

**The Planning Board Meeting
Minutes
August 9, 2022**

Present: Arnold Johnson, Chairman

Michael Murphy

Bendrix Bailey, Clerk

John DeMaggio

Chris Silveira

Mark Rousseau (remote participation)

Absent: Lee Carr

Nancy Durfee, Town Planner

Lori Walsh, Recording Secretary

Dawn DeMaggio, Board Administrator

The meeting convened via Zoom Meeting ID 842 7999 7700. 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 MEETINGS

Approval Not Required Applications

Bradford and Ruth Correia, for the property located at Featherbed Lane, Map 46, Lots 22A, 22B, & 35. John Romanelli was present to discuss this project.

The purpose of the ANR Plan of Land submitted by Zenith Engineering, Inc. for Featherbed Lane is to add area to the existing two lots shown as Lot 1A & Lot 2A on Assessors Map 46. Bradford and Ruth Correia, owners of Lots 1A & 2A, off Featherbed Lane are preparing to sell the lots. They also own an abutting lot Map 46, Lot 7A, which is 69.32 acres. The ANR Plan has been created to change the rear property lines. We have created two individual non-buildable parcels. Parcel A, which is 15.16 acres, will be conveyed to the new owner of Lot 1A Featherbed lane, which currently is 15.82 Acres and after conveyance will become 30.98 Acres. Parcel B, which is 11.75 Acres will be conveyed to the new owners of Lot 2A Featherbed Lane, which is currently 11.92 Acres and after conveyance will become 23.77 Acres. The remaining Lot 7-A, will be reduced in size to become a lot size of 42.41 Acres.

Submitted and reviewed: ANR Plan off Featherbed Lane Narrative, Plan of Land in Rochester, MA, for Bradford D. and Ruth C. Correia, prepared by Seguin Associates, submitted by Zenith Land Surveyors, LLC.

Clerk Bailey made a motion to approve the plan of land for Bradford and Ruth Correia dated 8/06/22 located at Featherbed Lane.

Member DeMaggio seconded the motion.

Motion passes with a roll call vote of 6.

BOARD BUSINESS

Violation

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

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Chairman Johnson updated the Board about the Scenic Roadway Violation and added, that he was not in attendance at the last meeting. Chairman Johnson added, legal counsel informed the Board that the scenic highway designation didn't comply because the Town did not own the roadway, nor do we maintain that section. Kenny Motta, provided information to the staff, that the State designated Route 105 as a Scenic Highway. The legislation states it does apply, and they designated the authority to hold the hearings to the local Planning Board. There was also some question as to whether it applied to agricultural uses for cutting and removing the brush. Agricultural is exempt except within the actual roadway layout and so it was determined by Kenny Motta and Jeff Eldridge that the portion of the trees that were cut is actually in the roadway, which is controlled by MassDOT. The Buzzards Bay Coalition submitted a letter explaining the situation, and an application for the Scenic Highway. The Board can now hold a hearing, and preserve records and remain consistent. Chairman Johnson said, he would like to entertain a motion that they waive the filing fee for this project and to schedule a hearing.

Submitted and reviewed: Scenic Roadway Application, Doggett Brook Farm (Rochester Assessors Map 6, Lot 37) & Scenic Highway letter, dated August 5, 2022 and Replacement of 12 Sugar Maples at Doggett Brook Farm, dated June 27, 2022.

Member Silveira made a motion to waive the filing fee and schedule a hearing.
Clerk Bailey seconded the motion.

Motion passes with a roll call vote of 6.

Town Planner Durfee said that based on Chapter 40 Section 15C, states that the Board should work with the Tree Warden. We will coordinate with Jeff Eldridge, Highway Surveyor in order to meet this requirement. Mark Rasmussen from Buzzards Bay Coalition was on Zoom, virtually to speak to the Board and to answer any questions that the Board had.

MINUTES

June 28, 2022 and July 12, 2022 – DRAFT minutes reviewed

The Board didn't have any changes to the Draft minutes. The minutes will be approved at the next meeting.

Chairman Johnson said that the Administrative Assistant and the Town Planner asked if they could change the process at which the minutes are signed and approved. They would like to have a draft set of minutes be reviewed at a meeting and make any necessary changes as needed, and then they would sign them at the next meeting. The Board said that is ok with them.

REVIEW

Countryside Childcare Playground Relocation and Installation Decision

The Applicant asked if the Board could hold off on the decision right now until they review it with the other Tenants at Plumb Corner. Kenny Motta and Attorney Blair Bailey are working on this.

VOUCHERS

Field Engineering, Connet Woods, Invoice #15227, \$250.00

Clerk Bailey made a motion to approve.

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Member Murphy seconded the motion.
Motion passes with a roll call vote of 6.

Field Engineering, Village at Plumb Corner, Invoice #15228, \$2,825.00
Member DeMaggio made a motion to approve.
Member Bailey seconded the motion.
Motion passes with a roll call vote of 6.

Field Engineering, Middleboro Road, Invoice #15229, \$875.00
Member Murphy made a motion to approve.
Clerk Bailey seconded the motion.
Motion passes with a roll call vote of 6.

Field Engineering, Plumb Corner Mall, Invoice #15230, \$375.00
Clerk Bailey made a motion to approve.
Member Murphy seconded the motion.
Motion passes with a roll call vote of 6.

Fileguard, Storage Fee, Invoice #80855, \$9.00
Member Murphy made a motion to approve.
Member DeMaggio seconded the motion.
Motion passes with a roll call vote of 6.

Plymouth County Registry of Deeds, Board Member Filing Fee, \$107.00
Clerk Bailey made a motion to approve.
Member Murphy seconded the motion.
Motion passes with a roll call vote of 6.

Fileguard, Pickup/Storage Fee, Invoice #81093, \$84.75
Clerk Bailey made a motion to approve.
Member DeMaggio seconded the motion.
Motion passes with a roll call vote of 6.

NEW BUSINESS & PUBLIC COMMENTS

Village at Plumb Corner: Phase I Punch List, Phase II bond and Phase II and III Tree Clearing

Brian from J.C. Engineering, Inc., was present and said, the Phase II bond has been submitted and approved. Field Engineering, Inc., developed a requested Phase I punch list. The developer would like to get started with Phase II and III tree clearing, which is just a small portion of land clearing of approximately 0.7 acres. Chairman Johnson stated, a couple of meetings ago they discussed what the Board considered as completion for Phase I, and he feels that they hit all of those points. The Town had also, heard from the Countryside Daycare in writing that they would like to wait until after the summer to relocate the playground. The developer also have a Temporary Occupancy Permit, from the Building Commissioner, for the Village at Plumb Corner Community Center and the Town is still holding the tripartite agreement. Field Engineering's Phase I punch list, suggested holding \$850,000.00 for any remaining work in this phase prior to considering Phase I complete. Chairman Johnson said, it also makes

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sense to bring in the logging equipment at one time for the people that live there also, and it is a smart thing to clear Phase II and III at the same time. Chris Silveira asked, if they are going to have a problem with erosion when they clear off that section. Brian said, they will set up the whole perimeter with erosion control before clearing starts and they will keep an eye out for that. Chairman Johnson said, maybe the possibility for Phase III will have chips blowing onto the ground for dust control. Clerk Bailey asked if they are going to remove the stumps too and Brian said, yes, they will be removing the stumps.

Town Planner asked if they could have a complete and final As-built plans for the setbacks and spacing of the units, and also the ages of any new Owners. They have received the As-builts for the first six-units and a letter from the Village for those Owners ages, but will require a final for the entire Phase I. The Town received the final As-builts for the drainage from the Village at Plumb Corner to the Pond area that they worked on and we were hoping that the Board would send it to Kenny Motta for his view and approval.

Submitted and reviewed: Correspondence from Kenny Motta, Field Engineering Co., Inc., for The Village at Plumb Corner Phase I, Punch List, Second Semi-Final Inspection Report/Surety Estimate, prepared by Field Engineering Co., Inc., Request for Certificate of Completion for Drainage Improvements at 565 Rounseville Road, prepared by J.C. Engineering, Inc., (with attachments Stormwater Operation and Maintenance Plan, As-built Calculations, and As-built Site Plan for Drainage Improvements at 565 Rounseville Road, dated August 1, 2022).

Clerk Bailey asked, Brian Wallace what the mechanism was behind blowing the sand out of the pipe and yet keep it out of the wetlands. Brian Wallace said he wasn't there himself but he can report back on how it was done.

MOTIONS

Clerk Bailey made a motion for them to start the clearing in Phase II and III as requested with appropriate erosion control.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 6.

Clerk Bailey made a motion to accept the work on Phase I that is fulfilling the requirements as laid out at a previous meeting for substantial completion before heading on for Phase II.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 6.

TOWN PLANNER UPDATES

Open Space and Recreation Plan (OSRP), had not been complete on a number of items as provided in the conditional approval letter. Agent Kelly and the Town Planner are working together to finalize the OSRP. They have to send a copy to SRPEDD for their review and will need the Boards approval as well. We will be looking at a letter of approval from the Planning Board and the Select Board. It will then be packaged and sent back to the State. When we remove the conditional approval, they will have a full plan and have access to any of the funds that are available to the Community for a variety of different things.

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Town Planner Durfee also met with Massachusetts Department of Fish and Wildlife, they own approximately 3,000-acres in Rochester. Joan Pierce reached out and asked if Durfee would like to walk Haskell Swamp. Durfee stated, it is a very beautiful piece of property.

The Board was provided updated on the Public Safety Feasibility study, as asked for by the Town Administrator. The Town posted a Request for Qualifications (RFQ) on July 12, 2022, and held a briefing on July 21, 2022. The deadline for submission is August 4, 2022. Eight consultants attended the briefing. Durfee was not sure if those proposals came in, she will provide this information at the next meeting.

The library has a new meeting space that will fit roughly 35-people. The new space could be a good option for Technical Review and possibly future Planning Board meetings. It is something to think about.

The Town Planner also talked about the Planning Board, Rules and Regulations that have not been updated yet. The next step is to advertise in the newspaper in order to host the public hearing, then the Board needs to vote on the changes necessary to coincide with the revised Zoning Bylaws.

Arch at the Meadow has turned in their application and will be coming before the board at the September 13th meeting.

Durfee added, at a Department Head meeting held this past Spring, many asked about a Solar Moratorium for the Town. Durfee then reached out to Town Council Bailey about it, and she is asking if the Planning Board is interested in taking this to Town Meeting. The Planning Board can think about it, since the Fall Town Meeting will be held on October 17, 2022.

Since the Planning Board has had a number of solar projects permitted in Town, the Board may wish to consider at least a year in order to make a good effort on changes. Other surrounding communities have recently passed a solar moratorium, such as Carver, Acushnet and Wareham. It is really up to the Town and how they feel about what is best. Chairman Johnson asked, Nancy if she could send them the other community's language for their moratorium. She will give them some examples. Durfee said, they have an opportunity to take a look at it and they don't have to vote on this tonight.

Member DeMaggio asked, what happens if they have a moratorium and how will that change. Chairman talked about doing a marijuana moratorium for a year and then it got approved. (Medical Marijuana). He added, that right now they don't have any solar going on right now. He asked, if they are going to be inundated by people. He's not sure if they should put the effort into this right now. He would like to see the samples from other towns but he said he is not with this moratorium. Durfee said, they might want to wait and see what other Towns are doing.

Member DeMaggio said, he thinks that it might be a missed opportunity if we don't do it. He thinks that there are probably more residents out there that would like to have the moratorium. Clerk Bailey said, if they do this, they might get a rush of people going to the Board. Chairman Johnson said they should be looking at the Bylaws. He would be more inclined to do this if they didn't have the current Bylaws in place. Clerk Bailey asked the Town Planner if this means that they can restrict solar farms as a result in the change to the by-law or is that on the table. Town Planner Durfee said that it is part of what the Board has to investigate. Member DeMaggio asked if other projects will be grandfathered in. Town Planner Durfee said yes, they will.

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Discussion ensued with the Board regarding the moratorium.

OLD BUSINESS

ADJOURNMENT

Member DeMaggio made a motion to adjourn at 8:03

Clerk Bailey seconded the motion.

Motion passes with a roll call vote of 6.

Date: 9/27/2022



Arnold Johnson, Chairman



Lori Walsh, Recording Secretary