

**By-Law Review Committee
Meeting Minutes
February 1, 2024**

Committee Members Present:

Richard Cutler, Jeffrey Costa, Chris Silveira, Davis Sullivan, Mary McCann, Mark Wellington

6:00 PM Meeting Called to Order by Chairman Richard Cutler

Minutes:

- Approval for Meeting Minutes of January 4, 2024, deferred to the meeting on March 7, 2024.

The meeting did not address all agenda items, but instead focused on by-law changes proposed by the Planning Board and the “Battery Energy Storage Systems,” (BESS).

Discussions:

The By-Law Review Committee commends the Planning Board for being proactive on this potentially major impact on Rochester. Committee Clerk Chris Silveira clarified that this document is intended to become a by-law and not a stand-alone document. It is not clear where it is intended to be incorporated (chapter designation) within the by-laws. There was considerable discussion regarding any decommissioning fund. While there is no specific recommendation for language, due to potential legal issues, the Planning Board and Town Counsel are asked to include the strongest language allowed. It was agreed that some size designation should trigger the implementation of the promulgated rules and regulations. The average home uses approximately 15,000 KWH/year. Adding an additional 10% would be 16,500 KWH/year. It is recommended that private home use be exempted and as such the 16,500 KWH/year should be the threshold where this y-law would take effect.

Proposed amendments to wording:

On Design Standards D: It is recommended that any new plantings should be “native species only.”

Special Permit Standards B, Fencing Requirements: Should include “per latest (or most current) National Electric Code.

Special Permit Standards H: Add after the word “facility” the following, “and confirm all contact information.”

Proposed Zoning By-Law Change:

It is agreed that the intent of the proposed changes is to be considered housekeeping. Each proposed change was reviewed and with little discussion was approved. The exception was the proposed change Chapter 20.40, Section D.6.a., where there was lively debate on the time

threshold of an application submittal. Some committee members wanted the time limit removed and others wanted it to be increased significantly. It was finally voted to approve the five years as proposed (four to two) with an additional sentence to be added, "The growth lot shall not have been transferred for a period of five (5) years."

Other agenda items we continued to the next meeting due to the time limit previously established for the committee (90 minutes).

Adjournment:

The meeting adjourned 7:37 PM. Next meeting set for Thursday, March 7, 2024.