



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

March 27, 2024

In the Matter of
Nilesh Patel, Kaival Berkley LLC

OADR Docket Nos. WET-2022-012, 015
MassDEP SE-File 4-601
Berkley, MA

FINAL DECISION

In accordance with the Adjudicatory Proceeding Rules at 310 CMR 1.01(14)(b), Bonnie Heiple, Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”), has designated me the Final Decision-Maker in this administrative appeal.¹

I have reviewed the attached Settlement Agreement signed on February 12, 2024 by the petitioner/applicant Kaival Berkley, LLC’s representative Nilesh Patel and by Mille Garcia-Serrano, Southeast Regional Director for the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) on February 20, 2024. The Department issues this Final Decision incorporating the Settlement Agreement and Final Order of Conditions, which I have also reviewed.

Under the terms of 310 CMR 1.01(8)(c), this proceeding is dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.

Salvatore Giorlandino
Chief Presiding Officer

¹ 310 CMR 1.01(14)(b) provides in relevant part that “[e]very final decision” in an administrative appeal “shall be in writing and shall be signed by the [Department’s] Commissioner or a designee of the Commissioner.”

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

SERVICE LIST

Petitioner/Applicant: Nilesch Patel of Kaivel Berkley, LLC

Legal representative:

Matthew Watsky, Esq.
Rachel Watsky, Esq.
30 Eastbrook Executive Park, Suite 301
Dedham, MA 02026
781-329-5009 (office)
781-461-9068 (Fax)
email: rachel@watskylaw.com
matt@watskylaw.com

Conservation Commission:

Town Berkley Conservation Commission
Kerrie Ann Auclair, Conservation Commission Clerk
Town Office Building
1 North Main Street
Berkley, MA 02779
e-mail: ConCom@berkleyma.us

Legal representative:

None set forth in SOC or and
Petitioner's Appeal Notice

Department: Maissoun Reda, Wetlands Section Chief
Gary Makuch – MassDEP Environmental Engineer
Southeast Regional Office (SERO)
Lakeville, MA
e-mail: Maissoun.reda@mass.gov
e-mail: Gary.makuch@mass.gov

Legal Representative:

Brett Hubbard, Counsel
MassDEP/Office of General Counsel
100 Cambridge Street, 9th Floor
Boston, MA 02114
e-mail: Brett.Hubbard@mass.gov

cc: Shaun Walsh, Regional Counsel
Southeast Regional Office (SERO)
e-mail: shaun.walsh@mass.gov
Jakarta Childers, Paralegal
e-mail: Jakarta.Childers@mass.gov