

**Rochester Planning Board  
Minutes of October 13, 2020**

Present: Arnold Johnson, Chairman  
Gary Florindo, Vice Chairman  
Bendrix Bailey, Clerk  
Lee Carr  
John DeMaggio  
Chris Silveira

Absent: Michael Murphy, Associate Clerk

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

The meeting convened in-person and via Zoom Meeting ID 851 7997 3870. All the 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**

***Vouchers***

A motion to approve a voucher for Field Engineering Co., Inc./ Featherbed Lane South Invoice # 13839 in the amount of \$2,330.00 was made by Vice Chairman Florindo 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 authorize the Chairman to sign the vouchers on behalf of the Board was made by Vice Chairman Florindo 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 voucher for an Adobe Acrobat Subscription Reimbursement/May 2020-September in the amount of \$74.95 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 voucher for a Dropbox Subscription Reimbursement/October 2020 in the amount of \$119.88 was made by Vice Chairman Florindo and seconded by Member Carr. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

***Minutes***

A motion to approve the minutes of the September 22, 2020 meeting was made by Vice Chairman Florindo and seconded by Member Carr. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**PUBLIC MEETINGS**

**Approval Not Required Application**

First Congregational Church of Rochester, 0 Rounseville Road-Route 105, Assessors Map 31, Lot 32

A motion to approve the plan not requiring approval dated September 28, 2020 for First Congregational Church of Rochester 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).**

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**PUBLIC HEARINGS**

***(Continued from August 11, 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 NORTH, 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  $\pm 6$  MW DC ground-mounted solar array, an access road, fencing, storm water management systems, and grading on approximately  $\pm 43$  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 Board received a letter from Beals and Thomas, Inc. requesting to withdraw without prejudice the application submitted on May 13, 2020. He explained that the option agreement to purchase the property had expired.

A motion to allow the applicant to withdraw the request without prejudice 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).**

***(Continued from September 22, 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  $\pm 4.8$  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 October 27, 2020 to receive peer review comments and respond to them prior to the next hearing.

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

***(Continued from September 22, 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.

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Chairman Johnson stated the applicant requested a continuance to the next meeting on October 27, 2020. Ken Motta of Field Engineering provided another peer review letter and the applicant responded. Mr. Motta had not had an opportunity to respond.

A motion to continue the Public Hearing to October 27, 2020 was made by Vice Chairman Florindo and seconded by Clerk Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

**BOARD BUSINESS**

***Discussion***

**SEMASS**

Chairman Johnson explained the Board had approved a multi-phase project at SEMASS. Construction had started and Town Planner Starrett noticed they had missed a couple of steps, so he asked Larry Swartz to provide an update. Mr. Swartz reported that the foundation was poured, and they were starting to erect some of the steel and ductwork. The major equipment had been ordered and the filter fabric modules were being fabricated. The switchyard had been moved and they were working in the area where the old switch yard had been located. He noted the project was about 20 to 30% complete. They are aiming to complete the project by the end of the year.

Chairman Johnson asked about the containment area. Mr. Swartz explained they decommissioned the oil containment area since SEMASS had moved to natural gas years ago. They intend to convert it to additional fire water storage. Chairman Johnson asked if the project involved changes to the stormwater drainage and Mr. Swartz responded no. Vice Chairman Florindo asked if they were going to build a wall in the containment area and Mr. Swartz said no. Town Planner Starrett reported that he visited the site and was able to see what Mr. Swartz was describing.

**Draft Decision/Featherbed Lane South/ Beals and Thomas**

Chairman Johnson reported that the decision was reviewed by legal counsel and Mr. Motta. They made minor changes. Town Planner Starrett pointed out they changed the dollar amount of the decommissioning bond and added condition number 27 to the standard conditions. Later in the meeting Caroline Booth of Beals and Thomas, Inc. stated they received the draft and were in the process of reviewing it.

**Bylaw Review**

Chairman Johnson stated that Town staff were putting together the Town's bylaws for the Bylaw Review Committee. He noted they were looking for volunteers to serve on the committee who were not elected officials.

**Agilitas/Old Middleboro Road Solar Project**

Chairman Johnson reported that the Board learned that Seaboard Solar sold the solar project on Old Middleboro Road to Agilitas Energy. During a preconstruction meeting, Town staff observed that the plans Agilitas was using were not the plans that were approved by the Board. After the Board approved the plans, further changes were made with the Conservation Commission. Chairman Johnson stated that Agilitas had since provided a summary of the changes to the Board. He explained that Mr. Motta would have to review the entire plan set, comparing what was changed with what the Board approved. Chairman Johnson noted that any work Agilitas started is at their own risk. He also stated a concern about the communication with Agilitas. He had told them that

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certain steps had to be taken before trees were cut. Town Planner Starrett visited the site and found they had already cut a few trees. Chairman Johnson mentioned that Town Planner Starrett verified the homestead site is taped off and staff is aware they cannot go in there. Agilitas also cannot stump until a representative of the Board verifies there are no other homesteads or stone walls.

Chairman Johnson asked if the bonds were in place. Town Planner Starrett explained that Town Counsel Bailey mentioned they were discussing which form to use, but it was unclear if the Town had the bonds. Chairman Johnson stated the decision was clear about having the bonds in place before the start of construction. Town Planner Starrett mentioned they need to get the turtle sweep done by October 15, 2020.

Town Planner Starrett asked if the Board wanted Mr. Motta to do an extensive review of every item to evaluate whether the changes were minor or major. Chairman Johnson stated that Mr. Motta would need to do a sheet by sheet comparison and noted that in his opinion, Agilitas was working outside their permit. Town Planner Starrett added that the Board had a condition that if there were changes, the applicant would have to come back to the Board.

A motion to tell Agilitas that they cannot do anything until the plan is up to date since they went outside the bounds of what they agreed to do was made by Clerk Bailey and seconded by Member Carr. Chairman Johnson stated the Board would issue a cease and desist order to stop work until the issue was resolved and all bonds were in place. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Chairman Johnson stated he would issue a cease and desist the next day. Town Planner Starrett stated that the project proponent would need to be at the next meeting on October 27, 2020. There was discussion about who would deliver the letter to Agilitas. Town Planner Starrett said he would check with Town Counsel Bailey.

**TOWN PLANNER UPDATES**

Town Planner Starrett reported there would be a preconstruction meeting for the Village at Plumb Corner the next week. Vice Chairman Florindo asked if the water issue was straightened out and Town Planner Starrett responded yes.

Vice Chairman Florindo reported the stop sign that was supposed to be at Connet Woods was not there. Chairman Johnson stated he would inform Jeff Eldridge, the Town's Highway Surveyor. Member DeMaggio said he noticed there were a lot of plugged drains at Connet Woods. Chairman Johnson also mentioned that the project proponent was supposed to provide the Board with a plowing and sanding contract.

Chairman Johnson stated that one item to be brought up at the special Town Meeting was sidewalk maintenance at Connet Woods. It falls within the Board's Rules and Regulations Governing the Subdivision of Land and the Town would have to pass legislation that specifically says the Town would not maintain the sidewalks. He noted that Connet Woods is the only subdivision with sidewalks. Charles Clemishaw, 631 County Road, asked who is responsible for the sidewalks where there are no homes. Chairman Johnson responded that if the Town did not take action, the Town would have to maintain them. Clerk Bailey noted the Town asked the developer to put in the sidewalks.

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**ADJOURNMENT**

A motion to adjourn at 7:57 p.m. 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).**

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Marissa Perez-Dormitzer, Recording Secretary

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Arnold Johnson, Chairman