to follow up with a letter restating the board's recommendations.

- **1 Crystal Drive**

- Received a complaint from Mark Horsfall that 1 Crystal Drive is in violation of a cease and desists. There is a superseding order of conditions on this property from DEP. Waiting to hear back from DEP about this issue.

- **Continued Discussion**

- **11 Burt Street**

- Anonymous complaint. Leo Trottier is in the process of filing an NOI. DP thinks he will be filing in time for our next meeting.
  - DEP called DP about this property. DP will be sending Leo Trottier a letter with information for his next steps to address the work done on his property.

- **Cotley River Conservation Area Planning**

- The grant money was awarded. We have not yet received it but it is being processed. DP wants to notify all the abutters that this is conservation land and convey what the town's plans are for the property.

**The next public hearings will be held on July 15<sup>th</sup> at 6pm and August 12<sup>th</sup> at 6pm. DP recommends canceling the meeting if there are no filings.**

**PUBLIC COMMENT**

There were no public comments

**Motion to continue the meeting on July 15<sup>th</sup>, 2026 at 6:00 pm was made by DP.**

**Motion to adjourn raised by DP. NK 1<sup>st</sup>, MKM 2<sup>nd</sup>, all in favor.**