



TOWN OF MEDFIELD

Office of the

BOARD OF APPEALS

TOWN HOUSE, 459 MAIN STREET
MEDFIELD, MASSACHUSETTS 02052-2009

(508) 359-3027
(508) 359- 6182 Fax

MEETING OF:
January 8, 2020
MINUTES

Members Present: William McNiff, Member; Jared Spinelli, Associate Member; Jared Gustafson, Associate Member; Charles Peck, Associate Member

Members Absent: John J. McNicholas, Chair Michael Whitcher, Member

Staff Present: Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk

Others Present: Garrett Graham, Alan Blair, Tim Hughes, Andrew Colivas, Thomas Curl, Mary Jortberg, Chad Chviek, Joe Bethoney, Jacqueline Bethoney, Danee Denton, Paul Goldense, Bonnie Wren-Burgess, Richard Judge

Location: Medfield Town House, 2nd floor meeting room

At approximately 7:00 pm, Acting Chair William McNiff called the meeting to order and announced the meeting is being recorded. Acting Chair McNiff explained the hearing procedures and introduced the Board.

Deliberations/Decisions/Administrative

26/30 Millbrook Drive – Acting Chair McNiff explained how there is no more public comment on this case however the Board will deliberate. Mr. Jared Spinelli reviewed the draft decision and said that all three points of a variance need to be met in order for approval. Mr. Spinelli does not believe the applicant meets the hardship. Mr. Spinelli said the property was bought unbuildable; the property still remains unbuildable. Mr. Spinelli said being prevented to maximize profit is not considered a hardship. Mr. Spinelli feels the variance application should be denied. Mr. Jared Gustafson agrees. Mr. Gustafson believes the purpose of the bylaw change in 1995 was to have high standards in protecting the wetlands. Mr. Gustafson feels that if the variance was approved; it would go against the intent of the bylaw. Mr. Gustafson believes the application should be denied. Acting Chair McNiff agrees with both Mr. Spinelli and Mr. Gustafson. Acting Chair McNiff said the criteria for granting a variance has not been met.

Mr. Spinelli made a motion to deny the variance regarding 26 & 30 Millbrook Road. Seconded by Mr. Gustafson. The Vote: 3-0.

Minutes 12/11/19 (WM, JS, JG) – Mr. Spinelli made a motion to approve the minutes from 12/11/19 with noted edits. Seconded by Mr. Gustafson. The Vote: 3-0.

Thomas S. Curl (applicant/owner) seeks a variance under MGL Chpt. 40A §10 for the installation of 24 solar tracker into the front setback of a corner lot (Medfield Zoning Bylaw §300 Attachment 2). The property is located at 215 South Street; Assessors' Map 28 Lot 048; RT Zoning District

At approximately 7:12 pm, Mr. Jared Spinelli read the notice into record. Mr. Thomas Curl, applicant/owner, introduced Mr. Chad Chviek from Mass Renewables Solar Company. Mr. Chviek explained that the applicant needs a variance to put the solar tracker in area that would make it the most productive. Mr. Chviek said without the variance 4-5 large trees would need to be removed and the cost estimate is approximately \$4,000. Acting Chair McNiff asked Mr. Chviek to show where the trees are located on the lot. Mr. Chviek showed the Board on the plan. Mr. Spinelli asked for the size of the tracker. Mr. Chviek said the tracker is 20 feet wide and up to 20 feet tall. The tracker will be tallest first in the morning and at the end of the day; the tracker moves with the sun. Acting Chair McNiff said a variance is not easily granted and asked if all alternatives have been looked at. Acting Chair McNiff asked if solar panels could be placed on the roof. Mr. Chviek said this is an antique home and doesn't believe it would work structurally. Mr. Curl said from a financial standpoint the payback is 8 years at best and since he is 82 years old; he would like to get his investment as soon as possible. Mr. Curl said solar power is the right thing to do for the planet. Mr. Curl said he has two tenants at the property and would like to give any overage of to them.

Mr. Chviek said the location selected for the tracker is the ideal spot. The rest of the property has trees, structures, walkways and generates more shade. Mr. Curl said the location selected is the best spot of the sun. Acting Chair McNiff asked how much sun does a solar tracker need. Mr. Chviek said an average of 6 hours of sun is needed per day to make the tracker productive.

Mr. Spinelli asked if there are any landscaping plans to minimize the look of a 20 foot structure; especially along Clark Road. Mr. Chviek has recommended arborvities to the applicant; they will block the structure and don't cause shade. Acting Chair McNiff asked if the tracker has to be 20 feet tall. Mr. Chviek said there is a smaller design but only lowers the height by 3 feet and is not as productive. The applicant is looking for more production. Acting Chair McNiff asked if there is any noise generated from the unit. Mr. Chviek said every 10 minutes there is a GPS locator that cycles. Mr. Chviek said if you are standing more than 10 feet away, you would not hear it. Acting Chair McNiff asked if the tracker will cause any shade to the neighbors located on the left. Mr. Chviek said there are not reflective properties to the tracker. Mr. Chviek said that even the frames are powder coated black.

Mr. Spinelli asked if there are any other solar trackers located in Medfield. Mr. Chviek said yes; he needs to locate the address. Mr. Spinelli said he would like to do a "drive-by" of an installed tracker in the area to get a visual of the structure. Mr. Chviek said there are 280 solar trackers installed in Massachusetts. Mr. Spinelli asked Mr. Chviek to communicate the address of another solar tracker in Medfield as soon as possible.

Mr. Joe Bethoney, 4 Clark Road, said he heard Mr. Chviek say the solar tracker could not go on the roof of the house however, has the roof of the barn been considered. Mr. Chviek said he has not analyzed the structure of the barn. Acting Chair McNiff asked the price difference between a tracker and a roof mounted panels. Mr. Chviek said it is approximately \$6,000 more for the roof mounted. Mr. Bethoney said that there is more wiring involved with a tracker. Mr. Chviek said the price Mr. Curl was given is all inclusive and includes the wiring. Mr. Bethoney said he respects Tom and Mary very much but this tracker is a detriment to his property and the hardship will be his only. Mr. Bethoney said that because the Curl's live on a corner lot; this tracker will be an albatross for both Clark Road and South Street. Mr. Bethoney does not believe the Board should set precedence

for giving out variance on trackers. Mr. Bethoney believes there are other alternatives and the variance is not necessary. Mr. Bethoney said he will look out his family room window and see a 20 foot panel.

Mr. Spinelli asked for a list of properties in Medfield that have a solar tracker.

Mr. Andrew Colivas, 1 Riverview Road, said the town of Hudson has 10 solar arrays and they rotate all day long. Mr. Colivas agrees with Mr. Bethoney and said this tracker, placed on the corner, will be a detriment to the entire neighborhood. Mr. Colivas does not believe that all options have been looked at. Mr. Colivas feels hard numbers are needed before a decision by the Board can be made. Acting Chair McNiff asked if Mr. Chviek has any hard numbers. Mr. Chviek said he anticipated the electricity at the property to be offset by 84%. Mr. Spinelli asked if the applicant would allow the Board to see those numbers. Mr. Curl said yes.

Ms. Danee Denton, 3 Juniper Lane asked how the tracker is secured to the ground. Mr. Chviek said all engineering requirements from the Town are met and there is a backup power supply in case the power goes out. Mr. Chviek said the base goes into the ground 5 ½ feet and the base weighs approximately 8,000 pounds.

Mr. Paul Goldense, 219 South Street, said he lives across the street. Mr. Goldense said the barn roof is metal and there is an old tree (about 4 feet in diameter) by the barn. Mr. Goldense said the barn roof cannot be used. Mr. Goldense said he is in support of the application and feels doing anything to reduce the carbon footprint is a good idea.

Ms. Bonnie Wren-Burgess, 210 South Street, asked if the Town has any zoning bylaws about solar trackers. Ms. Raposa said any new structure/building must comply with the setbacks in that particular zoning district. In 2015, there was a large scale, ground mounted solar structure bylaw passed for the IE district only. Ms. Wren-Burgess said she is having a hard time visualizing 20-24 feet. An unidentified speaker said 20-24 feet is the same as a 2-story house; essentially as tall as the applicant's home.

Mr. Bethoney, 4 Clark Road, asked if the tracker was put where the applicant has a "right to put it," would the large tree by the barn need to come down. Mr. Chviek said no.

Mr. Spinelli asked if the applicant has any information for the Board about how the property is distinct from the neighbors. Mr. Spinelli mentioned topography, size and shape. Mr. Curl said he didn't understand what Mr. Spinelli was asking. Mr. Spinelli reminded the applicant and M. Chviek that the request is for a variance. Mr. Spinelli said one of the factors that need to be proven is that the property is unique within the neighborhood. Mr. Curl said he house is an historic home (not registered) with a lot of historic/old trees. Mr. Spinelli feels a site visit is necessary.

Mr. Richard Judge, 8 Juniper Lane, said he finds aerial/satellite photography helpful. Mr. Judge showed the Board images from his phone. Mr. Judge feels the photos show how the lot has sun throughout the day. Mr. Chviek said he believe the use of aerial photography is an oversimplification and shade exposure is not the same.

Mr. Bethoney, 4 Clark Road, asked if there are health risks with solar trackers. Mr. Chviek said no. Mr. Bethoney submitted a document titled "Solar Energy can Be a Health Hazard." Mr. Bethoney asked for the document to be entered into the record.

Mr. Garrett Graham, 205 South Street, said if the point is to "go green" there are other ways to achieve that.

Acting Chair McNiff set up a site visit for January 13, 2020 at 8:15 am. Acting Chair McNiff asked Mr. Chviek asked to send the address of the other property in Medfield to Ms. Raposa by the end of the week. Mr. Chviek agreed. Ms. Raposa said the public is invited to attend the site visit however, no more testimony can be received. Ms. Raposa said the purpose is for the Board observe and ask some clarifying questions.

At approximately 8:10 pm, Mr. Peck made a motion to close the hearing subject to the site visit. Seconded by Mr. Spinelli. The Vote: 3-0.

ADJOURNMENT – At approximately 8:12pm, Mr. Spinelli made a motion for adjournment. Seconded by Mr. Peck. The Vote: 3-0.

Respectfully Submitted,
Marion Bonoldi, Recording Clerk