

**Rochester Planning Board
Minutes of November 10, 2020**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk (*arrived at 8:03 p.m.*)
Lee Carr
John DeMaggio
Chris Silveira (*arrived at 7:07 p.m.*)

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 844 5792 7636. Most of the Members joined in-person at the Rochester Memorial School. Member Carr joined via Zoom. Chairman Johnson called the meeting to order at 7:06 p.m. and stated the meeting was being recorded.

BOARD BUSINESS

Minutes

A motion to approve the minutes of October 27, 2020 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Vouchers

A motion to approve a voucher for Staples/Office Supplies/Split with Conservation Commission in the amount of \$42.13 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to allow the Chairman sign on behalf of the Board was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

(Member Silveira arrived at 7:07 p.m.)

A motion to approve a voucher for W.B. Mason/Printer Ink for Town Planner & Board Admin/Split with Conservation Commission in the amount of \$85.35 was made by Member Silveira and seconded by Clerk Bailey. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

A motion to approve a voucher for Mileage Reimbursement to Town Planner in the amount of \$284.78 was made by Member Silveira and seconded by Clerk Bailey. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

Approval Not Required Application

(Clerk Bailey recused himself.)

Brian Grady of GAF Engineering explained that Bendrix Bailey was reconfiguring two previously approved lots and adding a third lot on his property at 34 Gerrish Road consisting of 28 acres. Mr. Grady stated the square footage of lot B1 was 2.08 acres, B2 was 2.07 acres, and B3 was 2.44 acres.

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He noted that parcel B3 would be accessed through a proposed driveway easement. B2 and B1 were previously approved and the ANR slightly modified their dimensions. The frontage at Lot 28 was changed to be conforming for a buildable lot. The other three lots have the minimum 2 acres, conforming frontage, and the shape rectangle. Mr. Grady stated the final parcel 29F had 10.2 acres and was not a buildable lot. It would be addressed at a later time.

Vice Chairman Florindo asked if a pipe in a proposed drainage easement on B3 drained off Gerrish Road. Mr. Grady stated the subdivision plan showed a partial easement with the pipe not entirely in the easement. They were modifying the easement. Vice Chairman Florindo asked if the Town would have the right to go on the property and Mr. Grady responded yes. Member Carr stated he did not have a copy of the plan and Mr. Bailey held the plan up to the camera.

A motion to approve the plan with the title Approval Not Required Plan of Land prepared for Bendrix L. Bailey, Trustee, 34 Gerrish Road, Rochester, prepared by GAF Engineering dated October 27, 2020 was made by Member DeMaggio and seconded by Member Silveira. **The motion passed by a roll call vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

(Clerk Bailey resumed his role in the meeting.)

PUBLIC HEARINGS

(Continued from October 27, 2020) A Large-Scale Photovoltaic Installation Special Permit Application and Special Permit Application for Groundwater Protection, filed by Cushman Road Solar, LLC, P.O. Box 1340, Portsmouth, NH 03801 for property located at 0 Cushman Road, designated as Lot 11 on Rochester Assessors Map 33. The applicant proposes the construction of a ± 3.9 MW DC Ground-Mounted Solar Photovoltaic Array within the Residential/Agricultural District. The property is also within the Mattapoisett River Valley Watershed, partially within the Groundwater Protection District, and the Floodplain Overlay District. The property owner of record is Lisa Holden, Trustee, P.O. Box 388, Rochester, MA 02770. The applicant's representative is Eric Las, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772.

Chairman Johnson stated the Board received a request on behalf of the applicant for a continuance to December 8, 2020 to allow the applicant time to respond to abutter comments. He suggested moving the Public Hearing to the first meeting in January because the information would be fresh on their minds and some Members might miss the December meeting with the upcoming holidays.

A motion to continue the Public Hearing to January 12, 2020 was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Continued from October 27, 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

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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 Board received a request on behalf of the applicant to continue to the next meeting on December 8, 2020 because they were awaiting peer review comments from Ken Motta of Field Engineering and needed time to address them.

A motion to continue to December 8, 2020 was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Continued from October 27, 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 mentioned that since the last meeting there had been discussion about the school bus stop, and he received the third peer review report from Mr. Motta. Mr. Motta made recommendations for special conditions and provided input on the remaining waiver request. Chairman Johnson stated the peer review report had come in too late to discuss at the meeting, but he wanted to review the bus routing.

Mr. Cordeiro shared his screen showing the overall site plan with the proposed GATRA and school bus routes in different colors. He noted the GATRA bus stop had not changed. However, the school bus stop was placed at the back of the site. He explained the bus could enter at the northerly entrance, stop at the bus shelter, and leave through Route 28, County Road, or circle back. Pickup in front of each building was also an option. Mr. Cordeiro noted they were committing to keep passenger cars from blocking the main path of travel.

Chairman Johnson stated the Board would need a comprehensive plan including the architectural drawings before the Public Hearing was closed. He added that the Board would need to know the detail and location of any signage. Mr. Cordeiro noted the original submittals of the architectural plans had not changed and the signage locations were included in the last revision reviewed by Field Engineering. He explained there would be three signs - one at each of the Route 28 entrances and one at the Route 58 entrance. He said they did not have the details of the signs yet. Mr. Cordeiro pointed out the proposed locations for the signs on the landscaping plan. Chairman Johnson asked the latest revision date on the plans and Mr. Cordeiro responded that the latest plans were revision 4, dated October 2, 2020. Chairman Johnson asked if the Conservation Commission had the same version. Mr. Cordeiro said the Conservation Commission had revision 3 and that the most up to date plans would be provided once peer review with the Board was complete. He noted they would appear in front of the Conservation Commission on December 15, 2020. Chairman Johnson stated the Board would take up the waivers at the December meeting and should be able to close the Public Hearing if the architectural drawings were submitted.

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Vice Chairman Florindo asked for a copy of the map with the proposed school bus route. Town Planner Starrett asked if the Board would add a condition for the school bus. Chairman Johnson responded yes. Chairman Johnson asked about a 40B project in Marion developed by Steen Realty & Development and whether it was on a private road. Mr. Steen explained the road was still private. It was planned to be accepted at the fall Town Meeting, but the meeting was cancelled. The school bus goes onto the private road but does not enter the apartment complex.

Charles Clemishaw, 631 County Road, mentioned there had been discussion about a gate on the back road that comes out on County Road. He asked if the gate would still be installed. Mr. Steen stated the Fire or Highway Department wanted to keep the entrance open and noted there would be a security gate for residents. Mr. Clemishaw asked if an existing chain link fence on the south side would remain. Mr. Cordeiro stated the fence would be removed and noted a new screening fence would be installed in its place. Mr. Clemishaw commented that the ring road is private property and if the school bus can go on the ring road, they should be able to go in the apartment complex.

Town Planner Starrett asked if Mr. Cordeiro had any concerns with the special conditions suggested by Mr. Motta. Mr. Cordeiro responded no. Mr. Cordeiro noted the only new condition related to the curb cut alignment for Route 58. Town Planner Starrett asked if the buildings with the three-bedroom apartments were duplexes. Mr. Steen explained there was one building mainly for three-bedroom apartments. He noted they had not submitted the three-bedroom layout. Town Planner Starrett asked if the three-bedroom units were on one floor and Mr. Steen responded yes.

Andrew Delli Carpini of Colbea Enterprises stated he noticed there was a use indicated on the property behind theirs in the most recent set of plans. He noted there was a safety concern with the entrance at the exit of the connector and suggested the Board hire a traffic consultant when the parcel is developed. Chairman Johnson confirmed that traffic and access and egress would be considered when the additional parcels come before the Board for site plan review.

A motion to continue to December 8, 2020 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

DISCUSSION

Agilitas/Old Middleboro Road Solar Project

Chairman Johnson reported the Board lifted the cease and desist order at the last meeting. Since then, Agilitas staff have cleared 50% of the trees. Town Planner Starrett visited the site the day of the meeting to look for additional structures or stone walls. He found that most of the old walls exposed were remnants and allowed Agilitas staff to continue work. Chairman Johnson noted Town Planner Starrett flagged an area by the detention basin and will take a closer look another day.

Chairman Johnson reported that Agilitas wanted to change the orientation of the panels. He said they were relocating a couple of equipment pads and the change would not encroach in detention basins, temporary basins, or the access road. There was discussion about whether the change was minor. Town Planner Starrett noted the array was on the same footprint and they were not changing the output of the array. All Members agreed it was a minor change.

Chairman Johnson reported that Agilitas requested to work on Veterans Day and two Saturdays (November 14, 2020 and November 21, 2020) from 7:30 a.m. to 5:00 p.m. with heavy equipment. The Board's decision indicated they could not work on holidays or use heavy equipment on Saturdays. There was discussion among the Members with Member Silveira and Member

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DeMaggio concerned about further changes. Clerk Bailey suggested they look at each request individually. Town Planner Starrett noted most of the crew was staying at hotels. He said the neighbors were happy in general, but it would be best to complete the work sooner rather than later.

(Associate Clerk Murphy arrived at 8:03 p.m.)

Vice Chairman Florindo explained there was a cost to have the equipment sitting and suggested allowing them work and take other requests on a case by case basis. Chairman Johnson stated there should not be more minor changes unless they want to reopen the hearing. He recommended allowing them to work on the three days because they would complete the work quicker.

A motion to allow the three days to work with heavy equipment was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a roll call vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Countryside Child Care/15 Cranberry Highway/Final Inspection/Release of Surety

Chairman Johnson reported that at the last meeting the Board directed Town Planner Starrett to visit the site. He said that Mr. Motta had indicated the plan was in conformance. Town Planner Starrett stated there were a couple of minor things Mr. Motta wanted him to look at it and it was all fine. Chairman Johnson stated there was \$18,000 remaining.

A motion to release the surety on Countryside Daycare was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a roll call vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Street Name Change Request

Chairman Johnson reported the Board received a request from a resident to change Duhamel Drive to Patty's Way. Clerk Bailey stated the road was off Route 105 and there were two houses, with information gathered from his tablet. Member DeMaggio asked if the other resident supported the name change. Chairman Johnson stated he had not received an answer from Town counsel. Chairman Johnson requested that Town Planner Starrett send a letter to the Board of Selectmen asking for comment from other residents that use the road. Clerk Bailey noted there was a third lot that was undeveloped.

TOWN PLANNER UPDATES

Town Planner Starrett reported that Craig Canning's property was for sale. He mentioned that SWEB Development USA, LLC, the developer of the proposed solar installation, had some issues with the project and it was not going to move forward. Chairman Johnson noted the Board still had bonds for the project and another developer could construct the solar array.

Chairman Johnson thanked the Rochester School Committee for allowing the Board to use the room at Rochester Memorial School for their meetings and wished everyone a happy Thanksgiving.

ADJOURNMENT

A motion to adjourn at 8:34 p.m. was made by Member DeMaggio. All Members were in favor. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**