

**Rochester Planning Board
Minutes
September 13, 2022**

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

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

The meeting convened via Zoom Meeting ID 820 3007 1379. 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.

BOARD BUSINESS

Minutes – August 9, 2022 (DRAFT)

Clerk Bailey made a motion to approve the draft minutes for August 9, 2022.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 6.

VOUCHERS

The Wanderer, Buzzards Bay Public Hearing Notice, Invoice #8345, \$60.00

Clerk Bailey made a motion to approve.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 6.

The Wanderer, Amendment to the Town of Rochester, Rules and Regulations Subdivision of Land Public Hearing Notice, Invoice #8344, \$60.00

Clerk Bailey made a motion to approve.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 6.

Fileguard, Monthly Storage Fee, Invoice #81153, \$9.00

Clerk Bailey made a motion to approve.

Member Murphy seconded the motion

Motion passes with a roll call vote of 6.

PUBLIC HEARINGS

A scenic Roadway application was filed by the Buzzards Bay Coalition, for the property located at 0 Marion Road, Rochester, MA. 02770, Map 6, Lot 37. The proposed filing is for Notice for Work for the clearing of street trees on a Scenic Roadway requiring Scenic Roadway review.

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Mr. Jackson a representative from Buzzards Bay Coalition was present to speak to the Board. Mr. Jackson stated he was there to answer any questions the Board may have. Further adding, he had heard that most of the issues were discussed at the previous meeting. Clerk Bailey asked if planting in the fall was adventitious. Mr. Jackson said that they go dormant over the winter, but fall is a good time to plant. Clerk Bailey asked if they would have to treat them as if they were just planted come spring. Mr. Jackson said perhaps, depending on the amount of rain we get. Member DeMaggio asked if the new trees were smaller than the ones that were there. Mr. Jackson said no they are pretty much the same size. Member DeMaggio asked how they water them and if they have a tank. Mr. Jackson said yes, they have a big 300 gallon tank on the back of a truck and then they have bags at each tree like a slow leak. He said, they have installed a plastic bag that you wrap around the whole tree, small holes in the bag release the water slowly and more effectively.

Clerk Bailey made a motion to close the Public Hearing.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 7.

The Permit will be ready to sign at the next meeting.

A Site Plan Review Application for the operation of "Arch at the Meadow", filed by G.A.F. Engineering, Inc., for the property located at 0 Mendell Road, Rochester, MA. 02770, Map 28, Lot 24-A. The "Arch at the Meadow", a private function facility, hosts private functions such as weddings, receptions, showers, memorial services and charity functions. The property is located within the Agricultural/Residential District and contains 3.98 acres or 173,368 square feet. The Applicant's Representative is G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA. 02571. The Property owners are Glenn R. Lawrence and Laurie Whitney Lawrence, 332 Mendell Road, Rochester, MA. 02770.

Bob Rogers from G.A.F. Engineering was present and attended on behalf of the Applicant's. Mr. Rogers said that he was at the site Friday and the pathways to the tent area are handicap accessible on the western entrance, there's handicap access to the walkway right near the three handicap spaces near the restrooms and he didn't see any deviations on the site from the plan that was submitted. Chairman Johnson asked if it passed with the Building Inspector. Mr. Rogers said that he has not spoken with the Building Inspector. Laurie Lawrence got up to speak and she said that the electrical has all been done and she asked the Chairman if he was talking about the walkways. Chairman Johnson said yes and asked Mrs. Lawrence if she remembers speaking to the new Building Inspector with regards to the handicap accessibility and parking. Mrs. Lawrence said yes, the Building Inspector is satisfied. There are four (4) waivers being requested. Chairman Johnson said that they are going to start with the waivers, 5.6.2, 5.6.3 and 5.6.4.

Clerk Bailey made a motion to approve the waiver.

Member Murphy seconded the motion.

Motion passes with a roll call vote of 7.

Chairman Johnson read the next waiver and they are requesting a waiver under site plan review and approval of the landscaping sessions which start out a 1.10.3 and also utilities and drainage 1.10.4.

Member DeMaggio made a motion to approve the waivers of 1.10.3 and 1.10.4.

Clerk Bailey seconded the motion.

Motion passes with a roll call vote of 7.

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Chairman Johnson read the next waiver for trafficking, parking from Section 1.10.5. He said that he believes he brought this up at the informal hearing, right now everything is all gravel in the lawn area but that doesn't mean at some point that pavement couldn't be put down. He said he doesn't have a problem with the waiver but in the decision they need to reserve the right that if they pave the parking area, then the applicant will need to come back before the Planning Board for review, and including drainage. Clerk Bailey stated because if they pave it there is going to be a run-off issue. Chairman Johnson said they can approve the waiver and as a condition to say that should they ever pave it that would trigger Planning Board Site Plan Review.

Mr. Rogers affirmed, their applicant has sought approval from the Zoning Board of Appeals for a Use Variance, and a condition will not allow the permit to be transferrable. Chairman Johnson mentioned the permit from ZBA is for the use; someone could buy it and not change the use. Therefore, that is not a safeguard for the Planning Board because they could transfer ownership and keep the same use. Clerk Bailey added if they could say only if they are going to cover it with impervious surface. It would allow them to put down other materials that would not affect drainage. Chairman Johnson said or they could say asphalt. Clerk Bailey said so we can say if they decide to cover it with impervious surface. Chairman Johnson said yes so that would be in there as a condition.

Clerk Bailey made a motion to grant the waiver with the condition as stated.
Member Murphy seconded the motion.

Motion passes with a roll call vote of 7.

Chairman Johnson acknowledged lighting should be a condition the Planning Board considers. Currently there is not any lighting, but in the future they may want to add it as a condition that would trigger Planning Board Review and they would have to submit a spec sheet showing the pole and the light.

Clerk Bailey made a motion to close the public hearing.
Member Murphy seconded the motion.

Motion passes with a roll call vote of 7.

The draft decision will be ready to review at the next meeting.

An amendment to the Rules and Regulations Governing the Subdivision of Land, Town of Rochester to be considered by the Planning Board to reflect the recodified Town of Rochester, Zoning By-Laws as amended through December 15, 2020. Copies of the article were on file at the Planning Board Office, Rochester Town Hall Annex, 37 Marion Road, Rochester, MA. 02770.

Chairman Johnson said the notice was advertised in The Wanderer and mailed to the surrounding communities and various agencies. He stated that the Board is just conducting some housekeeping measures to ensure the Rules and Regulations reflect the recodified Rochester Zoning Bylaws. Clerk Bailey added that Nancy had asked the Board to rule on whether they want to change the application, filing requirement from CD's to electronic filing via email or a thumb drive. We no longer have the capacity to accept a disc as technology has changed.

Clerk Bailey made a motion to close the hearing.
Member Murphy seconded the motion.

Motion passes with a roll call vote of 7.

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Clerk Bailey made a motion to approve the changes and record them at the Registry of Deeds.
Member Murphy seconded the motion.
Motion passes with a roll call vote of 7.

NEW BUSINESS AND PUBLIC COMMENT

Clearway Energy Group Solar Project, 453 Rounseville Road

A site visit was conducted to review the landscape maintenance of solar project located at 453 Rounseville Road, Assessors Map 31, Lot 7 & Map 34, Lot 1H as it relates to the Special Permit Agreement.

Town Planner Durfee, reported after further review of the bonds, Clearway Energy Group currently has a bond that is ready to sunset. The company would be open to a site visit in order for the Board to determine if they have met the requirements related to the Special Permit. Mr. Lee asked, if it was the bond or is it strictly the landscaping bond? Nancy said yes it is just the landscaping bond, not the decommissioning. Clerk Bailey said he will be back around the 1st of October. Chairman Johnson asked Clerk Bailey if he would like to do the site visit on the 3rd of October later in the day before it gets dark. The Board agreed to hold a site visit on Tuesday, October 4th at 4:30 p.m.

TOWN PLANNER UPDATES

Village at Plumb Corner Phase II Bond and Construction Request

Town Planner Durfee said the Village at Plumb Corner submitted a formal request for the Phase II bond. Kenny Motta, from Field Engineering provided a final peer report reflecting the total of the bond at \$805,000 to cover Phase II. Chairman Johnson said he wanted to make it clear that they approved the clearing for Phase II and Phase III at a previous meeting, but only the construction is Phase II. Town Planner Durfee said that the Village at Plumb Corner will need to submit a formal request for Phase III and they have not at this time. Chairman Johnson said giving the situation; they were in for Phase I we want to ensure they develop the infrastructure before the structures. Clerk Bailey asked the Chairman what he suggests. Every project that they approved in the past, the developer put the road in first before they start to put the foundations in. He added Phase II is smaller than Phase I and should not be as extensive to get it done. Chairman Johnson said he is in favor of issuing a memorandum to the Building Inspector stating not to issue foundation permits until the infrastructure has been constructed. Everything but the topcoat can go in.

Member Murphy made a motion to send a letter to the Building Inspector saying not to issue foundation permits until they see a Letter from the Planning Board saying that the infrastructure's in.
Clerk Bailey seconded the motion.
Motion passes with a roll call vote of 7.

Chairman Johnson said to copy Mike LaCava, Rob Bishop and Brian Wallace also.

Town Planner Durfee said they had a pre-construction meeting Monday morning for the Plumb Corner Playground. During the meeting the contractor and applicant provided the necessary information to begin construction including: safety issues, sub-material, repurposing the playground materials and equipment, vegetation and proper drainage. Chairman Johnson asked if they said anything about the dumpsters being moved. Town Planner Durfee said yes, when they come to do the paving markers for all the safety features.

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Town Planner Durfee added the only other item of business is the drainage pipe from the Plumb Corner Mall appears to be clean, with no materials coming out from it.

In the Board's packets, the Town Planner provided a copy of the Open Space and Recreation Plan. The Town has already received a letter of support and compliance with the Regional Plan from SRPEDD and now it can be moved forward. Once the Planning Board approves the plan, the next step is to take it to the Select Board for their approval. Chairman Johnson said they can read it over before the next meeting and have a discussion on it and then hopefully they can move on to the next phase.

Chairman Johnson asked if she has gone out to Old Middleboro Road. Town Planner Durfee said she was out there this morning and Eversource has sub-contracted the poles and the infrastructure necessary to gain a Phase III electrical connection, and she believes Tom from Old Middleboro Road has been in contact with Jeff. They have discussed the roadway improvements. It should take Eversource about eight weeks to complete that re-phase and then they'll be looking to get powered up sometime in October. Chairman Johnson asked if the array is complete and Town Planner Durfee said everything is complete. She said there is no one on site right now. They are just waiting for Eversource to do their piece. Chairman Johnson asked if they preserved all the structures out there. Town Planner Durfee said she can't get in there because the gate is locked right now. Chairman Johnson said that is a violation of their agreement, they need to provide access keys to public safety including the Town Planner. He said that's with all the facilities and he said she might want to do a review of the ones we have and don't have. Town Planner Durfee said she will add that access code information to all solar companies packet when we send the Operational Report.

Member DeMaggio said he has a little more to add to Old Middleboro Road solar. He goes down there frequently and the poles are stacked, the tops of the poles have been assembled and they are ready to install them. He said that, that all happened earlier this week. Chairman Johnson asked if that is the infrastructure on Middleboro itself. Member DeMaggio said no that's on Ryder Road.

Chairman Johnson asked if there has been update from the school solar project. Town Planner Durfee said actually they submitted today a very large packet of material that will need to be reviewed. She forwarded a copy to Kenny Motta and provided a hard copy to the Highway Surveyor. Chairman Johnson asked if they gave a check for the 53G account. Town Planner Durfee said they gave them a check but she thinks it was for the advertising and the application but no 53G funds. Chairman Johnson said that they won't schedule a hearing until they receive funds for peer review. Town Planner Durfee said she will make sure she gets that from them. She added, the engineer would like to provide an informal presentation. We have already conducted a Technical Review. Chairman Johnson said they submitted before the informal, make sure you review the Rules and Regulations since that might be an automatic denial. Town Planner Durfee said she will talk to them and let them know about the check for the 53G account and about the informal presentation. Chairman Johnson said that until they get that, don't even advertise even after she reviews it don't advertise.

Chairman Johnson said he hasn't heard anything recently on Cushman Road. Town Planner Durfee said, Cushman and Featherbed Lane, Snipatuit will probably be coming before the Board for extensions. They still need permits from Eversource and Mass Historical. Chairman Johnson asked if they got their approval from National Heritage. Town Planner Durfee said they have not finished those yet. Chairman Johnson asked if there was anything on the one on Neck Road. Town Planner Durfee the developer asked if they could waive the bonds and hold a pre-construction meeting, and the answer was no.

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Chairman Johnson asked if there is anything from Connect Woods. Town Planner Durfee said they are putting together their application and should hear from them shortly. Chairman Johnson said he thinks that they might want to base their application on the Tech Review, before they formerly file the plan they might want to run that plan by Kenny Motta and the Town Planner.

ADJOURNMENT

Member DeMaggio made a motion to adjourn at 7:42 p.m.
Clerk Bailey seconded the motion.

For the video recording of this Planning Board meeting click on the link: [9/13/22 - Rochester Planning Board on Vimeo](#)

Date: 12/13/2022


Arnold Johnson, Chairman


Lori Walsh, Recording Clerk