

**Rochester Planning Board
Minutes of December 10, 2019**

Present: Arnold Johnson, Chairman
Gary Florindo, Vice Chairman
Bendrix Bailey, Clerk
Lee Carr
John DeMaggio (*arrived at 7:08 p.m.*)
Chris Silveira

Absent: Michael Murphy, Associate Clerk

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

Chairman Johnson called the meeting to order at 7:04 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 November 12, 2019 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).**

Vouchers

A motion to approve a voucher for Field Engineering Co., Inc./Seaboard Solar Old Middleboro Rd. in the amount of \$1,275.00 was made by Member Carr and seconded by Clerk Bailey. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Borrego Solar 453 Rounseville Rd. in the amount of \$750.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Repurpose, The Village at Plumb Corner in the amount of \$1,500.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

A motion to approve a voucher for Field Engineering Co., Inc./Covanta in the amount of \$125.00 was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained (5-0-0).**

DISCUSSION

Proffit/Dr. Hickey Lane

Chairman Johnson explained that the property owner went before the Zoning Board of Appeals and was referred to the Planning Board regarding the roadway. Since that time there was an electrical fire which raised concerns from the Fire Department regarding access. Chairman Johnson reported there were discussions between Town Planner Starrett, Highway Surveyor Jeff Eldridge, Town Engineer Ken Motta and himself and they recommend expanding the road to 16 feet wide, creating a turnaround and erecting a street sign.

(Member DeMaggio arrived at 7:08 p.m.)

Clerk Bailey asked if the turnaround is for a fire truck. Chairman Johnson responded yes. Chairman Johnson stated the existing travel way varies from 10 to 14 feet in width and there is enough base to expand out to the sides. He noted there are 3 residences on a 2-lot subdivision.

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Judith Niemi, property owner, asked if the travel way could be widened to 15 feet to avoid removing pine trees. Chairman Johnson responded that public safety personnel require a width of 16 feet which is consistent with all 2 lot subdivisions. Ms. Niemi asked if the former owner was aware of the issues. Chairman Johnson responded yes. Chairman Johnson explained that when the work is done, Town Planner Starrett will visit the property with Mr. Eldridge. If the work is approved, the owners will receive a letter and can apply for a building permit.

Countryside Child Care / 15 Cranberry Highway

Chairman Johnson reported that some of the site work won't be completed until spring. However, Bonnie and Shoen Morrison would like an occupancy permit before spring. Chairman Johnson suggested they submit a list of items that need to be done along with a bond. The Planning Board could then accept the bond and authorize Town Planner Starrett to send a letter to the Building Commissioner. Town Planner Starrett asked if there should be a site visit. Members agreed a site visit isn't necessary. Field Engineering estimated the value of the work to be \$18,000 and the bond was submitted at the meeting.

A motion to approve accepting the bond was made by Clerk Bailey and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

PUBLIC MEETING

Approval Not Required Application

Patricia Bray, Trustees, REpurpose Properties, LLC for property located at 0 Rounseville Road, Rochester, MA, Map 30, Lots 24, 25B, & 25C

John Churchill, Jr. of JC Engineering, Inc. explained the plan was revised to create additional room behind the plaza to construct a playground at the daycare.

A motion to approve a plan Approval Not Required at 0 Rounseville Road prepared for REpurpose Properties dated November 7, 2019 was made by Clerk Bailey and seconded by Vice Chairman Florindo. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

PUBLIC HEARINGS:

***(Continued from November 12, 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.**

John Churchill, Jr. of JC Engineering, Inc. reported they revised the plans after receiving a letter from Field Engineering. In the revised plans, they addressed comments from the last meeting, added a lighting plan, and completed a cut and fill analysis. They determined 1,700 yards of fill will be needed for the project.

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Mr. Churchill explained they received a subsequent letter the day before the meeting with 14 items that are mostly minor details including removing dead and deceased trees, flagging the buffer area, laying out the center line of the road and building locations in the field, and flagging the dead and deceased trees along Rounseville Road. Mr. Churchill mentioned there are two suggested locations for street lamps where they are 600 feet away from the main power for the condo association. He asked if solar power would work there or if they could eliminate them. Mr. Churchill noted they added detail about the main sign in front. Chairman Johnson commented that the Rochester Historical Commission has to approve the sign.

Mike LaCava of REpurpose Properties reported they made adjustments to the side elevations of the roof lines as requested by the Historical Commission. The changes were submitted but they haven't heard back. Chairman Johnson stated the Planning Board will need to see the drawings and noted that street names have to be approved by the Board of Selectmen.

Chairman Johnson asked if they received a letter from the Mattapoisett River Valley Association. Mr. Churchill responded no. Chairman Johnson stated a foot path is shown extending onto another property and noted it will need to be revised unless they have an easement. Chairman Johnson asked about trash dumpster locations. Mr. Churchill responded that each owner will have their own pickup and the condo association will cover the cost of 2 trash barrels at the community center.

Chairman Johnson reported there has been a difference of opinion regarding the phasing of the construction of roads and infrastructure. Mr. Motta and Mr. Eldridge want all roads and utilities built at the same time. There was discussion between Members and Mr. Churchill regarding phasing. Chairman Johnson stated when the project is approved; the Planning Board will hold a surety for certain units. Since they won't receive a building permit for them, Chairman Johnson suggested thinking carefully about which units will be held. Clerk Bailey asked if they would hold units in phase 1 to get work done in phases 2 & 3. Chairman Johnson responded that the Planning Board can hold units regardless of the phase and noted they could hold phase 2 or 3 units and allow them build phase 1.

Chairman Johnson stated they will need to schedule a site visit. They will want to have the area staked a little different than the Conservation Commission. The group discussed staking every unit, the detention basin, the roadway, the fill area and adding grade stakes wherever filling. Members agreed on a site visit on December 15, 2019 at 9:00 a.m.

A motion to continue the Public Hearing to January 14, 2019 was made by Clerk Bailey and seconded by Member Silveira. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**

(Continued from November 12, 2019) A Large Scale Photovoltaic Installation Special Permit application was filed by Pedro Rodriguez of Solar MA Project Management LLC, 143 West Street, Suite C201, New Milford, CT 06776 for properties located at 0 Walnut Plain Road/0 Old Middleboro Road, designated as Map 22, Lot 3 and Map 23, Lots 6, 6D, 7, 21, 23, and 31. The property owners of record are Decas Cranberry Co., Inc., 4 Old Forge Drive, Carver, MA 02330, Diana Murphy, Trustee Midchester Realty Trust, 24 Old Powerhouse Road, Lakeville, MA 02347, and MWH, LLC. 405 Washington Street, Braintree, MA 02184. The applicant proposes the construction of a ground-mounted photovoltaic solar array generation facility and roadway improvements to Old Middleboro Road, an unpaved road that provides access to the array.

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Austin Turner of Bohler Engineering, Mike Loin of Seaboard Solar, and Michael Kennefick of Mead, Talerman, & Costa LLC were present.

Mr. Turner reported they will prepare a comprehensive set of plans that incorporate the recently received peer review, comments from the Conservation Commission, as well as feedback from the meeting. Mr. Turner stated that surveyors have picked up the limits of the old foundation and they adjusted the layout of the project to reflect it. They received an opinion from counsel that the 300 feet buffer requirement applies to the fence and not the array. Mr. Turner referred to the Samsung Flip as he spoke.

Mr. Turner reported they recently walked the site with the Conservation Commission. He pointed out a handful of locations along Old Middleboro Road where the resource area is immediately up against the widening of the road. In these areas, the Conservation Commission prefers not to expand the road. The current width in these areas is 14.5 to 15 feet wide. Vice Chairman Florindo noted he didn't have a concern about not widening the road on the straightaway. Mr. Turner stated one of the areas is where the road starts to bend and they will add a pull-off to let oncoming vehicles pass. There will be two pull-offs. Mr. Turner also noted the Conservation Commission is asking for roadside storm water management. Member DeMaggio asked what would happen if they fill in wetlands. Mr. Turner responded that they are looking into it and that the resource area may be serving as a habitat. Member Silveira asked if they would need to create a wetland elsewhere if they fill it in. Mr. Turner responded yes and that the Conservation Commission may not grant permission. Chairman Johnson stated they need to discuss the issue with the Conservation Commission. He also said he was concerned with who will maintain the swales that are being requested by the Conservation Commission. After construction, the applicant won't maintain the road. Chairman Johnson suggested Planning Board Members attend the next Conservation Commission meeting or vice versa. Town Planner Starrett said he would speak with Agent Farinon.

Mr. Turner stated the Conservation Commission's peer reviewer asked them to look at a more intense rainfall event for calculating the size of the basins. Mr. Turner explained that the drainage calculations will exceed both state and town standards. Clerk Bailey asked if it was required by regulation. Mr. Turner responded that it's starting to become regulatory due to climate change.

Mr. Turner stated they were asked to approximate the pole locations along the road. The approximate locations were added to the plan. However, he noted that it's difficult to obtain the information from Eversource because Eversource wants to first ensure all the approvals are in place.

Chairman Johnson asked if the Haskins homestead is outside the security fence. Mr. Turner responded yes. He noted the structures will be inside the limit of clearing but outside the fence. Chairman Johnson asked if the basin is 300 feet off the road. Mr. Turner responded that the manmade structure is the fence not the basin. Chairman Johnson stated the basin is a manmade structure. He noted that Town Counsel Bailey advised that the decision they make for this applicant has to be carried forward to future applicants. Mr. Turner said a basin seems a stretch to be considered a structure. Member DeMaggio agreed. He said it's manmade but not a structure. Town Planner Starrett read the state building code definition of a structure. Mr. Turner said he would remove the fence from around the basin. Chairman Johnson asked the distance from the leading edge of the basin to the road. Mr. Turner responded that it's a couple hundred feet. Member Silveira asked if they can request a waiver. Chairman Johnson responded that he would have to check with Town Counsel Bailey and advised to remove the fence.

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Chairman Johnson suggested inviting the Conservation Commission to the next Planning Board meeting on January 14, 2020.

Member DeMaggio asked if the Conservation Commission or Historical Commission have any comments on the stone walls in solar field. Mr. Turner responded no and that they will keep them to the extent that they can. Chairman Johnson asked if there were stone walls in good shape, if they would be able to spare those. Mr. Turner responded that they can't make any promises, but they can look at it.

There was discussion about scheduling a site visit on December 15, 2019 at 10:30 a.m. Mr. Turner stated he wasn't available to attend, and he would see if Mr. Rodriguez was available.

A motion to continue the Public Hearing to January 17, 2019 was made by Member DeMaggio and seconded by Member Carr. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**


TOWN PLANNER UPDATES

Town Planner Starrett provided brief updates. He mentioned there was a technical review meeting with Sunraise Investments regarding a 10MW solar installation. Sunraise Investments will be preparing for an informal meeting. Also, the Town received conditional approval on the 40R project and DHCD is reviewing a new application that Town Planner Starrett submitted to them. He also mentioned that Mr. Motta is working on a final punch list with Connet Woods.

ADJOURNMENT

A motion to adjourn at 8:44 p.m. was made by Member DeMaggio and all were in favor. **The motion was passed by a vote of 6 in favor, 0 opposed, 0 abstained (6-0-0).**


Marissa Perez-Dormitzer, Recording Secretary


Arnold Johnson, Chairman

