

**Zoning Board of Appeals  
Minutes of Meeting 5/22/2020  
Virtual Meeting via Zoom**

Members present: Andrea Rogers, Peter Yoars, Llewellyn Rogers, Doug Pease and Jonathan Holter  
Members absent:

Chairman Rogers opened the meeting at 6:00 pm.

**RE: Oak Bluffs Landfill Solar Facility**

Greenskies Renewable Energy / CVEC  
347 County Road, **Map 29 Parcel 156, 157, 161, 164, 165**

\* Chairman A. Rogers opened a Public Hearing on **Friday, May 22, 2020** at 6:00 p.m. on the application of the referenced petitioners seeking:

***a Special Permit within Zoning By-Laws 12.4 Solar Energy Systems allowed by Special Permit, or any action related thereto, to allow a ground-mounted solar facility and associated electrical equipment to be located on the Oak Bluffs capped landfill.***

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, Doug Pease and Jonathan Holter was present. Letter received from applicant's attorney requesting the hearing be continued to the June meeting date. The letter stated:

*"We are requesting this continuance to be able to get a response from the Massachusetts Department of Environmental Protection with regards to the nitrogen credits on Parcel MBLU 29-0-164 ("Parcel"). It is our understanding that there is a deed restriction on this Parcel that restricts development and a request for determination from MassDEP that the proposed solar project does not violate this deed restriction has been submitted.*

Chair A. Rogers said that this was important and a formal answer from DEP would be coming. She recommended continuing the hearing. A motion was made and Member L. Rogers seconded.

*The board and applicant agreed to continue the hearing to June 19, 2020 at 6:30 pm.*

Member L. Rogers said he had a few questions that he'd like to ask so that the applicant would be prepared to answer them in June.

- **Height of Panels:** Note from the MVC said the maximum or the average height is 10 feet. He would like to know exactly what is the height of the highest piece. Height needs to be clearly stated on plans.
- **Height of Utility Poles:** They say they're 10 feet apart, but they don't tell us how tall the utility poles going to be. He would like that height on the plans as well.
- **Setbacks:** They did put a 50 foot setback dotted line around the property which is required for zone three, but they don't indicate how far it is from the 50 foot and in the past all our prints have setbacks with everything.
- **Encroachment:** Because they are encroaching and asking for a special permit of variance on the eastern portion of their set of panels, where it is getting very close to that piece of private property. There are no setbacks at all. And it looks like some of its even touching. Plans should clearly indicate how close setbacks really are to that property line.
- **Noise:** There is that big unit that has air conditioning, maybe the storage banks. What kind of noise does it put out and at what time of the day will there be noise.

Member J. Holter said he had concerns but would rather share them at the next meeting.

Planning Board Chairperson Ewell Hopkins said that each of the points that were brought up are documented at different points within the application. He did not think that the applicant, which is the town, would have any problem answering any of the questions that he heard.

Skip Finley, a direct abutter said he had questions but Chair A. Rogers said they would be heard at the June meeting.

*Meeting adjourned at 6:15 p.m.*

*Respectfully Submitted,  
Kim Leaird, Clerk/ZBA*

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Approved June 19, 2020