

**Rochester Planning Board  
Minutes of April 9, 2019**

**Present:** Arnold Johnson, Chairman  
Gary Florindo, Vice Chairman  
Bendrix Bailey, Clerk  
Michael Murphy, Associate Clerk *(arrived 7:06 p.m.)*  
Lee Carr  
John DeMaggio  
Chris Silveira  
  
Steven Starrett, Town Planner  
Marissa Perez-Dormitzer, Recording Secretary

**Absent:** *(none)*

**Chairman Johnson called the meeting to order at 7:04 p.m. in the Town Hall Meeting Room and made everyone aware that the meeting was being televised and recorded via digital audio recorder.**

*(Associate Clerk Murphy arrived at 7:06 p.m.)*

**BOARD BUSINESS:**

**Contract: Field Engineering Peer Review for SWEB Development USA, LLC Marion Road Photovoltaic Special Permit**

A motion to allow the Chairman to sign a contract on behalf of the Planning Board with Field Engineering for Peer Review for SWEB Development USA, LLC was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0).**

**PUBLIC HEARINGS:**

**1. (Continued from March 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.**

**2. A Groundwater Protection District Special Permit 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 replacement of the existing drainage system at 565 Rounseville Road with a new compliant system to meet Town and State regulations for stormwater.**

**Rochester Planning Board  
Minutes of April 9, 2019**

*(Member Carr recused himself from the Public Hearings.)*

Chairman Johnson stated they were opening the discussion for both the Groundwater Protection District Special Permit application and Site Plan Review.

Brian Wallace of J.C. Engineering explained that since they last met at the end of February, they made a handful of changes to the plan. The most recent plan, dated March 7, 2019, includes two major changes. The swale was eliminated due to the location of a water service line. In place of the swale, they added two catch basins and are regrading the edge of the parking lot to facilitate the flow of water. For the second change, they are proposing to remove a section of the 27 inch concrete pipe and add a concrete flared end section and rip rap.

Mr. Wallace stated they received a letter from Field Engineering dated April 2, 2019. He also referred to a special conditions letter received that day. Two changes were suggested: 1. catch basin 7 will be removed and 2. field verification of the drain line prior to installation of any drainage pipes will be required.

Mr. Wallace reported they received approval last week from the Conservation Commission.

Chairman Johnson asked about the property lines. Mr. Wallace explained they have begun to draft an ANR plan. They will convey a parcel A to Map 30 Lot 25D since that's the parcel being served by the system; They will also convey parcel B to Lot 24. By doing so, the system will be on the correct property.

Chairman Johnson asked if they were doing easements for the drainage basin and leaching field on Lot 25. Mr. Wallace responded yes. Lots 25 and 25D are under the same ownership. They will have easements for the septic system and a corner of the subsurface infiltration system as well as construction easements. There will also be an easement for the drainage pipe out to the wetlands. Chairman Johnson stated that Town Counsel will need all the easements before a decision is made by the Planning Board. He asked why they aren't eliminating the lot line. Attorney Patricia A. McArdle stated she will review it more thoroughly with the owner.

Chairman Johnson summarized that the engineering is completed and now they need to work on the legal issues. Mr. Wallace stated that he thought the ANR was in sequence after approval of the Site Plan and the Groundwater Protection District. Chairman Johnson responded the Planning Board can't approve something that will go on another lot.

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

*(Member Carr resumed his role in the meeting.)*

**Rochester Planning Board  
Minutes of April 9, 2019**

**PUBLIC MEETING**

**Approval Not Required Application** - Joseph J. Jr. & Muriel L. Dvorski, 349 High Street, Map 20 Lot 7B

*(Vice Chairman Florindo recused himself from the Public Meeting.)*

Rich Charon, an engineer representing the owners, referred to a diagram on the Samsung Flip. He explained the property is 23.5 acres. There is an existing house on the southeast corner with a swimming pool, leaching pit, and septic tank. The owners are requesting to divide out a 2 acre lot for their daughter. He reviewed the setbacks and the available frontage and concluded there is still 450 feet of frontage on the other side of the proposed daughter's lot for two more potential lots. The 21.5 acres will remain as the parents' property; the 2 acres will be transferred to the daughter.

Chairman Johnson asked about the setback from the barn to the new lot line. Mr. Charon responded that the setback was more than 100 feet. Chairman Johnson stated the setback needs to be a minimum of 100 feet. Mr. Charon responded that the barn is considered a minor building.

Clerk Bailey stated the property is in Chapter 61A, a special Massachusetts designation for agricultural or horticultural land. Mr. Charon responded that the 2 acres will have to be released. Chairman Johnson asked about the location of the septic system. Mr. Charon pointed out the septic tank and leaching pit on a diagram on the Samsung Flip. Chairman Johnson questioned if they need a setback for the septic system from the lot line like for drainage. Town Planner Starrett stated they haven't checked for septic in the past.

A motion was made to approve the plan of land prepared for Joseph J. Jr. & Muriel L. Dvorski, 349 High Street, Rochester Map 20 Lot 7B by Member DeMaggio and seconded by Member Carr. Chairman Johnson abstained. **The motion passed by a vote of 5 in favor, 0 opposed, 1 abstained (5-0-1).**

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

**DISCUSSION**

**Zero Waste Solutions, LLC**

Chairman Johnson suggested scheduling a site visit to Zero Waste Solutions, LLC to see if they have completed the access and drainage work. Chairman Johnson suggested April, 18, 2019 at 6:00 p.m. After discussion, they agreed on 6:15 p.m. Associate Clerk Murphy was unable to attend. Chairman Johnson stated the Ken Motta should join the site visit.

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

Chairman Johnson asked if Town Planner Starrett reviewed the landscaping plan. Town Planner Starrett responded that it doesn't include screening around the transformer. He added that there's an asphalt ramp that leads up to Eversource's equipment. Town Planner Starrett showed the Member a diagram. Chairman Johnson noted there is some landscaping on the sides. Town Planner Starrett stated none of the work is done.

**Rochester Planning Board  
Minutes of April 9, 2019**

Town Planner Starrett reported he is waiting for an as built of the entire property. He added they are 85% done installing the solar panels. Chairman Johnson added they almost ready to hydroseed. Also, Town Planner Starrett stated there was no water on Mendell Road with the recent rain storm.

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

Town Planner Starrett stated IGS Solar said they would plow the snow in the future; IGS Solar didn't know what was required. Chairman Johnson noted they should remind IGS Solar and the solar installation on Mattapoissett Road next October. Chairman Johnson asked for the time frame for fixing the landscaping. Town Planner Starrett responded that they will fix the landscaping when the weather improves. He added that 15 trees need to be put back up or replaced.

**Dr. Hickey Lane / Proffit**

Chairman Johnson explained that Dr. Hickey Lane is off Snipatuit Road. Jimmy Moraux, the former owner, sold the property and the new owners took it out of Chapter 61A. The previous owner built two structures that were not approved by the Planning Board. The property was approved as a two-lot subdivision. Lot 2 has frontage on Snipatuit Road; they also had to take some frontage from Dr. Hickey Lane. Lot 1 is in the back of the property and has 3 structures.

Chairman Johnson explained the history of the property. Mr. Moraux had requested to carve out a third lot and was denied. He also had requested a back lot which was denied. Then he went ahead and built the structures without permission.

The new owners went to the Zoning Board of Appeals (ZBA) to make a second floor connector from one of the structures to the second floor of the garage which has living space above. One of the family members lives in the garage. Currently they have to go outside to access the garage. The owners received permission from the ZBA; however, the ZBA wrote in their decision that prior to doing the work, the owners need to come before the Planning Board for review of the road. Chairman Johnson suggested they schedule a site visit.

Town Planner Starrett reviewed photos of the structures and a diagram of the lots on the Samsung Flip. Clerk Bailey pointed out they have two kitchens in the main house and asked if they have permission from the ZBA. Chairman Johnson said yes. Chairman Johnson stated that no building permits were issued for the two additional structures; they have never been inspected. Chairman Johnson stated the Planning Board at the time waived some of the road requirements for the 2-lot subdivision.

Chairman Johnson explained that at one point, the previous owner poured a foundation and the Building Inspector issued a cease and desist order. However, there was no follow-up on the cease and desist.

Clerk Bailey asked what set of rules apply. Chairman Johnson responded that it's the subdivision rules and regulations. Chairman Johnson stated the situation came to light last week because there was a fire. The trucks had difficulty getting into the property and then had trouble turning around.

Chairman Johnson stated the address is incorrect; it's currently 514 Snipatuit Road.

**Rochester Planning Board  
Minutes of April 9, 2019**

Clerk Bailey stated the lot in question has not been subdivided; it's a single lot. There is a problem with nonconformance. There are multiple homes on one lot. Chairman Johnson stated the ZBA overruled their previous decision about the breezeway. Mr. Moraux had gone to the ZBA several years ago and the ZBA turned him down. In the recent decision, the ZBA required the owner to have an engineer inspect the structures to ensure they comply with Massachusetts Building Code.

Clerk Bailey asked about setting a precedent by allowing two homes on one lot. Chairman Johnson stated the Planning Board is looking at the road and the drainage for the number of structures. He added there is just a driveway; the road is not built to the plan. Town Planner Starrett reported that when the present owners were considering purchasing the property, they spoke with Town Planner Starrett. Town Planner Starrett had explained they would probably have to improve the road. Chairman Johnson stated the road is not built to the original Planning Board plan for a 2 lot subdivision. They should at least bring the road into compliance with the original plan.

Clerk Bailey asked if the ZBA allowed them to have two residential homes on a single house lot. He added that it violates Town zoning regulations. Clerk Bailey suggested that nothing should be done until the Planning Board knows that the structures are approved and there exists the legal right for the owners to have the buildings on that lot.

There was discussion about how to proceed. Members concluded they will consult with Town Counsel Bailey and wait for the owners to meet with the Planning Board, as spelled out in the ZBA decision.

**Wareham Water Department - Rochester Crossroads 40R Proposal**

Town Planner Starrett stated he had a request from the Wareham Water Department to discuss supplying water for the 40R project at a future Planning Board meeting.

**ADJOURNMENT**

A motion to adjourn at 8:02 p.m. was made by Member DeMaggio and seconded by Clerk Bailey. **The motion was passed by a vote of 7 in favor, 0 opposed, 0 abstained. (7-0-0).**

---

Marissa Perez-Dormitzer, Recording Secretary

---

Arnold Johnson, Chairman