



Town of Oak Bluffs, Massachusetts
Office of The Board of Appeals
P.O. Box 1327
Zoning Board of Appeals

NOTICE OF DECISION **June 19, 2020**

RE: Oak Bluffs Landfill Solar Facility
Greenskies Renewable Energy / CVEC
347 County Road, **Map 29 Parcel 156, 157, 161, 164, 165**

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Friday, June 19, 2020 at 6:30 p.m. via a Zoom virtual meeting 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.

DECISION: **A motion was made to APPROVE the Special Permit under Zoning By-Law 12.4. A roll call vote was taken. The board voted 4-0 to approve the Special Permit with the following conditions.**

Procedural History:

- 01/27/20 The Oak Bluffs Zoning Board of Appeals received an application from Brad Parsons of All-Points Technology on behalf of the applicant, Greenskies Renewable Energy.
- 01/28/20 The Oak Bluffs Building Official referred the application to the **Martha's Vineyard Commission (MVC)** as a Development of Regional Impact under 9.3 of the DRI Checklist (Solar Facilities).
- 04/23/20 The MVC voted not to concur, stating that the project did not warrant review as a DRI by the Commission, and that the Town may proceed with the permitting process.
- 04/30/20 A Site Plan Review was held per the requirements of **Bylaw 12.5.1 – Large-Scale Systems** with participation from members of the Town's Planning Board, Zoning Board of Appeals and Energy Committee. Conservation Commission said the site did not warrant their review. The committee voted to advance it to public hearing in front of the Zoning Board of Appeals.

**RE: Solar Facility at Capped Landfill, 347 Lagoon Road,
Map 29 Parcels 156, 157, 161, 164, 165**

- 05/05/20 Notice of ZBA Public Hearing posted at Town Hall and on web site.
- 05/05/20 Notice of ZBA Public Hearing mailed to abutters (and abutters of abutters) within 300 feet, the applicant and abutting towns.
- 05/08/20 First Notice of Hearing published in the Martha's Vineyard Gazette (*MV Times had suspended print edition due to Covid-19*).
- 05/15/20 Second Notice of Hearing published in Martha's Vineyard Gazette.
- 05/22/20 The Zoning Board of Appeals opened a public hearing and voted to continue to June 19, 2020 per request of the Applicant.
- 06/19/20 The Zoning Board of Appeals opened a public hearing, invited public comment, voted to close the public hearing and made the following findings and decision.**

Public Comment:

- Richard Toole, Oak Bluffs representative to the board of CVEC said he applauded CVEC's efforts to build renewable energy projects throughout the Cape and the Islands. Oak Bluffs is the last town not to have a solar array on their landfill. He said it's a perfect place for a solar array and the land is unusable for anything else. It will provide income for the town and provide clean, renewable energy. He asked the ZBA to please approve the project.
- Ewell Hopkins, Planning Board chairperson said he echoed R. Toole's points and that he was very encouraged by the process of discovery and that every functional group within the town had reviewed the project and expressed their points. He said as a representative of the Planning Board, he wholeheartedly supports this project and believed that the due diligence necessary for appropriate oversight had been completed.
- Daniel James Sequeira, whose family owns abutting property (Map 29, Parcels 213-216 and 257-260) attended the May 22 hearing with concerns that were not heard. He did not attend the June 19 hearing.

Findings of Fact:

- Map 29, Parcels 156, 157, 161, 164, and 165 are located in Residential Zone 3, Zone II, the Water Protection Overlay District and the Wireless Communication District.
- The existing area houses the Town's capped landfill.
- A piece of the solar project abuts a privately held parcel, however, the capped landfill already sits atop a portion of same. The buffer zone proposed is 1.5 feet to maximize energy output.
- The project meets the requirements of **12.5 and 12.5.1 as a Large-Scale System**. The Site Plan Review committee and the Zoning Board of Appeals evaluated the impacts on: open space; visual impact; the extent of any grading and vegetative clearing; and consistency with the planning objectives of the town's local comprehensive plan. Their findings were positive.

**RE: Solar Facility at Capped Landfill, 347 Lagoon Road,
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- In addition, the Site Plan Review committee and the Zoning Board of Appeals reviewed the requirements of **12.5.2-Design Standards, 12.5.3-Safety and Environmental Standards, and 12.5.4-Monitoring and Maintenance** and found that the project shall meet the requirements as stated.
- The proposed project is not substantially detrimental to the neighborhood.

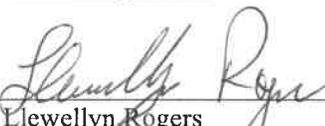
Vote:

Member J. Holter made a motion to approve a Special Permit within Zoning Bylaws 12.4 to allow the construction of a ground-mounted solar facility and associated electrical equipment to be located at the Oak Bluffs capped landfill after the due diligence of all the various Town boards and the due diligence they put the applicant through — with the condition that construction and maintenance vehicles can only enter and exit the facility from County Road onto Pennsylvania Ave. In addition, the Applicant will investigate whether they can increase the buffer on the southeastern corner of the private property parcel () and report back via the Building department when applying for a building permit. Member L. Rogers seconded it. The board voted 4 to 0 to approve the Special Permit with conditions as stated.

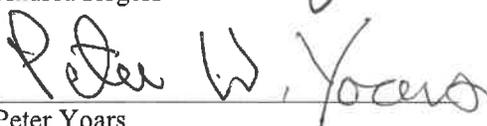
Members sitting for the Board of Appeals at the hearing were:



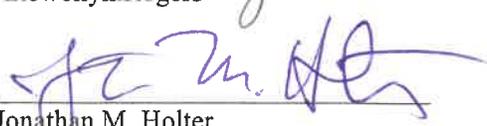
Andrea Rogers



Llewellyn Rogers



Peter Yoars



Jonathan M. Holter

A copy of this decision was filed in the office of the Town Clerk, on June 29, 2020. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).

Received and filed in the Office of the Town Clerk:

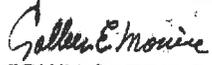
Date: June 29 2020

I hereby certify that no appeal has been filed within the twenty day period following the date of the filing of this decision.

Attest: 
Colleen Morris, Town Clerk

July 20, 2020

A TRUE COPY ATTEST:


TOWN CLERK OF
OAK BLUFFS, MA.