

**Rochester Planning Board
Minutes
June 27, 2023**

Present: Arnold Johnson, Chairman
Chris Silveira
Bendrix Bailey, Clerk
Lee Carr
Marc Rousseau

Absent: John DeMaggio, Vice Chairman
Michael Murphy, Assistant Clerk

Nancy Durfee, Town Planner
Dawn DeMaggio, Board Administrator
Danielle Craig, Recording Secretary (remote)

The meeting convened via Zoom Meeting ID 862 7893 7576. All members joined at the Rochester Town Hall. Chairman Arnold Johnson called the meeting to order at 7:01pm and stated the meeting was being recorded.

PUBLIC HEARINGS

(continued from June 13, 2023) A Special Permit and Site Plan Review application for the development of a commercial building, filed by Kenneth Steen, Rochester Properties, LLC, for the property located at 621 County Road, identified as Map 17, Lot 47. The applicant's proposed project is for the development of a commercial building which includes a recreational marijuana establishment. The applicant was represented by Attorney Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC, 9 Damonmill Square, Concord, MA 01742, and Phil Cordeiro of Allen & Major Associates, Inc., 10 Main Street, Lakeville, MA 02347.

John Silverstein and Phil Cordeiro presented for the applicant. Mr. Silverstein, reiterated if the Board members had any further questions or comments regarding the Special Permit. There were no comments from the board. Mr. Cordeiro presented a revised site plan requested by the Planning Board. One of the changes reflects the fencing on each side of the property, which maximizes the screening for the abutters. He also gave an update of the requested traffic report. He stated part of their official response package, which included the original traffic report prepared in 2019, they are providing a "supplement" report which shows the updated decrease in overall traffic. Concluding that the site driveway is not anticipated to significantly impact operations at the intersection of County Road Ext and County Road (Rt. 58). Chairman Johnson then stated that due to the fact the tenant in the vacant space within the building has not yet been determined, they will need to state within the Decision that they will re-review the traffic study once a tenant has been determined. Chairman Johnson also stated the fencing on the side of the building that is built up to the edge of the property line could prevent a clear view for vehicles exiting. Mr. Cordeiro stated they will remove one section of fencing. The updated Field Engineering report has not yet been received. When that report is received, the Planning Board will then determine if any other changes need to be made and will start the Draft Decision.

Member Bailey made a motion to approve to continue the hearing at the next meeting.
Member Carr seconded the motion.

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

(continued from June 13, 2023) A Site Plan Review application to construct a building space, filed by Mark and Ashley Briggs, for the property located at 0 New Bedford Road, shown on Assessors Map 4, Lot(s) 28, 28B, and 28C. The applicant proposes the construction of a building to be used for the restoration, detailing and

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storage of collectible cars. The applicant's representative is GAF Engineering, Inc., 266 Main Street, Wareham, MA 02571.

(Chris Silveira recused himself from the Public Hearing.)

Chairman Johnson stated that an email was received earlier in the day from the applicant's attorney stating they intend to withdrawn their applications.

Member Bailey made a motion to approve to continue the hearing at the next meeting.

Member Rousseau seconded the motion.

The motion was passed by a vote of 4 in favor, 0 opposed, 0 abstained. (4-0-0)

(Chris Silveira resumed his role in the meeting.)

(continued from June 13, 2023) A Site Plan Review application to relocate a native tree and perennial nursery, filed by Jennifer and Chuck Anderson, Tree Talk Natives, LLC, for property being leased at 157 Vaughan Hill Road, identified as Map 32, Lot 26. The applicant proposes to relocate a native tree and perennial nursery from Clarksburg, MD to Rochester where they are leasing a 2.5-acre field to sell native species.

Chairman Johnson stated the applicant has not yet provided any more information since the last meeting. The applicants are hiring an engineer to create the required Site Plan.

Member Bailey made a motion to approve to continue the hearing at the next meeting.

Member Carr seconded the motion.

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

BOARD BUSINESS

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Member Bailey made a motion to approve the minutes from June 13, 2023.

Member Carr seconded the motion.

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

Review:

Substantial Completion: Rockland Trust Co. Kiosk, 565 Rounseville Road, Rochester, MA

Notice of Intent to Convert Chapter 61A Agricultural and Horticultural Land with the intention of the Owner, Fruit d'Or Real Estate USA Corp., to convert approximately 7.1-acres for the 109 Neck Road, solar canopy array

Vouchers:

Field Engineering / Rockland Trust Kiosk / Invoice 15843 / \$1,200.00

Field Engineering / Rockland Trust Kiosk / Invoice 15833 / \$750.00

Field Engineering / Connet Woods / Invoice 15829 / \$300.00

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Field Engineering / Village at Plumb Corner / Invoice 15830 / \$2,250.00

Field Engineering / Cranberry Hwy -- MOM / Invoice 15831 / \$300.00

Field Engineering / Briggs Property / Invoice 15832 / \$1,200.00

Member Bailey made a motion to approve the Vouchers

Member Carr seconded the motion.

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

NEW BUSINESS & PUBLIC COMMENTS

The Village at Plumb Corner – Tripartite Agreement

Chairman Johnson stated that due to unforeseen complications with this agreement, the board has a letter that needs to be signed by the Chairman stating they want to be removed from the agreement.

Member Bailey made a motion to approve the Chairman to sign letter regarding Tripartite Agreement.

Member Rousseau seconded the motion.

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

Renewable Energy, 109 Neck Road, Solar Canopy Array – Minor Modification to change building materials to support piles

A representative from Renewable Energy was present for the meeting. They are requesting to change the support piles to concrete, as well as changing the color of the screenings. They will provide a paint sample to the board once chosen.

Member Silveira made a motion to approve the modifications.

Member Bailey seconded the motion.

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

Building Commissioner / Zoning Enforcement Officer - In-Law Apartment Bylaw 2023

The Rochester Building Commissioner was present for the meeting. Planner Durfee stated it is possible that the Zoning By-Law sub-committee will restarted. Some changes in the Zoning and mapping are necessary. She will resubmit a warrant for review of the by-laws and rules and regulations. Durfee is hoping this will be approved at the next town meeting. The Building Commissioner also brought up his concerns on the by-laws pertaining to "In-Law Apartments". He thinks the by-law should be more defined and have specific criteria. He had prepared a list of criteria that he put together from surrounding town by-laws to give to the board for review. Chairman Johnson expressed concerns that certain criteria may be hard to enforce, and that he would want to make the by-law more detailed to protect abutters long term. He stated the suggestions provided was a good start to the process.

INFORMAL DISCUSSION

Interdepartmental meeting to follow up with new Town Counsel. A policy was recently changed so that any board member can request legal advice from Town Counsel without permission from the Chairman. Every

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Board Member, as well as, the Town Planner must be made aware of any information received from Town Counsel to a board member to prevent any communication issues.

TOWN PLANNER UPDATES

Planner Durfee stated the Connet Woods bond has been finalized and is now in the hands of the Town Treasurer.

A complaint regarding dead trees within the screening of the Little Quittacus Solar project. Planner Durfee contacted the property owner and they will cut out the dead wood.

Planner Durfee also thanked the Planning Board for support on the Snipatuit Hydrological study. They did receive the \$10,000 in SEMASS funds which will assist with the project.

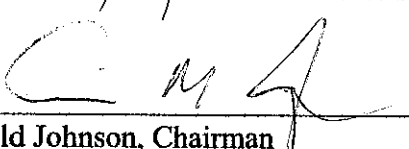
ADJOURNMENT

Member Bailey made a motion to adjourn the meeting at 8:15pm.

Member Rousseau seconded the motion.

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

Date: 7/11/2023


Arnold Johnson, Chairman


Danielle Craig, Recording Secretary