

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

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk
Lee Carr
John DeMaggio
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 893 6696 4921. 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 7:03 p.m. and stated the meeting was being recorded.

BOARD BUSINESS

Minutes

A motion to accept the minutes of June 9, 2020 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. At the time Member DeMaggio and Member Carr could not be heard in the video conference. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to accept the minutes of June 23, 2020 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. At the time Member DeMaggio and Member Carr could not be heard in the video conference. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to accept the minutes of July 14, 2020 was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. At the time Member Carr could not be heard in the video conference. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Vouchers

A motion to allow the Chairman to sign the vouchers 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./Braley Hill Road/Invoice # 13744 in the amount of \$375.00 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/Invoice # 13743 in the amount of \$2,000.00 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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A motion to approve a voucher for Field Engineering Co., Inc./Featherbed Lane South/Invoice # 13745 in the amount of \$2,017.50 was made by Associate Clerk Murphy and seconded by Vice Chairman Florindo. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Mylars & Street Acceptance Plans – Connet Woods

Chairman Johnson reminded Members to sign a few sheets for the REpurpose Properties project and the mylars from Connet Woods.

PUBLIC MEETINGS

Approval Not Required Application

Richard Cutler, Rounseville Road Route 105, Map 31, Lot 32

Richard Cutler explained that the First Congregational Church of Rochester was separating a house lot from their property to raise funds to fix the church. Town Planner Starrett shared his screen via Zoom showing the plan. Town Counsel Bailey stated he wanted to confirm the lot meets the Town's Bylaw requiring at least 45,000 square feet for a buildable lot and 20,000 square feet within all the setbacks. He requested that the square footage be shown on the plan. Chairman Johnson asked if they should wait to sign and Town Counsel Bailey stated he did not want to hold up the process.

Clerk Bailey asked if the area should be depicted on every Approval Not Required (ANR) plan. Town Counsel Bailey responded that it probably should be included on every ANR. He added that in this case, the lot has an odd shape. Clerk Bailey asked how they can formalize requesting the area on every ANR. Town Counsel Bailey said they could vote on adding it as a regulation. Clerk Bailey asked Town Planner Starrett to prepare the information for the next meeting.

A motion to approve the ANR subject to putting the dimensions on the plan to understand there is the needed square footage on the lot was made by Vice Chairman Florindo and seconded by Clerk Bailey. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson passed around the determination for signature and noted Member DeMaggio and Member Carr could sign at the annex. There was discussion about whether their signatures were required, and Town Counsel Bailey stated he preferred if everyone signed but it is not required.

PUBLIC HEARINGS:

(Continued from July 14, 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.

Greg Carey of Clean Energy introduced the other participants involved in the project some of whom joined via Zoom and some who were present at Rochester Memorial School. The participants included Jay Myrto of Clean Energy, Stephen Campbell of Navisun LLC, and Richard Rheame and Steve Kohm of Prime Engineering, Inc.

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Mr. Carey explained that the solar array would be located on 4.1 acres out of a total of 24 acres. They are proposing to construct the 1MW array in an open hayfield. He noted the property is located within the Groundwater Protection District. Mr. Carey reported they met with the Conservation Commission several times to discuss the Notice of Intent filing. He noted that Henry Nover, the Commission's peer reviewer, had issued a clean peer review letter. Mr. Carey reported they reached a verbal agreement with Sherry Ashley, a neighbor, to create a 50 feet wide no cutting area and hoped to have an executed copy of the agreement by the next week.

Mr. Kohm shared his screen showing the site plan. He noted they received comments from Ken Motta of Field Engineering and believe they have addressed all of them. He mentioned the equipment pads have been located outside the 100 feet buffer of the wetlands and the access road runs between two wetland areas. Mr. Kohm reported they worked closely with the Conservation Commission to meet all MassDEP stormwater regulations.

Vice Chairman Florindo asked about the different colored lines on the plan. Mr. Kohm responded that they include the wetland delineation, the 25 feet no touch zone, and the 100 feet buffer zone. He noted they are encroaching on the 100 feet buffer zone in a few locations. Chairman Johnson asked if the plans were the most up to date version. Mr. Carey responded yes. Chairman Johnson noted they were awaiting Mr. Motta's response to the new plans.

A motion to continue the Public Hearing to the next meeting on August 11, 2020 was made by Vice Chairman Florindo and seconded by Member Silveira. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

***(Continued from July 14, 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.

Chairman Johnson stated the applicant requested a continuance to the August 11, 2020 meeting because they were awaiting Mr. Motta's second peer review letter.

A motion to continue the Public Hearing to August 11, 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).**

Members agreed on a site visit on August 5, 2020 at 5:31 p.m.

***(Continued from July 14, 2020)* 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

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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 Mattapoisett River Valley Watershed. The property owner of record is Bradford and Ruth Correia, 220 Mattapoisett Road, Rochester, MA 02770. The applicant's representative is Eric Las, PE, Beals and Thomas, Inc., 144 Turnpike Road, Suite 210, Southborough, MA 01772.

Chairman Johnson stated the applicant requested a continuance to August 11, 2020 because they are awaiting the peer review report.

A motion to continue the Public Hearing to August 11, 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).**

***(Continued from July 14, 2020)* 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 Mattapoisett 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.

Chairman Johnson stated the applicant requested a continuance to August 11, 2020 pending peer review.

A motion to continue the Public Hearing to August 11, 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).**

***(Continued from July 14, 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.

Phil Cordeiro of Allen & Major Associates, Inc. and Paul Haverty from Blatman, Bobrowski & Haverty, LLC were present via Zoom.

Mr. Cordeiro reported they met with staff at District 5 of the Massachusetts Department of Transportation about a filing for the driveway curb cuts on Route 58 & 28 and to discuss the specifics of the bus stop. They are also working with GATRA on the bus stop. Mr. Cordeiro stated they hoped to have comments back to Mr. Motta that week. He added that they have been

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coordinating with Mr. Nover, the Conservation Commission's peer reviewer on issues related to stormwater and groundwater mounding. He noted they will likely have one more meeting with the Conservation Commission. Mr. Cordeiro explained it has been difficult for the Town to find a traffic peer review consultant to review the latest plan issued by Allen & Major Associates, Inc. The previous consultant was unable to represent the Town. Town Planner Starrett stated that Mr. Motta received a proposal that day after sending out several Requests for Proposal. He noted they were hoping to have a consultant within a few days. Mr. Cordeiro asked who responded to the request and Town Planner Starrett declined to share the name.

Chairman Johnson mentioned there was some correspondence from Seasons Gas Station and asked Members to review the correspondence for discussion at the next meeting.

Andrew Delli Carpini of Colbea Enterprises reported he observed on the plans that there is a proposal to move their side driveway 20 to 25 feet back. Mr. Cordeiro shared his screen showing the plan provided to the Board for the traffic consultant to review. He explained they were not modifying the Route 28 connection. He noted they had proposed changes to the Route 28 entrance in previous plans. Mr. Delli Carpini stated it was the first time he had seen the plan. John Russell of Adler, Pollock, & Sheehan P.C. representing Colbea Enterprises asked if the plan could be emailed to him and Mr. Cordeiro responded yes. Mr. Delli Carpini noted at the last meeting, the Town was going to find a traffic consultant to figure out the safest access point. Town Counsel Bailey responded that they were working to retain a traffic engineer. Town Planner Starrett reported that Mr. Motta and himself were informed that the traffic consultant would only review the plan provided by Steen Realty & Development and not the plan provided by Seasons Gas Station. Town Counsel Bailey stated they agreed at the last meeting to find a traffic engineer to review both plans.

Mr. Cordeiro explained that Mr. Steen thought the Seasons Gas Station proposal was not feasible after the two parties failed to come to an agreement on a lease. He stated that after the last meeting, Mr. Steen and Mr. Cordeiro communicated with Town Planner Starrett to request that only Mr. Steen's proposal be considered. Mr. Delli Carpini noted that Mr. Steen was telling the Town what they should review and that it should be the Board's decision. Town Counsel Bailey reiterated that the Board voted to have the traffic engineer review both proposals. Chairman Johnson agreed they would send both proposals to the traffic consultant.

A motion to continue the Public Hearing to August 11, 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).**

A Special Permit Application for the installation of an agricultural canal canopy solar array within the Residential/Agricultural District, filed by Renewable Energy Development Partners, LLC, c/o Hank Ouimet, 99 Derby Street, Suite 200, Hingham, MA 02043 for property located off Pierce Street, known as Eldredge Bogs designated as Lots 8, 8A, 9A on Assessors Map 12 and Lots 6, 10D, 12, 13, and 31 on Assessors Map 13. The applicant proposes a two-phased project on Land in Agricultural for the creation of more efficient agricultural bypass canals in portions of the bogs and existing uplands, along with the installation of a \pm 1.5 MW (DC) canopy solar array over the constructed canal network. The applicant's representative is Sarah Stearns, Beals and Thomas, Inc., 32 Court Street, Plymouth, MA 02360. The property owner of record is Peter Beaton, Bayside Agricultural, Inc., 77 Charlotte Furnace Road, West Wareham, MA 02576.

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(Vice Chairman Florindo recused himself from the Public Hearing.)

Sarah Stearns, Wetland Scientist, of Beals and Thomas, Inc. introduced other participants involved in the project including Thomas Melehan and Henry Ouimet of Renewable Energy Development Partners, Iain Ward of New England Consulting Services, Inc., and Peter Beaton, property owner, of Bayside Agricultural, Inc. All the participants joined the meeting at Rochester Memorial School.

Ms. Stearns reported they were working with the Conservation Commission. She stated the Commission's peer review engineer had issued a letter agreeing that the minor comments he made on the plan were completed. She showed a mounted diagram on an easel. Town Planner Starrett also shared his screen showing the same site plan. She provided an overview of the site and reported there is a significant vegetated buffer that provides natural screening. Ms. Stearns explained Mr. Beaton is looking to improve the existing agricultural bypass canals and add solar panels in a way that does not impede the cranberry operation. The solar panels are proposed where the canals will be constructed. They will be at a height that allows the landowner to maintain the canals. She stated that no tree clearing is proposed, and she noted that the same group had worked on a similar project in Carver. She reported the canopy array would be another source of revenue for the landowner. Ms. Stearns explained the area is mapped as rare habitat which they considered with the design. She noted they included a few waiver requests with their application, and she hoped to start the process of peer review with the Board. Ms. Stearns reported they removed panels from an area that infringed on the 100 feet setback as recommended by the Board.

Lois Paquin of 114 Pierce Street, also a cranberry grower, expressed concern about whether the cranberries would grow and asked if they could do a different type of solar project. She was also concerned about the impact to her street. Chairman Johnson responded that Ms. Paquin's questions and concerns were not within the Board's purview. He added that it appears the project is well screened from Pierce Street and abutters and he noted the Board would direct the applicant to add screening if it is needed. Mr. Beaton stated that his main motivation was upgrading the canal system that has been there for more than 100 years. It will help to better control the water. Ms. Stearns clarified that the panels will not be on the cranberry bogs themselves.

Members scheduled a site visit on August 11, 2020 at 6:00 p.m.

Ms. Stearns requested a continuance to August 11, 2020. She also asked about peer review. Chairman Johnson replied that he would like to visit the site first to see if peer review is needed.

A motion to continue the Public Hearing to August 11, 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).**

(Vice Chairman Florindo resumed his role in the meeting.)

TOWN PLANNER UPDATES

Town Planner Starrett reported he visited Dr. Hickey Lane and found they completed the work as requested including a street sign, turnaround, and trees cut back. He asked if he should send a letter to the Building Commissioner. Chairman Johnson asked if the road is widened according to specifications. Town Planner Starrett responded that he did not measure the road, but he noted that Jeff Eldridge, the Town's Highway Surveyor, had helped out with the sign and had seen the work.

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A motion to request Town Planner Starrett to send a letter to the Building Commissioner indicating the work was done 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 reported he was working with Town Planner Starrett to review a list of old escrow accounts. He noted if the vouchers are no longer valid, they would bring it up at the next meeting to release the funds. He stated that it has been more than two growing seasons at Meadowatt Solar and they should release the final funds.

Town Planner Starrett reported that Connet Woods had requested peer review to reevaluate the bonds to be appropriate with the existing work. Chairman Johnson stated they would request that Mr. Motta review the bonds.

There was discussion with Mr. Cutler about various organizations of which he is a member.

ADJOURNMENT

A motion to adjourn at 8:33 p.m. 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).**

Marissa Perez-Dormitzer, Recording Secretary

Arnold Johnson, Chairman