

**Rochester Planning Board  
Minutes of December 14, 2021**

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

Absent: None

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

Members joined in-person at Old Colony Regional Vocational Technical High School. Chairman Johnson called the meeting to order at 7:03 p.m. and stated the meeting was being recorded.

**INFORMAL DISCUSSION**

Benjie Borra, CSG Developers, LLC, 84 Robinson Road, Map 36, Lot 2A.

Benjie Borra and John Weaver, of CSG Developers, LLC, spoke to the Board about their proposed solar array. Mr. Borra went on to discuss the project. Chairman Johnson told Mr. Borra that they have to be 300 feet off of a public way. Mr. Borra stated that they are under the impression that since it's not a large-scale project, they can be 200 feet away. Chairman Johnson stated they would look into that and also told Mr. Borra that they need three permits, Scenic Highway, Groundwater Protection, and Site Plan Review. Chairman Johnson then said the vegetation around Robinson Road is probably not going to be adequate so they are looking at potential stockade fencing around part of the project. Chairman Johnson told Mr. Borra that the panels can't be seen from the road from day one. He also said that he would like to get a little bit of guidance from Town Counsel on the setback from the road. Chairman Johnson said that the method of screening doesn't have to be consistent around the entire project, so if there is one particular area that is more exposed than another, a different type of screening might be used instead of another. They also need some site lines coming down the Street about 6 feet high coming down the center of the road.

**INFORMAL DISCUSSION**

Shayna Galinat, Industrial Communications, 0 High Street, Map 19, Lot 5.

Shayna Galinat and Kevin Delaney, of Industrial Communications, were present to discuss the proposed 190-foot monopole. Chairman Johnson asked if they have adjusted their narrative. Ms. Galinat stated that she was waiting until after this meeting to revise it. Chairman Johnson also said that they did a nice job on the narrative locating all of their towers and the towers that they don't own but per the by-law they have to demonstrate that all the towers are full so they need to construct the tower and, in the narrative, they haven't done that. Ms. Galinat said that they will revise the narrative. Chairman Johnson said that the area is not covered but that's not the issue, the issue is that there could be space on an existing tower that would cover that gap so they need to explain more than just saying that there is a gap there. Ms. Galinat said that they would show the Board the existing towers and that even if every carrier was on them and all of the towers, they wouldn't be able to fill that gap.

**PUBLIC MEETINGS**

**Approval Not Required Application**

William Milka, for property located at 241 New Bedford Road, Map 32, Lot 2, 7A, 7B.

**Rochester Planning Board  
Minutes of December 14, 2021**

Stuart Clark, of Green Seal Environmental, was on zoom representing William Milka. Mr. Clark said that Mr. Milka wants to combine a portion of a lot with another lot on his property. Mr. Milka owns three parcels of land on New Bedford Road and he would like to cut off a portion of his lot that his house is on right now which is 3,000 square ft. and he wants to combine lot 1 and 3 to create lot 1B and put that lot into 61A. The lot meets the frontage requirements and is in the residential agricultural and groundwater protection district.

A motion was made by Bendrix Bailey, seconded by Mike Murphy, to approve the approval not required application. The motion carries unanimously.

**PUBLIC HEARINGS**

**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.**

Stacy Minihane, from Beals and Thomas was present to discuss screening option for this project. They have increased the vegetative screening. Mr. Bailey said that the vegetated screening shown in enlargement two is viable and reasonable, he said they have a very limited area where there is a single tree proposed and that looks adequate for vegetated screening but having been out at enlargement one, both on the water side and the ground side, he feels that they are not going to achieve much screening at all with the vegetation they have there. The elevations drop off really sharp there and the aerial photograph doesn't show it. Mr. Bailey said that it's an exposed area with a lot of wind and he doesn't think that they're going to have a lot of luck with the plantings that they've proposed there and he thinks that in that location the stockade fence is the only thing that will survive. Caroline Booth was on zoom to show them the fencing they have as a solution rather than the stockade fence. Chairman Johnson said that a screening bond runs for five years and after that they put a lien on the property. The Chairman also said that the way the by-law reads is that they hold the bond for maintenance and screening for five years and after that then the Planning Board gives them written notice that if something happens, then they have 30 days to fix it. If it's not fixed within that 30-day period, then the Town can put that work up for bid and get the work done and put a lien on the property for the amount of the work. Chairman would like to see them go with a stockade fence. Ms. Minihane said that they are also waiting for the comments from the peer review consultant.

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to continue the public hearing to January 11, 2022. The motion carries unanimously.

**BOARD BUSINESS**

**Minutes**

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to approve the October 26, 2021 meeting minutes as submitted. The motion carries unanimously.

**Review – Final Decision – Special Permit, Cushman Road Solar, LLC, 0 Cushman Road**

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to approve the special permit decision as written for the applicant Cushman Road Solar, LLC for 0 Cushman Road for the solar array. The motion carries with Arnold Johnson, John DeMaggio, Bendrix Bailey, Mike Murphy, Lee Carr, and Chris Silveira in favor, Marc Rousseau ineligible to vote.

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to approve the special permit decision as written the applicant Cushman Road Solar, LLC for 0 Cushman Road for the groundwater protection. The

**Rochester Planning Board  
Minutes of December 14, 2021**

motion carries with Arnold Johnson, John DeMaggio, Bendrix Bailey, Mike Murphy, Lee Carr, and Chris Silveira in favor, Marc Rousseau ineligible to vote.

**Vouchers**

A motion was made by Mike Murphy, seconded by John DiMaggio, to approve the Fileguard voucher. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Field Engineering voucher for 109 Neck Road. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Field Engineering voucher for Shawmut Associates. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Field Engineering voucher for Cushman Road Solar. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Field Engineering voucher for Village at Plumb Corner. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Fileguard voucher. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the W.B. Mason voucher. The motion carries unanimously.

A motion was made by Mike Murphy, seconded by John DeMaggio, to approve the Staples voucher. The motion carries unanimously.

**NEW BUSINESS AND PUBLIC COMMENTS**

**Village at Plumb Corner**

The paving is done but it was done after the November 15th deadline. The weather was in the 60's so they felt that it was in the best interest to do it then.

A motion was made by Bendrix Bailey, seconded by Mike Murphy, to ratify the action of the Chairman for the paving. The motion carries unanimously.

Brian Wallace, of J.C. Engineering, and Michael LaCava, the applicant, was present to give an update to the Board. The Chairman asked if there was power there. Mr. Wallace said not yet. The Community Center is in progress but not completed yet. The playground is being discussed with the daycare tenants. Chairman Johnson said that he spoke to Town Counsel and their opinion is that without the utilities being hooked up, then substantial completion is not complete enough for the Board to sign off on at this point in time. In order for the Board to sign off, they would have to get Ken Motta and the Planning Board out there to do a site inspection. The Chairman said that it is more than just the road completion, it's the phase completion. Chairman Johnson told them that they need to tell their people that there is one way in and one way out of that place. Chairman Johnson told them that he noticed that they put in a lot of trees there and he asked how tall they are. Mr. Wallace told him 3 to 4 ft. The Chairman said they are supposed to be 4 to 5 ft.

**TOWN PLANNER UPDATES**

**Rochester Planning Board  
Minutes of December 14, 2021**

**Old Middleboro Road**

Town Planner Durfee spoke regarding the water issues damaging the road. No one from the company could come to the meeting tonight but the culvert is in place and there is such a big difference.

**Zero Waste**

Town Planner Durfee said Zero Waste had numerous fires on the tipping floor. Bay State has been to the site and cleaned out the any drainage issues. Everything is fine now and it's all cleaned up.

**General Update**

Town Planner Durfee stated that she is working with Buzzards Bay National Estuary Program to create a map of our solar fields.

A motion was made by Bendrix Bailey, seconded by Mike Murphy to appoint Nancy Durfee to SRPPED.

Mr. Bailey brought up House Bill 5250 and asked Town Planner Durfee to look into it and what it would mean for the Town.

**ADJOURNMENT**

A motion was made by John DeMaggio, seconded by Mike Murphy, to adjourn at 8:55 p.m. The motion carries unanimously.

---

Lori Walsh, Recording Secretary

---

Arnold Johnson, Chairman