

**Rochester Planning Board
Minutes of June 9, 2020**

Present: Arnold Johnson, Chairman (*arrived at 7:28 p.m.*)
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk
Lee Carr
Chris Silveira

Absent: John DeMaggio

Steven Starrett, Town Planner
Blair Bailey, Town Counsel
Tanya Ventura, Board Administrator
Marissa Perez-Dormitzer, Recording Secretary

The meeting convened by video conference via Zoom Meeting ID 844 9360 9014. Vice Chairman Florindo called the meeting to order at 7:01 p.m. and made everyone aware that the meeting was being recorded. Vice Chairman Florindo took attendance of Members and stated that votes would be taken by roll call.

PUBLIC MEETINGS

Approval Not Required Application

William Chamberlain, 0 Neck Road, Map 28, Lots 7 & 15

Walter Hartley shared his screen showing a diagram of the property owned by Decas Cranberry. Mr. Hartley explained the property is just under 8 acres and will be subdivided into three lots. All three lots have the minimum required frontage and area. Vice Chairman Florindo asked Mr. Hartley to describe the existing access road that will be discontinued. Mr. Hartley explained there is a gravel access road that has been used for years to haul material to Neck Road. The road has no legal or deeded rights to it. When they sell the lot, the use of the road will stop.

Clerk Bailey reported the road has a name on the GIS tax map and asked to confirm that it is not a legal right of way. Mr. Hartley responded that he did not know how it became a named road and noted it is not in the deed for the property.

(Chairman Johnson arrived at 7:28 p.m.)

Mr. Hartley added that the road is not on the Assessor's maps. Town Counsel Bailey stated that the question about the road would not hold up the ANR plan, but it is helpful to flag for future issues.

A motion to approve the Approval Not Required Plan on Neck Road Assessor's Map 28 Lots 7 and 15 dated April 21, 2020 and revised May 18, 2020 for John L. Libby Consulting Inc. for Decas Cranberry Company was made by Clerk Bailey and seconded by Member Carr. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Vice Chairman Florindo turned over the meeting to Chairman Johnson at 7:34 p.m.

BOARD BUSINESS

Minutes

A motion to approve the minutes of May 26, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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Vouchers

A motion to pay for a voucher for the U.S. Postal Service/500 Personalized Stamped Envelopes in the amount of \$313.65 was made by Clerk Bailey and seconded by Member Carr. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Mullin Rule Affidavit

Chairman Johnson asked Associate Clerk Murphy to sign the following Mullin Rule Affidavits: Sarah Sherman Road/ Rochester MA 4, LLC c/o Clean Energy, Featherbed Lane/ Beals & Thomas, and Braley Hill Road/ Beals & Thomas

Contract for Field Engineering

A motion to allow the Chairman to sign a contract with Field Engineering for Featherbed Lane North was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to allow the Chairman to sign a contract with Field Engineering for the Snipatuit Road solar project by Beals and Thomas was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

PUBLIC HEARINGS

(Continued from May 26, 2020) A Special Permit Application for a ground-mounted solar photovoltaic array within the Residential/Agricultural District, filed by Featherbed Lane South Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772, for property located at 0 Featherbed Lane, Rochester, MA 02770, designated as Lots 24 on Assessor's Map 46. The proposed project includes the installation of a large-scale ground-mounted solar array and associated access road, perimeter fence, storm water management systems, and grading located in the residential/agricultural district. The property owner of record is Judith Dupont, 123 Rounseville Road, Rochester, MA 02770. The applicant's representative is Eric Las, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772.

Chairman Johnson reported that Beals and Thomas, Inc. requested a continuance to June 23, 2020 because Field Engineering had not issued a peer review report.

A motion to continue the Public Hearing to June 23, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Continued from May 26, 2020) A Special Permit Application for a ground-mounted solar photovoltaic array, filed Greg Carey of Rochester MA 4, LLC c/o Clean Energy, 27B Midstate Drive Suite 106, Auburn, MA 01501, for property located at Sarah Sherman Road, designated as Lot 8C, Lot 8L and 13 on Rochester Assessors Map 28. The applicant proposes to install a large scale ground mounted photovoltaic solar array on portions of Assessor's Map 28 Lot 8C and an access drive through portions of Map 28 Lot 13 and 8L off of Sarah Sherman Road. The applicant's representative is Evan Watson of Prime Engineering, Inc., P.O. Box 1088, Lakeville, MA 02347. The property owner of record is William Souza, 139 Sarah Sherman Road, Rochester, MA 02770.

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The following were present in the videoconference: Greg Carey of Clean Energy Collective, Jay Myrto of Clean Energy, Stephen Campbell of Navisun LLC, and Evan Watson of Prime Engineering, Inc.

Mr. Carey stated he met with Sherry Ashley, an abutter, and her attorney, to discuss the need for a vegetative easement. They have reached a verbal agreement for a 50 feet wide easement. Mr. Watson shared his screen showing the easement on the plan. He explained they updated the application to include some drainage calculations and drainage BMPs and submitted the information that day. Mr. Watson stated they were developing a site line plan from an adjacent residence to the south that they will present at the next hearing. Mr. Carey asked if the Board would like to see a profile from Sarah Sherman Road to the array. Chairman Johnson responded that it was not needed.

A motion to continue the Public Hearing to June 23, 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***(Continued from 26, 2020)* Large Scale Photovoltaic Installation Special Permit Application, Special Permit Application for Groundwater Protection, and Application for Scenic Highway filed by Braley Hill North Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772 for property located at 0 Braley Hill Road, designated at Map 48, Lots 32 and 36.** The applicant proposes the construction of a ± 9.5 MW DC Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District. An Application for Work on a Scenic Highway is being submitted concurrent with this Special Permit for the installation of the access drive off Braley Hill Road. The Property is also within the Mattapoisett River Valley Watershed and partially within the Groundwater Protection District and the Floodplain Overlay District.

A motion to close the Public Hearing was made by Member Carr and seconded by Vice Chairman Florindo. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Chairman Johnson stated the draft decision was reviewed by Field Engineering and Town Counsel Bailey. Eric Las of Beals and Thomas, Inc. reported no concerns about the draft decision. Chairman Johnson noted the Board would vote on the decision at the next meeting on June 23, 2020.

***(Continued from May 26, 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 Street, Lakeville, MA 02347. The property owner of record is Rochester Crossroads, LLC, 158 Tihonet Road, Wareham, MA 02571.

Kenneth Steen of Steen Realty & Development and Phil Cordeiro of Allen & Major Associates, Inc. were present. Mr. Cordeiro reported he received Ken Motta's peer review and was working to address the comments.

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Mr. Steen reported they had come to a solution with Seasons Gas Station and were working out the details. John Russell of Adler, Pollock, & Sheehan P.C. representing Colbea Enterprises reported they had engaged VHB for a traffic study as requested by the Board. Andrew Delli Carpini, CEO of Colbea Enterprises, reported they were working on a solution to meet the needs of the three parties. Chairman Johnson noted he had seen the proposed design and had concerns about the turning radius and traffic cueing. He suggested having the traffic engineers review the proposed design. Mr. Steen asked Mr. Russell if VHB would complete their work before the next meeting. Mr. Russell responded that he would ask for a definitive date. Mr. Steen offered to have their traffic engineer look at the plan.

Mr. Cordeiro shared his screen showing the proposed plan prepared by Colbea Enterprises' engineer. Chairman Johnson stated his concern is where the exit from Seasons Gas Station connects to the ring road. He asked the distance from the exit to Route 58. Mr. Cordeiro responded maybe 40 to 50 feet. Chairman Johnson explained if a large vehicle turned right, they may have to cross the center line causing traffic to back up on Route 58. Mr. Delli Carpini responded that he will verify the turning radiuses but did not think trucks would need to cross the center line.

Chairman Johnson asked Town Counsel Bailey if the ring road would be part of the 40R application. Town Counsel Bailey responded that Seasons Gas Station would submit a separate application to modify the existing site plan. Mr. Cordeiro noted when the original ring road was permitted, they did not show any curb cuts or aprons. He asked if the Board would like to see the curb cuts and aprons on the plan. Town Counsel Bailey stated the preference is to show everything including the curb cuts, access, and the road itself. Mr. Cordeiro noted the application is only for the residential part of the project. Mr. Russell asked if it was possible to do the filing for Seasons Gas Station at the same time as the 40R application. Town Counsel Bailey responded that it is a separate application requiring separate notification and hearings. He noted they could not guarantee the two filings would be done simultaneously. Mr. Delli Carpini asked if they would have to come before the Board for an existing approved use. Town Counsel Bailey responded that they were coming back for site plan review, not permission for use. Chairman Johnson noted it could probably be completed in one hearing. Mr. Delli Carpini asked if the process could be done administratively and Town Counsel Bailey responded no.

Mr. Cordeiro reported that the application and drainage calculations reviewed by Field Engineering include pad site development, parking, and circulation. He noted Seasons Gas Station will only need to show that their impervious cover is less than the allocation for the 40R project.

Chairman Johnson mentioned the Board could add a condition that the existing road remain in place until the ring road is constructed so Seasons Gas Station will continue to have two access and egress points. Mr. Delli Carpini noted they could leave the existing ring road in place and develop the new ring road and new access points and simultaneously close one and open a new one.

Member Silveira asked if the fuel tankers delivering gasoline would be restricted from using the back entrance because there is not enough room for a trailer. Mr. Delli Carpini responded that he can add the turning radiuses on the plan. He noted that the new design is an improvement for the tractor trailers. He added that he would want to keep the tractor trailers from the other entrance point which will be the main entrance for the 40R development.

Chairman Johnson asked if the lines on the new road were for truck parking. Mr. Delli Carpini responded that they are for car parking. Chairman Johnson stated it may be a safety hazard. Mr.

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Delli Carpini noted the spots are mainly for employees or overflow. Also, tractor trailers can use the area to gain a little more space to make turns.

Town Planner Starrett asked if there will be further development on the extra lot. Mr. Delli Carpini responded that they had proposed a diesel island; however, in the future they may come back for another development. Chairman Johnson asked if Colbea Enterprises was leasing or buying the lot. Mr. Delli Carpini responded that they are working toward leasing the property. Chairman Johnson asked Town Counsel Bailey if they can have retail use on land that is not their property. Town Counsel Bailey responded that it is allowed because they will have a lease agreement where they will have control of the property.

Chairman Johnson mentioned having a site visit and indicated the applicant would need to stake the major points. Mr. Cordeiro noted they have several areas staked out including three of four buildings, the stormwater basin, and the leach field. Chairman Johnson stated they would like to see the main access point staked out and assess screening on the side of buildings closest to residences on County Road. Members discussed scheduling a site visit.

A motion to schedule a site visit on June 17, 2020 at 4:00 p.m. was made by Clerk Bailey and seconded by Vice Chairman Florindo. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to continue the Public Hearing to June 23, 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

The Road Acceptance shown on a plan's entitled "Road Acceptance Plan of Forbes Road" dated March 10, 2020 and "Roadway Acceptance Plan Douglas Corner Road" dated March 10, 2020, filed by Edgewood Development, 3 Belcher Street, Plainville, MA 02762 for property located at Forbes Road and Douglas Corner Road in Connet Woods, Rochester, MA 02770.

Stephen Meltzer and Gerry Lorusso of Edgewood Development were present. Town Counsel Bailey reported that Jeff Eldridge, Highway Surveyor, will identify the location for a stop sign which will be put in the plan. Chairman Johnson reported that Ken Motta has reviewed the as built plan and agrees with it. Members went a site visit the prior week. The developer is submitting a bond amount on the final piece of a cul de-sac. Town Planner Starrett clarified that the bond is in place in the amount of \$242,000. There is also a bond covering the entire project in excess of \$2 million.

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

A motion to recommend the Road Acceptance favorably to the Board of Selectmen was made by Clerk Bailey and Member Carr. **The motion passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

DISCUSSION

There was discussion about the format for upcoming meetings. Chairman Johnson explained he was concerned about the public being able to provide input. He spoke about having a hybrid meeting with the engineers on Zoom and Board Members at Rochester Memorial School. Town Counsel

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Bailey stated that the next meeting would have to be held via Zoom because of the public notice needed. However, it could be an option for the meeting after that.

TOWN PLANNER UPDATES

Town Planner Starrett reported that Laurell Farinon, Conservation Agent and himself went on a tour at Zero Waste Solutions. There was a glass storage issue. The equipment they will use to make sand blasting material out of glass arrived. They will start to bring the pile inside and process it for blasting. Town Planner Starrett stated the General Manager invited the Board for a tour.

Clerk Bailey reported he had two issues to discuss with Town Planner Starrett. One issue related to how the site plans are included in Members' electronically conveyed packets. Board Administrator Ventura stated she would separate the plans from the text documents.

Second, Clerk Bailey asked Town Planner Starrett if he was comfortable with the public coming into the Planning Board office within the Annex. Chairman Johnson reported the Planning Board is one department within the building and cannot make the decision to open it to the public. He noted that the Town has not officially opened Town buildings to the public. Town Counsel Bailey stated the building is under the control of the Board of Selectmen. He noted the intent is to open the building and that modifications are being made to allow for social distancing. There was further discussion about mask requirements being conveyed to Town employees. Town Counsel Bailey mentioned there had been an issue with obtaining completed permits and getting inspections done. Clerk Bailey said he was told that inspections were only being done for new construction. Members agreed that there was not a hardship for residents' since they could still access Town services.

(Associate Clerk Murphy left the meeting at 9:17 p.m.)

NEW BUSINESS & PUBLIC COMMENTS

David Arancio of 38 Boxturtle Drive asked if he could obtain a copy of the special permit for Connet Woods. Town Counsel Bailey responded that Town Planner Starrett can send it to him. Town Counsel Bailey noted the Board of Selectmen were having a hearing the next Monday. Mr. Arancio explained he wanted to know if there was a condition in the special permit that all roadways be accepted at the completion of the development. Town Counsel Bailey responded that his recollection was that the Town could stagger roadway approval if the Board had satisfactory surety for the remaining roads and infrastructure. Chairman Johnson added that the roadway acceptance was initiated by the Town because it will give the Highway Department and other Town departments time to assimilate the development into the Town's workload. Town Counsel Bailey noted he would also review the original decision.

ADJOURNMENT

A motion to adjourn at 9:26 p.m. was made by Clerk Bailey and seconded by Member Carr. **The motion was passed in a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Marissa Perez-Dormitzer, Recording Secretary

Arnold Johnson, Chairman