

**Rochester Planning Board
Minutes of July 9, 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 7:07 p.m. at the Town Hall Meeting Room and made everyone aware that the meeting was being televised and recorded via digital audio recorder.

BOARD BUSINESS

For Signature

Associate Clerk Murphy signed a Mullin Rule Affidavit for the Trahan/Mattapoissett Road/Back Lot Special Permit.

Vouchers

A motion to approve a voucher for The Wanderer for an ad for the Public Hearing about the Marijuana Bylaw Amendment in the amount of \$50.00 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).**

A motion to approve a voucher for Field Engineering for the REpurpose Properties Rounseville Road Escrow Account in the amount of \$1,250.00 was made by Associate Clerk Murphy 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 approve a voucher for Field Engineering for the Covanta SEMASS Upgrade in the amount of \$2,150.00 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).**

A motion to approve a voucher for Field Engineering for the Countryside Child Care/ 15 Cranberry Highway Escrow Account in the amount of \$1,250.00 was made 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).**

A motion to approve a voucher for Field Engineering for the Connet Woods Escrow Account in the amount of \$437.50 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 MEETING

Approval Not Required Application (Continued from June 26, 2019)

Gibbs V. & Patricia Bray, Trustees and Patricia A. McArdle for Sophia Darras, 565 & 0 Rounseville Road, Map 30 Lots 24, 25 & 25D

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Chairman Johnson stated they were discussing a Division of Land and explained the plan came in as an ANR but it didn't fit the criteria for an ANR. Rather than redrawing, they had the plans retitled as a Division of Land.

Chairman Johnson added that Town Counsel Bailey said the Town didn't need to be party of the easements.

A motion to approve an Approval Not Required Division of Land at 565 & 0 Rouseville Road Map 30 lots 24, 25, & 25D was made by Clerk Bailey and seconded by Vice Chairman Florindo. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

PUBLIC HEARINGS

1. (Continued from June 26, 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.

Brian Wallace of J.C. Engineering, Inc. stated there was no new information. They had submitted the Division of Land plan which was the final piece needed.

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

Chairman Johnson noted the Town Planner would start preparing a draft decision.

2. (Continued from June 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.

Brian Wallace of J.C. Engineering, Inc. and Mike LaCava of REpurpose Properties were present at the Public Hearing.

Mr. Wallace provided an update on the project. He met with the Town's Engineer Ken Motta and they are working on some issues brought up by Mr. Motta. Town Planner Starrett commented the list of notes is handwritten at this point and they are working on whittling it down.

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Clerk Bailey asked about the construction schedule. Mr. Wallace responded they are aiming for late summer and fall. Clerk Bailey asked when the apartments will be ready to be occupied. Mr. LaCava responded that it's hard to estimate with all the work required but agreed with Clerk Bailey that it could be as early as next June or July.

Mr. LaCava pointed out that the club house will go up first which will help with marketing. They met with the Historical Commission and have accommodated their requests in the way they positioned the residences and the clubhouse. Mr. LaCava added that they still need a letter from the Historical Commission to the Planning Board in support of the project.

A motion to continue the Public Hearing to August 13, 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).**

3. (Continued from June 26, 2019) 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

Tom Saunders, Project Developer of SWEB Development USA, LLC

Johanna Hall, Project Manager of Weston & Sampson

Ms. Rosenblat reviewed updates to the project. SWEB submitted an updated list of waiver requests from section 1.9 of the Town's Bylaw. According to the letter dated July 2, 2019, the waiver requests fall under the categories of Building and Stationary Equipment, Utilities and Drainage, Vehicular and Emergency Access, and Open Space – Maintenance. Chairman Johnson noted under Utilities and Drainage, there is information about illumination. He stated the Planning Board is not approving the language. In the Planning Board's decision there would be language about needing prior approval and schematics to illuminate the pads.

A motion was made to approve the requested waivers 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).**

Ms. Rosenblat reported they followed up with the Massachusetts Historical Commission (MHC) and Natural Heritage and Endangered Species Program (NHESP). She received an email from NHESP with approval for the turtle protection plan and turtle operations and maintenance plan. They have verbal approval from MHC and MHC is in the process of drafting a letter.

Ms. Rosenblat reported they added the 300 feet setback line and text on all relevant pages of the plan as requested. Ms. Rosenblat explained they created new pages in the plan to show how much material is being brought in and to verify the elevations. She confirmed there will be less than 100 yards of material taken off site. The landowner wants to use the material. Chairman Johnson requested that they review the construction notes regarding material. Ms. Rosenblat responded she will review the notes throughout the entire plan to make sure they match the plan.

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Town Planner Starrett commented that originally, they weren't going to change the grade but a change in grade is included in the plans. Ms. Rosenblat responded it's less than a foot of change and she can provide a narrative about the grading.

Ms. Rosenblat reported that they defined the word "temporary" on each page of the plan where the term is referenced. They also added landscaping near the recloser by the road and added a drainage swale along the apron as requested by Ken Motta.

Ms. Rosenblat explained they added physical site lines to the plan. Chairman Johnson stated the plan shows the site lines from the roadway. The Planning Board had requested taking the site lines from the front steps of the abutters' property. Town Planner Starrett added they are not from a level of 6 feet high. Chairman Johnson noted an abutter on the left side had said he wanted a site line from his house. Ms. Rosenblat responded that she showed the abutter the screening and he said it was sufficient. Chairman Johnson responded that he would like that information in writing.

Chairman Johnson requested an additional site line from further back on the other side. He noted when the leaves fall, drivers may be able to see the site. Also, the fence doesn't go very far down on that side. Ms. Rosenblat asked if the additional site line should be from the road or a more specific point. Chairman Johnson responded that it could be from the road.

Chairman Johnson stated they had requested a section of fence to be put up to show the 300 feet setback. Ms. Rosenblat responded that the owner of the property doesn't want it set up because he is currently farming in that location. Instead she offered to put a flag on a pole. Chairman Johnson reiterated the need for the section of fence and Town Planner Starrett noted there's no farming where the Planning Board wants the fence. Ms. Rosenblat responded that she can ask about putting up the section of fence on the side.

Chairman Johnson noted they won't set a site visit date. They still need an answer on the fence section and a letter from the abutter about a site line not being needed.

Ms. Rosenblat stated they will stake out the access road and panel boundaries. They are waiting for a site visit to be set. Some stakes already placed in the ground are falling down and they want the next round of staking to be fresh.

Ms. Rosenblat provided an update on the decibel level on the string inverters. She said the manufacturer did their own noise test and measured decibels at difference distances and then she applied the results to the site. At 1 meter or 3.28 feet, the highest level with no background noise is 61.6 decibels. The inverters only function during the day. She explained the sound levels will drop by 6 decibels per doubling of distance. Clerk Bailey noted Ms. Rosenblat was registering at 59 to 69 decibels as she spoke. Town Planner Starrett asked how many string inverters they will have. Ms. Rosenblat responded there will be 32 string inverters. They are split between the inverter houses and the closest inverter house to closest property line is 215 feet away. At that point, it will be approximately 25.6 decibels.

Ms. Rosenblat continued her update stating at a previous meeting someone from the audience asked for photos of the panels and racking. She provided them to the Planning Board and brought more copies to the meeting. Town Planner Starrett commented that Ken Motta looked at the photos and questioned how the system would perform in a strong windstorm and noted there aren't anchors

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visible. Ms. Rosenblat responded that the company has anchors available if needed, but that the racking is sturdy without them.

Member Carr asked how they will get in the middle if work is needed. Ms. Rosenblat explained there are catwalks that are placed on top and workers walk on them. They can pull a panel from the top if needed.

Vice Chairman Florindo asked what will happen with the runoff under the panels and what will stop the water from eroding under the panels. Ms. Rosenblat responded there are gaps between the panels. Ms. Hall noted there might be a slight channel if there's heavy rain. Vice Chairman Florindo commented that it's a big area that will receive a lot of rain and that grass won't grow under the panels without sunlight. Ms. Rosenblat replied that grass will grow under the panels. Town Planner Starrett asked if they will plant the grass first. Ms. Rosenblat responded they can if needed. Vice Chairman Florindo noted water runs downhill and there will be a problem if there's silt runoff into Doggett's Brook.

Chairman Johnson stated there is grass at the site now and asked if they were going to kill the existing vegetation and then reseed. Ms. Rosenblat responded that they will have to reseed because of construction. They will mow, then clear site, put down racking, seed, put on panels, and reseed if needed.

Chairman Johnson stated if they were going to clear land, they will need an erosion control plan. The land is rather flat but it does slope at the back. Ms. Hall noted the site will be vegetated under and around the panels after construction is completed. She added that the project is not increasing the impervious area because the panels are not laying on the ground themselves. She also said the land won't be completely cleared; it will be cleared only where needed. Member DeMaggio asked if there is another similar solar installation in the United States. Ms. Rosenblat responded that east-west racking systems are common and often used on rooftops.

Member DeMaggio asked if the system has been tested for snow load. Ms. Rosenblat responded that the racking is UL certified requiring it to pass a snow load test and pressure test.

Member DeMaggio noted with the water dripping in the same spot over years there will be a river of water. Chairman Johnson stated if the site stays vegetated, the grass would act as a natural filter. However, with the panels low to the ground, there will less light to grow the grass. Member DeMaggio suggested they could provide a swale at the end. Member Carr asked for photos of panels with grass underneath that wasn't already there.

Ms. Rosenblat continued her update and reported that they submitted a letter outlining that SWEB is an IPP. In a letter dated June 28, 2019, they updated the decommissioning bond to 25 years along with the table and associated wages. Chairman Johnson responded that the letter regarding the decommissioning bond could be more detailed. It says SWEB will own the installation, but also that SWEB reserves the right to not own it. He added they did not take into the recycling value of the equipment.

Chairman Johnson noted he was still not convinced on the material and stockpile locations inside of fence. Ms. Rosenblat responded that the compost filter follows the fence line. The only time it goes outside of the fence is in front because of plantings.

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Chairman Johnson noted they have a temporary construction riprap at the access point. The Town Highway Surveyor requested a 40-foot paved apron.

Chairman Johnson stated that since the access road is done as an easement, Town Counsel Bailey will need to review the easement. He explained they can either name the Town as party or have a separate legal document giving the Town authority to use the access road.

Chairman Johnson pointed out the construction notes on the plan mention potentially blasting. That language needs to be taken out. Chairman Johnson also noted that Town Planner Starrett can advise them on the sequence of construction. The information should be included in the construction notes because the site contractor receives the plan, but not the Planning Board's decision.

Vice Chairman Florindo mentioned the drainage trenches. Ms. Rosenblat responded they have to stay 100 feet away from the trenches because of the box turtles. Ms. Rosenblat added the site is 60 acres and they are using 11 acres for the solar installation.

Chairman Johnson asked if Ken Motta has sent notes. Town Planner Starrett responded that he's been busy. Chairman Johnson stated when they get the fence section up, they will have a site visit. Ms. Rosenblat asked for a week's notice.

Chairman Johnson stated at the next meeting they will discuss the project's progress with Town Planner Starrett and then set a date for a site visit.

A motion to continue the Public Hearing to August 13, 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).**

TOWN PLANNER UPDATES

Clean Energy Collective on 248 Mattapoissett Road

Town Planner Starrett showed photos of the site on the Samsung Flip. The photos showed grass growing under the solar panels.

Standard Condition for Future Solar Projects

Town Planner Starrett noted they will put in a standard condition for all solar projects that the paved apron must be the first step of construction.

Borrego Solar Rounseville/Mendell Road Solar Project

Town Planner Starrett reported that Eversource will be completing the connection in a few days. The vegetation at the site is coming in well. Chairman Johnson asked if they mowed the area opposite Mrs. Vermilya's house. Town Planner Starrett responded that it's supposed to be wild. Chairman Johnson was not in agreement. Town Planner Starrett responded that Borrego Solar has one growing season and then the vegetation will be inspected. Member DeMaggio asked if there had been complaints. Town Planner Starrett responded no.

Potential Future Solar Projects

Town Planner Starrett mentioned an upcoming applicant for a solar project on 5 plots of land. He noted that solar developers can put up to 5MW per site.

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Member Carr asked for an update on a project where a business would install solar panels above a cranberry bog. Town Planner Starrett responded that the Conservation Agent Farinon has been investigating the project. He noted the state will allow solar panels on upland bogs not wetland bogs. Clerk Bailey responded that DEP ruled they will allow solar panels on wetland bogs if they continue to grow cranberries. Town Planner Starrett noted that Agent Farinon learned there has been only one test bog that has put up solar panels and the project failed. He added no one has applied yet to place solar panels over a cranberry bog.

Old Middleboro Road

Town Planner Starrett reported the property owner at Old Middleboro Road started clearing, upgrading the road and adding the turnout to make two lots buildable.

Seaboard Solar

Town Planner Starrett stated that Seaboard Solar is making progress on their project and will be coming to the Planning Board soon. Pedro Rodriguez' counsel met with Town Counsel Bailey and they agreed on the ancient way issue. The plan is to have access through the Striar property, the Decas property, and the piece of Old Middleboro Road being improved. Seaboard Solar plans to purchase the Decas property and give it to the Buzzard's Bay Coalition.

Little Quitticas Pond

Town Planner Starrett received complaints about dead trees on a berm at Little Quitticas Pond. Member DeMaggio asked how many growing seasons have passed. Chairman Johnson responded that all funds have been released. Member DeMaggio suggested reaching out to whoever is maintaining the property and asking them to remove the dead trees. He added that he can look at the property since he passes by often in his travels.

ADJOURNMENT

A motion to adjourn at 8:40 p.m. was made by Member DeMaggio and seconded by Chairman Johnson. **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