

**Rochester Planning Board  
Minutes of March 26, 2019**

**Present:** Arnold Johnson, Chairman  
Gary Florindo, Vice Chairman  
Bendrix Bailey, Clerk  
Michael Murphy, Associate Clerk  
Lee Carr  
John DeMaggio (*arrived at 7:14 p.m.*)

**Absent:** Chris Silveira

Steven Starrett, Town Planner  
Marissa Perez-Dormitzer, Recording Secretary

**Chairman Johnson called the meeting to order at 7:10 p.m. in the Town Hall Meeting Room and made everyone aware that the meeting was being televised and recorded via digital audio recorder.**

**BOARD BUSINESS:**

**Vouchers**

Chairman Johnson stated they had to revote Town Planner Starrett's mileage reimbursement because the IRS changed the mileage reimbursement amount from 2018 to 2019.

A motion to approve a voucher for mileage reimbursement for Town Planner Starrett in the amount of \$310.66 was made by Member Carr and seconded by Clerk Bailey. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0).**

A motion to approve a voucher for W.B. Mason for office supplies in the amount of \$26.54 was made by Associate Clerk Murphy 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 / Plumb Corner Mall Escrow Account in the amount of \$2,437.50 was made by Associate Clerk Murphy 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 / Borrego Solar / 453 Rounseville Road Solar Project Escrow Account in the amount of \$2,500.00 was made by Associate Clerk Murphy and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0).**

*(Member DeMaggio arrived at 7:14 p.m.)*

**Minutes**

Clerk Bailey mentioned a change to the minutes from March 12, 2019. In the discussion about the draft decision for 15 Cranberry Highway, LLC, he suggested modifying a sentence as follows: "Chairman Johnson stated that Decas won't own the land; they'll own the *adjacent* parcel."

A motion to approve the minutes of March 12, 2019 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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**Decision for 15 Cranberry Highway, LLC Site Plan Review**

Chairman Johnson stated that two slight changes were made after having them reviewed by legal counsel.

Clerk Bailey explained that throughout the document there are various requirements that relate to different Town departments. He suggested the Planning Board submit the information in memo form to the relevant departments because it would be more efficient and would help ensure mistakes aren't made.

Chairman Johnson responded that it could be done. Currently, the building inspector won't issue a certificate of occupancy unless the Planning Board submits a letter to him. Clerk Bailey also noted there should be a letter or memo to the Board of Health. Chairman Johnson stated it was a good suggestion for ease of management.

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

**Reappointment of Barry Patraiko, Capital Planning Committee Planning Board Representative, Reappointment Term to Expire April 30, 2020**

A motion to appoint Barry Patraiko as the Planning Board Representative to the Capital Planning Committee with a term set to expire April 2020 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0).**

**PUBLIC HEARINGS**

**1. (Continued from February 26, 2019) A Site Plan Review application received from Sophia Darras c/o Attorney Patricia A. McArdle, 44 Main Street, Mattapoisett, MA 02739 for property located at 565 Rounseville Road and 0 Rounseville Road, Rochester, MA 02770, further identified on Assessor's Map 30, Lots 24, 25 and 25D. The property owners are Sophia Giannaros Darras, 79 Walpole Street, Dover, MA 02030 and Patricia M. Bray, Trustee, Union Jack Realty Nominee Trust, P.O. Box 989, Marion, MA 02738. The proposed project involves the removal and abandonment of the existing drainage system, and the installation of a new drainage system that includes new deep sump catch basins, drainage manholes and piping, proprietary treatment structures and sub surface infiltration.**

Chairman Johnson stated JC Engineering, Inc. submitted a request to continue the hearing until April 9, 2019. They were required to file for a Groundwater Protection Permit and did not file in time for the meeting. Also, Ken Motta has not yet issued his peer review report.

A motion to continue the hearing to April 9, 2019 was made by Associate Clerk Murphy 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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**2. (Continued from February 26, 2019) Special Residential Development Special Permit application, Application for Work on Scenic Highway (Route 105) and a Groundwater Protection District Special Permit application received from REpurpose Properties, LLC, 55 Main Street, Buzzards Bay, MA 02532 for property located at Rounseville Road, Rochester, MA 02770, further identified on Assessor's Map 30, Lots 24, 25B, & 25C. The property owner of record is Gibbs V. & Patricia M. Bray, Trustees, 21 Pawkechatt Way, P.O. Box 989, Marion, MA 02738. The applicant's representative is John L. Churchill, Jr. of JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538. The proposed development is an age-restricted community with 22 duplex units, a common building and associated roadways, buildings, and utilities.**

Chairman Johnson stated JC Engineering Inc. submitted a request to continue the hearing to April 23, 2019.

A motion to continue the hearing to April 23, 2019 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).**

**DISCUSSION**

**IGS Solar (formerly Melink) Snipatuit Road**

Town Planner Starrett stated the fence is repaired and the plantings have not been done. There are 6 or 7 small trees down. He will contact IGS Solar to provide a timeframe for completing the work. Chairman Johnson suggest the work be completed by the end of May. Town Planner Starrett noted he could see some of the solar panels when driving by in a particular location. Vice Chairman Florindo suggested aiming for May 1st. Town Planner Starrett agreed that the plantings should be done by May 1, 2019.

A motion to nullify the taking of the bond was made by Member Carr and seconded by Member Bailey. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0).**

Chairman Johnson mentioned the issue of the plowing not done at IGS Solar and at the solar installation on Mattapoisett Road. Town Planner Starrett stated he spoke with Jeff Eldridge, the Town's Highway Surveyor as well as Scott Weigel, the Town's Fire Chief. Scott Weigel told Town Planner Starrett they have sufficient equipment to fight fires at solar installations. Jeff Eldridge told Town Planner Starrett he would ensure the solar installations are plowed if not done by IGS Solar staff.

Vice Chairman Florindo suggested they should plow up to the gate where the solar field is located. Members agreed the solar installations should plow to the internal perimeter of chain link fence and the plowing requirement should be a standing condition in future decisions. There was also discussion about requiring plowing to the transformers as a precaution for fires. Town Planner Starrett stated he would contact IGS Solar, CEC and Borrego Solar to ask about their standard procedures since they need to have access. Town Planner Starrett explained there is a power disconnect at the pole at the road. The Town Fire Department has the codes and keys to disconnect the power.

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**Borrego Solar Rounseville/Mendell Road Solar Project**

Town Planner Starrett reported Borrego Solar submitted the as-built plan for the excavated portion of the project. Ken Motta is reviewing it. The as built has all new elevations. Tomorrow they will test the ground elevation and top of post. If it's accurate, Borrego Solar can proceed to install the panels.

Chairman Johnson asked the status of the drainage plan. Town Planner Starrett responded that at the last meeting Members agreed to leave it up to Borrego Solar and that the Town would monitor the drainage. Any problems would need to be fixed. Chairman Johnson responded that the Planning Board won't have leverage. Town Planner Starrett referred to number 16 in the Standard Conditions for the Planning Board's decision. Number 16 says: "The owner/operator of the site shall be responsible for the proper management of stormwater during the construction phase to ensure all adjacent properties and public ways are not adversely impacted by any stormwater discharges from the site." Chairman Johnson stated Borrego Solar has not submitted a drainage plan for 3 months. They changed the elevations and created a temporary storage basin. Town Planner Starrett mentioned they now have a permanent berm at the south end of the excavated area.

Chairman Johnson stated they shouldn't go on the inspection until the updated drainage plan is submitted. Once the panels are installed, the Planning Board loses all leverage.

There was discussion about the permanent berm and how it's working to control the flow of the water.

Town Planner Starrett will contact Steve Long of Borrego Solar. Members agreed to hold off doing the inspection until the plan is received. Town Planner Starrett was unsure what had been communicated to Steve Long. He stated he would like to review the minutes from past meetings.

Chairman Johnson reviewed the past problem with water flowing toward Mendell Road. Vice Chairman Florindo explained he had spoken with various people in the Town who agreed that water had flowed over Mendell Road before that solar installation began construction.

Chairman Johnson stated they had to have done some calculations to make the temporary basin and that Steve Long didn't commit to keeping the basin. Member DeMaggio added that calculations must have been done to remove the 8,500 yards of material. He also stated that the original grading and erosion control is different than what is on the site now and so an updated plan should be provided.

Chairman Johnson stated they will make a change on future decisions that the developer can't receive the final electrical permit until the Planning Board notifies the electrical inspector that the Planning Board's conditions are satisfied.

Member Carr asked if the Town Planner has to provide an approval if the Planning Board authorizes him to do the inspection. Town Planner Starrett responded that the steps are in the Planning Board's decision. He said that he could let them know they can't put the panels up until the plan is submitted. Member DeMaggio stated the decision says that if they pass the inspection, the panels can be installed.

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Town Planner Starrett showed several photos of the site. Vice Chairman Florindo pointed out that there was a lot of cleared land that has affected the flow of water. Town Planner Starrett stated that Ken Motta is monitoring the water levels.

Chairman Johnson stated if they provide a plan to Ken and he reviews it and is comfortable with the stormwater calculations, they can discuss it at the next meeting.

Member DeMaggio suggested that Town Planner Starrett email Steve Long that night to request the plan. Chairman Johnson stated their only option once power is being produced is to take the bond, put the drainage design out to bid, and then put a tax lien on the property.

Member DeMaggio suggested adding language for future projects regarding plan changes.

There was discussion about Jim Buckles', Town Building Commissioner, involvement in the electrical inspection.

Caryl Vermilya, 20 Mendell Road, asked if the electrical inspector would check all the electrical connections on the inverters. Chairman Johnson responded he wasn't sure.

**Affordable Housing for Seniors**

Gianno Lettieri, who was present at the meeting, stated he was interested in an update on affordable housing for seniors in Town.

Chairman Johnson responded there have been conversations with Mike LaCava from REpurpose Properties about designating a few units as affordable for seniors. He added that on the corner of 58 & 28, there have been discussions about affordable units with a Rochester preference. He also stated that they had sought feedback about what is considered affordable from Mr. Lettieri's committee and didn't receive feedback. Mr. Lettieri responded that \$600 to 800 per month would be considered affordable. Clerk Bailey asked if the amount would be for a rental or sale. He added that the Planning Board can help by changing their policies regarding zoning; however, they need to know what affordable means.

Chairman Johnson stated that at meetings regarding the project at 58 & 28, they determined that affordability according to the state amounted to \$1,200 to \$1,300 per month. Chairman Johnson asked Mr. Lettieri if his group was looking at forming a housing trust. Mr. Lettieri responded that they are and are now waiting for 5013c designation.

Chairman Johnson stated that affordable housing can be built that doesn't meet the state requirements. The state requires building the units so they look all the same.

Chairman Johnson explained that with some programs, they have to be open to a lottery where there can't be local preference. In 40B, there is no local preference; in 40R there can be local preference.

Chairman Johnson stated that all 208 units at Routes 58 & 28 will count toward the Town's affordable unit quota as part of the 40R. There will be 29 units more than is required.

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Chairman Johnson stated that if Mr. Lettieri's group is able to get a donation of land, then together they can discuss what type of housing would meet the \$600 – 800 per month rent. Currently modular homes and trailers are not allowed; however, it could be changed.

Clerk Bailey asked if Mr. Lettieri did market work on the \$600 – 800 per month. He stated at Cranberry Manor the minimum rent is \$1,000 per month for 700 square feet. Mr. Lettieri stated the target is to help seniors stay in town. Clerk Bailey stated they can use zoning and the ability to use modular home to entice a developer. He is not sure \$600 or 800 is anything like the market.

Chairman Johnson asked Mr. Lettieri if they would retain ownership. Mr. Lettieri said yes. Chairman Johnson stated then the profit margin would not need to be as great. Mr. Lettieri asked if the Planning Board had thought about a housing authority. Chairman Johnson stated the Town has a Housing Opportunity Partnership Committee. Currently Chairman Johnson is the only member left on the committee; he signs off on tax abatements for seniors.

Chairman Johnson encouraged Mr. Lettieri to return to the Planning Board once their group has 5013c status and has properties in mind.

**Shawmut Associates**

Chairman Johnson reported there was an article in The Sentinel indicating Shawmut Associates are anticipating a May opening date. They haven't done a final review on the drainage and the access. Town Planner Starrett will get in touch with them. Town Planner Starrett stated they were waiting for the water pump. The article mentioned that solar panels would supply 30% of their power. Chairman Johnson stated they will need a preconstruction meeting on the solar panels.

**Connet Woods**

Clerk Bailey stated he spoke with the Connet Woods attorney about the declaration of trust and that the attorney said it's a nomenclature correction. Clerk Bailey asked if a public hearing was needed since there are no major changes. Chairman Johnson responded that any changes to a homeowner's association have to be approved. He explained the Planning Board would list it on a meeting agenda, Members would read the document as well as legal counsel.

**ADJOURNMENT**

A motion to adjourn at 8:48 p.m. was made by Member DeMaggio and seconded by Associate Clerk Murphy. **The motion was 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