

**Rochester Planning Board  
Minutes of September 28, 2021**

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

Absent: None

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

The meeting convened via Zoom Meeting ID 853 6638 2374. Members joined in-person at Old Colony Regional Vocational Technical High School and over Zoom. Mr. Johnson called the meeting to order at 7:04 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.**

Eric Las, from Beals and Thomas, explained the Board previously approved the four waiver requests. Mr. Las stated that they amended the decommissioning plan and would like the Board to consider this along with the hours of operation. Mr. Las would like the Board to close the hearing tonight. Chairman Johnson asked what the decommissioning estimate is? Mr. Las responded \$186,100.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the revised decommissioning estimate of \$186,100. The motion carries unanimously.

Chairman Johnson stated the abutters would like to change the hours from 7:00 to 7:30 in the morning and asked the Board how they felt about that. Julie Koczera, 2 Robinson Road, talked to the Board about the time of construction. Chairman Johnson said that there can't be any construction trucks working on Saturdays or Sundays and they won't be working past 5:00 p.m. Mr. Las said that they coordinated with the abutters about the construction and they would like to get this done as soon as possible. Chairman Johnson said that they did address the snow removal situation that Julie Koczera asked about. Mrs. Koczera also wants to make sure that they do not rush through and damage her septic system. Chairman Johnson said when it gets to the part where they reach her septic system, they will have a representative from Field Engineering observe the construction. Mrs. Koczera asked about her Mother and father in law, Joan and Michael Koczera of 4 Robinson Road. She said they have questions about the moving of mail boxes. Mr. Las said that it shouldn't be a big issue right now.

A motion was made by Bendrix Bailey, seconded by Michael Murphy, to close the public hearing. The motion carries unanimously.

**A Solar Energy Facility Installation Special Permit Application and Special Permit Application for Groundwater Protection, filed by Renewable Energy Development Partners, LLC, for property located at 109 Neck Road, Map 40, Lot 3.**

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Chairman Johnson said due to the weather tonight, they weren't able to conduct the site visit, however they will schedule another one. Sarah Stearns, from Beals and Thomas, was present. Ms. Stearns explained the site consist of 243 acres in the agricultural district. The proposed canal canopy is 1300 feet long over the canal and no solar is proposed over the cranberry bogs. The distance is 1700 feet from end of the canopy to Neck Road. Screening is a concern and they have heard all the concerns from the abutters. Hank Ouimet, from REDP, stated that tree clearing will be at a minimum. After the site walk they will be revising the plan. Mr. Ouimet stated that they wanted to amend their proposal and omit the dual-use array in case they do not get approval for farming under the array by the state. They will come back to the Board to propose the dual-use array if the State approves their proposal. Ms. Stearns said that they did get approval from the Mattapoisett Water district and the letter is in the packet. Mr. Ouimet said that they also revised the decommissioning plan. Chairman Johnson said that they will have to go before the Town of Marion because the site is in a Zone II Wellhead Protection Area. Mr. DeMaggio said that he is in favor of having the applicant file again if they get State approval for the dual-use array.

Zack Souza, 118 Neck Road, stated that he doesn't want to look at solar panels or trees; he wants to keep the same view of the cranberry bogs. Mr. Souza said that he can appreciate what they are doing but he moved there six months ago and does not want to look at fences either. Mr. Ouimet said that they will try to hide the berm and will work with the Board. Timothy Batchelder, 155 Neck Road, asked regarding the access road if it was needed for around the ground array will that require more wooded area to be cut. Mr. Ouimet replied no. Trenton Blanchard, Neck Road, asked about the proposal for the power coming from the solar array. Chairman Johnson said that the electric company requires a chain link fence around the ground mounted solar. Mr. Blanchard asked about the poles. Mr. Ouimet said that poles will be removed, the ones that go back to the bog. There will be new poles that go to the street. Eversource will be the sole approving authority for the fence. Mr. Blanchard said he would like to echo Mr. Souza's concerns.

Mr. Ouimet said there is no battery storage for this project. Bendrix Bailey asked Town Counsel Bailey if they could waive the berm requirement. Town Counsel Bailey said no. Chairman Johnson said he would like to see another set of panels put in the back and then they will do a site visit or do a site visit first and then put the other set of panels in the back. Mr. DeMaggio asked the Chairman if they could think of some other kind of screening, like possibly paint. Mr. Blanchard said the ground mounted solar should definitely be screened. He also said that maybe some kind of natural fencing could be put in. Mr. Blanchard asked about the poles that are going to be replaced with larger poles. Mr. Ouimet said that all the existing poles are coming out. Mr. Blanchard asked what they are going to do with the Osprey nests that are there. Mr. Ouimet said they are not clear what they are going to do right now. Mr. Ouimet said that about the additional solar panels the Chairman is suggesting, they will take it under consideration.

Timothy Batchelder, 155 Neck Road, asked if there is a fire on the site and the gate is locked, how would fire apparatus get in there to contain the fire. Chairmen Johnson stated that emergency services would have a key. Town Counsel Bailey said that he went through the by-laws and he thinks that we could work with it. Mr. Souza asked if the site visit is just for the Board. Chairman Johnson said yes, it is. Nancy Bower, 340 Neck Road, she said that she is happy that the Ospreys were brought up. Ms. Bower stated saw Eagles there and would like them to stay there and she is worried about the glare of the panels scaring away the eagles. Chairman Johnson said that they have the panels screened for that reason for the glare.

Site walk October 12th at 4:30 p.m. go out to Pierce and then go over to Neck Road.

A motion was made by Bendrix Bailey, seconded by Michael Murphy, to continue the public hearing to October 12, 2021. The motion carries unanimously.

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**BOARD BUSINESS**

**Minutes**

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the amended August 10, 2021 meeting minutes as submitted. The motion carries unanimously.

A motion was made by Bendrix Bailey, seconded by Michael Murphy, to approve the September 14, 2021 meeting minutes as submitted. The motion carries unanimously.

**Review**

Final Decision – Definitive Subdivision, Bendrix Bailey, Pres., 0 Gerrish Road

*(Bendrix Bailey recused himself from this decision)*

A motion was made by John DeMaggio, seconded by Lee Carr, to approve the definitive subdivision plan. The motion carries with six in favor, Bendrix Bailey recused.

**NEW BUSINESS & PUBLIC COMMENTS**

A motion was made by Bendrix Bailey, seconded by Mihcael Murphy to approve the Field Engineering contract for 109 Neck Road. The motion carries unanimously.

**TOWN PLANNER UPDATES**

Nancy Durfee, Town Planner stated that she received correspondence from the Village at Plumb Corner asking to work on the upcoming holiday on October 11, 2021. Discussion ensued by the Board about whether or not to grant approval.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to allow indoor work on the October 11<sup>th</sup> holiday, not heavy equipment work. The motion carries with six in favor, Lee Carr recused.

Ms. Durfee mentioned that the Rules & Regulations were not updated when the Bylaws were, and they reference old Bylaw sections and needs to be updated.

**ADJOURNMENT**

A motion was made by Bendrix Bailey, seconded by Mike Murphy, to adjourn at 9:10 p.m. The motion carries unanimously.

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Lori Walsh, Recording Secretary

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Arnold Johnson, Chairman