

**Rochester Planning Board
Minutes
March 14, 2023**

Present: Arnold Johnson, Chairman
Bendrix Bailey, Clerk
John DeMaggio, Vice Chairman
Mark Rousseau
Mike Murphy, Assistant Clerk (arrived late)

Absent: Lee Car
Chris Silveira

Nancy Durfee, Town Planner
Danielle Craig, Recording Secretary

The meeting convened via Zoom Meeting ID 88097296480. All members joined from remote locations. Chairman Johnson called the meeting to order at 7:01pm and stated the meeting was being recorded.

BOARD BUSINESS:

Field Engineering INC. contract agreement for JPF Development, located off Cranberry Highway (Route 28) & Kings Highway as shown on Assessors Map 17, Lots 29, 29A, 30, 31A, 55 and 66 in Rochester Massachusetts.

Clerk Bailey made a motion to authorize Chairman Johnson to sign on behalf of the board. Member DeMaggio seconded the motion.

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

Clerk Bailey made a motion to ratify the 4 vouchers that Chairman Johnson has signed or to approve any of the vouchers that he has not yet signed, due to the last Meeting being cancelled. Member DeMaggio seconded the motion.

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

Chairman Johnson gave recognition to Nancy Durfee for putting together the Annual Solar Operation and Maintenance Report for all of the Solar facilities within Rochester. Nancy Durfee stated that it provides a more comprehensive overview of what is taking places with each of the projects. All projects were amendable with giving their reports to the town, with only a slight difficulty with Clearway, of whom will provide the rest of the information. She will give that report once received. These reports are requested in late November or early December and are due at the end of January.

February 14th minutes will be reviewed at next meeting.

PUBLIC HEARINGS:

***(continued from January 24, 2023)* A Special Permit and Site Plan Review application to construct a Large Scale Solar Photovoltaic System within the Residential/Agricultural**

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District, Groundwater Protection District and the Mattapoisett River Valley Watershed, filed by Solect 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 in the packet they have the cost of the maintenance and landscaping fee that can be incorporated into a 5 year bond. Nancy Durfee confirmed and stated she needs to obtain a full final set of plans with all of the signature blocks on each page.

Jose Pichardo representing Green Seal Environmental, Inc stated since the last meeting they have submitted all of the required materials that were requested. He shared his screen of the site plan and explained the utility pad had been shifted to avoid the electrical line that was interfering with it. Array tilt has been changed to a 7-degree tilt and field survey to determine the necessary screening which comes to 138 ft of screening that will be incorporated on landscaping plan. 10ft high trees will be planted to cover the view, with a maximum height of 75ft once the trees have matured. He showed a picture of the view from the near by dwelling confirming that the trees will cover the view. A total of 36 Leyland Cypress trees measuring 10ft tall will be planted. The revised cost of the yearly maintenance was given. \$38400.00 for a two year period with \$4500.00 for additional maintenance. Proposal for a 3% Performance bond equaling \$1152.00 and 3% Maintenance Bond equaling \$150.00 based upon \$50.00 per year.

Chairman Johnson requests that a complete set of revised plans with signatures blocks be given to Nancy Durfee.

Clerk Bailey motions to continue hearing until March 28th.
Member DeMaggio seconds motion.

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

Before continuing the next Public Hearing, Chairman Johnson asked to review the License application for Morris Trust DEP-Waterways Program pursuant to Chapter 91 for the earth dam and water control structure at 52 Wolf Island Road.

Planning Board does not need to take action; however, the Board does agree to submit a written letter to the DEP confirming they have been notified and would like the DEP to approve and allow Mr. Morris's dam structure, due to the fact the dam has existed since 1957 and the water is needed for his cranberry bogs.

Amendment to a Large- Scale Photovoltaic Installation Special Permit and Groundwater Protection Decision dated October 27, 2020, filed by Featherbed Lane South Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772 for property

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located at 0 Featherbed Lane, designated at Map 46, Lot 24. The Proponent is hereby requesting an amendment to the Special Permit Decision that will modify Standard Condition #23, which currently contains a limitation on the Planning Board's ability to extend the lapse period provided for in the decision. The applicant's representative is Womble Bond Dickinson (US) LLP, 470 Atlantic Avenue, Suite 600, Boston, MA 02210.

Gregory Sampson with Womble Bond Dickinson LLP spoke on behalf of the applicant. This request for an Amendment is for a modification for an additional 1 year extension. Original request was approved in October of 2020. The project then was elected for an "Interconnection Group Study" by the Utility company. Although this study did provide the public with more information as to how it will work with multiple projects connecting into the grid, it did delay their ability to move forward with their project. The study has now ended and they have interconnections at this point, and now they know what the cost of utilities will be. They can move forward with contractors and obtaining building permits within the next year and start construction.

Chairman Johnson asked for the time frame on the upgrades to the substation. Gregory Sampson stated Eversource has 3 years starting January of 2023 to complete their work. Project will start construction while Eversource completes the substation so both are done around the same time.

Chairman Johnson asked if the substation has capacity to take on any of the solar fields at this time. Gregory Sampson stated he wasn't sure but he knows that when the Utility did their study, they looked at all the projects being put forward and how they impact the grid.

Member DeMaggio asked if and when Eversource plans to start their upgrades to the substation. Gregory Sampson stated they are starting now. He will ask for a specific date.

Member DeMaggio asked if Gregory Sampson knows how long the upgrade will take. Gregory Sampson stated their work is supposed to be completed by 2026. Not sure of the window of time of how long the upgrade will take.

Member DeMaggio asked if Eversource could refuse to do the work. Gregory Sampson stated that the way the study works is they are obligated to do the work. Unexpected delays can occur but once the work is identified as being required as a regulated utility, Eversource does need to comply.

Member DeMaggio asked how much time had past since Planning Board approved the project to when the project was put into the Group Study. Gregory Sampson stated the project was approved in 2020 and the Group Study was initiated in the summer of 2021.

(Member Murphy joined the zoom meeting.)

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Chairman Johnson stated the Town Counsel requests the Planning Board give a 1 year extension with the opportunity to give success of 1 year extensions until the project is complete. This extension will be granted after the first 1 year extension expires on October 27th, 2023, giving the applicant an extension until October 27, 2024.

Clerk Bailey made a motion to close the public hearing.

The motion was passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)

Clerk Bailey made a motion to modify the agreement as recommended by the Town Counsel to give a 1 year extension.

Member DeMaggio seconds the motion.

The motion was passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0) .

Amendment to a Large Scale Photovoltaic Installation Special Permit, Groundwater Protection, and Scenic Highway Decision dated June 23, 2020, filed by Braley Hill North Solar, LLC, Beals and Thomas, Inc., 144 Turnpike Road, Southborough, MA 01772 for property located at 0 Braley Hill Road, designated at Map 48, Lots 32 and 36. The Proponent is hereby requesting an amendment to the Special Permit Decision that will modify Standard Condition #23, which currently contains a limitation on the Planning Board's ability to extend the lapse period provided for in the decision. The applicant's representative is Womble Bond Dickinson (US) LLP, 470 Atlantic Avenue, Suite 600, Boston, MA 02210.

Gregory Sampson with Womble Bond Dickinson LLP spoke on behalf of the applicant. He stated this project was also a part of the "Group Study" that was previously explained in the Featherbed South Solar Hearing. This request for an Amendment is for a modification for an additional 1 year extension. Original request was approved on June 23, 2020 and will soon expire on June 23, 2023. The interconnection agreement has officially been signed and project is ready to move forward. Same contractors will be assigned to this project as the Featherbed South Solar project.

Clerk Bailey made a motion to close the public hearing.

Member DeMaggio seconds motions.

The motion was passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)

Clerk Bailey made a motion to make the same agreement as in previous hearing, granting the applicant a 1 year extension which will begin on June 24, 2023.

The motion was passed by a roll call vote of 6 in favor, 0 opposed, 0 abstained. (6-0-0)

INFORMAL DISCUSSION:

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Chairman Johnson gives update from the Feasibility Study Committee for the Rochester Safety buildings.

He stated they are going to renovate the Police Station and make a small addition. They are going to try to utilize the attic space to see if it will shrink the size of the addition. They want to tear down and build a new enclosure to house their ambulances and SWAT vehicles. They want to build a new fire station to replace the one currently located near RMS. Location has not yet been decided. Looking at the projected growth of the town and the new senior living housing being developed near Crossroads, they want to build a satellite fire station to house an ambulance and one firetruck to maintain proper response time. They're looking into different methods of construction to try and get rough cost estimates to provide to the town.

Clerk Bailey asks Chairman Johnson to what extent is the design being affected given the fact that we are a "Green Community" and have the stretch codes. Chairman Johnson stated that the cost is being greatly affected by these regulations. Clerk Bailey stated he created a citizen's initiative to put out to the community to remove Rochester from the Green Community and eliminate the stretch codes. He stated everyone he met with was very enthusiastic about signing it. Chairman Johnson stated they will have more updates as far as costs in mid-April.

Chairman Johnson gives feedback regarding the Interdepartmental Meeting that was held on March 7, 2023, with the new Town Counsel.

He stated he is more comfortable about the issues they had going into the meeting. Clarification was given regarding how a Board Member requests the opinion of the Town Counsel. Boards are still waiting for the updated policy. Nancy Durfee reminds the Board that with this new contract there is a "6 month check-in" to give feedback on how the new contract and Counsel is doing.

ADJOURNMENT:

Member DeMaggio made a motion to adjourn the meeting at 8:08pm.
Clerk Bailey seconds the motion.
Meeting adjourned.

Date: _____

3/28/2023


Chairman, Arnold Johnson


Danielle Craig, Recording Secretary