

**Rochester Planning Board
Minutes of July 12, 2022**

Present: Bendrix Bailey, Clerk
Michael Murphy, Assistant Clerk
Lee Carr
Marc Rousseau

Absent: John DeMaggio
Chris Silveira
Arnold Johnson

REC'D ROCHESTER
AUG 25 '22 PM9:33
Nancy Durfee, Town Planner
Lori Walsh, Recording Secretary
Atty: Blair Bailey

The meeting convened via Zoom Meeting ID 848 3257 4723. Members joined in person at Old Colony Regional Vocational Technical High School. Clerk Bailey called the meeting to order at 7:09 p.m. and stated that the meeting was being televised and recorded via digital audio recorder.

BOARD BUSINESS

Violation

Scenic Roadway Violation for the property located on Marion Road, Map 6 Lot 37, issued to Buzzards Bay Coalition and Elliot Farm, LLC.

Bendrix Bailey, Planning Board Clerk opened the discussion and directed the conversation to the Town of Rochester's legal counsel. Attorney Bailey, began describing the situation that led toward the enforcement order, stating to the Board that it has been about a year since Buzzards Bay Coalition cleared decayed trees along Route 105. The Coalition then replaced the trees. At the time, it was discussed there would be a need for a subsequent permit under the Scenic Road designation. He added, unfortunately the prior Town Planner, corresponded with the Coalition, but the email had been sent to the wrong email address and they had never received them. He explained, that the Coalition was ready to come before the Board and address their concerns. Contrariwise, after a discussion with Buzzards Bay's legal counsel, Attorney Bailey concurred, the Town's Scenic Roadway designation is not applicable due to the fact that the road is owned and maintained by Massachusetts Department of Transportation (MassDOT). The statute, *Chapter 40 Section 15C*, states a Scenic Road cannot be designated as such if it is owned and maintained by the state.

Attorney Bailey said, he confirmed with the Town of Rochester's Highway Surveyor that MassDOT still maintains the section of Route 105. It appears the Scenic Highway regulations would not apply. However, the Coalition, did express that they were more than willing to come in to a Planning Board meeting to speak to the Board. As it stands, the Coalition will replant the trees that died, even though they do not need a permit since they are outside the roadway layout. Attorney Bailey said, that he will be working with Town Planner Durfee on how they need to change the Scenic Road designation moving forward to make sure we have the correct information as to what's covered and what's not. It was mentioned that the Braley Hill Road section of Route 105 is still being maintained by the Town.

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Minutes

A motion to approve the minutes of June 14 ,2022 was made by Lee Carr and seconded by Michael Murphy. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0).**

Vouchers

A motion to approve an application withdrawal from Industrial Tower and Wireless in the amount of \$3000.00 plus interest was made by Michael Murphy and seconded by Lee Carr. **The motion passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0).**

Countryside Daycare

Town Planner Durfee stated, due to the fact that the Board does not have a quorum tonight the final review of the Countryside Daycare for the playground relocation and installation decision cannot be finalized.

NEW BUSINESS & PUBLIC COMMENTS

The Village at Plumb Corner Phase I Inspection

Town Planner Durfee reported to the Board, that Kenny Motta from Field Engineering was waiting on two items from the Village at Plumb Corner in order to finalize the Phase I punch list. He is currently waiting for the ADA compliance plans for the clubhouse and a cost estimate for the removal and replacement of the playground. It appears there were some concerns about the entrance and other access points to the clubhouse having not met ADA compliance. Mr. Motta is working with their Engineer on the best way to meet this requirement.

Field Engineering, also requested a cost estimate for the removal and replacement of the playground. It is our understanding the developers of the Village at Plumb Corner agreed to the physical movement, such as use of equipment and the workforce to complete that task. The Countryside Daycare would fund the remaining balance of the materials. Mr. Motta was hoping to have a value for them both in order to finalize the Phase I punch list, in the event that something should happen, the money would still be available to move the equipment if that becomes necessary. The dollar amounts are coming in and Town Planner Durfee said that she received one quote and she's waiting for Brian Wallace, J.C. Engineering, for his part. Once those items are wrapped up, she said, Field Engineering will provide the final Phase I punch list to the Board Members.

There still remain other items to finish from Phase I. At the moment they still have not received their Occupancy Permit for the clubhouse from the Building Commissioner. Clerk Bailey asked, if there has been any feedback from the people that are living there? Town Planner Durfee said, they haven't heard anything at this time.

Phase II bond has been submitted and a request to finish up Phase I has come in through their legal counsel, but we are still waiting on the Phase I punch list. At the next meeting the Board will have the Phase II bond and the punch list.

Member Carr asked how many residents are there now. Town Planner Durfee said, she does not have a number but she knows that all of the units have been sold.

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TOWN PLANNER UPDATES

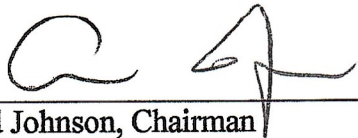
Old Middleboro solar project underground service is complete. Jeff Eldridge conducted a site visit last Friday to ensure the underground service project agrees with what was stated upon at the pre-construction site visit. Mr. Eldridge had two items of concern, which included a cable that's running the length of Old Middleboro Road, and will that be removed, and the condition of the road. The cable provides service to the resident that lives at the end of Old Middleboro Road, and the Town had them place a new cable should it be damaged during construction. Nothing occurred during construction so it won't be necessary to install, so it will be removed. Old Middleboro Road is in extremely poor condition, so Jeff had asked for it to be graded. They are going to fill in the ruts and roll it and will be coming back shortly to reconstruct the entire length of roadway.

This past winter the Board reviewed the revised Rules and Regulations and held a meeting to review the draft. At this time, it will need to be advertised in order for the Board to finalize the revisions agreed upon. Town Planner Durfee apologized for the lengthy time it has taken to get this task completed. The goal is to bring it back to the Planning Board to discuss it and carry it forward.

The owner from Arch at the Meadow contacted the town, and they are moving forward with the Site Plan Review as determined by the ZBA's decision and discussed at the last Planning Board meeting. Now that they have the ANR approved they will bring an application for the Site Plan Review before the Board. Nancy said that they have to approve the ANR to reconfigure the lot lines, since a portion of their private property is located on the commercial portion of their property. A brief discussion ensued concerning ANR approvals. An approved ANR does not necessarily mean it's a buildable lot. A notation is stated on the final signed plan explaining that the plan may require further relief from zoning as it is not necessarily a buildable lot.

ADJOURNMENT

A motion to adjourn at 7:23 p.m. was made by Member Carr and seconded by Member Murphy. The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0).



Arnold Johnson, Chairman



Lori Walsh, Recording Secretary

Below is a link to the recorded July 12, 2022, meeting of the Planning Board:

[7/12/22 - Rochester Planning Board on Vimeo](#)