

Minutes of Zoning Board Meeting
Town of Whately, MA
Remote – via Zoom
July 16, 2020

Members Present: Roger Lipton, Bob Smith, Debra Carney, Kristin Vevon
Members Absent: Fred Orloski

Public Hearing

Application for a special permit to install a 48-panel, 15.360 solar array on premises located at 90 Long Plain Road, in the A/R 1 zone, owned by Michael Lambert of that address.

At 6:41 Roger opened the meeting. As Thomas Jankowski, of Devlin Contracting and Maintenance, described the project, it became evident that there was confusion about the system's capacity. The application described only a "15.360 system", while Mr. Jankowski said that this had been a DC reference and that the system was actually 10kW AC.

Bob pointed out that in the Whately Zoning Bylaws there is a reference in ~ 171-8. Table of Use Regulations., just under the bottom of the table (on page 11), which reads:

"1 –Ground Mounted Solar Power Generating facilities of 10kW or less which are an accessory use to a residential or non-residential use are allowed "by right". Roof mounted solar power generating facilities are allowed "by-right". [Added 10-27-2011, Art. 1]"

Mr. Jankowski also said that his company had originally applied for site plan approval by the Planning Board because the Building Inspector had written to them saying that they needed this, and that the Planning Board had referred him to the Zoning Board of Appeals first, to apply for project permission.

Bob stated that the current bylaw is silent on AC v DC, and that June's town meeting approved a change to the bylaw specifying the use of DC, not AC. In the future, it was noted, this size project won't be allowed, assuming the Attorney General approves the change.

The Board agreed that no Special Permit or Variance was required for this project. Since the Building Inspector had sent the applicant to the Planning Board, the Board recommended that the applicant take up that matter with the Planning Board again. By tomorrow, Roger will write to Planning Board Chair Don Sluter to explain the ZBA's thinking.

The Minutes of May 5, 2020, were approved unanimously by the Board.

The board discussed proposed changes to its Special Permit/Variance Application, in order to address the rising costs to the town of required newspaper legal advertisements for public hearings. They discussed the proposed method of doing this: as soon as the ad has been ordered, the applicant would be notified of the legal notice's cost and required to pay that cost to the town clerk in advance of the hearing – or at the ZBA meeting – before the hearing is opened.

Roger said he didn't want to have to take a check in order to start a meeting, noting that there are many reasons why an applicant might show up without one. He stated that Town Clerk Lynn Sibley had said she would withhold the Board's Decision in such a case, and would not give it to the applicant until the bill was paid. Roger wondered how the bill would be collected when the Board denied an application. The board questioned whether fee collection should be considered a ZBA function.

Kristin mentioned that using an internet option such as Venmo might help solve the problem. Debra and Bob suggested writing to Town Administrator Brian Domina about this, and Kristin agreed to write the letter.

At 7:50, Debra closed the meeting.

Documents Reviewed (kept in the ZBA files)

1. Sheet A-101.00 of the Site Plan for the Lambert solar project
Documents relevant to this project can also be found in electronic form on the agenda for this meeting, which is posted on the town calendar for July 16, 2020.

Mary McCarthy
Secretary
Zoning Board of Appeals
Town of Whately, MA