

**Rochester Planning Board  
Minutes of January 14, 2020**

**Present:** Arnold Johnson, Chairman  
Gary Florindo, Vice Chairman  
Bendrix Bailey, Clerk  
Michael Murphy, Associate Clerk  
Lee Carr  
Chris Silveira

**Absent:** John DeMaggio

Steven Starrett, Town Planner  
Marissa Perez-Dormitzer, Recording Secretary

**Chairman Johnson called the meeting to order at 7:06 p.m. at the Town Hall Meeting Room and made everyone aware that the meeting was being televised and recorded via digital audio recorder.**

**BOARD BUSINESS**

**Minutes**

A motion to approve the minutes of December 10, 2019 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Vouchers**

A motion to approve a voucher for Field Engineering Co., Inc./Old Middleboro Road in the amount of \$2,125.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./The Village @ Plumb Corner in the amount of \$2,815.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Cranberry Highway in the amount of \$2,125.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Marion Road Solar in the amount of \$1,888.75 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Connet Woods in the amount of \$375.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Mullin Rule Affidavit**

Associate Clerk Murphy signed a Mullin Rule Affidavit for Solar MA Project Management LLC/ Old Middleboro Road.

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**PUBLIC MEETING**

**Approval Not Required Application**

Town of Rochester, 33 Dexter Lane, Map 6, Lot 17, G.A.F. Engineering

Town Counsel Blair Bailey explained that Town Meeting voted to convey the back piece of the property to the Park Board to preserve it.

A motion to approve the Approval Not Required plan for Map 6, Lot 17 dated November 20, 2019 for the Town of Rochester prepared by G.A.F. Engineering was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**PUBLIC HEARINGS**

***(Continued from December 10, 2019)* Special Residential Development Special Permit application, Application for Work on Scenic Highway (Route 105) and a Groundwater Protection District Special Permit application received from REpurpose Properties, LLC, 55 Main Street, Buzzards Bay, MA 02532 for property located at Rounseville Road, Rochester, MA 02770, further identified on Assessor's Map 30, Lots 24, 25B, & 25C. The property owner of record is Gibbs V. & Patricia M. Bray, Trustees, 21 Pawkechatt Way, P.O. Box 989, Marion, MA 02738. The applicant's representative is John L. Churchill, Jr. of JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538. The proposed development is an age-restricted community with 22 duplex units, a common building and associated roadways, buildings, and utilities.**

*(Member Carr recused himself from the Public Hearing.)*

Town Counsel Bailey explained that the Board lost the quorum on this application due to the number of meetings Members have missed. He also reported the application has been in the Planning Board since 2018. The applicant will withdraw without prejudice and then refile and renotify abutters. Clerk Bailey asked if the applicant will have additional expenses. Town Counsel Bailey responded the only additional expenses will be advertising costs. He also noted the Board will recognize previous events when the Public Hearing is reopened. Chairman Johnson stated the applicant requested to continue the project 14 times.

A motion to respectively withdraw without prejudice the Special Residential Development Special Permit application, Application for Work on Scenic Highway and a Groundwater Protection District Special Permit application for property on Assessor's Map 30 lots 24, 25B & 25C was made by Clerk Bailey and seconded by Associate Clerk Murphy. Vice Chairman Florindo asked about the time frame. Chairman Johnson responded they will submit the application tomorrow and the Public Hearing will open the first meeting in February. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to waive the application fees was made by Clerk Bailey and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

*(Member Carr resumed his role in the Public Hearing.)*

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*(Continued from December 10, 2019)* A Large Scale Photovoltaic Installation Special Permit application was filed by Pedro Rodriguez of Solar MA Project Management LLC, 143 West Street, Suite C201, New Milford, CT 06776 for properties located at 0 Walnut Plain Road/0 Old Middleboro Road, designated as Map 22, Lot 3 and Map 23, Lots 6, 6D, 7, 21, 23, and 31. The property owners of record are Decas Cranberry Co., Inc., 4 Old Forge Drive, Carver, MA 02330, Diana Murphy, Trustee Midchester Realty Trust, 24 Old Powerhouse Road, Lakeville, MA 02347, and MWH, LLC. 405 Washington Street, Braintree, MA 02184. The applicant proposes the construction of a ground-mounted photovoltaic solar array generation facility and roadway improvements to Old Middleboro Road, an unpaved road that provides access to the array.

Chairman Johnson stated the applicant submitted information at the end of the previous week after the Members' packets of information were distributed. He noted that Ken Motta hasn't reviewed the information.

A motion to continue the Public Hearing to January 28, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Chairman Johnson noted the Public Hearing opened at the end of October 2019. Associate Clerk Murphy has missed 2 meetings and can't vote on the application. Member Carr has missed one. Clerk Bailey stated they could have someone attend the meeting electronically, by Skype, if they're home sick. Chairman Johnson asked if the Board of Selectmen need to vote on remote meetings. Town Planner Starrett responded that he will find out.

**INFORMAL DISCUSSION**

Beals & Thomas, Braley Hill North Solar Array, 0 Braley Hill Road

Joe Harrison of SunRaise Investments LLC and Eric Las and Caroline Booth of Beals & Thomas were present. Mr. Harrison introduced his company as an owner and operator of solar projects with more than a dozen projects primarily in Massachusetts. He explained there are potentially 5 projects they'll be working on in Rochester.

Mr. Las reported the Conservation Commission has approved 4 out of 5 of their ANRAD applications. He reviewed diagrams on the Samsung Flip. He pointed out two parcels of approximately 100 acres total. He stated they incorporated feedback from the tech review meeting and tried to site the project back from Braley Hill Road. The western corner of the array is 660 feet to Braley Hill Road and 500 feet from the nearest residence. Mr. Las said they will be preserving a lot of vegetation and they added a curve to the road to avoid direct line of site. They also moved the installation away from the 100 foot buffer zone as suggested by Conservation Agent Farinon.

Mr. Las stated they met with the Natural Heritage and Endangered Species Program and will work with the Mattapoissett River Valley Water Supply District Commission. He also noted the eastern portion of the site is within the Groundwater Protection District and will require a permit.

Mr. Las pointed out the overall layout of the array on the Samsung Flip. He stated there will be 2 array fields with an access road around both arrays. He also pointed out 4 design points where the water will go in different directions and mentioned there will be several stormwater management basins. Mr. Las noted they have a site prep and erosion control plan. There will be very little impervious area on the site. Mr. Las explained there will be no grading proposed for the array; the

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only grading will be for the stormwater detention basins and the entrance. They will be clearing 41 acres out of 100 acres. He also stated that some land will be permanently conserved.

Vice Chairman Florindo asked if they plan to work on 1 parcel and then the other. Mr. Harrison responded that they hadn't discussed phasing.

Mr. Harrison noted there's a 100 foot setback requirement from the internal property line that amounts to 4 or 5 acres of dead space. He stated the landowners are related but different and it's not simple to combine parcels. However, he would prefer to shrink the setback. Chairman Johnson responded that they can look into it and noted that projects can't cross the property line. Ms. Booth explained the site is priority habitat for the eastern box turtle and by shrinking the footprint of the solar installation, they would limit the impact to wildlife and the amount of clearing on the site.

Chairman Johnson explained the requirement of mitigation as well as the 3 bonds that are required. The Planning Board will request a peer review fee of \$3,000 at the time of filing as well as application fees. Mr. Las asked how long it will take for the peer review. Chairman Johnson responded it will take 90 days if everything goes smoothly. There was discussion about the timing for review of all five projects. Mr. Las stated the tech review meetings are very helpful for creating more detailed plans. Chairman Johnson stated they could move those along.

Mr. Harrison explained they will work with Eversource and will time construction with Eversource's timeline for upgrading a substation. Mr. Las stated they have this level of detail in plans for the four other projects and are ready for tech review. Town Planner Starrett asked if all the projects are in the same general area. Mr. Las and Ms. Booth showed the locations of the four other sites on the Samsung Flip. Mr. Harrison stated the parcels total around 400 acres and the solar installations are on 25% of the land. He also noted that for every 1 acre developed for solar, 1.5 acres must be preserved for box turtles.

Clerk Bailey commented that the solar fields come close to the lot lines and asked if there is a chance that someone on a neighboring property can put in houses. He noted there is no screening proposed to the north. Mr. Harrison responded that there wasn't much frontage on Braley Hill Road. Lisa Holden of 67 Neck Road stated she knew the owner of the property to the north and confirmed there is limited access on the property. Mr. Las stated it's 100 feet to the panels and 20 feet from the edge of pond. Chairman Johnson stated they will need a 100 foot setback from the fence. Member Silveira also mentioned the 100 foot setback may need to be from the infiltration basin if there are any structures in it. Chairman Johnson said the screening can be accommodated if they change the chain fence to a stockade fence. He also noted they can request a waiver from the 100 foot setback requirement. Town Planner Starrett added if they could combine parcels, it would make the array area smaller. He said he would seek feedback from Town Counsel Bailey.

Mr. Harrison asked if the fence could be moved south of the drainage basin. Town Planner Starrett responded yes. Ms. Booth noted they don't tend to put basins outside the fence for safety purposes. Ms. Booth added that a fence is not considered a structure by state building code.

**DISCUSSION**

**Discussion of February 11, 2020 Meeting Date**

Chairman Johnson stated he wasn't available on February 11, 2020 which is the scheduled date of the next meeting. Members agreed to hold the meeting on February 12, 2020.

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A motion to change the meeting date to February 12, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Review and Approve: FY2021 Budget**

Chairman Johnson stated he would like time to review the budget. Town Planner Starrett mentioned it is the same as the previous year and the year before. Clerk Bailey noted that Members approved a salary for the Chairman last year. They were supposed to add it in as a budget item to be voted on at Town Meeting; however, it didn't get done last year. Chairman Johnson said he was unsure if Personnel has to do something. Town Planner Starrett suggested that any change may need to go Finance Committee. Clerk Bailey suggested the salary should be the same as the Board of Selectmen. Chairman Johnson suggested they vote on the budget at the next meeting. He asked Town Planner Starrett to look at the Selectmen's salary and include it in the budget. Clerk Bailey suggested including the Board of Selectmen Chairman's salary.

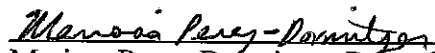
**Right of First Refusal: Morse Brothers Inc.: Chapter 61A, Notice of Sale: Gerrish Road, Assessors Map 43A, Lots 66, 68, and 34**


Chairman Johnson stated he would like to see a map of property. He didn't recall creating lots on Gerrish Road and noted that without a map it isn't clear if they're legally created. Clerk Bailey was able to pull up the map on his tablet to confirm they are existing lots. Chairman Johnson agreed they could then act.

A motion to recommend allowing property at Map 43A, Lots 66, 68, and 34 to be removed from Chapter 61A was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**ADJOURNMENT**

A motion to adjourn at 9:12 p.m. was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

  
Marissa Perez-Dornitzer, Recording Secretary

  
Arnold Johnson, Chairman

