

**Planning Board Meeting
Minutes of May 10, 2022**

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

Absent: *(none)*

Nancy Durfee, Town Planner
Dawn DeMaggio, Board Administrator
Lori Walsh, Recording Clerk

The meeting convened via Zoom Meeting ID 812 2868 4120. Members joined in person at Old Colony Regional Vocational Technical High School. Chairman Johnson called the meeting to order at 7:00 p.m. and stated the meeting was being recorded.

PUBLIC HEARINGS

(Continued from April 24, 2022) A Cell Tower Installation Site Plan Review Application, filed by Industrial Tower and Wireless, LLC, for property located at 0 High Street, Map 19 Lot 5. The applicant proposed the construction of a 190-foot monopole telecommunications tower. The applicant's representative is Shayna Galinet, Industrial Tower and Wireless, LLC.

The applicant's representative Shayna Galinet, Industrial Tower and Wireless, LLC requested a Withdrawal without Prejudice for the Cell Tower Installation, for the property located at 0 High Street, Map 19 Lot 5.

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to accept the withdrawal without prejudice. **The motion carries unanimously with a roll call vote of 7.**

A motion was made by Bendrix Bailey, seconded by John DeMaggio, to close the Public Hearing. **The motion carries unanimously with a roll call vote of 7.**

(Continued from April 24, 2022) A Playground Relocation and Installation Site Plan Review application, filed by J.C. Engineering, for the property located at 565 Rounsville Road (Route 105), Rochester, MA 02770, Map 30, Lot 25 D. The applicant proposes to relocation and installation of a 5,050 s.f. playground for the Countryside Daycare requiring Site Plan and review of work on a Scenic Highway approval. The applicant's representative is J.C. Engineering, Inc. 2854 Cranberry Highway, East Wareham, MA, 02538. The property owner is Sophia Giannaros-Darras & Basil T. Darras, Trustees, 79 Walpole Street, Dover, MA 02030.

The applicant's representative, Brian Wallace, J.C. Engineering, Inc. to continue the Countryside Child Care Playground Relocation and Installation, located at 565 Rounsville Road (route 105), review until the next hearing date of May 24, 2022.

A motion was made by John DeMaggio, seconded by Bendrix Bailey, to allow the continuance of the playground relocation and installation plan review until May 24, 2022. **The motion carries unanimously with a roll call vote of 7.**

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Zoning By-Law Amendments

Chairman Johnson opened the Public Hearing at 7:17 p.m., to consider an amendment to Rochester's Zoning By-Law by amending Chapter 22.50 – Screening for Solar Installations. The Board reviewed the draft By-Law amendment.

A resident present at the hearing questioned the proposed by-law, stating there were some inconsistencies with the proposed Bylaw with regard to the tree cutting. Specifically, the section that covers clearing within 100 feet appears to be vague. Blair Bailey, Rochester Town Counsel, replied, that the Bylaw addresses cutting within the setback. He also state, that section's A and B of the proposed language work together with the screening and tree cutting. ***Discussion ensued with the Resident and the Board regarding the screening and tree cutting.***

A motion was made by Bendrix Bailey, seconded by Michael Murphy, to vote recommend to amendment of Chapter 22.50, to Rochester's Zoning Bylaw represented at the Town Meeting. **The motion carries unanimously with a roll call vote of 7.**

Chairman Johnson opened the Public Hearing at 7:39 p.m., to consider an amendment to the Rochester's Zoning Bylaw by amending Chapter 19.20. The Board reviewed the draft By-Law amendment.

A motion was made by Bendrix Bailey, seconded by Michael Murphy, to vote not to recommend the amendment of Chapter 19.20, to Rochester's Zoning Bylaw represented at the Town Meeting, and to withdraw. **The motion carries unanimously with a roll call vote of 7.**

BOARD BUSINESS

Minutes: April 12, 2022

Vouchers:

A motion was made by Bendrix Bailey to approve, seconded by John DeMaggio to approve The Wander, Notice of Public Hearing: Chapter 19.20, Invoice #8291, \$60.00. **The motion carries unanimously with a roll call vote of 7.**

A motion was made by Member Bailey to approve, seconded by Member DeMaggio to approve The Wander, Notice of Public Hearing: Chapter 22.50, Invoice #8290, \$60.00. **The motion carries unanimously with a roll call vote of 7.**

NEW BUSINESS:

Village at Plumb Corner

The Planning Board reviewed the Village at Plumb Corner decision. Bendrix Bailey, Planning Board Member, recommended the Planning Board re-open the hearing, and be more specific in the decision about what the Board wants. Member Bailey, suggested removing the language "substantially complete", and replace it with a series of specific tasks that have to be done. The Board will have to re-advertise to re-open the Hearing. Chairman Johnson said that the entry way to 105 was supposed to have signage and that needs to be completed. Chairman Johnson also suggested that they receive the opinion of Town Counsel prior to re-opening the hearing.

Old Middleboro Road Solar Array

A request was made to bring electrical utilities underground verses overhead lines. Ken Motta, from Field Engineering, commented that this it is a minor change. Chairman Johnson asked how they are going to re-grade Old Middleboro Road afterwards. Mr. Motta responded, that Jeff Eldridge is going to assist the contractor in

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determining the best course of action with regards to re-grading the roadway. Chairman Johnson would like a narrative and cross-section of the roadway restoration that will be constructed in prior to approval being granted. They would like to start this by the end of the month and need to start ordering the materials. The Boards next meeting is May 24th.

Bendrix Bailey made a motion to authorize the Town Planner to review the final narrative, cross-section and emergency traffic management plan in order to allow the minor modification to the plan narrative, cross-section of the roadway and regrading of Old Middleboro Road. The Town Planner will authorize them in writing when completed as a minor field change. John DeMaggio seconded the motion. **The motion carries unanimously with a roll call vote of 7.**

Contract for Field Engineering

A motion was made by Bendix Bailey to sign the contract, seconded by John DeMaggio. **The motion carries unanimously with a roll call vote of 7.**

TOWN PLANNER UPDATES

Town Planner Durfee has been working with Sarah Williams, from Buzzards Bay National Estuary program to identify the parcels in the Town of Rochester that are included the Chapter 61, 61A and 61B program. Landowners entering one of the Chapter 61 programs agree to maintain the use of the land in a way consistent with the program. Land sold or converted to a different use must notify the Town. The Town may exercise their right of first refusal to purchase said land for protection. All of the parcel have now been identified on a map. The map will assist the town in determining which parcels are available and plan in advance.

In early 2022, the Planning Board had reviewed the solar bonds/accounts for landscaping, stormwater drainage and fencing. The Board had decided to conduct site visits in the spring to determine whether the board should release them. Town Planner Durfee suggests that after the inspections are conducted the Board let the bonds lapse if no further action is required.

A motion was made by Michael Murphy, for the Town Planner to go out to do the inspections, and seconded by Bendrix Bailey. **The motion carries unanimously with a roll call vote of 7.**

At the last meeting the Board asked about the Cushman Road Solar project easement with the abutters with regards to access. Town Planner Durfee reported after contact with the project manager, they are currently in discussion with the property owners and are working out the language that is acceptable to all parties involved.

Town Planner Durfee also reported that she recently discussed the school solar project with their project manager, Chad Couture. He reported that they plan to be filing an application shortly.

ADJOURNMENT

A motion was made by John DeMaggio to adjourn at 8:46 p.m., seconded by Michael Murphy.



Arnold Johnson, Chairman



Lori Walsh, Recording Secretary