

**Rochester Planning Board  
Minutes of February 13, 2024**

**Present:** Arnold Johnson, Chairman  
John DeMaggio, Vice Chairman  
Bendrix Bailey, Clerk (arrived late)  
Chris Silveira  
Marc Rousseau

**Absent:** Lee Carr  
Michael Murphy, Assistant Clerk  
Nancy Durfee, Town Planner

Dawn DeMaggio, Board Administrator  
Danielle Craig, Recording Secretary

The meeting convened via Zoom Meeting ID 85833422402. All members joined remotely via zoom. Chairman Arnold Johnson called the meeting to order at 7:00pm and stated the meeting was being recorded.

**INFORMAL DISCUSSION**

**PUBLIC MEETINGS**

**Approval Not Required Application**

Alan E. Cervelli, for property located at Hartley Road, Map 35, Lot 42.

Due to the attendance of the Planning Board members, Chairman Johnson stated he would normally recuse himself from this meeting but without his vote there would not be a quorum. He asked the applicant, as well as, the board members if he could stay in this meeting and vote as a matter of necessity. The applicant's representative and the Planning Board members had no issue with Chairman Johnson voting in this meeting.

Walter Hartley was present on behalf of the applicant. He stated this 6-acre parcel of property with limited wetlands is being divided into two lots just under 3 acres each, with about 290 ft of frontage and 295 ft at the setback. One lot is completely located on uplands. The other lot has 10 sq. ft of wetlands that are well outside the buffer zones. Vice Chairman DeMaggio stated there seemed to be some items pending on the application. Mr. Hartley confirmed that those items have since been submitted and are no longer pending.

Member Silveira made a motion to approve the Approval Not Required Application.  
Vice Chairman DeMaggio seconded the motion.

**The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)**

**Approval Not Required Application**

Marc Wilson, for property located at Bishop Road, Map 43A 72, Lot 1 and Map 43A 71, Lot 2.

Chairman Johnson stated the applicant's attorney sent in a letter asking to withdraw this application without prejudice.

Member Silveira made a motion to approve the withdrawal of this application.  
Member Rousseau seconded the motion.

**The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)**

**PUBLIC HEARINGS**

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**(Continued from January 9, 2024) A Site Plan Review application for a Self-Storage Facility project, filed by JPF Development, LLC, for property located at Kings Highway and Cranberry Highway (Route 28), Map 17, Lot(s) 30, 31A, 55, and 56. The applicant proposes to develop approximately 15 acres of land as a Self-Storage facility comprised of seven storage buildings and one office building at a site located in the Industrial District.**

Chairman Johnson asked Board Administrator, Dawn DeMaggio, to confirm the attendance of each board member to verify voting on this hearing. Chairman Johnson reiterated to the applicant that they need 5 out of 7 votes of approval for this project and there are some board members who have missed testimonies from previous meetings, which could affect the overall vote.

Member Silveira made a motion to approve to continue this hearing to February 27<sup>th</sup>, 2024.  
Member Bailey seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**(Continued from January 23, 2024) A Special Permit and Site Plan Review application for a solar development project, filed by Bluewave Solar d/b/a BWC Snows Pond, LLC, for property located at 0 Cushman Road, identified as Map 33, Lot(s) 41 A-0. The applicant proposes to develop an approximately 2.39 MW DC single axis tracking photovoltaic solar array including DC-coupled battery energy storage at a site located of Cushman Road in the RE/AG – Residential/Agricultural District, Mattapoissett River Valley Watershed, and Groundwater Protection District.**

Once again, Chairman Johnson asked Board Administrator, Dawn DeMaggio, to confirm the attendance of each board member to verify voting on this hearing. After review, Chairman Johnson told the applicant that no testimony can be given tonight for this hearing due to two members votes being disqualified.

Member Bailey made a motion to continue this hearing to February 27<sup>th</sup>, 2024.  
Vice Chairman DeMaggio seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**BOARD BUSINESS**

**Minutes:** January 23, 2024 (*Draft*)

Vice Chairman DeMaggio made a motion to approve the minutes.  
Member Rousseau seconded the motion.

**The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)**

**Review:** Annual Report FY23

Member Bailey made a motion to accept the Annual Report as written.  
Vice Chairman DeMaggio seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**Vouchers:** Fileguard, January Storage, Invoice 82344, \$9.75  
Hazard Mitigation Plan, Invoice #56447, \$446.88  
Master Plan Workshop, Invoice #650161, \$42.63  
Dropbox, Annual Subscription, \$127.37  
Amazon, Town Planner Desk, Invoice #113-7395085-0089058, \$559.99

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Vice Chairman DeMaggio made a motion to approve the vouchers.  
Member Rousseau seconded the motion.

**The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)**

Vice Chairman DeMaggio made a motion to authorize the Chairman sign vouchers on behalf of the board.  
Member Silveira seconded the motion.

**The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)**

**NEW BUSINESS & PUBLIC COMMENTS**

**Neck Road Solar**

Chairman Johnson stated this project had an issue with their screening. The solar panels were visible because the berm did not extend around the entirety of the property. A Cease and Desist was issued and the project owners reconciled and constructed the remaining berm within a day and a half. Upon further examination, the tops of the panels were still visible over the height of the berm in one small area. Neck Road Solar submitted a letter requesting to finish the screening once the array is fully constructed. They plan to put a fence on top of the berm and will determine the height of it upon completion of the array. Vice Chairman DeMaggio stated he had concerns that allowing this would set precedent for other solar projects to not have proper screening. Chairman Johnson stated that because they were quick to complete the construction of the berm, and the issue with their surveyor miscalculating the height of the panels, he has confidence that Neck Road Solar will implement the proper screening in the small area that needs it. The Planning Board did not, and will not approve a solar project without proper screening in place per the Town of Rochester Bylaws.

**OLD BUSINESS**

**Zoning Map & Rules and Regulations Review and Revise**

Chairman Johnson stated that Planner Durfee has requested a vote from the board members approving the new contracts of funding for the Review and Revising of the town Zoning Map & Rules and Regulations.

Vice Chairman DeMaggio made a motion to approve the contracts for funding the Review and Revising of the town Zoning Map & Rules and Regulations.

Member Rousseau seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Chairman Johnson gave an update on the Public Safety Buildings project.

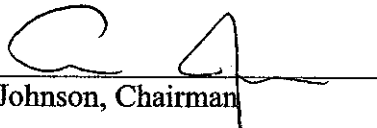
**ADJOURNMENT**

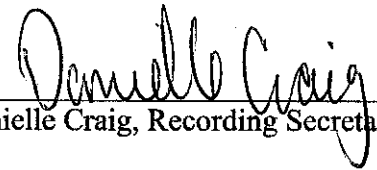
Vice Chairman DeMaggio made a motion to adjourn the meeting at 7:34pm.

Member Rousseau seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

Date: 2/27/2024

  
Arnold Johnson, Chairman

  
Danielle Craig, Recording Secretary