

**Rochester Planning Board
Minutes of January 28, 2020**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Lee Carr
John DeMaggio
Chris Silveira (*arrived at 7:05 a.m.*)

Absent: Michael Murphy, Associate Clerk

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

Chairman Johnson called the meeting to order at 7:03 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 January 14, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Vouchers

A motion to approve a voucher for Field Engineering Co., Inc./Old Middleboro Road in the amount of \$2,325.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to approve a voucher for W.B. Mason Invoice/Supplies for the Board Administrator in the amount of \$7.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

(Member Silveira arrived at 7:05 p.m.)

PUBLIC MEETING

Approval Not Required Application

Michael Bare, 265 Braley Hill Road, Map 48, Lot 19

John Romanelli of Romanelli Associates referred to the Samsung Flip as he spoke. Mr. Romanelli explained the parcel is 14 acres and the owner is looking to cut out a lot. Michael Bare, the owner, stated he would like to extend the back inside yard to create a parcel D to be added to his current lot.

Mr. Romanelli stated it's not a buildable lot in back. A neighbor would like to purchase it. It is considered a non-buildable lot because the roadway would be very expensive to construct. Clerk Bailey asked how long a road would need to be. Mr. Romanelli responded that it's 350 feet to the end of line. Clerk Bailey asked if they would qualify for a backlot subdivision with a driveway and Chairman Johnson responded that it may be possible.

A motion to approve a proposed plan Not Required Approval for 265 Braley Hill Road dated January 10, 2020 was made by Clerk Bailey and seconded by Member Carr. Chairman Johnson was opposed. **The motion was passed by a vote of 5 in favor, 1 opposed, 0 abstained (5-1-0).**

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PUBLIC HEARINGS

(Continued from January 14, 2020) 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.

Austin Turner of Bohler Engineering reported they reviewed and responded to an initial peer review letter from Field Engineering. Field Engineering provided a subsequent letter to which they haven't formally responded. Mr. Bohler stated they'll agree to most of the items in the new letter and then reviewed the items in detail.

Regarding comments about the width of the travelway, Chairman Johnson stated the consensus was that they are to maintain the 16 feet wide travelway. If they need to modify it, it will be classified as a field change. Mr. Turner explained they have adjusted the solar array to accommodate the old Haskins homestead and are being asked to field locate the existing stone walls. He stated the survey crew will come in after clearing is done and will provide the information to the Town. Chairman Johnson stated he would send Town Planner Starrett in advance of tree clearing to tape off the area so there will be no mistake. Mr. Turner stated Field Engineering suggested that a boundary description of the ancient way be provided. He noted that since the ancient way doesn't have a legal description, it's not feasible. Chairman Johnson said he would defer to Town Counsel.

Mr. Turner explained that the center line grades of Old Middleboro Road won't change in response to a comment from Field Engineering requesting the grades. Chairman Johnson asked if the Conservation Commission is requiring swales. Mr. Turner responded that they are in certain stretches and that the center line elevations will remain the same. In a discussion of the decommissioning estimate, Chairman Johnson asked the lifespan of the array. Pedro Rodriguez of Solar MA Project Management LLC, who was present, responded that it's 20 years.

Mr. Turner stated that the items in the latest letter are relatively minor and asked if the Planning Board could close the Public Hearing and vote at the next meeting. Chairman Johnson stated they would draft a decision and then vote at the following meeting which is the last meeting in February.

Chairman Johnson asked if they need to update the plans. Mr. Turner responded that it's mostly updated already. Chairman Johnson stated he would like to have a representative of the Planning Board inspect after the trees are cut and before stumping to look for other homestead sites. Chairman Johnson asked if the solar panels will span the existing stone walls within the array. Mr. Turner responded that they discussed it. Chairman Johnson stated that on the plans it says they will be removed. Mr. Rodriguez said they can add it to the plan.

Chairman Johnson noted the flag test requirements should be included in the construction sequence sheet of the plans. Town Planner Starrett commented that they won't have screening or a fence. Chairman responded that the applicant should submit for a waiver then.

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Member DeMaggio asked if Town Planner Starrett spoke with Town Counsel Bailey about the 300 feet buffer from the ancient way. Town Planner Starrett responded that they will own all the surrounding land. He added that the 300 feet buffer is to Old Middleboro Road, not the ancient way, since the ancient way is not a public way. Michael Kennefick of Mead, Talerman, & Costa LLC further explained that whoever owns both sides of the road owns the road and the ancient way is not a public road at all.

Chairman Johnson asked if the fence is 300 feet off Old Middleboro Road. Mr. Turner responded yes and noted they eliminated the fence around the small stormwater basin. He added that the stormwater basin is not considered a structure. Chairman Johnson reported the he spoke with Town Counsel Bailey who verified the 300 feet setback is from the roadway to the fence, not to the solar panels and that the drainage structures can stay outside of the fence within the 300 feet.

Vice Chairman Florindo asked about Perez Smith Lane. Chairman Johnson explained that they will re-route and clear it. Mr. Turner added that 16 feet of the ancient way will be stumped so it will be passable. Mr. Rodriguez noted that after they purchase the property there will only be two owners on Perez Smith Lane – themselves and a Rochester resident. Town Planner Starrett asked who will maintain the ancient way. Mr. Rodriguez responded that it's part of their operations and maintenance plan. Town Planner Starrett asked who will maintain Old Middleboro Road. Chairman Johnson responded that the applicant will maintain it and Mr. Rodriguez noted they will plow the road from Ryder Road up. Chairman Johnson stated that during the construction phase, the road will only allow one truck to get by. He mentioned that they should have a rough plan to avoid back up to Ryder Road for the preconstruction meeting.

A motion to close the Public Hearing and direct the Town Planner to generate a draft decision for review 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 Cranberry Highway Smart Growth Overlay District application was filed by Steen Realty & Development, 3 Ledgewood Boulevard, Dartmouth, MA 02747, for the construction of a mixed use development under MGL Chapter 40R for properties located at 22 Cranberry Highway, designated as Lots 41C and 50 on Rochester Assessors Map 17. The applicant proposes the construction of a development consisting of 208 residential units and commercial space within the Cranberry Highway Smart Growth Overlay District. The applicant's representative is Allen & Major Associates, Inc., 10 Main Street, Lakeville, MA 02347. The property owner of record is Rochester Crossroads, LLC, 158 Tihonet Road, Wareham, MA 02571.

Phil Cordeiro of Allen & Major Associates, Inc. and Kenneth Steen of Steen Realty & Development were present. Mr. Cordeiro reviewed mounted diagrams and referred to a diagram on the Samsung Flip as he spoke.

Mr. Cordeiro explained he was speaking about the residential development. As tenants are discovered for the commercial section, another filing will be made. He reported the residential development will have 208 units located in four 4-story buildings. They are creating a density of 20 units per acre according to the Department of Housing and Community Development (DHCD) requirement.

Mr. Cordeiro explained that access to the site will be off the ring road off Route 58 and off Route 28. On Route 58, they will relocate the entrance 125 feet to the south to increase separation to the intersection and will have dedicated left turn and right turn lanes onto 58.

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Mr. Cordeiro explained there will be a club house outside the gate to allow for visitors and prospective tenants. The four residential buildings will be located around the pool courtyard area. The courtyard will be made of stabilized grass paver which will allow access by emergency apparatus. Mr. Cordeiro explained there is an Eversource easement toward the rear of the site and there can be no vertical structures in that area. There is a connecting roadway to the rear of the property which leads to a community garden. The wastewater management system is in the back. The roadway connects out to County Road which serves as another entrance for emergency vehicles. Mr. Cordeiro stated he will coordinate with the fire department on how to secure the County Road entrance.

Mr. Cordeiro said that smart growth projects are based on connectivity. He explained the site will have an interconnected series of sidewalks. There will be full circulation for pedestrians around the site and adjacent to it. They are proposing a bus stop through the Greater Attleboro Taunton Regional Transit Authority (GATRA) to allow residents to reach other areas.

The site will have municipal water, private sewerage, and private stormwater collection. Mr. Cordeiro explained the stormwater collection system which will include three subsurface recharge fields and a stormwater basin. He also stated there will be a wastewater leach field in the rear of the site and a wastewater treatment facility. They will apply for a groundwater discharge permit from the Massachusetts Department of Environmental Protection. Mr. Cordeiro reported they are seeking 45,000 gallons per day through the Wareham Water Commission under an intermunicipal agreement the Town has with Wareham. The arrangement for drinking water is not yet approved. Mr. Cordeiro noted they will add a water booster pump system to ensure domestic flows and fire flows to the height of the buildings. He added that they're working with all parties to locate a water booster pump as close to the edge of the property as possible so it can potentially help improve water service along Route 28.

Mr. Cordeiro explained emergency vehicles can access all parts of the site. He stated they have a landscape plan with fences and screening. Mr. Cordeiro noted there will be 24 three-bedroom units, 32 one-bedroom units and 152 two-bedroom units with a total of 250,000 square feet of leasable area. He also mentioned they have had two meetings with the Conservation Commission and are in the middle of Massachusetts Environmental Policy Act (MEPA) permitting.

Mr. Cordeiro reviewed the four waivers they will request. They include a waiver for setbacks to interior ANR lines, for setbacks under the stormwater bylaw and for a setback from the subsurface sewage disposal system to all stormwater management systems. They are also seeking a waiver for reduction of the separation of the bottom of basin to groundwater from 3 feet to 2 feet.

Chairman Johnson asked if they are proposing a sign. Mr. Steen responded yes. Chairman Johnson stated that the Board will need to see the specifications on the sign. Chairman Johnson asked how far in the gate will be from County Road. Mr. Cordeiro responded that it will be 15 feet in. There was discussion about a concern for people congregating in that area. Chairman Johnson stated they are running a light pole to the community garden and asked about adding more lights so they won't be creating a dark area. He also pointed out that in the future it will become an entrance to the commercial property and there should be lights on the road all around. Mr. Cordeiro responded that he agreed. Chairman Johnson stated the Planning Board will need a traffic consultant engineer to review the traffic study.

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Vice Chairman Florindo stated a concern about the road near Seasons being congested. Mr. Cordeiro responded that residents in the development would have the option to go out either entrance and stated that the traffic study will be peer reviewed. Town Planner Starrett asked if the traffic study will focus only on the residential development or if it will include the anticipated expansion. Mr. Cordeiro responded that the traffic study was prepared before they decided to remove the commercial portion.

John Russell of Adler, Pollock, & Sheehan P.C. introduced himself as representing Colbea Enterprises, LLC that owns Seasons Gas Station. He stated a concern about movement of the road from the gas station. Andrew Delli Carpini, CEO of Colbea Enterprises, LLC explained that having one access point to the gas station doesn't work. Chairman Johnson agreed and there was some discussion about how to include a second access point. Vice Chairman Florindo asked about leaving the road in its current location. Chairman Johnson responded that it won't accommodate the projected volume of traffic. Mr. Steen noted that the relocation of the road was a suggestion from the Town with the goal of moving the roadway away from the intersection and introducing a left turn out.

Charles Clemishaw, 631 County Road, asked if the chain link fence will stay around the old R.F. Morse property and expressed a concern about screening. Mr. Cordeiro responded that there will be vegetative screening and fence screening along the property line.

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

DISCUSSION

Remote Participation

Chairman Johnson explained the Town had voted to adopt a policy that allows remote participation. The Planning Board also needs to vote to adopt the policy to allow remote participation in their meetings.

A motion to adopt the remote participation policy from the Board of Selectmen was made by Clerk Bailey and seconded by Member Carr. Chairman Johnson noted that remote participation by a Member doesn't make the quorum; they still need to have 4 people present at the meetings including the chairman. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Review and Approve: FY2021 Budget

Clerk Bailey stated he modified the budget and distributed copies to Members. He noted there are currently funds available that can be used to purchase a tablet instead of putting it in next year's budget. Clerk Bailey also read aloud a letter of recommendation that detailed Chairman Johnson's duties on the Planning Board. Clerk Bailey questioned whether anyone else in the position would be able to do that level of work and asked if paying the Chairman will send a message to the Board of Selectman to expect this level of work. Clerk Bailey suggested an alternate idea of adding more money for the Town Planner.

Vice Chairman Florindo commended Chairman Johnson's efforts. He noted this will be his last year on the Board. He added that he would vote no on a salary for the Chairman. Chairman

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Johnson stated they must pay the position and not the person. Another option discussed was to pay all the Board Members and pay the Chairman a little more. Chairman Johnson said he would advocate for more hours for the Town Planner. Clerk Bailey noted the budget had to be turned in the next day.

After more discussion, Clerk Bailey stated they would change the Town Planner's salary to \$43,000, remove the proposed Chairman's salary, and reduce computer supplies from \$800.00 to \$100.00 with a new total of \$75,157.

A motion to adopt the budget as amended 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).**

ADJOURNMENT

A motion to adjourn at 9:47 p.m. was made by Member DeMaggio and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Marissa Perez-Dormitzer, Recording Secretary

Arnold Johnson, Chairman