

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

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk
Lee Carr
John DeMaggio (*arrived at 7:09 p.m.*)
Chris Silveira

Absent: (*none*)

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

The meeting convened in-person and by video conference via Zoom Meeting ID 815 0985 8028. Member Carr and Member DeMaggio joined by video conference. The remaining Members joined in person at the Rochester Memorial School. Chairman Johnson called the meeting to order at 7:05 p.m. and stated the meeting was being recorded.

BOARD BUSINESS

Vouchers

A motion to approve a voucher for Field Engineering Co., Inc./The Village at Plumb Corner/Invoice # 13651 in the amount of \$687.50 was made by Associate Clerk Murphy 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 authorize Chairman Johnson to sign the vouchers was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **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 at Plumb Corner/Invoice # 13586 in the amount of \$2,750.00 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **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./Braley Hill Road/Invoice # 13652 in the amount of \$4,801.25 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **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. /Braley Hill Road/Invoice # 13695 in the amount of \$4,059.28 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **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/Invoice # 13650 in the amount of \$2,062.52 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

(Member DeMaggio joined the meeting via Zoom at 7:09 p.m.)

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A motion to approve a voucher for Field Engineering Co., Inc./Connet Woods/Invoice # 13585 in the amount of \$2,750.00 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Cranberry Highway 40R/Invoice # 13694 in the amount of \$4,629.00 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Cranberry Highway 40R/Invoice# 13587 in the amount of \$750.00 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a voucher for Best Buy Business for a Samsung tablet in the amount of \$828.73 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

PUBLIC HEARINGS

(Continued from June 23, 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.

Chairman Johnson stated the applicant requested a continuance to July 28, 2020.

A motion to continue the Public Hearing to July 28, 2020 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

(Continued from June 23, 2020) A Special Permit Application for a Ground-Mounted Solar Photovoltaic Array, and a Special Permit Application for Groundwater Protection 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.

Chairman Johnson stated the applicant requested a continuance because they received Ken Motta's peer review report that day and had not had time to review it.

A motion to continue the Public Hearing to July 28, 2020 was made by Member DeMaggio and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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(Continued from June 23, 2020) A Special Permit Application for a Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District, a Special Permit Application for Groundwater Protection 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.

Eric Las, Principal, of Beals and Thomas, Inc. stated they submitted a response to Ken Motta's first peer review letter in a letter dated July 8, 2020 and provided updated plans. Mr. Las explained that some of Mr. Motta's comments related to the upgrade to Featherbed Lane and he described the work to be done. He shared his screen showing the plan with a focus on the entrance at Featherbed Lane. He reported they will have a wider turn in area at the construction entrance and a stabilized construction entrance. Mr. Las noted the driveway pitches east away from Featherbed Lane. Stormwater will flow into the site and will be managed by the stormwater management system. Since they will be cutting trees to the north, Mr. Motta suggested some restoration plantings. Mr. Las stated they added a planting plan with ten plantings and will provide a landscape replacement bond. He reviewed updated bond amounts. They include a two-year landscape bond estimated at \$3,800, a five-year landscape and stormwater bond of \$5,800 and a decommissioning bond estimate of \$122,789.72. He stated other minor changes were made to the plans.

Mr. Las reported they were requesting two stormwater related waivers. One waiver requested relief from the requirement of a minimum of a 12 feet wide gravel access bench around basins. They have one basin with a 10 feet gravel access bench. The second waiver requests relief from the required separation of 3 feet between an infiltration basin and the groundwater table. Mr. Las explained that based on test pits, they were requesting to reduce the separation to 2.75 feet.

Chairman Johnson suggested the Board vote on the waiver requests in one vote. He reviewed four waiver requests relating to traffic data, locating trees on the site above a certain caliper, a five-year landscape maintenance bond, and submittal of mylars at the time of filing. He noted the waivers were supported by Field Engineering. He mentioned two additional waivers for the reduction in the width of the access bench and the reduction in the interior slope in a basin from 4 to 1 to 3 to 1.

A motion to approve the waivers for the Beals & Thomas Featherbed Lane project was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. Mr. Las clarified that they were withdrawing the waiver request for the landscape maintenance bond since they added plantings to the plan. He also stated the Field Engineering letter mentioned the reduction in side slopes but the applicant had not requested the waiver. They were able to regrade the basin to meet the 4 to 1 side slopes. Mr. Las reiterated they were requesting the waiver to reduce the separation from ground water from 3 feet to 2.75 feet. Chairman Johnson stated Mr. Motta had not yet provided comments on that waiver. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson recommended rounding the decommissioning bond estimate from \$122,789.72 to \$123,000.

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A motion to approve the decommissioning bond was made by Member Carr and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson stated the five-year stormwater maintenance bond estimate is \$5,800. He asked if it includes landscaping and Mr. Las responded yes.

A motion to approve the stormwater maintenance bond was made by Member Silveira and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson asked if they factored in a 2.5% contingency in the two-year landscape bond. Mr. Las said they factored in a 2.5% inflation rate and noted the amount of the bond as \$3,800.

A motion to approve the two-year landscape bond was made by Member Silveira and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson recommended rounding the timber assessment from \$6,219 to \$6,300.

A motion to approve the timber assessment was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson stated they would leave the hearing open until Mr. Motta submitted a second peer review letter and they can vote on the other waiver.

A motion to continue the Public Hearing was made by Member Carr and seconded by Vice Chairman Florindo. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A Special Permit Application for a Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District and the Mattapoissett River Valley Watershed, filed by Featherbed Lane 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 22A, 22B, and 22C on Assessor's Map 46. The proposed project includes the installation of a ± 6 MW DC ground-mounted solar array, an access road, fencing, storm water management systems, and grading on approximately ± 43 acre parcel located in the Residential/Agricultural district and within the Mattapoissett River Valley Watershed. The property owner of record is Bradford and Ruth Correia, 220 Mattapoissett Road, Rochester, MA 02770. The applicant's representative is Eric Las, PE, Beals and Thomas, Inc., 144 Turnpike Road, Suite 210, Southborough, MA 01772.

Eric Las, Principal, of Beals and Thomas, Inc. shared his screen showing an aerial view of the site and the plan set. He reported the work will be completed on 24 acres of 43 total acres. Mr. Las provided an orientation of the site location. He explained there is a cart path into the site. However, a land exchange made it inaccessible to them so they will construct an access road. He stated the closest corner of the array is 640 feet away from the nearest abutter. Mr. Las noted there is a significant amount of existing vegetation between the abutters. He showed an aerial view with the setbacks from abutters' houses. The array is more than 500 feet back from the road. There are

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wetlands to the south and east and they will need to file with the Conservation Commission for work in the buffer zone. He noted the wetland boundaries were already delineated with an ORAD issued in November 2019. They received approval for the plan from the Mattapoissett River Valley Water Supply District Commission on June 5, 2020. Since they are working in rare species habitat, they will need to file with MEPA.

Regarding the aerial view with setbacks, Chairman Johnson asked about a lot with a last name indicated on it. Mr. Las responded that they were unable to remove interior lot lines that no longer exist. He noted there is a plan on record that shows the parcels are under common ownership.

Mr. Las explained they tried to make the plan to reflect Field Engineering's feedback received on other projects. They have a stormwater management system to prevent runoff onto Featherbed Lane and abutting residences. Mr. Las provided an estimate on the decommissioning bond of \$220,000, the stormwater bond of \$6,800, and tree replacement at \$18,000. Vice Chairman Florindo suggested the Board visit the site with the road staked out. Chairman Johnson stated Mr. Las could notify Town Planner Starrett when the road is staked out, and they will schedule a site visit.

A motion to continue the Public Hearing to July 28, 2020 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Town Planner Starrett asked Chairman Johnson about the peer review fee and Chairman Johnson responded that it should be \$6,000.

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. The applicant proposes the construction of a ±4.8 MW DC Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District. The Property is also within the Mattapoissett River Valley Watershed and partially within the Groundwater Protection District and the Floodplain Overlay District. The property owners of record are Lisa Holden, Trustee, Rochester Realty Trust and Aquidneck Nominee Trust, ET AL, and Kevin J. and Cassandra A. Cassidy. The applicant's representative is Eric Las, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772.

Eric Las, Principal, of Beals and Thomas, Inc. shared his screen showing an aerial view of the site and the plan set. He provided an orientation of the site location. Access to the site is along an existing cart path and they will use the same road. The closest point from the array to the road is 2,000 feet. Mr. Las explained the array is split in two parts because it spans two properties. The array on the Cassidy property will generate 1 MW and the array to the south will generate 4 MW. They are proposing work on approximately 24 acres out of 120 acres. There is a 100 foot setback on each property due to separate ownership for a total 200 feet separation between the two properties. The setback from abutters is more than 1,000 feet.

Mr. Las stated the wetland delineation was approved by the Conservation Commission and an ORAD was issued in November 2019. They received approval for the plan from the Mattapoissett River Valley Water Supply District Commission on May 15, 2020. They are working with the Natural Heritage and Endangered Species Program since the project is in rare species habitat. Mr. Las noted they will be making minor upgrades to the road including adding fresh gravel and some

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limb removal. They proposed a full perimeter access road around the array, four stormwater basins, and an equipment pad. They are not proposing landscape plantings or screening.

Vice Chairman Florindo asked if they will remove trees to make the road passable for large vehicles. Mr. Las responded that the road has been used for forestry activities in the past. He added that they will consider any improvements that are needed.

John Hall, 453 Snipatuit Road, stated there is an existing forestry road on the property that is used for recreation. He mentioned the road crosses his property as well as others. Mr. Hall was unsure if it was included on the applicant's plan. He suggested they consider keeping the road open for public use. Mr. Hall noted there are vernal pools on his property, and he was going to speak with Laurell Farinon, the Town's Conservation Agent, about wetlands in the area. Mr. Las responded that the cart path is depicted on the plan set and it is labeled with notes to maintain it. He noted that Lisa Holden is committed to keeping the road open.

Kevin Cassidy, 529 Snipatuit Road, stated he had been harvesting trees from his property with no issues with the road. He noted there is a culvert under the road and there are no issues with water backing up. Town Planner Starrett stated that Eusebia Lowery, 25 Pauline's Way, an abutter, was at the meeting before it began. She wanted to state that she was in favor of the project.

A motion to continue the Public Hearing to July 28, 2020 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

DISCUSSION

Final Decision/Braley Hill Road Solar

Chairman Johnson reported there was a question about the use of herbicides in the Groundwater Protection District. He stated the Conservation Commission did not agree with the proposed changes, so they reverted to the original decision.

A motion to approve the solar facility special permit was made by Member Silveira and seconded by Vice Chairman Florindo. Clerk Bailey stated he had spoken with Conservation Agent Farinon and there was not a problem with the proposed language. Town Counsel Bailey clarified that Agent Farinon spoke with the chairman of the Mattapoissett River Valley Water Supply District Commission and they do not want to be involved in the process. Clerk Bailey asked to clarify that the original decision did not allow herbicides. Town Counsel Bailey responded yes. Clerk Bailey asked why the Board was disallowing herbicides. Chairman Johnson stated the applicant did not object. Town Counsel Bailey noted that allowable products change and instead of trying to differentiate, the Board is not allowing them. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to grant a special permit for the Groundwater Protection District was made by Member Silveira and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to grant a special permit to work on a Scenic Highway was made by Member Silveira and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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ADJOURNMENT

A motion to adjourn at 8:24 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).**

Marissa Perez-Dormitzer, Recording Secretary

Arnold Johnson, Chairman