

**Rochester Planning Board  
Minutes of August 10, 2021**

Present: Arnold Johnson, Chairman  
John DeMaggio, Vice Chairman  
Bendrix Bailey, Clerk  
Lee Carr  
John DeMaggio  
Marc Rousseau

Absent: Michael Murphy, Associate Clerk

Blair Bailey, Town Counsel  
Victoria D'Antoni, Board Administrator  
Lori Walsh, Recording Secretary

The meeting convened via Zoom Meeting ID 830 8977 3168. Members joined in-person at Old Colony Regional Vocational Technical High School. Mr. Johnson called the meeting to order at 7:10 p.m. and stated the meeting was being recorded.

**PUBLIC HEARINGS**

**A Large-Scale Photovoltaic Installation Special Permit Application and Special Permit Application for Groundwater Protection, filed by Cushman Road Solar, LLC, for property located at 0 Cushman Road, Map 33, Lot 11.**

Mr. Johnson told the representatives from Beals and Thomas that the new member of the Planning Board is not able to vote on this hearing because he has not attended previous hearings. There is an absent member tonight, Michael Murphy, so they would have to continue the hearing to another date due to them needing a vote of five members.

Caroline Booth, from Beals and Thomas, stated she would like to request a continuance until the next meeting.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to continue the public hearing to August 30, 2021. The motion carries unanimously.

**A Definitive Subdivision Plan Application entitled "Longbow Lane" for Bendrix Bailey, Pres., and prepared by GAF Engineering, for property located at 0 Gerrish Road, Map 43A, Lot 29B.**

*(Bendrix Bailey recused himself from this hearing)*

Town Counsel Bailey stated that what happened with the lot numbers was that this was filed before the Assessors had given it correct lot numbers. Brian Grady, of G.A.F. Engineering, stated that they made some small easement changes to the plan. Mr. Johnson asked if the public had any comments.

Bob Mogilnicki, 20 Bishop Road, spoke to the Board and started to read from the Rules and Regulations about the zoning by-laws. Mr. Mogilnicki said that the zoning by-laws are controlling and that Brian Grady is asking for a waiver for the length of the road. Mr. Mogilnicki referred to the zoning by-laws and said that it says the word shall is mandatory. Mr. Mogilnicki then quoted the Rules and Regulations, "A dead end street shall not be longer than five hundred feet in length". He said that some of the rulings are not correct.

Town Counsel Bailey stated the Rules and Regulations can be waived by the Board as they see fit. The by-laws can't be waived, only by the Zoning Board. Rules and Regulations are waived almost with every application. This Board is entitled to waive that regulation.

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Colman Lalli, 16 Bishop Road, spoke and he has a problem with the 500 ft. Road also. Mr. Lalli said the Macgregor property is a driveway and it's not a dead-end road. Mr. Johnson said that may be how they made it but that's not what they approved. Mr. Lalli said that the Board is more concerned with trees and things like that.

Jeff Powers, 22 Bishop Road, asked how many waivers are being requested for this project. Mr. Johnson replied about 23. Mr. Powers asked if this is normal. Town Counsel Bailey said yes. Mr. Powers said that he is an engineer and 23 waivers is not common for one lot. Mr. Johnson said that most of the waivers are related to street design. Mr. Powers said that it is not on the application that it is a one lot sub-division. Mr. Grady said that it is on the plan.

Mr. Lalli asked another question, where is the fire hydrant in Town. Town Counsel Bailey said that it varies from 250 ft. to 1200 feet and that 500 ft was given for the firehose. Mr. Lalli said that if there is ever a fire there, the fire department will have to go through his neighbor's property to get there. Mr. Johnson said that the fire department went through this plan and made changes that they wanted. Mr. Mogilnicki, asked if there are any others that have two roads like they will have. Town Counsel Bailey said that Matt's Place runs back on the side of his house. Town Counsel Bailey asked the abutters if they were offered to buy that piece of land from Mr. Bailey. Mr. Mogilnicki said no. Mr. Bailey said yes, he has. Mike Silvia, 18 Bishop Road, spoke and said that he was offered by Mr. Bailey. Mr. DeMaggio asked how far is his porch to the property line. Mr. Silvia said probably 75 or 80 ft. Mr. Bailey said that cranberry bogs have not been filled in. There is a plan on file about that. Mr. Lalli asked if Mr. Bailey offered anything to the abutters. Mr. Johnson said that they have private negotiations with one abutter for additional screenings. There are no regulations that say he has to provide more screenings. Mr. Silvia said that there should be different setbacks and there are no considerations. Mr. Johnson said that they can't change someone's plan, they submit it and it's up to them to make sure that it's right. Mr. Grady said that a lot of the waivers reduce the foot print of the plan. Mr. Johnson said that if they cut the driveway to 500 ft. and cut the waivers, then there would be a real eye soar.

A motion was made by John DeMaggio, seconded by Lee Carr, to submit all into the file all testimonies of the abutters. The motion carries with 5 in favor, Bendrix Bailey recused.

A motion was made by Lee Carr, seconded by John DeMaggio, to approve the waivers requested from the Waiver Request Letter dated July 19, 2021. The motion carries with 5 in favor, Bendrix Bailey recused.

A motion was made by John DeMaggio, seconded by Lee Carr, to close the public hearing. The motion carried with 5 in favor, Bendrix Bailey recused.

**BOARD BUSINESS**

**Minutes**

A motion was made by Bendrix Bailey, seconded by Lee Carr, to approve the July 27, 2021 meeting minutes as submitted. The motion carries unanimously.

**Vouchers**

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to approve the Registry of Deeds voucher as submitted. The motion carries unanimously.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the Amazon voucher as submitted. The motion carries unanimously.

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A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the Steve Starrett mileage voucher as submitted. The motion carries unanimously.

**Review**

Draft Decision – Special Permit, Snipatuit Road Solar, LLC, 0 Snipatuit Road

A motion was made by Lee Carr, seconded by John DeMaggio, to continue this to the next meeting. The motion carries unanimously.

**NEW BUSINESS & PUBLIC COMMENTS**

Mr. Johnson stated that a meeting should be set up with Ken Motta from Field Engineering and Plumb Corner to give an update to the Board. A tech review for A Happy Healthy start will also need to be scheduled. Mr. Johnson stated that they have interviewed a possible candidate for the Town Planner position.

**TOWN PLANNER UPDATES**

Victoria D’Antoni, the Board Administrator, gave updates to the Board. Ms. D’Antoni stated that the solar field previously owned by Borrego, now owned by Clearway, is in the process of sending the Planning Board the new bonds in their name. Ms. D’Antoni also mentioned an amended escrow agreement for Meadowatt Solar that needs to be signed.

A motion was made by John DeMaggio, seconded by Lee Carr, to have Blair Bailey sign the escrow agreement. The motion carries unanimously.

Ms. D’Antoni then discussed adding the letter of intent as a checklist item for Planning Board applications.

A motion was made by Bendrix Bailey, seconded by Lee Carr, to add the letter of intent to all Planning Board applications. The motion carries unanimously.

**ADJOURNMENT**

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to adjourn at 8:53 p.m. The motion carries unanimously.

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Lori Walsh, Recording Secretary

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Arnold Johnson, Chairman