

**Rochester Planning Board  
Minutes  
January 24, 2023**

**Present:** Arnold Johnson, Chairman  
Bendrix Bailey, Clerk  
John DeMaggio  
Michael Murphy  
Chris Silveira

**Absent:** Lee Carr  
Marc Rousseau

Nancy Durfee, Town Planner  
Dawn DeMaggio, Board Administrator

**The meeting convened via Zoom Meeting ID 884 8449 8063. Members joined in-person at Old Colony Regional Vocational Technical High School. Chairman Johnson called the meeting to order at 7:14 p.m. and stated the meeting was being recorded.**

**PUBLIC HEARINGS**

**A Special Permit and Site Plan Review application to construct a Large Scale Solar Photovoltaic System within the Residential/Agricultural District, Groundwater Protection District and the Mattapoisett River Valley Watershed, filed by Solec Energy Development, 89 Hayden Rowe Street, Hopkinton, MA. 01748, Map 37, Lot 36. The applicant proposes the construction of a Canopy Mounted 250kW AC Large Scale Solar Photovoltaic System at Rochester Memorial School over a portion of the existing rear paved parking lot, 59 Hartley Road, Rochester, MA, 02770. The applicant's representative is Green Seal Environmental, Inc., 114 State Road, Sagamore Beach, MA, 02562.**

Chairman Johnson stated that a letter was submitted by Solec Energy Development requesting a continuation until February 28, 2023.

Vice Chairman DeMaggio made a motion to extend the hearing until February 28, 2023 at the request of the applicant. Clerk Bailey seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**A Special permit for the installation of an inground pool located on a Scenic Highway and in the Groundwater Protection District, filed by Gary Medeiros, Assessor's Map 30 Lot 25A. The applicant proposed to install a rectangle 18'x 36'x 6" deep steel wall vinyl liner in ground swimming pool, for the property located at 7 Marion Road, Rochester, MA, 02770.**

Gary Medeiros, contractor for J. Maximum Pools, represented the property owner, Kerri Souza, he explained they are looking to install an 18' x 36' x 6' deep in ground swimming pool to be located behind the house and not very visible from the road. The pool will be set 5' in the ground with 6"- 8" out of the ground. An ornamental aluminum fence will surround the pool. All of the fill will remain on site.

**Rochester Planning Board  
Minutes  
January 24, 2023**

Chairman John asked the distance from the pool to the accessory building. Mr. Medeiros responded the pool is approximately 30' from the structure.

Member DeMaggio asked if the entire pool is to be 6' deep. Mr. Medeiros stated that the pool will have a shallow end at 40" and slope down to the deep end at a 6' maximum depth.

Member Silveira asked since this is the Bonnie House with multiple rental units, would this be a shared pool with the tenants.

Kerri Sousa, homeowner, was present via Zoom. She explained she lives in the back of the house and the pool would be accessible from her back door only. Kerri has three tenants in the house, but the pool would be for her private use only.

Chairman Johnson stated that Historical Commission has reviewed the project and has given their approval. He asked Town Planner, Nancy Durfee, to have a draft decision ready for the next meeting.

Clerk Bailey made a motion to close the public hearing.

Member Demaggio seconded the motion.

**The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**BOARD BUSINESS**

***Minutes***

A motion to approve the minutes from December 13, 2022 was made by Clerk Bailey and seconded by Member Demaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

***Draft Decision/Elliot Farm***

Chairman Johnson stated they have a draft decision to sign from the motion to grant approval for a deer fence at the January 10, 2023 meeting.

A motion to move and sign the draft decision was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

***Vouchers***

A motion to approve a voucher for Field Engineering, RMS/Solect Energy Invoice #15549 in the amount of \$1,620.00 was made by Clerk Bailey and seconded by Member Murphy. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

A motion to approve a voucher for Field Engineering/Middleboro Road Invoice #15548 in the amount of \$810.00 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**Rochester Planning Board  
Minutes  
January 24, 2023**

A motion to approve a voucher for Field Engineering/Village at Plumb Corner Invoice #15547 in the amount of \$375.00 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

A motion to approve a voucher for Field Engineering/Connet Woods Invoice #15546 in the amount of \$1,455.00 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

A motion to approve a voucher for Town Planner/Mileage Reimbursement in the amount of \$44.70 was made by Clerk Bailey and seconded by Member DeMaggio. **The motion was passed by a vote of 5 in favor, 0 opposed, 0 abstained. (5-0-0)**

**INFORMAL DISCUSSION**

**Chairman Johnson gave an update on the Feasibility Study**

Chairman Johnson explained that the feasibility team put together by the town met between December and January to look at the police station and fire station and met with local authorities. The team will also be going to look at other facilities in town and look at potential sites for police and fire stations. All scenarios are being considered as to whether the stations can be rehabbed, upgraded or additions added as opposed to the cost of new facilities. Chairman Johnson stated there is still a lot to discuss including emergency response time from the different locations.

**Old Middleboro Road, Agilitas Energy, Memorandum Substantial Completion**

Town Planner, Nancy Durfee mentioned this is just for the Boards information, the memorandum has been created but has not been sent out yet. Chairman Johnson reminded the Board that this was approved at the last meeting.

**Paul Boucher, Building Commissioner, In-law, Multi-Family**

Building Commissioner Boucher has had a few inquiries about in-law apartments and noted there is nothing stated in the bylaw. He found old documents in the office dated 7-8 years ago proposing an in-law bylaw. He asked the Board what direction or information they could provide him. It's not listed in the use table, so is this a use variance through the zoning board or do they want to entertain an in-law apartment bylaw.

Chairman Johnson explained that some time ago, the Master Plan created an accessory apartment bylaw that allowed an in-law apartment but for Rochester residents only so that it could qualify for affordable housing. They learned they could not specify for Rochester residents only, it goes into a state lottery. It was then turned down because homeowners would have no control on who was living in their space. This was before the 40R so they were looking to do something to

**Rochester Planning Board  
Minutes  
January 24, 2023**

provide affordable housing. Once they learned about the lottery, it was dropped as it was believed to not have passed at town meeting.

Chairman Johnson mentioned right now residents can go to the Zoning Board of Appeals (ZBA) and they will give a variance to construct an in-law.

Commissioner Boucher stated he will direct residents to the ZBA and this is the direction he was looking for.

**Zara Dowling, Research Fellow, Clean Energy Extension, UMass, Turtle Crossing  
Information Signage**

Town Planner Durfee received a letter asking for advice from the Planning Board on how to contact companies and ask that signs be placed on fences at construction sites regarding the turtles. She diverted her to National Heritage and also asked her to put something in writing explaining what she was hoping to see from the Planning Board.

Chairman Johnson explained that a lot of these projects have been closed and would be a lot of expense and time to reopen the meetings.

Member Silveira asked if she could put out an informal request and is she specifically concerned about the maintenance trucks during construction. Planner Durfee responded yes.

Member Bailey stated that Planner Durfee could advise Zara Dowling to come up with a package to present.

Town Planner Durfee explained she will reach out to her and ask her to formulate some type of letter and provide information where they could get the signs.

Chairman Johnson recommended that Zara Dowling do some of the legwork and design a sign she would like to present as well as the locations of where the proposed signs should go shown on a plan.

**Spring Annual Town Meeting Zoning Changes**

Town Planner, Nancy Durfee, discussed Zoning changes that will be coming to Spring Meeting. She stated that Chapter 19.60, Orderly Development, has sunset or the Board can change the date.

Planner Durfee then spoke of the Chapter 19.50, Temporary Moratorium, Marijuana Retail Sale that has sunset and can be removed since the town now has the marijuana by law.

Planner Durfee inquired about the wording of Chapter 20.40.D.1 Ag/Residential being wordy and difficult to understand and does the Board wish to revise so it is clearer. Durfee explained if

**Rochester Planning Board  
Minutes  
January 24, 2023**

everyone is comfortable with the language she can leave it unchanged. The Board recommended to leave the wording as is.

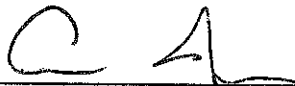
Lastly, Planner Durfee mentioned Chapter 22.70.D.3 Marijuana Regulations language could be misinterpreted. As it states they can give out two of the same type and believes they mean two of each, not two types. After discussion the Board would like to consider D.1. to strike the language of cultivation/production and D.3. language to eliminate "of same type." Town Council Bailey will be contacted to go over the language corrections needed on this Chapter.

**ADJOURNMENT**

Member DeMaggio made a motion to adjourn at 8:19 pm.  
Clerk Bailey seconded the motion.  
Meeting adjourned.

Date: \_\_\_\_\_

2/14/2023



Chairman, Arnold Johnson

  
Dawn DeMaggio, Recording Secretary