

**Rochester Planning Board  
Minutes of July 13, 2021**

Present: Arnold Johnson, Chairman  
John DeMaggio, Vice Chairman  
Bendrix Bailey, Clerk  
Michael Murphy, Associate Clerk  
Lee Carr  
John DeMaggio  
Chris Silveira  
Marc Rousseau

Absent: None

Steven Starrett, Town Planner  
Victoria D'Antoni, Board Administrator  
Blair Bailey, Town Counsel  
Lori Walsh, Recording Secretary

The meeting convened via Zoom Meeting ID 816 4099 7264. Members joined in-person at Old Colony Regional Vocational Technical High School. Chris Silveira joined via zoom. Chairman Johnson called the meeting to order at 7:10 p.m. and stated the meeting was being recorded.

**INFORMAL DISCUSSION**

Glenn and Laurie Lawrence, Arch at the Meadow, 0 Mendell Road, Map 28 Lot 24A

Laurie Lawrence presented a narrative to the Board and explained that different family members wanting to get married is what started their business. They then went to the ZBA to start the process. Multiple departments have been to the site including Conservation, Board of Health, and ZBA. Kenny Motta, the peer review engineer for the Planning Board also did a site visit. Mr. Johnson stated that he is expecting a waiver list from their engineer. Kenny has been out there about the drainage and he should be submitting a report on that also. Mr. Johnson said there are two conditions that he can see for potential approval. One is that if the asphalt area ever changes then it would automatically trigger a change in drainage. Additionally, if they or any subsequent owner wanted to install lighting, they would have to come to the Planning Board for approval. Mr. Johnson said that as soon as their engineer has the plans ready, they can file with the Planning Board.

**PUBLIC HEARINGS**

***(Continued from May 25, 2021)* A Large-Scale Photovoltaic Installation Special Permit Application and Special Permit Application for Groundwater Protection, filed by Snipatuit Road Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772 for property located at 0 Snipatuit Road, designated at Map 46 and 47, Lots 1, 4, 9, 9A, 26, and 27.**

Eric Las, from Beals and Thomas, was present. Mr. Las stated has received the peer review letter from Field Engineering. Mr. Las made a presentation on timber bridges. He then stated that they will need another waiver from the Board from Appendix A, Section 4.2.2. Mr. Johnson said that Mr. Las has to formerly submit the request for the waiver to them at the next meeting.

A motion was made by Mr. Bailey, seconded by Mr. DeMaggio, to continue the public hearing to July 27, 2021. The motion carries unanimously.

***(Continued from April 27, 2021)* A Large-Scale Photovoltaic Installation Special Permit Application and Special Permit Application for Groundwater Protection, filed by Cushman**

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**Road Solar, LLC, P.O. Box 1340, Portsmouth, NH 03801 for property located at 0 Cushman Road, designated as Lot 11 on Rochester Assessors Map 33.**

The applicant requested a continuance.

A motion was made by Mr. Bailey, seconded by Mr. DeMaggio, to continue the public hearing to July 27, 2021. The motion carries unanimously.

***(Continued from May 11, 2021)* A Definitive Subdivision Plan Application entitled “Longbow Lane” for Bendrix Bailey, Pres. 34 Gerrish Road, Rochester, MA, dated February 23, 2021 and prepared by GAF Engineering, Inc. 266 Main Street, Wareham, MA, 02571. The property is located off Gerrish Road and is designated as Lot # 29-F, on the Rochester Assessors’ Map # 43-A.**

*(Mr. Bailey recused himself from the Public Hearing.)*

Bill Madden from G.A.F. Engineering, was present. Mr. Madden spoke to the Board regarding the letter from Field Engineering that had a couple of comments about the drainage and a response to the letter was sent on June 30<sup>th</sup>. Town Counsel Bailey said that he did review the easements and they are acceptable to him. He then stated that the reasons for the limits on a dead end street and the reasons for the 500 feet number historically comes down to the length of the hose that a fire truck carries, which was between 500 and 600 feet. It was done in Sub-Divisions to make sure there was a short enough distance between a fire hydrant and to be able to get to a property that it served. Town Counsel Bailey said that he looked at it with the Fire Chief with the access to the water and the emergency access as Mr. Madden pointed out and does not see any issue with this road.

A motion was made by Chris Silveira, seconded by Mike Murphy, to accept the waiver for a dead-end street. The motion carries with six in favor, Bendrix Bailey recused.

Robert Mogilnicki, of 20 Bishop Road, stated that the lot number listed on the agenda for this project says 29F however it is actually 29B. Debra Lalli, of 16 Bishop Road, stated that she works in the Assessor’s office and the correct lot number is 29B. Mr. Lalli stated that the Board is showing favoritism. Mr. Johnson assured that they treat everyone the same and that the plan was revised six times. Town Counsel Bailey stated that they will have to re-notice and re-advertise due to the incorrect lot number in the abutters notices and legal ad. Mr. Lalli asked if he could appeal this project. Town Counsel Bailey stated that any appeal on this project would go to court. Bendrix Bailey, the applicant, requested to withdraw his application without prejudice.

A motion was made by John DeMaggio, seconded by Mike Murphy, to accept the request to withdraw the application without prejudice. The carries with six in favor, Bendrix Bailey recused.

*(Mr. Bailey resumed his role in the meeting.)*

**A Site Plan Review and Special Permit Application for Groundwater Protection, filed by Robert Ferreira, Zenith Consulting Engineers, LLC, 3 Main Street, Lakeville, MA 02347 for property located at 92 Pine Street, designated at Map 37, Lot 47.**

The applicant, Robert Ferreira, was present. Mr. Ferreira explained that he would like to add new office space and extra garage space.

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A motion was made by Bendrix Bailey, seconded by John DeMaggio, to close the public hearing. The motion carries unanimously.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to continue until July 27, 2021. The motion carries unanimously.

**BOARD BUSINESS**

**Minutes**

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the June 8, 2021 meeting minutes as submitted. The motion carries with six in favor, Marc Rousseau recused.

**Vouchers**

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the Field Engineering, CPTC c/o Urban Harbors Institute, and Adobe vouchers as submitted. The motion carries unanimously.

**DISCUSSION**

**Village at Plumb Corner**

Brian Wallace, from JC Engineering, was present to give the Board updates about this project. Mr. Wallace said they are now confirming where the water line is and that the roadway should be completed by November for paving. Mr. Johnson asked why there are violations on the hours that they agreed upon. Mr. Wallace said he thinks there was some miscommunication going on. Mr. Johnson stated that there were also trucks on site at 7:05 p.m. tonight and that the trucks need to be off the site on time or the Board will take action which will include having a representative from Field Engineering on site regularly at their expense. Discussion ensued with the Board and Mr. Wallace regarding the problems that have been going on at Plumb Corner. Mr. Johnson stated that better communication is needed between them.

**Buzzards Bay Coalition**

The Buzzards Bay Coalition's representative is not present. Mr. Johnson stated they failed to obtain a permit for the vegetation they cleared. They were informed that they have to apply for a special permit and they were supposed to come before the Planning Board tonight to discuss it. Mr. Johnson said they need to take some sort of action towards them. Town Counsel Bailey said he will send them a formal notice certified mail saying that they need to come before the Board at the next meeting.

**NEW BUSINESS & PUBLIC COMMENTS**

**Peer Review Contract for Longbow Lane**

A motion was made by John DeMaggio, seconded by Mike Murphy, to approve the contract. The motion carries with six in favor, Bendrix Bailey recused.

**ADJOURNMENT**

A motion was made by Mike Murphy, seconded by Bendrix Bailey, to adjourn at 9:17 p.m. The motion carries unanimously.