

**Rochester Planning Board
Minutes of September 24, 2019**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Michael Murphy, Associate Clerk
Lee Carr
John DeMaggio (*arrived at 7:05 p.m.*)
Chris Silveira (*arrived at 7:06 p.m.*)

Absent: (*none*)

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

Chairman Johnson called the meeting to order at 7:00 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

Minutes

A motion to approve the minutes of September 10, 2019 was made by Member Carr and seconded by Associate Clerk Murphy. Clerk Bailey abstained. **The motion passed by a vote of 4 in favor, 0 opposed, 1 abstained (4-0-1).**

Vouchers

A motion to approve a voucher for Field Engineering/Borrego Solar Systems Rounseville Road Escrow Account in the amount of \$250.00 was made by Clerk Bailey 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/Repurposed Properties Rounseville Road Escrow Account in the amount of \$2,000.00 was made by Clerk Bailey 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/SWEB Marion Road Solar Escrow Account in the amount of \$250.00 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **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 Drainage Escrow Account in the amount of \$250.00 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **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 Co., Inc. for office supplies in the amount of \$42.53 was made by Clerk Bailey and seconded by Associate Clerk Murphy. **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 Connet Woods in the amount of \$4,437.50 was made by Clerk Bailey and seconded by Member Carr. **The motion passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

Introduction of New Board Administrator

Town Planner Starrett introduced Tanya Ventura, the new Board Administrator for the Planning Board and the Conservation Commission.

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Mullin Rule Affidavit

Clerk Bailey signed a Mullin Rule Affidavit for SWEB Development USA, LLC/0 Marion Road.

Posting of Meetings on ORCTV

Clerk Bailey noted the meetings aren't being posted promptly on ORCTV. Codie Patnaude, Access Coordinator for ORCTV, mentioned there is a new Vimeo page where the meetings are posted. She suggested clicking on the link for government meetings on the website (orctv.org).

(Member DeMaggio arrived at 7:05 p.m. and Member Silveira arrived at 7:06 p.m.)

INFORMAL DISCUSSION

**1. Solar MA Project Management, LLC, Series XXXVI, 0 Old Middleboro Road, Map 23
Lots 23 and 31, Large-Scale Photovoltaic Special Permit**

Pedro Rodriguez of Seaboard Solar, Matthew Bombaci of Bohler Engineering, and Adam Costa of Mead, Taleran, & Costa, LLC were present.

Mr. Rodriguez explained they had previously submitted an application that was withdrawn because they had to address access issues on Old Middleboro Road. They were also waiting on final approval from Eversource to make sure the project would move forward. He reported they have addressed comments from a technical review and from the peer review engineer. Mr. Rodriguez stated they are ready to proceed with an application.

Mr. Bombaci explained the project is a 4.9 MW solar installation. They will be widening part of Middleboro Road from 12 feet to 16 feet. Mr. Kucinski, 240 Old Middleboro Road, stated there is a stone wall on Old Middleboro Road that needs to remain in place. Mr. Bombaci responded that widening the road won't impact stone walls.

Mr. Bombaci reviewed the path of the road on the Samsung Flip. He stated they will be filing a Notice of Intent with the Conservation Commission and setting up a site walk. Mr. Bombaci reported that Natural Heritage & Endangered Species Program (NHESP) requested that part of the property be put under a Conservation Restriction (CR). Seaboard Solar will be putting a CR on 228 acres of the property which far exceeds the request by NHESP. The only area not under the CR is the solar field. The CR will be held by the Buzzard's Bay Coalition. Mr. Bombaci noted he received some minor drainage comments and he can meet those standards.

Chairman Johnson explained Seaboard Solar's attorney researched ancient ways and found they can move Perez Smith Lane around the outside edge of the solar panels. There are no deeded rights. Mr. Costa provided more detail. He reported they have done significant research and found there is nothing of record indicating rights within the ancient ways. Mr. Costa explained that since there are no rights, the ancient ways could be extinguished. He noted that Mr. Rodriguez doesn't want to extinguish them; he wants to relocate them. Regarding Old Middleboro Road, Mr. Costa explained it's less of a legal challenge and more of a practical challenge to widen the road without getting close to resource areas.

Town Planner Starrett asked if they requested to change the sweeps on the corners with the Fire Chief. Mr. Rodriguez responded yes and that they made the radius bigger as reflected on

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the latest plan. Town Planner Starrett asked if they reduced the battery storage. Mr. Rodriguez responded yes, and that information will be provided in the application.

Vice Chairman Florindo asked if they can widen the road without removing stone walls. Mr. Bombaci stated they won't be impacting the stone walls. Mr. Rodriguez explained they won't be widening the road 2 feet on each side; they are widening toward their property. They are working to save the stone walls and improve the road without disturbing wetlands. Town Planner Starrett stated in the tech review, Chairman Johnson requested that all stone walls be marked on the plans.

Vice Chairman Florindo noted Seaboard Solar will have to accommodate Mr. Kucinski so he can come and go during construction. Mr. Rodriguez responded they can submit a construction plan and they will make sure the road is passable.

Mr. Kucinski asked how close they will come to his property. Mr. Rodriguez responded from the fence to his property line is at least 350 feet. Mr. Kucinski asked how far they will be from the closest stone wall. Mr. Rodriguez replied a little over 200 feet away.

Chairman Johnson stated Seaboard Solar needs to submit the standard filing fee and \$3,000 in escrow. Town Planner Starrett noted they still have the funds and can apply them.

Mr. Kucinski asked where they'll start work. Mr. Rodriguez responded they will start near Ryder Road. Mr. Costa explained they will do the roadway improvements before installing the solar panels. Mr. Kucinski asked when they plan to start the project. Mr. Costa responded that it's contingent on the Planning Board, Conservation Commission and waiting out appeal periods.

2. Steen Realty & Development Corp. / Rochester Crossroads, Cranberry Highway 40R Project

Kenneth Steen of Steen Realty and Phil Cordeiro of Allen & Major were present. Mr. Cordeiro reported 2 technical review meetings took place and they would like to prepare an application. He showed a plan of the Smart Growth Overlay District on an easel as well as a site plan.

Mr. Cordeiro explained the proposed residential area includes 208 residential units on 10.4 acres of land. The units will be contained in 4 buildings of 4 stories each. The buildings surround the central amenity area that includes a pool, courtyard, playground and other amenities to be determined. There is a 2,000 square foot club house that will be used for leasing and operations.

Mr. Cordeiro stated there will be a gated roadway to create a separation of the residential area from the commercial area. Commercial parking will be located behind the commercial area on Route 28. There is 10,000 to 15,000 square feet of commercial space available.

Mr. Cordeiro explained infrastructure-based systems will be located beyond the power line easement on the property. He referred to a plan on an easel. A proposed stormwater basin will manage stormwater from the front of the site and will work in conjunction with underground recharge systems. A proposed septic leach field will treat 40,000 to 45,000 gallons of sewage per day. Mr. Cordeiro reported they are in the process of obtaining a permit through DEP for the leach field.

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Mr. Cordeiro stated they are proposing a roadway to the infrastructure zone as well as a community garden. At one of the technical review meetings, there was a question about how to control the gate to the emergency access on County Road. There was a concern that they might create a dead zone depending on the location of the gate. Mr. Cordeiro noted they are working on the location of the gate. Only emergency apparatus would enter or exit through County Road.

Mr. Cordeiro explained they will be reconfiguring the ring road near Season's Gas Station. They will pull the road further along 58 to help with better site lines and visibility. It will allow for entrance and exit on to Route 58. He added that they would widen the entrance to Route 28 to have left turn and right turn dedicated lanes. He noted there would be similar changes at the westerly portion of the site at the residential entrance.

Mr. Cordeiro explained that Rochester has an agreement with the Wareham Water Fire District to provide 50,000 gallons of water and 5,000 gallons is currently being used. He stated they would seek to use the additional 45,000 gallons. Mr. Cordeiro noted there are issues with water pressure. They would add a water booster like Zero Waste Solutions nearby. It will allow them to boost water pressure for firefighting and domestic use to the 4th floor.

Mr. Cordeiro reported the Fire Chief requested repeaters for signal equipment. Also, there were comments regarding access and circulation of fire apparatus as well as their ability to angle ladders to reach the upper floors. Mr. Cordeiro stated they are working on rough cross sections and that fire vehicles would be able to park anywhere in the drive. He explained the back part of the site will also be designed to meet circulation requirements. They will use grass pave which is a plastic product that's impregnated with stone. It supports the weight of fire trucks and looks like grass.

Mr. Cordeiro stated they will request several waivers. One waiver will be for the separation of 200 feet between a stormwater basin and a septic leach field. They have residential abutters with septic systems right along their property lines. Mr. Cordeiro explained they will have to fill along the front of the site to have adequate slope to move the water back to the rear basin. There will be a low point at Cranberry Highway. Since the DOT doesn't allow stormwater to be released in a right of way, they will add a leaching basin system along the highway to pick up slope runoff. Mr. Cordeiro reported they are asking for a 2 feet separation for the stormwater basin, as opposed to the required 3 feet.

Mr. Cordeiro summarized additional steps:

- They are filing a Notice of Intent application with the Conservation Commission for the wetlands system.
- They are coordinating with the Water Commissioners.
- They are submitting notification forms through the Massachusetts Environmental Policy Act Office.
- MassDOT will be involved once they are further along with the Planning Board.
- They are working with MassDEP on the septic system permitting.

Mr. Cordeiro explained they are seeking to create a division of land under the Application Not Required process. They would create a dedicated lot for the residential development, commercial lots in front, a lot with the infrastructure in back, and a commercial lot in back. Chairman Johnson stated a concern about a lot line dividing the infrastructure and residential areas because they don't allow drainage to go on a different lot. Mr. Steen explained that under DHCD's 40R Bylaw, they need to have a minimum density of 20 units per acre. He noted that creating the 2 lots complies

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with the DHCD regulations. Mr. Steen suggested there could be a restriction in the permitting that prohibits separation of ownership and suggested he can speak with Town Counsel Bailey and his 40R attorneys to come up with a solution.

Chairman Johnson noted the Planning Board will hire a traffic consultant in addition to the standard peer review. Mr. Steen stated they will have a full traffic study completed in a couple of weeks.

Member Silveira asked if they are seeking a waiver for fill purposes because it's a gravity system. Mr. Cordeiro responded that the request is for stormwater, not sewerage. Vice Chairman Florindo asked if they would be picking up the water line at Zero Waste Solutions and bring it down 28 and make a loop. On the Samsung Flip, Mr. Cordeiro showed the path of the water lines that will create a loop and said they won't be connecting directly to Zero Waste Solutions.

Vice Chairman Florindo asked if the residential entrance and exit will be out one driveway. Mr. Cordeiro pointed out a second option that is gated out to ring road. Member DeMaggio asked if both residential addresses will be gated. Mr. Cordeiro responded yes. Chairman Johnson asked if they will stub the water line. Mr. Cordeiro responded yes. Chairman Johnson mentioned the entrance on County Road may also be used for commercial access once that area is developed and suggested planning for it to be a suitable width and grade.

Charles Clemishaw, 631 County Road, asked if the ring road by Seasons will move east. Mr. Cordeiro responded that it will be moved north. Mr. Clemishaw asked if residents will have access. Mr. Cordeiro responded that it will be open access to everyone. Mr. Clemishaw suggested by making the radius larger, it would work better to restrict motorists from turning left. Mr. Cordeiro stated when the road moves, they would seek to allow left turns because the site lines would be improved. Member DeMaggio asked if the ring road will be removed. Mr. Cordeiro responded yes. He added that they are coordinating with Seasons. Seasons has two access points off the ring road. One will remain in place but will be slightly modified. The other one will go away. Vice Chairman Florindo asked how far from the intersection they are backing the road away. Mr. Cordeiro responded it will move around 150 feet back; it's the whole width of a lot.

Chairman Johnson stated Steen Realty & Development Corp. will need to submit the standard filing fee and \$3,000 for peer review. He noted they may request more than \$3,000 because they'll need to hire a traffic consultant.

PUBLIC HEARINGS

1. (Continued from August 27, 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.

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Chairman Johnson stated the engineering company submitted a request for a continuance to the next meeting on October 8, 2019.

A motion to continue the Public Hearing to October 8, 2019 was made by Member DeMaggio and seconded by Member Carr. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

1. (Continued from September 10, 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.

Sarah Rosenblat, Development Manager of SWEB Development USA, LLC and Stephen Wiehe from Weston & Sampson were present. Ms. Rosenblat provided an update on the project. She stated they haven't received a decision from the Conservation Commission; however, the wetland line itself is ok. They updated the entire layout based on the updated line. She reviewed the plan on the Samsung Flip. Ms. Rosenblat explained they reduced the number of panels and decreased the capacity because of space constraints. They switched from 380 to 400-watt panels. They dropped the AC to DC ratio from 1.42 to 1.33 because the inverters wouldn't be able to handle the capacity.

Ms. Rosenblat explained that Ken Motta of Field Engineering requested that each grid have a number, and these have been added in the full plan. She noted they kept all the pads as southerly as possible except for a northern pad that needs to be near the recloser. She stated they received a second round of comments from Field Engineering that day and some of the items have already been submitted. She noted they had a site visit the past weekend.

Mr. Wiehe reported he ran a HydroCAD model. He stated they will work to minimize disturbance by mowing the site closely after it's seeded. They will also mulch the seed. He noted a full stormwater report is scheduled to be finished by the end of the week. They will provide additional estimates on the cost of the landscaping plan. Mr. Wiehe handed Town Planner Starrett a flash drive with some of the information.

Mr. Wiehe noted MassDEP has a recognized bond amount for decommissioning of \$90,000 per MW AC. The estimate for this project is more. Ms. Rosenblat reported that she submitted an updated decommissioning plan based on the smaller size. She said that Mr. Motta agrees with their calculations. She noted it's the highest decommissioning amount their company has had. She added that the Town doesn't consider scrap value.

Ms. Rosenblat explained that Toby Hall, SWEB's Director of Construction has reviewed the entire plan. She added that everything looks good and they are waiting on final approval from the Planning Board.

Chairman Johnson explained the Planning Board requires a 5-year maintenance bond. It is calculated by multiplying the cost of maintenance for 1 year by 5 years.

Chairman Johnson asked if the small basins around the access road are for infiltration or storage. Mr. Wiehe responded that they are for infiltration. Chairman Johnson stated they will need to do

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test pits. Mr. Wiehe responded that it's in the plan that they will do the test pits at the time of construction. Chairman Johnson responded that Mr. Motta wants the test pits done beforehand. He added they have run into issues with other solar installations. Vice Chairman Florindo asked how many test pits are required. Ms. Rosenblat responded 3. Chairman Johnson explained if they do the test pits at the time of construction and it doesn't work, there will be problems. Mr. Wiehe stated he will confirm the purpose of the basins with the engineers.

Chairman Johnson reported that Mr. Motta and Town Planner Starrett developed a timeline. He said they would like to close the Public Hearing on October 8, 2019. Mr. Motta wants everything submitted by September 30, 2019 by noon time. Chairman Johnson explained when items come in one at a time, it makes it difficult for Mr. Motta to make sure everything is coordinated.

Chairman Johnson reviewed the remaining timing for project approval. He explained at the next meeting on October 8, 2019, they can close the Public Hearing. On October 22, 2019, they would review the draft decision. During the last week in October they can hold a special meeting for action on the decision.

A motion to continue 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).**

DISCUSSION

IGS Solar (formerly Melink) Snipatuit Road

Town Planner Starrett reported there has been no response from IGS Solar.

A motion to take the bond and put the landscaping work out to bid was made by Member Silveira 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 amend the previous motion to put a tax lien on the property was made by Member Silveira and seconded by Member DeMaggio. **The motion passed by a vote of 7 in favor, 0 opposed, 0 abstained (7-0-0).**

Clerk Bailey asked specifically what they would be putting out to bid. There was discussion about what would be included and how it would be handled. Chairman Johnson stated they would compare the approved plan and current conditions and Town Counsel Bailey would put it out to bid. Clerk Bailey asked if it will be put in writing and reviewed by the Board. Clerk Bailey added that he wanted to make sure the work is done as the Planning Board expects and that there is a method of recourse if it doesn't work out.

Town Planner Starrett mentioned they're looking to fix the trees that have blown down and the fence where it's broken. They're also looking to fix the road that's grown over and the access road coming in. He noted there is construction debris in a path to the conservation area. Chairman Johnson noted they can't use chemicals because the property is in the Groundwater Protection District. Clerk Bailey asked why they can't use glyphosphate. Chairman Johnson responded it's because the property is in a Groundwater Protection District and is in the Planning Board's decision. Clerk Bailey asked if it can be changed. Chairman Johnson responded that they would have to reopen it. He added that glyphosphate will kill the plants but won't prevent them from

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coming back. Clerk Bailey responded that glycoposphate does a better job than mowing. He noted the road is not acting as a fire break.

Clerk Bailey stated chemical mowing kills roots and only needs to be done once a year. He noted he had forwarded a report to the Board that states Round Up has been proven to not be harmful to waterways or animals. He added that it's difficult to manage fire breaks if the Planning Board doesn't allow people to use chemicals. Chairman Johnson stated there are non-chemical options.

Member DeMaggio stated if the EPA report is correct, an exception can be made for Round Up. Chairman Johnson responded they might get a lot of pushback. Chairman Johnson noted the Planning Board is in charge of protecting the Groundwater Protection District. Clerk Bailey explained he was suggesting the change in future filings to maintain a fire break in an open road. Chairman Johnson said he was reluctant to set aside those rules.

Progressive Grower

Chairman Johnson explained that it has been 2 years since the project was approved. They are requesting a one-year extension to keep the project viable.

A motion to grant a one-year extension to the Progressive Grower project 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).**

For Vote & Signature: Resign Covanta SEMASS Plans; Extension on Kings Highway / Progressive Grower Decision

Several plans were signed including Darras / 565 Rounseville Road and Trahan / 243 Mattapoissett Road.

TOWN PLANNER UPDATES

Borrego Solar Rounseville/Mendell Road Solar Project

Town Planner Starrett reported he met with Ken Motta and Steve Long on site. He referred to a plan on the Samsung Flip as he spoke. He stated there is an issue with standing water in 2 spots on the site. He explained that the water may be there because they added loam or because they're at the water table. Also, the land is level and the water can't go anywhere. Town Planner Starrett noted they are going to put stone wicks in the ground to see if it has an impact.

Chairman Johnson commented that they will have to request to come before the Planning Board. Town Planner Starrett said that Mr. Motta thought it would be a field change. Town Planner Starrett noted the site is now completely vegetated which will help with the water. Member DeMaggio asked if Mr. Motta thinks the wicks will work. Town Planner Starrett responded yes. Town Planner Starrett explained he and Mr. Motta found some other things that need to be done. He noted there's a gate that's supposed to be stockade, but it's chain link. Also, there's an area that's supposed to be grass. They also need to clear away some debris. Clerk Bailey asked why the Board wants to have a manicured landscaped look. Chairman Johnson responded it was agreed to in the settlement. He added that plants are mandated on the corner, not on most of Mendell Road.

Town Planner Starrett asked if the changes would be considered major or minor changes. Chairman Johnson stated when progress is made, they'll decide if it's a major or minor change.

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Vice Chairman Florindo suggested reminding Steve Long that they are going into the wet season. Town Planner Starrett replied that if they're not in the water table, this will help. Chairman Johnson noted he didn't think they're in the water table in one of the wet spots because they had to prove they had a separation in their stormwater calculations.

Member DeMaggio asked how long the water has been there. Town Planner Starrett responded that it has been there since they excavated the project. He reiterated the water has never not been there.

Town Planner Starrett noted Mr. Motta may agree that they may be approaching the water table. However, they want to try this first.

ADJOURNMENT

A motion to adjourn at 8:55 p.m. was made by Member DeMaggio and seconded by Vice Chairman Florindo. **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