

**Rochester Planning Board
Minutes of January 9, 2024**

Present: Arnold Johnson, Chairman
John DeMaggio, Vice Chairman
Bendrix Bailey, Clerk
Lee Carr
Marc Rousseau (remote)

Absent: Michael Murphy
Chris Silveira

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

The meeting convened via Zoom Meeting ID 81313218755. All members joined at the Rochester Town Hall. Chairman Arnold Johnson called the meeting to order at 7:03pm and stated the meeting was being recorded.

PUBLIC MEETINGS

Approval Not Required Application

15A Mendell Realty Trust, Alan Cervelli, Trustee, for property located at Mendell Road, Map 34, Lot 1.

(Chairman Johnson recused himself from the public meeting.)

Walter Hartley of John L. Libby Consulting, Inc. was present on behalf of the applicant. He stated the plan proposed by the property owners is to take the one existing lot of approximately 14 acres and divide it into two lots. The subdivided new lot will have the minimum required amount of frontage to Mendell Road, the total lot will be approximately 8 acres. The remaining land is being considered as a Back Lot. The board members had no further questions.

Member Bailey made a motion to approve the plan to accompany a Special Permit for Mendell Road, Map 34, Lot 1 for 15A Mendell Realty Trust.

Vice Chairman DeMaggio seconded the motion.

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

(Chairman Johnson resumed his role in the meeting.)

PUBLIC HEARINGS

(Continued from December 12, 2023) A Site Plan Review application for a Self-Storage Facility project, filed by JPF Development, LLC, for property located at Kings Highway and Cranberry Highway (Route 28), Map 17, Lot(s) 30, 31A, 55, and 56. The applicant proposes to develop approximately 15 acres of land as a Self-Storage facility comprised of seven storage buildings and one office building at a site located in the Industrial District.

Applicant requested a continuance until February 27th, 2024.

Member Bailey made a motion to approve a continuation to February 27th, 2024.

Vice Chairman DeMaggio seconded the motion.

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

(Continued from December 12, 2023) A Special Permit and Site Plan Review application for a solar development project, filed by Bluewave Solar d/b/a BWC Snows Pond, LLC, for property located at 0 Cushman Road, identified as Map 33, Lot(s) 41 A-0. The applicant proposes to develop an approximately 2.39 MW DC single axis tracking photovoltaic solar array including DC-coupled battery energy storage at a site

located of Cushman Road in the RE/AG – Residential/Agricultural District, Mattapoisett River Valley Watershed, and Groundwater Protection District.

Andrew Hamel, of Weston and Sampson, was present on behalf of the applicant. He explained the updates made to the site plan since the last peer review meeting including storm water design, the access drive drainage, revised site line plan, and revised plantings. They also submitted the 2-year landscaping bond estimate and the 5-year maintenance bond estimate. The updated decommissioning bond was also submitted reflecting the requests from Field Engineering, Inc. A site visit was performed on Saturday, December 30, 2023. The owners reached out to Blue Wave to request that the stones removed from the stone wall for the access way be placed aside so that they can be repurposed later. Blue Wave plans to submit their follow up responses at their next Peer Review meeting on January 5, 2024.

Melanie Sherman-Morris, of 71 Jason's Lane, was present for the meeting. She asked if the original road can be used for the access way. Mr. Hamel stated that road runs directly through a wetland therefore a roadway would not be possible. The roadway they are proposing gives a direct access to the site and disturbs the least amount of stone wall as possible. Ms. Sherman-Morris asked for clarification on the location of the battery storage. She has concerns of it being so close to the river and possible contamination risks. Mr. Hamel stated the battery storage is not located on that side of the property. Claudette Tobin, of 65 Jason's Lane, was also present for the meeting. She stated her grandfather owned the property before it was sold to the Sherman's. She stated she is also concerned with the environmental impact of the project. She asked how many of the 2-4 acres of trees removed will be replaced. Chairman Johnson stated there is no requirement to replace the trees per the bylaw. Mrs. Tobin then asked if anything from the battery storage unit will leach into the ground affecting the water quality. Mr. Hamel stated ideally nothing will leach into the ground, the units are designed to prevent this as well as the storm water management system. He himself has not performed these studies, but studies he has read indicate no contamination. Mrs. Tobin stated she tried to contact the Buzzard's Bay Coalition on this matter and has not gotten a response. She asked for the Planning Board's help in getting a response. Chairman Johnson stated he does not think the Planning Board could be of any help on this matter.

Vice Chairman DeMaggio asked what type of batteries they plan to store on site. A representative from Blue Wave Solar responded saying that it is still undetermined. Vice Chairman Demaggio then stated that he has concerns with some types of batteries and would request they come back for approval once determined. Specifics of the batteries should be specified on the plans before the project starts, at that point if any changes need to be made, the applicant will need to come back for an approval from the Planning Board.

Member Bailey made a motion for a continuation to January 23rd, 2024.

Vice Chairman DeMaggio seconded the motion.

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

A Special Permit Application for a residential Back Lot, filed by 15A Mendell Realty Trust, Alan Cervelli, Trustee, for property located at Mendell Road, identified as Map 34, Lot 1. The applicant's proposed project involves a residential back lot. The applicant's representative is Walter Hartley of John L. Libby Consulting, Inc. 24 Logan Street, New Bedford, MA 02740.

(Chairman Johnson recused himself from the public hearing.)

Walter Hartley of John L. Libby Consulting, Inc. was present on behalf of the applicant. He stated the plan by the property owners is to take the one existing lot of approximately 14 acres and divide it into two lots. The subdivided new lot will have the required amount of frontage to Mendell Road, the total lot will equal to approximately 8 acres including 5 acres of uplands. He provided a set of plans to the Planning Board that showed a two lot Subdivision with the ability to add a roadway leading to the two lots and still maintaining the frontage requirements. Brian Cook, of 9 Old Farm Lane, was present for the meeting and asked once the land was

**Rochester Planning Board
Minutes of January 9, 2024**

subdivided, how much was the frontage going to be on the primary lot. Mr. Hartley stated that lot will have 225ft of frontage at the 40ft set back. He also asked once that lot was sold if the land behind it could also be purchased to then be subdivided to a "back lot". Chairman Johnson stated per the bylaws no further subdivision can occur.

Member Bailey made a motion to close the public hearing.

Vice Chairman DeMaggio seconded the motion.

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

(Chairman Johnson resumed his roll in the meeting.)

Zoning Bylaw Amendments

Pursuant to M.G.L. Chapter 40A, §5, the Rochester Planning Board will conduct a public hearing to consider the following amendments to the Zoning Map and Rochester Zoning Bylaw:

Revise the Cranberry Highway Smart Growth Overlay District to include a parcel located at 621 County Road, also known as Map 17 Lot 47 as shown on the revised Plan, dated December 7, 2023.

Revise Chapter 21.60, to amend Section 3.0 Overlay District of the Rochester Zoning Bylaws, Cranberry Highway Smart Growth Overlay District.

Chairman Johnson stated the Select Board are endorsing this revision to include a liquor license in the Overlay District due to a change in location.

Member Bailey made a motion to close the public hearing.

Vice Chairman DeMaggio seconded the motion.

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

Member Bailey made a motion to recommend to include this parcel in Cranberry Highway Smart Growth Overlay District.

Vice Chairman 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: December 12, 2023 (*Draft*)

Member Bailey made a motion to approve the minutes.

Vice Chairman DeMaggio seconded the motion.

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

Review: FY25 Annual Budget Request

Planner Durfee stated she added funding for the Rules and Regs revision formatting, and mapping for Town Moderator.

Member Bailey made a motion to approve FY25 Annual Budget Request.

Member Carr seconded the motion.

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

Vouchers:

Field Engineering, Cushman Road Solar, Invoice 16174, \$2,325.00
W.B. Mason, Ethernet Cable, Invoice 242969635, \$14.43
W.B. Mason, 2024 Calendars, Invoice 242998404, \$11.98

Member Bailey made a motion to approve the vouchers.
Vice Chairman DeMaggio seconded the motion.

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

The Wanderer, Amendments Ad, Invoice 8684, \$60.00
Fileguard, December Storage, Invoice 82280, \$9.75

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, Phase III Substantial Completion and Surety Bond

(Member Carr recused himself from the meeting.)

Chairman Johnson stated they are requesting a release of \$771,500.00 leaving a balance including a 50% contingency of \$208,500.00 for the completion of the work in Phase III.

Member Bailey made a motion to reduce the bond of \$771,500.00 leaving a balance of \$208,500.00.
Vice Chairman DeMaggio seconded the motion.

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

(Member Carr resumed his role in the meeting.)

Rochester Crossroads Tolling of Chapter 40R Site Plan Approval, correspondence Attorney Mark Bobrowski, dated January 8, 2024.

Chairman Johnson stated they received a request for an 18-month extension on this 40R project. Their original permit is set to expire due to an unforeseen delay in work. Kenneth Steen was present via zoom to offer any explanations on behalf of Attorney Mark Bobrowski who could not attend. He explained the issues they have been having with their Ground Water DEP Permit. Buzzard's Bay Coalition got involved and appealed their original permit which delayed the project 2 years. The issue has since been resolved.

Vice Chairman DeMaggio made a motion to approve the 18-month extension.
Member Bailey seconded the motion.

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

TOWN PLANNER UPDATES

53G Account Discussion

Chairman Johnson stated it was brought to his attention by Planner Durfee, that due to higher inflation costs, it would be helpful if the deposit amount increased to \$5,000.00.

Member Bailey made a motion request a \$5,000.00 deposit for 53G Account, and once the account spends \$3,000.00, a request will then be sent out for more funds. This will ensure a \$2,000.00 buffer to avoid spending town money in the interim.

Vice Chairman DeMaggio seconded the motion.

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

Master Plan Survey

Planner Durfee provided the Mater Plan Survey for the Planning Board to review. She stated it brought up good requests/topics requested by the community.

OLD BUSINESS

Zoning Bylaw Revised Changes

Planner Durfee presented the revised Zoning Bylaw changes for the Planning Board to review to make sure the changes are correct and satisfactory to the Board. Chairman Johnson stated these changes will be taken to the Zoning Bylaw subcommittee. The Planning Board members discussed the Bylaws and gave Planner Durfee their requested changes.

ADJOURNMENT

Vice Chairman DeMaggio made a motion to adjourn the meeting at 8:18pm.

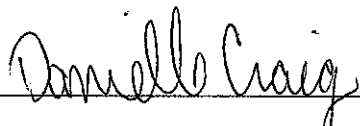
Member Bailey seconded the motion.

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

Date: 1/23/24



Arnold Johnson, Chairman



Danielle Craig, Recording Secretary