

**Rochester Planning Board
Minutes of April 23, 2019**

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

Absent: *(none)*

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

Chairman Johnson called the meeting to order at 7:03 p.m. at the Council on Aging Senior Center and made everyone aware that the meeting was being televised and recorded via digital audio recorder.

BOARD BUSINESS:

Minutes

A motion to approve the minutes from March 26, 2019 was made by Clerk Bailey and seconded by Associate Clerk Murphy. Member DeMaggio abstained. **The motion passed by a vote of 6 in favor, 0 opposed, 1 abstained (6-0-1).**

Vouchers

A motion to approve a voucher for The Wanderer for an ad for the Bylaw Amendment Cranberry Highway Smart Growth Overlay District in the amount of \$50.00 was made by Member DeMaggio and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

A motion to approve a voucher for Field Engineering for the Borrego Solar / 453 Rounseville Road Solar Project Escrow Account in the amount of \$1,125.00 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).**

Chairman Johnson stated they couldn't sign the voucher for Field Engineering for the Plumb Corner Mall Escrow Account because there were not enough funds.

Zero Waste Solutions, LLC

Michael Camara, CEO of Zero Waste Solutions, LLC and Tim Flanagan, General Manager, were present.

Chairman Johnson explained that Town Planner Starrett and Ken Motta visited the site. As a result, Ken Motta sent a letter dated April 17, 2019 with a punch list of the remaining work to be completed. Mr. Camara handed Members the letter with handwritten responses. In reference to number 15 which states "The roof top solar panels have not been installed," Mr. Camara explained he is waiting for Eversource.

Chairman Johnson clarified that there were two separate applications – one for the site work and one for the solar panels. He stated the solar panels don't affect the inside of the building.

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Chairman Johnson asked if they anticipate the work being done by the scheduled opening on May 18, 2019. Mr. Camara responded that Mr. Flanagan will make sure it gets done. Mr. Camara will email updates as each task is completed so they can set a date for a site visit. Chairman Johnson stated when the Planning Board visits the site, they could vote if there are enough Members. If approved, they will send a letter to the building inspector so that he can issue the occupancy permit. Mr. Camara noted he plans to fire up the machines on May 20, 2019.

Trailside Estates Site Visit

Chairman Johnson explained the builder requested a site visit to restart the process. It has been 11 years since any Members from the Planning Board have been there. Members agreed to visit the site on May 1, 2019 at 5:30 p.m. Chairman Johnson suggested inviting Ken Motta, Town Counsel Bailey, and Jeff Eldridge, the Town's Highway Surveyor. Town Counsel Bailey recommended requesting the Board of Health and the Conservation Commission to review the project's status.

PUBLIC HEARINGS

1. (Continued from April 9, 2019) A Site Plan Review application and 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 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. 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.

Chairman Johnson reported a request for a continuance was received the prior day from Brian Wallace of J.C. Engineering, Inc. The reasons provided for the request are that Mr. Bray is out of the country, they are still discussing the property lines, and there is no new information to present to the Board. Mr. Wallace requested to be put on the agenda for the May 14, 2019 meeting. Town Planner Starrett pointed out that the May 14, 2019 meeting already has a lot on the agenda. Chairman Johnson suggested the Public Hearing be pushed out to the second meeting in May. Chairman Johnson stated the Public Hearing shouldn't take long if they have figured out the property lines.

Brian Wallace of J.C. Engineering, Inc. noted he can take care of the check this week.

A motion to continue the Public Hearing to May 14, 2019 was made by Member DeMaggio and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

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2. (Continued from March 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.

(Member Carr recused himself from the Public Hearing)

Brian Wallace of J.C. Engineering, Inc. provided the Planning Board with an update. He distributed a site plan of the proposed project. He explained it has been almost a year since they shelved the project to work on the Plumb Corner drainage project. They are 95% done with the plans and intend to submit the plans formally that same week. Mr. Wallace summarized the updates which included moving one entrance, providing a boulevard style entrance into the development, and changing the layout and style of the units based on feedback from the Historical Commission. In addition, they received comments from the Conservation Commission in the fall which are incorporated into the plan revisions. Mr. Wallace stated they will submit a full plan set, revised calculations and supporting documents later in the week.

In response to a question from Chairman Johnson, Mr. Wallace stated the width of the travelway is 14 feet. Chairman Johnson asked about the proposed landscaping. Mr. Wallace responded that they haven't worked on the landscaping plan. Clerk Bailey suggested not putting trees near the access road. Chairman Johnson commented that he would like to seek an opinion from the Fire Chief on the width of the travelway. He mentioned that the Fire Chief typically prefers 16 feet wide travelways. However, depending on the landscaping, fire apparatus may be able to drive on the grass in an emergency. Mr. Wallace stated they can prepare a fire access plan.

Chairman Johnson asked if they had worked on the property line yet. Mr. Wallace responded that they will be taking an even amount of land in a land swap. They have a fairly good idea where the property line will be located.

Chairman Johnson asked how much clearing will be seen from the road. Mr. Wallace responded that it won't be much. Most of the clearing will be on the westernmost road extending 400 feet into the wooded area. They are trying to minimize the amount of clearing.

Vice Chairman Florindo commented that the common building with a pool only has 5 parking spots. He asked if they are anticipating people will walk there. Mr. Wallace responded that there is no minimum parking requirement in the Bylaw.

A motion to continue the hearing until May 28, 2019 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Member Carr resumed his role in the Public Hearing)

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3. Zoning By-Law Amendment:

To consider an amendment to the Town's Zoning Bylaw by amending the Town of Rochester Zoning By-Laws by adding at the end of the list of Overlay Districts in Section 21.00, the new entry: 21.40 Cranberry Highway Smart Growth Overlay District and by adding the following new Section 21.40: Cranberry Highway Smart Growth Overlay District (CHSGOD).

Kenneth Steen of Steen Realty and Development Corp., Attorney Paul Haverty, and Town Counsel Bailey were present at the Public Hearing.

Chairman Johnson reported there will be a public forum on May 8, 2019 at 7:00 p.m. at the First Congregational Church of Rochester Fellowship Hall. Town Counsel Bailey added that the results of the fiscal impact study will be shared at the public forum.

Mr. Steen explained they will be rezoning 30 acres that are currently zoned as general commercial. Through the process with the Department of Housing and Community Development (DHCD), the parcel will become a Smart Growth Overlay District by changing the zoning to a multifamily subdistrict of less than 10 acres and a commercial subdistrict.

Mr. Steen reviewed a diagram of the site. It is an area at the intersection of Routes 28, 25 and 495. The 208 multifamily units are in the middle of the site at the density required by DHCD. There is other potentially developable land.

Mr. Haverty explained they drafted a preliminary zoning by-law for town meeting's review. They submitted to DHCD for preliminary approval. They received feedback, made adjustments, and are now comfortable that the regulation would be approved by DHCD if approved by Town Meeting. Mr. Haverty added that they will have to come in front of the Planning Board for the site plan review process. At this stage, all that's being done is a zoning change. Chairman Johnson clarified that the voters are not approving the project, only the zoning change. Chairman Johnson stated if the Bylaw passes at Town Meeting but the project doesn't move forward, the zoning overlay district will stay with the parcel.

Town Counsel Bailey explained there can be a 70% local preference for the 52 affordable units in the beginning. Mr. Steen stated there will be a lottery with local preference first. Town Counsel Bailey added that they cannot give a continuing preference to Rochester residents; that will only be offered in the initial lottery.

Chairman Johnson asked if there will be a housing authority. Town Counsel Bailey responded that the Bylaw references one if there is one. If there isn't a housing authority, it refers to the Planning Board. Mr. Haverty stated he wasn't sure who would monitor and suggested they might have to contract with an entity. Chairman Johnson suggested they could resurrect the Housing Opportunity Partnership Committee.

Louise Hebert, 617 County Road, stated if the plan is to scale that there isn't much land between her house and the gas station. Mr. Haverty responded that the plan presented was a conceptual design. Mr. Steen added that a traffic study will be done. Mr. Haverty stated the traffic will be oriented away from Rochester. Ms. Hebert responded that she will be impacted either way. Chairman Johnson explained it's an overlay district; without it this project would not be able to move forward as a 40R.

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Town Counsel Bailey stated it is commercially zoned land and would allow uses that would impact traffic anyway.

Chairman Johnson asked why the Planning Board isn't the governing authority, in addition to being the permit granting authority. Town Counsel Bailey responded that the zoning enforcement officer has the authority to do a cease and desist. Any changes that are proposed would come back to the Planning Board.

Dolores Dernier, 198 Marion Road, asked if the Town approves the Bylaw if that is the only section changing. Chairman Johnson responded yes. Town Counsel Bailey referenced the map stating that is the only area affected by the proposed Bylaw.

Ms. Dernier asked what is considered affordable housing. Mr. Steen responded that it's based on 80% of area median income. Mr. Steen stated that Rochester is included in the Brockton area, as is Marion and Mattapoisett. Mr. Steen reviewed the approximate rents in the affordable units – a 1-bedroom unit would be approximately \$1,100, a 2-bedroom unit would be \$1,350, and a 3-bedroom unit would be around \$1,550. Mr. Steen stated the rent does not include electric and gas.

Mr. Steen explained that the 208 units will take the Town over the required 10% for affordable housing. Chairman Johnson added it will put the Town over by 27 or 29 units and take the Town to the 2020 census.

Chairman Johnson noted with a 40R, the Town can work with the project proponents. Also, the developer will provide incentive money for education that continues permanently. If a project comes in as a 40B, the Planning Board has no say; they don't get to work with the developers and there is no incentive money for education.

Ms. Dernier asked how many 2-bedroom units are proposed. Mr. Steen responded there are 30 two-bedroom units proposed and 10% 3-bedroom units as mandated by the state. Ms. Dernier asked if that will bring in more children to the school system. Chairman Johnson responded that the state mandates the density and number of 3-bedroom units. Town Counsel Bailey added that the educational calculations are complex. He added that he looked into a 40R development by the train station in Lakeville. There are 204 units and they were receiving \$8,000 a year for 46 students. The payments continue permanently.

Vice Chairman Florindo asked about the impact to single family homes by the woods and whether they will lose money if they want to sell. Mr. Steen responded that they are always looking to make acquisitions and would look at the properties on a case by case basis. Vice Chairman Florindo stated those lots were commercially zoned at one time.

Charles Clemishaw, 631 County Road, asked if the site would receive its water supply from Wareham. Mr. Steen responded yes and that there is an intermunicipal agreement between Wareham and Rochester. Mr. Clemishaw asked if there is a limit on the amount of water provided by Wareham. Town Counsel Bailey responded that there is enough for this project but there may not be for future changes.

A motion to close the hearing 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).**

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A motion to recommend the Bylaw was made by Clerk Bailey and seconded by Member DeMaggio. **The motion passed by in a roll call vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

DISCUSSION

Representative to SRPEDD Meetings

Chairman Johnson suggested appointing Conservation Agent Farinon as a representative of the Town at SRPEDD meetings.

A motion to appoint Conservation Agent Farinon as representative to SRPEDD 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).**

15 Cranberry Highway, Countryside Child Care Center

Chairman Johnson stated the owners would like to move the light poles off the pavement for ease of snow removal. Members agreed it's a minor change.

Dr. Hickey Lane / Proffit

Chairman Johnson explained the Zoning Board of Appeals put in their decision that the owners must come before the Planning Board regarding the road that hasn't been built according to the plan. Clerk Bailey asked if the Town approved having two houses on one lot. Town Counsel Bailey responded yes. Clerk Bailey added that as long as the elderly member survives it's approved because it's a hardship to be separated. He asked if the Town is permanently allowing two houses on one lot. Town Counsel Bailey said no. Clerk Bailey suggested they don't need to ask the owners to bring the road up to standard since it's temporary. Town Counsel Bailey responded that the Planning Board would have to amend the decision if not requiring the property owners to upgrade the roadway.

Town Counsel Bailey confirmed there are 2 houses on one lot and the lot will not be further subdivided. Chairman Johnson stated there are 3 dwelling units – a cottage, a house, and the space above the garage. Town Counsel Bailey noted there are not three houses; there are two separate dwellings. Chairman Johnson responded it's really 3; they didn't get a variance for the guest house. Town Counsel Bailey stated the Zoning Board of Appeals decision covers it.

Chairman Johnson mentioned planning a site visit and asked if the Planning Board should wait until the owners apply for a building permit. Town Counsel Bailey recommended getting in touch with the owners. Chairman Johnson suggested that Ken Motta, Town Planner Starrett, and Jeff Eldridge, Highway Superintendent visit the property and provide a report on the status of the road. Chairman Johnson requested that Town Planner Starrett get in touch with owners to let them know about the site visit and invite them to the second meeting in May when the issue will be discussed.

ADJOURNMENT

A motion to adjourn at 8:20 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).**