

**Rochester Planning Board  
Minutes of December 8, 2020**

Present: Arnold Johnson, Chairman  
Gary Florindo, Vice Chairman  
Bendrix Bailey, Clerk  
Lee Carr  
John DeMaggio (*arrived at 7:06 p.m.*)

Absent: Michael Murphy, Associate Clerk  
Chris Silveira

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

The meeting convened in-person and via Zoom Meeting ID 847 7275 7079. All Members joined in-person at the Rochester Memorial School. Chairman Johnson called the meeting to order at 7:01 p.m. and stated the meeting was being recorded.

**BOARD BUSINESS**

***Minutes***

A motion to accept the minutes of November 10, 2020 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

Clerk Bailey asked if a correction he had requested was made and Tanya Ventura, Board Administrator responded yes.

***Vouchers***

A motion to approve a voucher for an Urban Harbors Institute seminar for the Board Administrator in the amount of \$40.00 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

A motion for the Chair to approve and sign all vouchers was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Old Middleboro Road/Invoice# 13963 in the amount of \$1,750.00 was made by Member Carr and seconded by Clerk Bailey. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Rochester Crossroads 40R/Invoice# 13965 in the amount of \$2,232.50 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Rochester Crossroads 40R/ Invoice#13912 in the amount of \$3,762.50 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained (4-0-0).**

*(Member DeMaggio arrived at 7:06 p.m.)*

A motion to approve a voucher for Field Engineering Co., Inc./Featherbed Lane South/Invoice# 13965 in the amount of \$250.00 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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A motion to approve a voucher for Field Engineering Co., Inc/15 Cranberry Highway/Invoice# 13962 in the amount of \$250.00 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc/The Village at Plumb Corner/Invoice# 13961 in the amount of \$375.00 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**PUBLIC MEETINGS:**

**Approval Not Required Application**

Approval Not Required Plan of Land, prepared for Shawn McCombe, for property 342 Snipatuit Road, Assessors Map 38, Lot 35.

Bob Rogers of G.A.F. Engineering and Shawn McCombe, property owner, were present. Mr. Rogers explained that Mr. McCombe was looking to create a new building lot (Lot 35C) with 4.8 acres of upland to build a house for his son. It would leave Mr. McCombe with 19 acres. He noted there was 180 feet of frontage on Snipatuit Road and 522 feet of frontage on Brad's Way.

Chairman Johnson stated the frontage for Snipatuit Road was not marked on the plan. Mr. Rogers responded that he could not find guidance in Rochester's Zoning By-Law for corner lots. He was unsure if he should show frontage for both Brad's Way and Snipatuit Road. Chairman Johnson asked if the other two properties on Brad's Way were on municipal water. Mr. Rogers said he did not know. He mentioned that the well on the existing parcel was shown on the plan. Chairman Johnson stated the Board's Rules and Regulations require a well location on the plan for the two lots. Mr. Rogers responded that he did not think Lot 35C would have an impact on the wells for 35B or 35A. Chairman Johnson asked if Mr. Rogers could make the changes to the plan if the Board approved it that night. Mr. Rogers said yes.

Chairman Johnson asked if Mr. McCombe's son would use any portion of the existing driveway. Mr. McCombe was unsure. Chairman Johnson stated that if they decided to share part of the driveway, Mr. McCombe would have to file for a Common Driveway Special Permit. There was further discussion about sharing the existing driveway. Vice Chairman Florindo asked about a driveway coming off the cul-de-sac. Mr. McCombe replied that he parked his vehicles there. Mr. Rogers asked where he could find the information about a corner lot. Chairman Johnson explained the frontage would be measured off the 40 feet setback line from the street with a calculation for the radius on the corner. Mr. Rogers noted that towns have different policies on how to calculate the frontage on a corner lot.

A motion to approve a plan Approval Not Required for Sean McCombe, 342 Snipatuit Road, prepared by G.A.F. Engineering dated November 4, 2020 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**PUBLIC HEARINGS**

***(Continued from November 10, 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.

Chairman Johnson stated the applicant requested a continuance to January 12, 2021 because peer review comments would be received prior to the hearing. There was discussion about the status of the filing with the Conservation Commission. Town Planner Starrett noted that changes had already been made to the plans based on the Commission's peer review report. He explained that was the reason Ken Motta of Field Engineering and the applicant's engineer decided to continue.

A motion to continue the Public Hearing to January 12, 2021 was made by Chairman Johnson. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**A Site Plan Review Application for a Solar Installation, filed by Paul Eaton of Trinity Solar, 20 Patterson Brook Road, Unit 1, West Wareham, MA 02576, for property located at 323 Rounseville Road, Rochester, MA 02770, designated as Lot 6A on Assessor's Map 34.** The applicant proposes to install twenty-five 7.875kw solar panels on the roof of the building. This will add 6" to the height of the roof but not exceed the panel. The property owner of record is Rochester Golf Club, 323 Rounseville Road, Rochester, MA 02770.

Jason Patry of Trinity Solar shared his screen showing an aerial view, plan view, and photos. He reported the panels would not be visible from the road. He showed photos of the building where the solar panels would be installed.

Chairman Johnson stated the applicant needed to submit a written request for the waivers for the Board to act on them. He noted they could not close the Public Hearing without it. He mentioned that Town Planner Starrett could assist in preparing the request.

A motion to continue the Public Hearing to January 12, 2021 was made by Member Carr and seconded by Member DeMaggio. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

**(Continued from November 10, 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 were asked to submit information at the last meeting including a final printed set of plans with updated architectural drawings and a printed copy of the bus route plan. Field Engineering's third peer review letter requested additional landscape screening

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in a specific location and the fourth peer review letter indicated Mr. Motta was satisfied it had been done. In the latest peer review letter, Mr. Motta brought up some issues related to coordination with the Fire Department. After a phone conversation, Mr. Motta developed a list of special conditions to recommend to the Board to make sure the Fire Department's requirements are addressed. Mr. Cordeiro explained they coordinated the site plan with the architectural drawings. As a result, they removed some connecting sidewalks on the architectural footprint. They did not modify the drainage calculations despite the reduction in impervious area.

Chairman Johnson had the following questions and comments:

1. In the project phasing information related to installation of a commercial road, it appeared they were making a stub road through two lots. Mr. Cordeiro explained that it was for utility services and noted there was no driveway.
2. A note on the plan that referred to a City Council should be removed since Rochester does not have a City Council.
3. A particular sheet of the plan showed the width of the main entrance of Route 28 in the outgoing lane but not on the ingoing lane. Mr. Cordeiro responded that he thought it was 20 feet wide.
4. A stop sign should be added on the commercial road from Seasons Gas Station across to the main entrance.
5. He asked if they were proposing a grass swale by the old road to be decommissioned. Mr. Cordeiro responded yes and noted it would help control drainage. Chairman Johnson asked if there was a cross section on the detail page and Mr. Cordeiro responded that they have a general cross section.
6. The extension road to County Road should have light added to avoid creating a dark alley.
7. An elevation plan was shown for buildings A, C, and the community center but not for building D. Mr. Steen stated they were interchangeable.

Vice Chairman Florindo asked about possible impacts to nearby houses on County Road if the leachate field expanded after a few years. Mr. Cordeiro responded that the groundwater flows away from County Road. There was discussion about which houses nearby were connected to town water or using well water. Charles Clemishaw, 631 County Road, an abutter stated he was not on town water nor were his two neighbors.

Town Planner Starrett asked Mr. Cordeiro to add a designation that all four floors of the buildings are the same. Chairman Johnson noted the orientation of the trash dumpster was the wrong way for a front-end loading truck. Mr. Cordeiro responded that he would look at it. He mentioned the dumpster was relocated further away from the wetlands based on a request from the Conservation Commission. Chairman Johnson stated that 16.5 feet wide might not be enough space for the trash dumpster. Mr. Cordeiro responded that they are typically 6 or 8 feet wide and they could fit two dumpsters side by side. Mr. Steen noted that increasing the frequency of collection was an option. Mr. Cordeiro added that Mr. Motta confirmed through his peer review letter that there was enough space for a second dumpster. Chairman Johnson asked how they would treat the trash generated at the clubhouse. Mr. Steen said it was a minimal amount that they would bring it to the dumpster.

Member DeMaggio asked if they had details on the luminaries on the buildings. He noted the luminaries on the poles are shown facing down and asked if the ones on the buildings would also be facing down. Mr. Steen responded that they would request proposals from lighting suppliers and noted that it would comply with the Dark Sky Lighting requirements.

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Chairman Johnson reviewed the following requested waivers. He stated that Mr. Motta thoroughly reviewed them and took no exception to the Board granting the waivers.

1. *Section 5.C.2 of the Town's Zoning By-Law – Waiver not to require a 10-foot vegetative buffer along the interior lot lines of the ANR Lots within the CHSGOD.*
2. *Appendix A, Section 4.2.2 of the Rules and Regulations Governing the Subdivision of Land – Waiver to allow a reduction in the horizontal separation between the front property line and a stormwater management system from the required 100 feet to 25 feet.*
3. *Appendix A, Section 4.2.2 of the Rules and Regulations Governing the Subdivision of Land – Waiver to allow a reduction in the horizontal separation between a subsurface sewage disposal system and a stormwater management system from the required 200 feet to 148 feet at 619 County Road and 150 feet at 46 Cranberry Highway.*
4. *Appendix A, Section 4.6.5 of the Rules and Regulations Governing the Subdivision of Land – Waiver to allow a reduction in the vertical separation distance between the maximum groundwater elevation and the bottom elevation of the recharge systems from the required 3 feet to 2 feet.*

A motion to approve the waivers presented was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to close the Public Hearing was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Chairman Johnson explained that Town Planner Starrett would draft a decision to be discussed at the January 12, 2020 meeting. He hoped they could have a resolution at the second meeting in January.

**DISCUSSION**

Chairman Johnson reported that workers at the Plumb Corner project had been tapping into the water main without anyone's knowledge. They did not have the surety in place to do the work. He stated that work stopped until the applicant submitted a check to cover that portion of the work. He noted they had not provided surety for any other type of work.

Chairman Johnson reported that Town Planner Starrett and himself visited the Old Middleboro Road project. He noted the site was cleared except for a small area needing to be stumped. With the trees cut down, they found a few items on site that Agilitas agreed to preserve including:

1. An interesting stone structure;
2. A couple of stone mounds;
3. Three stone walls that crisscrossed the property, one possibly requiring adjustment to the racking; and
4. A second well on the homestead site about 12 or 15 feet deep.

Town Planner Starrett did research into the stone structure and found that it may have been used for cutting logs. Chairman Johnson said they asked the Agilitas staff to cover the well for public safety.

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**TOWN PLANNER UPDATES**

Town Planner Starrett provided updates on the following projects:

1. The SWEB project on Craig Canning's property was cancelled. Member DeMaggio noted the property was for sale. Town Planner Starrett added that the regulations on endangered species had changed and they had to reapply. They had a no take and it was taken away.
2. The people working on the asphalt plant were awaiting approval on emissions from the U.S. Environmental Protection Agency the last time Town Planner Starrett spoke with them.
3. The Eldredge Bogs solar canopy project had not started.

Chairman Johnson noted the Sarah Sherman Road project had not started.

Vice Chairman Florindo asked if Rochester residents would be able to use the transfer station on Route 28. Town Planner Starrett mentioned that Rochester might be looking for a different location. Chairman Johnson stated there had been discussion between Selectmen and the Carver Marion Wareham Regional Refuse Disposal District. He noted that Wareham was taking over the transfer station on December 31, 2020. Chairman Johnson also mentioned that if improvements were being made, they would have to come before the Board for site plan review.

**ADJOURNMENT**

A motion to adjourn at 8:19 p.m. was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

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Marissa Perez-Dormitzer, Recording Secretary

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Arnold Johnson, Chairman