

**Rochester Planning Board
Minutes of February 12, 2020**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk
Lee Carr
John DeMaggio
Chris Silveira (*arrived at 7:04 p.m.*)

Absent: (*none*)

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

Chairman Johnson called the meeting to order at 7:01 p.m. at the Town Hall Meeting Room and made everyone aware that the meeting was being televised and recorded via digital audio recorder. He also stated that Town Counsel Blair Bailey was present.

BOARD BUSINESS

Minutes

A motion to accept the minutes of January 28, 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **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 reimbursement for an Adobe Acrobat Subscription October through January in the amount of \$39.96 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 \$1,875.00 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./453 Rounseville Road/Borrego in the amount of \$1,500.00 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 Steen Realty & Development/Cranberry Highway.

(Member Silveira arrived at 7:04 p.m.)

PUBLIC HEARINGS

(Continued from January 28, 2020) 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

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Street, Lakeville, MA 02347. The property owner of record is Rochester Crossroads, LLC, 158 Tihonet Road, Wareham, MA 02571.

Chairman Johnson stated the applicant requested a continuance to the next meeting.

A motion to continue the Public Hearing to February 25, 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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.)

Brian Wallace of JC Engineering, Inc. explained the project was reopened and minor changes were made. They received final letters from Field Engineering, the peer reviewer. The Rochester Historical Commission provided a letter indicating they are satisfied with the layout of the property. The Mattapoisett River Valley Water Supply District Commission has also indicated approval of the project.

A motion to incorporate all previously submitted documents and minutes into the current submission 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).**

Chairman Johnson noted they don't have drinking water for the project yet. However, the Board could condition a decision. Mr. Wallace responded that they are working on it.

Chairman Johnson stated they'll need a surety. There was discussion about whether the surety should include constructed units, model homes, or vacant land. Town Counsel Bailey recommended holding built units and not vacant land. He also suggested that they switch from holding units to a bond at the end of the project. Chairman Johnson suggested they start with a cash bond and then convert to holding units to ensure the infrastructure is completed. John Churchill, Jr. of JC Engineering, who was present, stated he thought the surety would be for the model homes. Town Counsel Bailey suggested having a bond in place for the infrastructure in phase 1 and then substitute the two model units for the bond.

Chairman Johnson noted they'll need to put in the infrastructure before receiving a building permit. Mr. Churchill asked if they'll need to provide the bond in order to obtain a building permit. Chairman Johnson responded that they'll need a bond before starting work and the Board will hold a surety until the topcoat and landscaping are completed. Chairman Johnson stated that once the model units are constructed, they will look at the value of the remaining work to determine how

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many units to hold in place of the bond. Chairman Johnson asked Mr. Churchill to provide the total cost for the initial bond to Ken Motta by the Thursday before the next meeting.

Town Counsel Bailey stated there was a suggestion from the Mattapoissett River Valley Water Supply District Commission that the Board consider requiring the developer to prefund the homeowner's association. Mr. Churchill stated when someone purchases a unit, that new owner will be paying condo fees from the start. Mr. Churchill added that the condo docs state the developer will pay until out completely constructed. Clerk Bailey asked to clarify if the developer will pay in every month to the homeowner's fees. Mr. Churchill responded yes.

There was discussion about the Town having recourse when a homeowner's association refuses to pay for various services. Town Counsel Bailey clarified that the issue pertains to subdivisions. Mr. Churchill stated that they will have three documents for their development – the condo documents, the special permit from the Planning Board and the unit deed – and that all 3 documents aren't in place in subdivisions.

A motion to close the Public Hearing of the Village at Plumb Corner was made by Vice Chairman Florindo and seconded by Member DeMaggio. Clerk Bailey asked if anything brought up at the Public Hearing needs to be discussed. Town Counsel Bailey responded that they can condition for the water and the bonding. Chairman Johnson noted that even if they close the Public Hearing, they can re-open it. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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

BOARD BUSINESS

Draft Decision/ Solar MA Project Management LLC

Chairman Johnson reported there was a draft decision; however, none of the concerns were addressed on the latest set of plans. Pedro Rodriguez of Solar MA Project Management LLC asked which concerns were not addressed. Chairman Johnson stated they requested the Haskins homestead to be outside the limit of work and the barn is inside the limit of work. Town Planner Starrett asked the date of the latest revision. Mr. Rodriguez responded its February 5, 2020. Mr. Rodriguez noted all the foundations will be outside the limit of work. Chairman Johnson showed Mr. Rodriguez the locations on the paper plan.

Chairman Johnson stated the applicant has said they would do their best to spare the stone walls. However, on the plan sets, the stone walls are still scheduled to be removed. Mr. Rodriguez suggested making it a condition. Chairman Johnson explained that the contractor won't receive the written decision and that the plan needs to match the decision. Mr. Rodriguez stated they will revise the plans. Town Planner Starrett mentioned they will remove the trees in the limit of work for shade but not disturb the homestead. There was discussion about how the trees would be removed. Mr. Rodriguez stated he can keep the area of the homestead wooded. Member Silveira asked about the amount of setback from the edge of the foundation to the fence. Mr. Rodriguez responded that it's at least 25 feet. Chairman Johnson stated the fence will be the clearing line.

Town Planner Starrett reported that Mr. Motta and himself had discussed bringing the homestead area back to its natural state as a field. He mentioned a tree had come down recently that ruined one of the walls. Town Counsel Bailey suggested two steps: 1. Maintain the 25 feet setback area from the homestead; and 2. Work with the Rochester Historical Commission or another organization on restoration. Chairman Johnson recommended the Rochester Land Trust for the restoration. Mr.

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Rodriguez agreed and said they will be holding the Conservation Restriction. Chairman Johnson reiterated that the plan needs to be updated to reflect the discussion.

Chairman Johnson asked if they will stump or leave stumps in place. Mr. Rodriguez responded that the Conservation Commission is requiring them to leave stumps in place in certain areas.

Chairman Johnson stated they understand that some parts of stone walls may need to be taken out for an underground trench but said the best practice effort should be to keep the stone walls. He noted the stone walls are fairly low and can be spanned with the solar panels. Town Planner Starrett mentioned that Mr. Motta had a concern about how they will control where machines go before stumping. Mr. Rodriguez responded that it will be reviewed at the preconstruction meeting. Chairman Johnson noted he didn't see the Old Middleboro Road improvements mentioned in the construction sequence. Mr. Rodriguez responded that they will submit the construction sequence for Old Middleboro Road with the construction permit.

Mr. Rodriguez asked if they will need an easement from the Town for one of the conditions that requires expanding the road onto Town property. Town Counsel Bailey responded yes and added that a metes and bounds survey will be required for the easement.

A motion to waive the requirement of locating and identifying trees was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement of field locating stone walls was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement to provide a certified landscape plan was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement to provide a traffic study was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement of the stormwater standards to treat the first flush volume at full buildout and achieve 80% total suspended solids removal was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement that the peak water levels within the basin be no less than 12 inches below the elevation of the emergency overflow spillway was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement that recharge structures be provided at the bottom of the infiltration basin to ensure adequate recharge under frozen ground cover was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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A motion to waive the requirement that the detention infiltration basins must have a manual emergency drain valve was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement that the travel way have a minimum width of 18 feet was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirements for roadways to have 12 inches of gravel burrow subbase, 4 inches of dense grade crushed stone base with 12 inches of reclaimed asphalt on top to have a surface consisting of 6 inches of dense grade crushed stone for Old Middleboro Road was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to waive the requirement for underground utilities was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

There was discussion about pointing out relevant conditions to the various Town departments. Chairman Johnson stated there should be a special condition requiring a traffic plan to be submitted and approved by the Highway Surveyor prior to the preconstruction meeting that requires no queueing of trucks on Walnut Plain Road or Ryder Road. Mr. Rodriguez stated they will provide a construction sequence before the preconstruction meeting. Chairman Johnson noted they will vote on the decision at the next meeting and the applicant will need to provide updated plans.

DISCUSSION

Traffic Study Proposal/Field Engineering Co., Inc.

Chairman Johnson stated the Board needs to authorize Mr. Motta to proceed with the traffic study. Town Planner Starrett asked the amount to request and Chairman Johnson responded \$4,000.00.

A motion to approve Field Engineering to hire Greenman-Pedersen, Inc. under project number MAX 2020038.00 for the purpose of a traffic study was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Rochester Affordable Housing, Inc. By-law Amendment

Town Counsel Bailey suggested meeting with Richard Cutler of Rochester Affordable Housing, Inc. to understand the goals of the proposed By-law Amendment. Town Counsel Bailey noted that other communities have these types of by-laws. Chairman Johnson stated the By-law won't be ready for the annual meeting in the fall. He suggested the Planning Board consider a project to create a mobile home park. He reported that Clerk Bailey offered to research creating options for commercial development. Town Counsel Bailey stated they would be looking for manufactured homes, not mobile homes. Town Counsel Bailey mentioned some communities have an option for a tax deferral agreement. He explained it requires the property owner to be elderly and meet income criteria. The taxes that would have been paid become a lien on the property when the resident passes. Chairman Johnson also mentioned there is a senior abatement program.

Town Planner Contract

Chairman Johnson explained at the last meeting Members decided to increase hours for the Town Planner. Town Planner Starrett noted his hours would go from 23 to 28. Town Counsel Bailey

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reported the Board of Selectmen has a policy in which they don't reopen employment contracts midterm. The Board can increase the Town Planner's pay but would have to write a new contract for the new amount. Town Counsel Bailey suggested voiding the three-year contract and making a year-long agreement. Chairman Johnson asked if the new contract would start on July 1, 2020 and end June 30, 2021. Town Counsel Bailey responded yes.

A motion to enter into a contract with Steven Starrett for additional hours was made by Member Silveira and seconded by Clerk Bailey. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

TOWN PLANNER UPDATES

2020 Ethics Training

Town Planner Starrett reported a few meetings ago, Members signed the 2020 Ethics Packet receipt form. However, the receipt form indicated it was a review because Members were supposed to complete the training the prior year. A few Members stated they had not completed the training. Town Counsel Bailey encouraged those Members to complete the training.

Clean Energy Collective, Sarah Sherman Road, Map 28 Lot 8C, Large-Scale Photovoltaic Special Permit

Town Planner Starrett reported they changed the access road and the developer will have a tech review soon and he expects an informal meeting in front of the Planning Board in 3 weeks.

SunRaise Investments LLC

Town Planner Starrett stated the tech review for the remaining projects was to be held the next day.

Connet Woods

Town Planner Starrett reported that Mr. Motta is finishing up the final punch list by the next meeting. He stated the goal is to have the development approved. Chairman Johnson noted they are required to do a site visit and suggested a Saturday since it will take a few hours. Town Planner Starrett responded that he will prepare a timetable.

Schedule Site Visit for Cranberry Highway Smart Growth Overlay District

Chairman Johnson stated they wouldn't visit the site until the issue about access to Seasons Gas Station is resolved.

Kings Highway

Town Planner Starrett reported the Conservation Commission heard the MBTA was doing work in a wetlands area and noted the MBTA is exempt from the Town's zoning regulations, but not the Town's Wetlands By-Law.

ADJOURNMENT

A motion to adjourn at 8:58 p.m. was made by Member DeMaggio and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**