

**Hopedale  
Zoning Board of Appeals  
Meeting  
November 16, 2016**

Chairman Steve Gallagher called the meeting to order on November 16, 2016 at 7:00 pm.

Members that were present: Steve Gallagher  
Nick Alexander  
David Pagnini  
Lou Costanza  
Sandra Biagetti

Secretary: Mary Arcudi

**Case 05-2016 7:00 PM**

The applicant, Farruco Holdings LLC of 1 Sousa Circle, Milford, MA is seeking an appeal from denial of Building Permit Application, at 20 Lake St. Hopedale for solar array on rooftops. The location is zoned Residential and is owned by the applicant.

Mr. John Fernandes, Counsel for the Claro brothers, the owners of the storage facility at 20 Lake Street, detailed the denial of a building permit application for solar arrays on the rooftop of two of the structures. The owners purchased the property back in June of 2016. The area is completely fenced in.

Mr. Fernandes cited the Massachusetts General Law Chapter 40A, section 3 which provides in the 9<sup>th</sup> paragraph as follows:

No Zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public, health, safety or welfare.

The Hopedale Zoning By-law 4.2 states:

Other Extensions and Alterations: By special permit of the Board of Appeals, nonconforming uses and structures other than one, two and three family dwellings may be altered or extended to a size or area up to fifty percent greater than its size or area existing at the time of adoption of this by-law upon a finding by the Board that the proposed extension or alterations shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

The applicants believe the solar addition to the building is not an extension of the use, nor a principal use but simply an electrical service.

Mr. Bob Speroni, Hopedale Building Inspector denied the applicants the building permit per the 4.2 by-law. The storage facility is considered a non-conforming use since it is in a residential zone. The underlying use is cold storage and was informed by the applicants that 75% of the solar energy would be sold back to the grid; therefore he felt it was an extension of the commercial use. The applicants disputed stating this.

After a lengthy discussion for both sides of the argument, Nick Alexander made a motion to uphold the denial of a building permit application for the storage facility to install solar arrays on the rooftops at 20 Lake Street. Sandra Biagetti seconded the motion. The vote proceeded as follows:

Lou Costanza –	No – believes the power would not be sold and is not an extension of the non-conforming use
Nick Alexander -	Yes
David Pagnini -	No – believes the non-conforming use is not a substantial change and favors the intend of the Mass. G.L. 40A, section 3
Sandra Biagetti	Yes
Steve Gallagher	Yes

Due to the three to two vote, motion passes and the request to appeal the building permit was denied.

**Case 06-2016** 7:25 PM

The applicant, Farruco Holdings LLC of 1 Sousa Circle, Milford, MA is seeking a Special Permit to install solar panels on an existing wood framed storage facility, located at 20 Lake St. Hopedale, MA. The location is zoned Residential and is owned by the applicant.

Due to the approval of the motion to deny the building permit, Mr. John Fernandes proceeded with the application to seek a special permit to install the solar panels on the storage facilities located at 20 Lake Street.

The ballasted PV solar arrays would be placed on two of the storage facilities with the converter placed on the side of the building. The area is completely fenced in. The board was informed of the installation plans. Lou Costanza made a motion to approve the installation of solar panels on the existing wood framed storage facilities located at 20 Lake Street, Hopedale MA. Sandra Biagetti seconded the motion and the motion passed unanimously.

Nick Alexander made a motion to adjourn at 8:41 pm, seconded by Sandra Biagetti.

Respectfully submitted,

Mary Arcudi  
ZBA Secretary and Alternate

