

**Rochester Planning Board
Minutes of May 14, 2019**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk *(arrived at 7:09 p.m.)*
Michael Murphy, Associate Clerk *(arrived at 7:18 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. 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 April 9, 2019 was made by Vice Chairman Florindo 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 the minutes from April 23, 2019 was made by Member DeMaggio and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Vouchers

A motion to approve a voucher for Field Engineering for the Connet Woods Escrow Account in the amount of \$250.00 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).**

A motion to approve a voucher for Field Engineering for the Plumb Corner Drainage / Site Plan Review Escrow Account in the amount of \$1,312.50 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).**

A motion to approve a voucher for Field Engineering for the Plumb Corner Drainage / Site Plan Review Escrow Account in the amount of \$1,250.00 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).**

A motion to approve a voucher for Robert Gulick for setting up the April 23, 2019 meeting at the Council on Aging in the amount of \$26.48 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).**

For Signature

Members signed for the Plymouth County Registry of Deeds to maintain their current positions on the Planning Board.

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INFORMAL MEETING

Covanta of SEMASS, L.P., 141 Cranberry Highway, Map 17 Lot 1, Site Plan Review

Will Campbell of Tetra Tech provided an overview of the project while referring to a diagram. He explained that SEMASS is proposing to replace existing control equipment that cleans air coming out of the boilers.

(Clerk Bailey arrived at 7:09 p.m.)

He described the two types of equipment currently used for particulate control and stated they will be replaced with a bag house.

Mr. Campbell explained it is important for SEMASS to stay online during the upgrades since the facility provides 25% of the total waste disposal capacity in the state. To accommodate this need and existing space constraints, equipment will be moved around on the site. Matt Moyon, P.E, Project Manager of Tetra Tech showed additional diagrams. They will decommission the existing switchyard and construct bag house 1 and then decommission the electrostatic precipitator and construct bag house 2. Mr. Campbell stated the oil tank containment berm will get a little smaller. They will maintain existing volume in the oil tank at over 110% capacity. Overall, they are replacing existing equipment with similar equipment.

Member Carr asked what is stored in the tank. Mr. Moyon responded that it's an oil tank. Mr. Campbell added it's used for first fire or fuel interruption to keep the boilers live while they fix any problems.

Mr. Moyon stated they were at the meeting to talk through the waiver requests emphasizing that the project is an upgrade on an existing site. Referring to a letter dated May 14, 2019 and handed out at the meeting, he reviewed the waiver requests:

- **Waiver Request 1: General** - They are seeking relief from general site plan requirements and plan to focus on the area where the improvements will take place.
- **Waiver Request 2: Buildings and Stationary Equipment** – They are proposing to provide the location of the equipment and proposed grades because the stationary equipment will be within the existing operational footprint.
- **Waiver Request 3: Landscaping plan** – There is no landscaping that will be impacted as part of the project. They can provide information about existing areas within the project area and not for the entire site.
- **Waiver Request 4: Utilities and Drainage** – They will provide above and below ground drainage and utility infrastructure in the project area. They will provide “plans to prevent the pollution of surface and groundwater, erosion of soil during and after construction, excessive runoff, excessive raising or lowering of the water table, and the flooding of other properties...” They will also provide information about any exterior lighting in the project area. Because existing conditions are not changing, they are seeking to avoid a full stormwater analysis.
- **Waiver Request 5: Traffic and Parking** – Traffic and parking will not change as a result of improvements.
- **Waiver Request 6: Open Space** – There are no proposed changes to open space.

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(Associate Clerk Murphy arrived at 7:18 p.m.)

Member DeMaggio asked what the containment system capacity is currently compared to the 110% it will be after construction. Mr. Campbell responded that it's currently more than 110% and that it is decreasing with the new construction. Member DeMaggio asked about the tank during construction. Mr. Campbell responded that the tank will be drained and that they can use natural gas in the summer months. Member DeMaggio asked the size of tank. Mr. Campbell responded that it's 500,000 gallons. Chairman Johnson added the plan was to drain the remaining fuel oil and then clean inside of tank. Mr. Campbell added they want to inspect the tank.

Vice Chairman Florindo asked how long the project will take. Mr. Campbell responded at least 3 years. Vice Chairman Florindo asked if the switching mechanism will go back to the original location. Mr. Campbell responded it will stay in its new position; bag house 1 will be built where the switchyard is now.

Chairman Johnson stated the only waiver they would hold on is the drainage because the Town's engineer hasn't reviewed it.

A motion to approve waivers 1,2,3, 5, and 6 from the list of waivers in the letter from Tetra Tech dated May 14, 2019 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 once a formal filing is submitted, Planning Board Members should have a site visit with the key points staked out. Mr. Moya asked about the next steps for the drainage waiver request. Chairman Johnson suggested they reach out to the Town Engineer.

A motion to approve waiver 4 regarding Drainage and Utilities contingent on approval from the Town Engineer was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

PUBLIC HEARINGS

1. (Continued from April 23, 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 stated J.C. Engineering, Inc. submitted a request for a continuance to May 28, 2019 due to the lack of any new developments.

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A motion to continue the public hearing to May 28, 2019 was made by Member DeMaggio and seconded by Clerk Bailey. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

2. (Continued from April 23, 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 the public hearing will be continued to May 28, 2019. It was placed on the agenda in error.

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 deleting Section 20.10 E(8) Medical Marijuana and inserting a new By-law Section 22.70 – MARIJUANA REGULATIONS.

Chairman Johnson explained the Bylaw was referred to the Selectmen. The Selectmen referred it back to the Planning Board to be placed on the warrant for Town Meeting. He added no changes were made since it was referred.

A motion to close the public 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).**

A motion to recommend the new Bylaw Section 22.70 – Marijuana Regulations to Town Meeting floor 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).**

4. A Large-Scale Photovoltaic Installation Special Permit application and Application for Work on Scenic Highway (Route 105) received from SWEB Development USA, LLC, 209 West Central Street, Suite 306, Natick, MA 01760 for property located at 0 Marion Road, Rochester, MA 02770, further identified on Assessor's Map 6, Lot 37. The property owner is Rochester Farms, LLC, P.O. Box 278, West Wareham, MA 02576. The proposed project is for the construction of a Large-Scale Ground Mounted Solar Array.

The following were present at the Public Hearing:

Sarah Rosenblat, Development Manager of SWEB Development USA, LLC
Rory Cantwell, Director of Development of SWEB Development USA, LLC
Tom Saunders, Project Developer of SWEB Development USA, LLC
Rebecca Mauser-Hoye of Weston & Sampson

Ms. Rosenblat provided an overview of the project and handed out general information sheets. The total area within the fence is 12.75 acres; of that the panels will cover 9 acres. They are proposing

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no clearing and grading at the site. There is a 300 feet setback from the road and 100 feet setback from wetlands. The open space includes the access road, space around the inverters and spacing between the panels. They are not using standard racking; it's much lower to the ground. The highest point of each panel is 2 feet 9 inches. Ms. Rosenblat reviewed additional details about the equipment being installed including the solar modules, the inverters, the two transformers, and the recloser. The pad mounted recloser allows for fewer utility poles; there will be 3 utility poles on the street.

Ms. Rosenblat stated they are not proposing a fence along the road. There will be fencing on the other side of the access road. It will be 8 feet stockade in the front and 7 feet chain link fence behind the site line. There will be landscaping in front of the fence. Craig Canning, the owner of the property, is moving his greenhouses in front of the proposed solar panels.

Chairman Johnson stated SWEB confused the request for waivers with the checklist for submittal. He suggested they may need to ask for waivers for the site plan review Bylaw such as a traffic study, inventory of stone walls, outcroppings, and drainage.

Chairman Johnson asked if they have applied to the state's Natural Heritage and Endangered Species Program. Ms. Rosenblat responded that the site has a rare species – the eastern box turtle. The application is under review and they will likely have to provide a turtle protection plan as well as a turtle operations and maintenance plan. They hired Brett Powers, a biologist, who is in the process of making a plan. Chairman Johnson stated the Planning Board won't vote until receiving a letter from the Natural Heritage and Endangered Species Program.

Chairman Johnson stated the plan shows a 40 feet setback from the front and asked Ms. Rosenblat to clarify on the plan that the required setback is 300 feet. Also, Chairman Johnson stated their narrative indicates a structure height of 15 feet. Ms. Rosenblat responded that the transformers are 7.5 to 8 feet high. Chairman Johnson requested they adjust the height in the proposal. Chairman Johnson noted in the initial tech review, they didn't propose any earth removal, but on the plan there are areas that say temporary soil stock pile. Ms. Rosenblat responded that refers to soil for planting. Chairman Johnson explained they need to know how much material and if it's being trucked in as well as the definition of temporary. Chairman Johnson stated he noticed areas of equipment stockpile locations and asked if they are within screening. Ms. Rosenblat replied that they are inside the screening. The only thing outside the screening is the soil stockpiles for planting. Chairman Johnson added that the screening must go up first.

Chairman Johnson mentioned the access easement and easement for plantings in front of fence. Ms. Rosenblat stated they have pushed out the leased area to include the plantings. The only area with an easement is the access road. Chairman Johnson stated that Town Counsel will require a copy of easement and that the Town needs to be named in the event that the Town needs to come on the property.

Vice Chairman Florindo asked if they will be stripping loam to put in the gravel road. Ms. Rosenblat responded that they will dig out loam and then add gravel. Vice Chairman Florindo suggested testing where the road will be located. They may have surplus loam that will need to leave the site. Chairman Johnson added that soil coming off the site in excess of 1,000 yards will require an earth removal permit from the Soil Board.

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Chairman Johnson commented that the pad mounted recloser by telephone poles will need some type of landscaping.

Dolores Dernier, 198 Marion Road, asked the location and size of the recloser. Ms. Rosenblat responded that it will be 100 feet in from the main road and 64" x 53" x 64". Ms. Dernier asked about the noise level of the operation. Ms. Rosenblat stated there is not a lot of noise. The panels themselves don't make noise. They use string inverters to break up the noise. The inverters and transformers make noise; they put them on equipment pads to help absorb the noise. Ms. Rosenblat stated she can look up decibel level. Ms. Dernier asked if there are other sites using similar equipment in residential areas. Ms. Rosenblatt stated the string inverters and transformers are used commonly in Massachusetts. The peg racking has been used across various markets.

Ronald Jewett, 205 Marion Road, asked if there is an underground connection to the poles. Ms. Rosenblatt verified it is underground.

Dennis Pucello, 61 Hathaway Pond Circle, asked if the developer could move the solar panels up to street. Chairman Johnson responded the Town has a Bylaw requiring a 300 foot setback on a scenic highway. Ms. Rosenblat added that Mr. Canning plans to continue farming.

Sue Bonnar, 56 Hathaway Pond Circle asked to clarify where the greenhouses are being moved. Chairman Johnson responded there's a stake at the 300 feet in the tilled field. Chairman Johnson stated with the 300 feet setback, he'll continue farming approximately 6 acres in the front.

Stephen Armstrong, 36 Hathaway Pond Circle, asked if the 300-foot setback is to the fence or the vegetation. Ms. Rosenblat clarified the setback is to the fence.

Fred Voit, 41 Hathaway Pond Circle, asked if there is a bond to ensure the site is maintained and to restore the site if the project "goes bust." Chairman Johnson explained that there are three types of bonds required:

1. The landscaping bond covers the landscaping through two growing seasons.
2. There is a bond that covers maintenance, landscape, screening, and any drainage basins for 5 years. After 5 years, if repairs aren't made, legislation allows the Town to make the repairs and put a tax lien on the property.
3. The decommissioning bond allows for complete restoration of the site.

Mr. Pucello asked about the tax advantages of the project. Chairman Johnson stated the land is currently under Chapter 61A, a special Massachusetts designation for agricultural or horticultural land. The leased area will come out because it will be commercial use. The Town will benefit from the tax from a PILOT agreement.

Joe Travers, 6 Hathaway Pond Circle, asked if there is a similar system operating in the Town. Ms. Rosenblat responded there are three operating now, but none have the same racking system. Member Carr asked for the closest site with the same proposed racking. Ms. Rosenblat stated there were sites in North America, but wasn't sure of specifics. However, Town Planner Starrett pointed out there are other low racking systems in the state. Mr. Travers asked for photos of the installed racking. Ms. Rosenblat stated she could provide photos as well as a video of the installation.

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Ms. Bonnar asked the typical life expectancy of similar projects. Chairman Johnson responded typically they are 25 years; for this project they're proposing 20 years. Ms. Rosenblat explained they are setting up a 20-year contract with the DOER and Eversource. However, the equipment can last up to 40 years with proper maintenance. Around year 15, they do an evaluation process to see about extending the contract further. Chairman Johnson pointed out that at that point, they would go before the Planning Board to adjust the decommissioning bond.

Mark Lander, 194 Marion Road, asked if anything could derail the project. Chairman Johnson responded that he doesn't see anything that would derail the project. The state is pushing solar and doesn't allow the Town to deny them. Mr. Lander asked if the installation is more complicated due to its size. Chairman Johnson responded because the site is so large, they have land to work with and are not clearing forests.

Ms. Bonnar asked if there is any way the solar panel area would be reduced to allow more farmland. Chairman Johnson responded that the landowner is driving the size of the project.

Mr. Armstrong asked to clarify that nothing will be done beyond the perimeter specifically clearing of trees. Ms. Rosenblat stated that key areas are staked out and suggested residents contact the owner about walking the site.

Ms. Dernier stated there will be a drainage problem at the access road. Ms. Rosenblat clarified there will be a paved apron going in a minimum of 40 feet and then a gravel road. They can also put in a small drainage swale to allow the water to flow into the wetlands.

Mr. Pucello asked if the greenhouses will be moved behind the wall. Ms. Rosenblat showed the current and future location of the greenhouses on a diagram. Town Planner Starrett suggested putting out an 8 foot stockade fence to show where the greenhouses will be located.

Chairman Johnson stated they need data on the site lines. Ms. Rosenblat responded they submitted the renderings. Chairman Johnson explained that after putting up the screening SWEB is required to do a flag test before any further work is completed. He reviewed the details of the flag test stating someone stands at the highest point and raises the flag to the height of the proposed panels. If at any time, the Planning Board sees the flag or part of the flag, they have to change their screening. Two more inspections are done - one after the racking is installed and another after the panels are installed.

Mr. Armstrong asked about the timeline for the project. Ms. Rosenblat responded they would start site preparation in spring 2020. Site prep takes about 30 business days. The construction process would take around 70 business days including all inspections and tests.

Member DeMaggio asked if SWEB typically maintains ownership of their properties. Ms. Rosenblat responded that SWEB is an IPP (Independent Power Producer); they are the owner and operator. In 25 years they haven't sold a project. Town Planner Starrett asked who will maintain the installation. Ms. Rosenblatt responded that they have their own operations and maintenance team.

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Mr. Armstrong asked about the lease. Ms. Rosenblat responded there is a 25 year lease with 2 options for extension. Mr. Armstrong asked about technology changes. Ms. Rosenblat responded that once they sign an interconnection service agreement with Eversource, they cannot change the technology.

Chairman Johnson stated they are required to submit a record of their power output no later than January 1st of the next year. If there for some reason the system would need to come offline, the Town would consider it as abandoned and the decommissioning bond would be used.

Chairman Johnson stated they will have additional public hearings. The Planning Board will schedule a site visit and he asked that the access road be staked as well as the 300 feet from the road and the edge of the panels. Chairman Johnson stated that once they're staked, they can schedule a site visit.

A motion was made for a continuance to June 25, 2019 by Clerk Bailey and seconded by Associate Clerk Murphy. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

TOWN PLANNER UPDATES

Town Planner Starrett provided brief updates as follows:

- **Zero Waste Solutions:** Town Planner Starrett asked if Members would be able to attend the site visit at Zero Waste Solutions on May 16, 2019 at 6:00 p.m. They need a quorum in order vote so Zero Waste Solutions can be issued an occupancy permit to open on May 20, 2019.
- **Bituminous Concrete Plant:** There was a preconstruction meeting at the new bituminous concrete plant. They will proceed with sitework first.
- **Trailside Estates:** There was a meeting at Trailside Estates. They cleared the area and have permission to go into phase 1. Then they will need a permit from the Conservation Commission.
- **Dropbox:** Clerk Bailey suggested using a Dropbox account to share files. Ben will help set it up. Vice Chairman Florindo stated he doesn't use a computer; Chairman Johnson added that he prefers to be able to draw and make notes on the paper copies.

ADJOURNMENT

A motion to adjourn at 8:47 p.m. was made by Member DeMaggio. **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