

**Rochester Planning Board
Minutes of August 11, 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
Tanya Ventura, Board Administrator
Marissa Perez-Dormitzer, Recording Secretary

The meeting convened in-person and by video conference via Zoom Meeting ID 875 3257 9563. All Members except Member Silveira joined in person at the Rochester Memorial School. Member Silveira joined via Zoom. Chairman Johnson called the meeting to order at 7:02 p.m. and stated the meeting was being recorded.

BOARD BUSINESS

Vouchers

A motion to approve a voucher for Field Engineering Co., Inc./Connet Woods/ Invoice# 13742 in the amount of \$250.00 was made by Associate Clerk Murphy and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to allow the Chairman to sign the vouchers on behalf of the Board was made by Vice Chairman Florindo and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a voucher for Staples/Office Supplies for the Town Planner in the amount of \$136.98 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

ANR Plan/Rounseville Road

Chairman Johnson reminded Clerk Bailey about signing the mylar.

Mullin Rule Affidavits

Chairman Johnson verified with Member DeMaggio and Associate Clerk Murphy that Mullin Rule Affidavits were properly submitted.

PUBLIC MEETINGS

Approval Not Required Application

William Chamberlain, West Side of Neck Road, Map 40, Lots 3, 3E, 3F, and 3G

Town Planner Starrett shared his screen showing the plan. Walter Hartley of John Libby Consulting and William Chamberlain from Decas Cranberry were present. Mr. Hartley explained they were looking to divide property into 3 lots. The lots had been undersized, but they added a little to get the two-acre minimum. Mr. Hartley stated that the area added ensured they met the required frontage at the street and the setbacks.

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A motion to approve the Approval Not Required plan dated July 17, 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

PUBLIC HEARINGS

(Continued from July 28, 2020) 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 ± 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.

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

Chairman Johnson stated the Board had visited the site recently. Sarah Stearns, Wetland Scientist, of Beals and Thomas, Inc. reported she submitted a decommissioning bond estimate. Town Planner Starrett asked if peer review was needed and Chairman Johnson responded no. Chairman Johnson added that Ken Motta of Field Engineering would review the decommissioning bond estimate. He stated they would keep the Public Hearing open for one more meeting until the Board receives Mr. Motta's letter. Ms. Stearns stated she was requesting a continuance to the next meeting.

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

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

(Continued from July 28, 2020) A Special Permit Application for a Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District and the Mattapoisett 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 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 October 13, 2020.

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A motion to continue the Public Hearing to October 13, 2020 was made by Member DeMaggio and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

***(Continued from July 28, 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 25, 2020.

A motion to continue the Public Hearing to August 25, 2020 was made by Member DeMaggio and seconded by Member Carr. **The motion 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 August 25, 2020.

A motion to continue the Public Hearing to August 25, 2020 was made by Member DeMaggio and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

***(Continued from July 28, 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, P.O. Box 2002, Pawcatuck, CT 06379, 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 Steve Kohm 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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Greg Carey of Clean Energy and Steve Kohm of Prime Engineering, Inc. were present. Mr. Carey reported they received a letter dated August 6, 2020 from Mr. Motta confirming that all the peer review comments were addressed. Mr. Carey stated they received a letter dated July 31, 2020 from the Mattapoissett River Valley Water Supply District Commission indicating the plan was approved. They also have a signed easement agreement and a copy was provided to Town Planner Starrett and Town Counsel Bailey.

Chairman Johnson stated the Board needed to approve the bond amounts and the waivers. He noted that Mr. Motta did not take exception to the waivers.

A motion to approve the decommissioning bond of \$114,000.00 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a stormwater maintenance bond of \$11,250.00 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a timber assessment of \$875.00 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson suggested they vote on the waivers in subsets.

A motion to approve a waiver request from Section 1.9 Site Plan Details of the Town's Zoning By-Law for the requirement to locate all trees 12 inches or more in caliper was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Section 1.9 Site Plan Details of the Town's Zoning By-Law for the requirement of having a landscape plan prepared and certified by a landscape architect was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Section 1.9 Site Plan Details of the Town's Zoning By-Law for the requirement that utilities be placed underground since Eversource requires three utility poles was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Section 1.9 Site Plan Details of the Town's Zoning By-Law for the requirement of providing a traffic study was made by Clerk Bailey and seconded by Associate Clerk Murphy. Mr. Carey pointed out an error on the waiver requests. After the construction period, inspection and maintenance will be limited to 4 to 6 trips per year, not per month. A motion to approve the waiver request as amended by the applicant was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Section 1.9 Site Plan Details of the Town's Zoning By-Law for the requirement regarding the maintenance of open space was made by Clerk Bailey and

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seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson spoke about two waivers from Appendix A of the Town's Rules and Regulations Governing the Subdivision of Land. Mr. Kohm explained they were proposing stormwater BMPs and requested to remove the sentence "No stormwater BMPs are necessary" from the waiver requests.

A motion to approve waiver requests from Appendix A of the Town's Rules and Regulations Governing the Subdivision of Land for the requirement of on-site permeability testing witnessed by Rochester officials (Section 3.1.4) and that all runoff must flow through the stormwater management/treatment system (Section 4.1.2) was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Appendix A of the Town's Rules and Regulations Governing the Subdivision of Land for the requirement to treat the first flush volume of the entire site (Section 4.5.2) was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson read out loud the requested waivers related to above ground basins in sections 4.6.1, 4.6.2, 4.6.4, 4.6.6, 4.6.7, 4.6.10, 4.6.11, and 4.8.0 that were submitted by the applicant.

A motion to approve the waiver requests related to above ground basins from Appendix A of the Town's Rules and Regulations Governing the Subdivision of Land was made by Clerk Bailey and seconded by Associate Clerk Murphy. Chairman Johnson asked if the Conservation Commission approved the stormwater waivers. Mr. Carey responded yes and that they have a letter from the Commission. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a waiver request from Appendix A of the Town's Rules and Regulations Governing the Subdivision of Land for the requirement of a landscaping plan (Section 5.1) was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson asked Mr. Carey if the Board had a copy of the vegetative easement between Clean Energy and Mr. Souza. Mr. Carey responded yes. Chairman Johnson stated they just needed a memo from Town Counsel Bailey approving the easements.

A motion to close the Public Hearing was made by Member Carr and seconded by Clerk Bailey. Town Planner Starrett asked if they should discuss the special condition suggested by Ken Motta and Chairman Johnson replied no. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

(Continued from July 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

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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., Ken Steen of Steen Realty & Development, and Paul Haverty from Blatman, Bobrowski & Haverty, LLC were present via Zoom.

Mr. Cordeiro provided an update. He reported they were hoping to close out the process with the Conservation Commission the next Tuesday. They filed a response to comments from Mr. Motta and hoped to have a response later that week. They spoke with local GATRA staff to coordinate on the bus stop. The last remaining issue was the review by a traffic consultant of the entrance configuration on Route 58 relative to Seasons Gas Station. Mr. Cordeiro stated he had spoken with Town Planner Starrett and learned the peer review consultant had not yet been fully engaged. Town Planner Starrett stated they had two interested consultants.

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

DISCUSSION

Chairman Johnson stated that at the last meeting Town Counsel Bailey indicated that building setback areas should be noted on the plan. Town Planner Starrett provided the Board with suggested language for changing the Rules and Regulations Governing the Subdivision of Land Section 3.2.2.12. Chairman Johnson noted the Board could change the Rules and Regulations without a public hearing and the revised Rules and Regulations would need to be recorded at the Registry of Deeds. There was discussion about the wording. Town Planner Starrett suggested requesting the square footage in addition to illustrating the Structure Placement Area. Clerk Bailey asked Town Planner Starrett to suggest specific language. Town Planner Starrett suggested adding "the actual square footage to be noted on the plan."

A motion to approve with the change from Town Planner Starrett was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Chairman Johnson suggested waiting to record the change at the Registry of Deeds in case there are other changes. There was discussion about the decision not to purchase the church property.

Next Meeting

There was discussion about whether to continue with hybrid meetings or to move to completely in person meetings. Town Planner Starrett noted they could continue to use the same room at the school moving forward. Clerk Bailey pointed out that applicants save money by having the option of joining via Zoom. Members agreed to continue holding hybrid meetings.

ADJOURNMENT

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