

**Rochester Planning Board  
Minutes of September 8, 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 via Zoom Meeting ID 817 7793 6108. All the Members joined in-person at the Rochester Memorial School. Chairman Johnson called the meeting to order at 7:04 p.m. and stated the meeting was being recorded.

**PUBLIC MEETINGS**

**Approval Not Required Application**

Ben Bailey, 0 Gerrish Road, Assessors Map 43A, Lot 29B

*(Clerk Bailey recused himself from the Public Meeting.)*

Ben Bailey explained he was taking two lots out of a large agricultural parcel. He noted that Board Members did not have the most up to date plan that included the setback line. In response to a question from Vice Chairman Florindo, Mr. Bailey described the three areas where water drains from the road into the property.

A motion to accept the Approval Not Required Plan of Land, Bendrix L. Bailey, Trustee, 34 Gerrish Road, Rochester, prepared by GAF Engineering, date of August 20, 2020 was made by Member DeMaggio and seconded by Member Carr. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Mr. Bailey noted it cost around \$300 to have the plans updated by GAF Engineering with the setback line, as requested by Town Planner Starrett. He said he spoke with the Town's attorney who explained the setback line on the adjacent property was needed to ensure they were not creating a non-conforming lot. Mr. Bailey suggested adding language to the Board's checklist, so it is clear. Chairman Johnson asked Town Planner Starrett if the form was in the Rules and Regulations and Town Planner Starrett responded yes. Chairman Johnson noted it was another change they would make to the Rules and Regulations to be adopted by the Registry of Deeds.

*(Clerk Bailey resumed his role in the meeting.)*

**PUBLIC HEARINGS**

***(Continued from August 25, 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

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**27.** The applicant proposes the construction of a  $\pm 4.8$  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, P.E. and Principal, of Beals and Thomas, Inc. mentioned there was a site visit by the Board and he was awaiting comments from Ken Motta of Field Engineering. He stated he had no further information and was available to respond to questions. Chairman Johnson mentioned that Mr. Motta suggested they might not have to remove a section of stone wall on Snipatuit Road. Mr. Las said they would look at it to ensure trucks would not swing into the oncoming lane of traffic.

A motion to continue the Public Hearing to September 22, 2020 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).**

***(Continued from August 25, 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 P.E. and Principal, of Beals and Thomas, Inc. reported that on August 25, 2020, they responded to the second peer review letter from Ken Motta. Mr. Las stated that on the same day he received the third peer review letter indicating they had addressed all the comments. No exception was taken on the waiver request. Mr. Las explained they were requesting a waiver for the separation of groundwater from the stormwater basin from the required 3 feet to 2.75 feet.

Chairman Johnson asked if the site was in priority habitat and Mr. Las responded yes. Chairman Johnson asked if Mr. Las had corresponded with the Natural Heritage and Endangered Species Program (NHESP). Mr. Las said they met with them regularly and were in the process of finalizing the mitigation plan. Chairman Johnson stated the Board would leave the hearing open and wait for a letter from NHESP indicating they do not have a problem with the basic design. Mr. Las noted it would take some time for the final conservation management permit.

A motion to grant the waiver request for the 2.75 feet separation from groundwater was made by Member Silveira 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 continue the Public Hearing to September 22, 2020 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).**

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***(Continued from August 25, 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 Ken Steen of Steen Realty & Development were present. Mr. Cordeiro explained they had come to an agreement with Seasons Gas Station on the entry configuration. The gas station entrances would remain the same and signage would be added. Mr. Cordeiro stated they would be submitting their application to MassDOT for multiple curb cuts and they were coordinating with GATRA on the bus stop. He mentioned that GATRA proposed locating the bus shelter off the ring road inside the site. The location would allow the buses to turn around.

Mr. Cordeiro explained they were resubmitting a waiver request for the separation offset of groundwater from 3 feet to 2 feet. He stated that originally Mr. Motta advised that the waiver would not be approved so they redesigned and withdrew the waiver. However, a concern was raised by the Conservation Commission's peer reviewer about the potential for groundwater mounding below a stormwater basin that might reduce the separation. Town Planner Starrett stated that Mr. Motta would send the peer review by the end of that week as well as the analysis of the groundwater separation request.

John Russell representing Colbea Enterprises stated they would still need to agree on a revised easement for their access point from the gas station to ring road and a signage easement for a sign on County Road. They will also need approval from the Conservation Commission for a revised drainage easement.

Chairman Johnson stated the Board would need to approve the location of the sign. The applicant would need to seek permission for the sign from the Zoning Board of Appeals due to the type and size. Chairman Johnson stated he consulted with Town Counsel Bailey who recommended that the traffic engineers from both Steen Realty & Development and Season Gas Station submit their opinions for the record.

In response to a question from Vice Chairman Florindo, Mr. Cordeiro explained they would place the bus stop just beyond the driveways and the bus would not have a dedicated pull-off. He noted the stop time would be short and would not disrupt the flow of traffic. Chairman Johnson asked Mr. Cordeiro to submit the concept of where it would be located before the next meeting.

Chairman Johnson asked how they would handle mail delivery. Mr. Steen reported they would meet with the postmaster prior to construction once the plans were finalized. They would have a central location near the community building that would not create traffic issues. Chairman Johnson noted the Board would need to see the location on the plans to review it for possible safety concerns.

Chairman Johnson mentioned there was discussion about the booster station. Mr. Cordeiro stated he did not think there was more discussion. They met with the Fire Department and the Highway

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Surveyor who provided feedback on the location of the booster station. It was recommended that the booster system be installed internal to the site. Mr. Cordeiro noted there would be hydrants available to the Fire Department. He added that they will complete the cross connection that will increase overall water pressure so others can benefit. Chairman Johnson asked who was responsible for maintaining the booster pump and Mr. Steen responded that they would be responsible. Town Planner Starrett noted that Wareham and Rochester approved the water and would vote to sign on it at their next meeting. Mr. Russell asked if final approval by the Board would be subject to the various easements involved. Chairman Johnson responded that the Board would incorporate the easements into their decision. He noted the sign would be on the plan of record.

A motion to continue the Public Hearing to September 22, 2020 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).**

**BOARD BUSINESS:**

**Final Decision/Sarah Sherman Road**

Chairman Johnson reported the Board discussed the draft decision at the previous meeting.

A motion to grant approval for the large-scale photovoltaic installation was made by Clerk Bailey and seconded by Member Silveira. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve the groundwater protection district on the same project was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**Draft Decision/ Eldredge Bogs and Review & Vote on Waiver Requests/Eldredge Bogs**

*(Vice Chairman Florindo recused himself.)*

Chairman Johnson reported there were several waiver requests.

A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for building and stationary equipment for the requirements to specify gross floor area of all buildings; show the location, type, and screening details for all waste disposal containers; and sketches as appropriate to show visual impact on the site and surrounding community was made by Member Carr and seconded by Clerk Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for the landscape section was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for the utilities and drainage section was made by Clerk Bailey and seconded by Member Silveira. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

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A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for the vehicular and emergency access section was made by Member DeMaggio and seconded by Clerk Bailey. Chairman Johnson stated the Town requested that a Knox Box placed at the equipment pad site be part of the approval. He noted it would be added as a special condition. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for the open space maintenance section was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request from Section 1.8 Site Plan Details of the Town's Zoning By-Law for a landscape maintenance plan was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request for the entire Section 1.9 Landscaping, Screening, and Drainage of the Town's Zoning By-Law was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a waiver request for Appendix A, Standards and Specifications for Stormwater Management Systems, of the Rules and Regulations Governing the Subdivision of Land was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Ms. Stearns mentioned two minor changes to the decision. Chairman Johnson stated they would vote on the decision at the next meeting.

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

**ADJOURNMENT**

A motion to adjourn at 8:11 p.m. was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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Marissa Perez-Dormitzer, Recording Secretary

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Arnold Johnson, Chairman