

NOV 25 2015

LUNENBURG TOWN
CLERK OFFICE



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LUNENBURG
ZONING BOARD OF APPEALS

November 17, 2015

Special Permit for Dimensional Variation

A Special Permit for Dimensional Variation was granted to **Darren Specht, 131 Elm Street, Lunenburg, MA 01462**, under the Lunenburg Protective Zoning By-Law, sections 4.15.4.3. The petitioner was seeking a Special Permit for Dimensional Variation to install 84 eighty-four, 270W, ground mounted solar panels with a system site of 22.68 KW. The subject property is located at **131 Elm Street, Lunenburg, MA 01462**.

The Board of Appeals of the Town of Lunenburg hereby certifies that a Special Permit for Dimensional Variation has been granted pursuant to the Protective Zoning By-Laws of the Town of Lunenburg.

Board Members present: Raymond Beal Chairman, Donald F. Bowen, Alfred Gravelle, Hans Wentrup and Paul Doherty. James Besarkarski attended the meeting and was not voting.

Special Permit for Dimensional Variation has been issued to **Darren Specht, 131 Elm Street Lunenburg, MA 01462**, affecting the rights of the owner with respect to land and buildings at **131 Elm Street, Lunenburg, MA 01462**, Book 5378, Page 245 and dated August 12, 2004 as described in plans submitted with the petition. Assessors Map 92, Lot 13.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said decision, and all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering.

DISCUSSION

Mr. Specht was before the Board to request a Special Permit for dimensional variation for a proposed 84 eighty-four, 270W, ground mounted solar panels with a system site of 22.68 KW. to be located in his backyard. The Lunenburg Protective Zoning by-law requires twenty acres of land in the residential district for the installation of the system and the subject property contains 1.89 acres of land. This request would require offsets from two property lines. Mr. Specht explained he has been a resident in Lunenburg for over twenty years and feels that adding solar would make a huge difference in his utility bills. He explained that they took the neighboring properties into consideration before choosing the placement of the solar panels. The panels will be a minimum of 30 feet from the road and currently there is a ten foot cedar fence and several twenty foot white pines that buffer that property line.

According to the submitted documentation the system design is in compliance with the National Electric Code, Section 690 and the MA Department of Energy Resources and EPA concludes that PV systems illustrate no evidence of devaluation of homes in the area; Mr. Specht felt that the installation will have no effect on neighboring residents and feels the site is a good fit and will be a benefit to the community. Mr. Specht chose All Energy Solar for the installation of the system because it complies 100% of all codes and safety standards and uses high quality materials to protect the environment. He maintained that the systems do not make any noise and will not create pollution.

Raymond Beal questioned the fact that the request was before the Zoning Board and felt that the request should be before the Planning Board. Building Commissioner, Michael Sauvageau explained that the applicant must approach the Zoning Board first for the lot size and dimensional variations and if approved the applicant can then go to the Planning Board to seek Development Plan Review. Alfred Gravelle agreed that the Planning Board approval must be obtained. Mr. Beal said that Town should address this loophole in the by-laws that places an applicant in front of two town boards. The Board members and the Building Official agreed that moving forward we hopefully can change the deficiency in the by-law by amending it at a future Town meeting.

Public discussion-Greg Bittner, 129 Pleasant Street, Lunenburg was inquiring as to the reason the applicant was before the Board and asked if the by-law reference 8.3.2.1 would be more appropriate? Donald Bowen indicated the only issue in front of the Board is regarding the lack of the acreage requirement and the setback requirements both of which require dimensional variations. There were no abutters present at the hearing.

Paul Doherty stated that the offsets were not clear on the plan as to what the applicant was actually asking for in terms of dimensions and number of feet. Mr. Doherty felt that the request required substantial relief due to the lot size and the number of feet required in the offsets to property lines. Sarah Zazzaro the representative from All Energy Solar indicated that the dimensions could be deduced by the plan that was submitted according to the instructions outlined on the application. The Board agreed that the request could be approved/denied based on the submitted plan. Hans Wentrup and Donald Bowen had no questions or comments.

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Alfred Gravelle asked why the applicants didn't consider a roof mounted system. Sarah Zazzaro indicated that a roof mounted system would only accommodate 25-30 panels at a particular angle which would create 30% of the power, while a ground mounted system would maximize the capacity and number of panels. Another advantage would be the ability to clear snow on ground mount panels vs. roof mounted. Mr. Gravelle asked about the maintenance of the panels and how long the system would last. Ms. Zazzaro said the system carries a twenty five year warranty and the panels are made up of metal, silican and tempered glass which does not degrade quickly and has a longer life which is beneficial. She further explained that the panels could last 60-70 years. Alfred Gravelle asked about the proximity of abutting properties with relationship to the proposed installation site and Ms. Zazzaro indicated that the closest building is an apartment building and there is a great deal of vegetation that buffers the sightline.

Paul Doherty asked Ms. Zazzaro if this proposal would be able to get connected to the existing grid as Lunenburg only has a certain capacity remaining according to our utility company. She replied that they seek preapproval from the utility company prior to installing any solar array and this particular project is expecting approval in two weeks' time.

Greg Bittner, 129 Pleasant Street indicated that he was not for or against the proposal but questioned if an applicant would be able to do both ground mount and roof mount on the same property. Building Commissioner, Michael Sauvageau indicated that if the property maintained the property setbacks and zoning requirements it would be allowed. Mr. Bittner also asked if there would be a fence and signage. Mr. Beal indicated that it would be addressed during the site plan review.

MOTION

After due deliberation Alfred Gravelle made a motion to grant the Special Permit for Dimensional Variation as requested to allow the ground mount pv system be located on a parcel that contains 1.89 acres and two setback variations required on the north and south sides of the property as shown on the submitted plan. This Special Permit for Dimension variation is granted conditionally that the applicant complete a Development Plan Review with the Lunenburg Planning Board. The motion was based on the finding that it would not be more substantially detrimental to the neighborhood as outlined below and in accordance with the plans submitted and subsequently on file with the Zoning Board of Appeals. Hans Wentrup seconded the motion.

FINDINGS

In granting a Special Permit for Dimensional Variation the Board of Appeals specifically found:

- a. The specific site is an appropriate location for such building or alteration.
- b. The proposed building or alteration is compatible with the existing neighborhood with regard to size, location and architecture.
- c. The granting of the special permit for dimensional variation will not adversely affect the neighborhood.

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- d. The granting of the special permit for dimensional variation will not unreasonably diminish the available light, air, sunlight and other amenities; and there will be no nuisance or serious hazard to vehicles or pedestrians as outlined in Section 8.3.2.1.
- e. The Board also determined that relief is granted per the large scale ground mount PV by-law.

The Special Authorization is granted with the contingency that Darren Specht comply with all licenses, regulations, statues and ordinances of any and all applicable state, local and federal board or agencies with jurisdiction over the premises.

The Special Permit is subject to a periodic review by the permit granting authority (Zoning Board) or the Enforcement Officer, to insure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this permit.

After closing the discussion, the Board acting in its capacity as the Special Permit Granting Authority, granted the Special Permit Dimensional Variation with the above members present and voting as follows with respect to the issuance of the Special Permit.

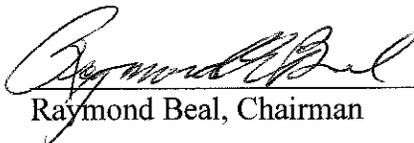
VOTE

Raymond Beal voted in favor of granting the Special Permit for Dimensional Variation.
Alfred Gravelle voted in favor of granting the Special Permit for Dimensional Variation.
Donald Bowen voted in favor of granting the Special Permit for Dimensional Variation.
Hans Wentrup voted in favor of granting the Special Permit for Dimensional Variation.

Paul Doherty voted to deny the Special Permit for Dimensional Variation.

In making this determination, the Board specifically found that the granting of this Special Permit and Dimensional Variation would not contravene the purpose of the Protective Bylaws or the provisions of Chapter 40A of the Massachusetts General Laws.

Voted and executed,

 11/17/15
Raymond Beal, Chairman Date

Lunenburg Zoning Board of Appeals
Special Permit Granting Authority

*(The DVD of the entire meeting can be made available upon request)

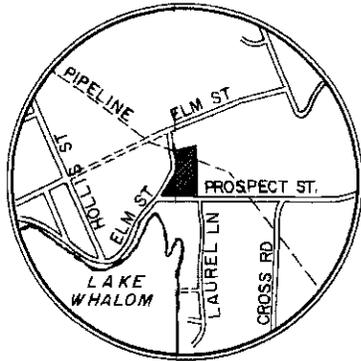
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RESEARCH K K DRAFTED BY DAE
 FIELD CHIEF K K CHECKED BY SGD
 COMPUTED BY S.G.D./K.K. APPROVED BY S.G.D.

Worcester Northern District
 Registry of Deeds
 Received for Record
 JAN 8 1990
 At 11:25 a.m. A.M.
 Recorded in
 Plan Book 212 Page 1
 17362



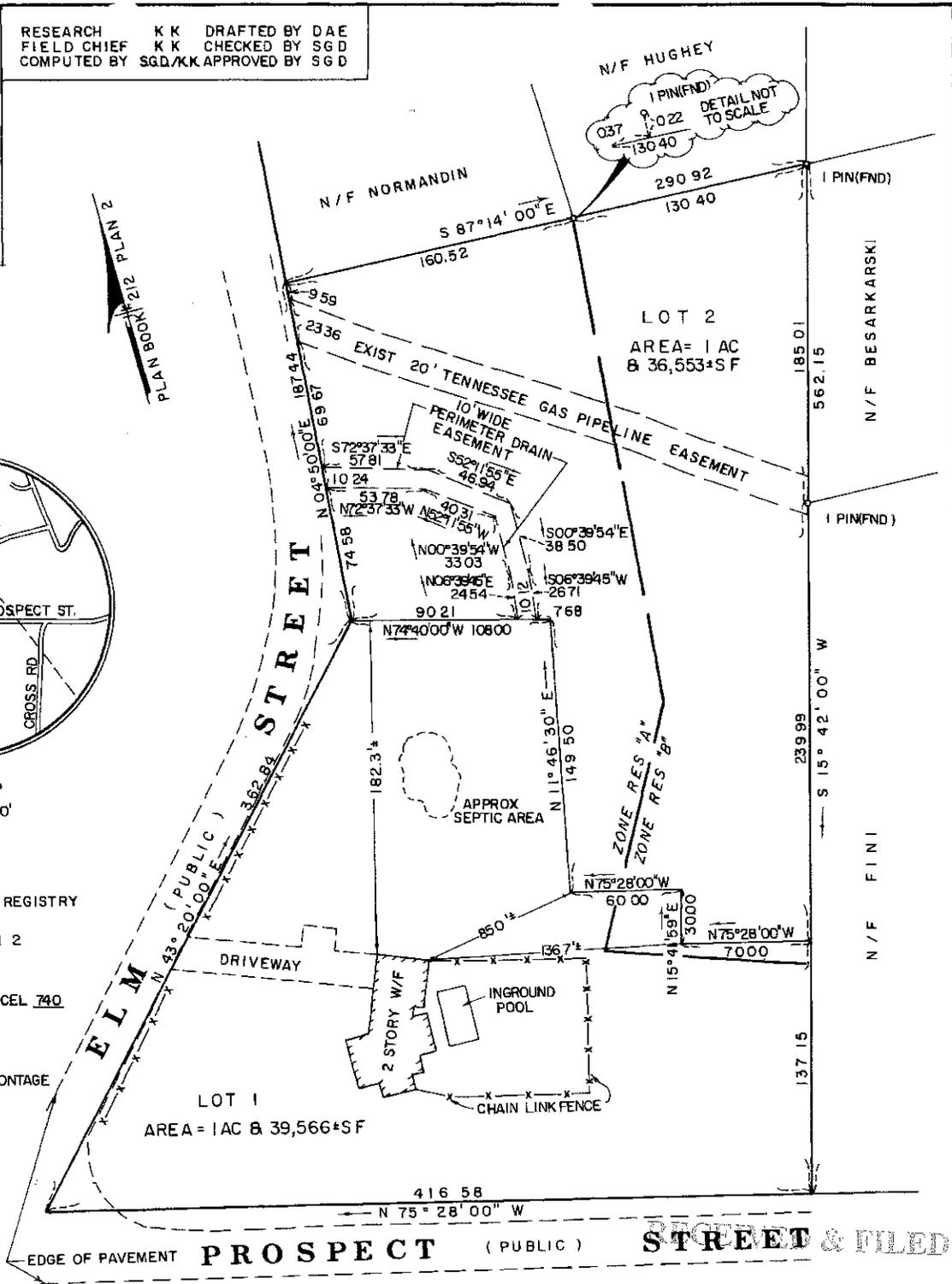
LOCUS MAP
 SCALE 1"=1000'

PLAN REFERENCE

WORCESTER COUNTY NORTH REGISTRY
 OF DEEDS
 PLAN BOOK 212 PLAN 2

ASSESSORS MAP 72 PARCEL 740

$\frac{2336 + 1024}{18744} \times 100 = 18\%$
 EASEMENT FRONTAGE



B-1524

EDGE OF PAVEMENT PROSPECT STREET (PUBLIC) STREET & FILED

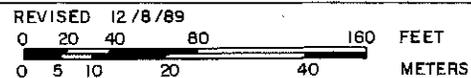
APPROVAL UNDER THE SUBDIVISION
 CONTROL LAW NOT REQUIRED
 LUNENBURG PLANNING BOARD

George B. Larkin
Paul P. [unclear]
[unclear]
Thomas M. [unclear]

DATE December 11, 1989

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PLAN OF LAND IN
LUNENBURG, MASS.
 PREPARED FOR RICHARD KILLEEN
 SCALE 1"=40' NOVEMBER 22, 1989
 SCHOFIELD BROTHERS, INC
 PROFESSIONAL LAND SURVEYORS & ENGINEERS
 626 MAIN STREET - BOLTON, MASS., 01740



REVISIED 12/8/89
 COPYRIGHT SCHOFIELD BROTHER INC 1989

"I CERTIFY THAT THE PREPARATION OF THIS PLAN
 CONFORMS WITH THE RULES AND REGULATIONS OF
 THE REGISTERS OF DEEDS, DATED JANUARY 12, 1988"

Thomas M. [unclear] 11/22/89
 PROFESSIONAL LAND SURVEYOR DATE



B-1524