

To: Sherborn Zoning Board of Appeals
Rick Novak, Chair
From: Marian Neutra, 25 Prospect Street
Re: Farm Road Homes, Ground Mounted Solar Installation Plan

Dear ZBA:

I'm focusing this memo specifically on the planned ground-mounted solar array in the Farm Road Homes 40B project. In my view, essential information about the solar installation component of the plan is lacking and therefore the solar installation plan is unacceptable. At this late stage in the ZBA review, Mr. Murchison has not provided information essential to your analysis.

1. The location of the planned solar array is not known.

The original site plan reviewed by MassHousing included a cluster of solar panels at the rear of the land that would require considerable clearing of forested land adjacent to Town Forest. A revised site plan (Sept. 2023) showed a string of solar panels connected by a service roadway strung along the boundary with Town Forest, which would involve even more clearing and fragmentation of forest. At the last ZBA gearing, Mr. Murchison said that there is now a third plan for location of ground-mounted solar panels "at the rear of the property", but as of today, several weeks later, a revised site plan has not been provided.

The location and use of solar energy would be as strength of the plan if it were deployed in line with MA State policy which encourages use of rooftops, paved areas and disturbed land, and discourages clearing of forest. Environmental scientists generally agree that clearing forest for solar arrays results in loss of carbon sequestration capacity, climate control, and multiple other environmental benefits (summarized in the November 2, 2023 letter from Brian and Mary Moore). There are now efforts to update MA law accordingly but in the meantime, the ZBA should consider conditioning any Comp. Permit on the use of rooftops instead of clearing forest for solar panels.

2. Who will benefit from the solar energy generated is not known.

This is an environmental justice issue. The Town has an interest in supporting the ongoing affordability of living in the Farm Road homes into the future. Rooftop solar would assure that the homeowners are the beneficiaries of the solar-generated energy in the form of reduced electric bills. Ground-mounted solar on the 40B property should also provide this ongoing benefit to the residents.

However when directly questioned about this, Mr. Murchison stated only that "it's very complicated" and "it's driven by regulations". It may indeed be complex but if Mr. Murchison understands his plan he should be able to explain it, at least in broad outline, and ZBA members are perfectly capable of understanding complex issues.

Mr. Murchison did say that the electricity produced by the array will be "equivalent to the energy use of the development". That's good, but whether and exactly how the residents will benefit is important for the Town to establish in the interest of the well-being of our future fellow citizens.

3. Who will own the solar array and the solar-dedicated land are not known.

The planned ground-mounted solar array on this property raises broader legal and property rights issues that should be addressed by the ZBA. It is safe to assume that Mr. Murchison has a plan for the ownership of the solar array and its relationship with the land used for the 40B homes, and it is important that this be clearly explained.

The entire property is included in the 40B plan. I believe that individual Farm Road Homes will be sold (not rented), so the property will presumably be governed by an HOA or Condo Association. If the HOA will collectively own the land, will the solar portion be leased to a solar installation/management company? Alternatively, will the portion of the land dedicated to ground-mounted solar be split off as a separate parcel under separate ownership and if so, who will own it?

If the land occupied by the solar array is not owned by the HOA and has no legal connection to the 40B homes, then it is not part of the 40B development; in that case it's outside ZBA jurisdiction, not a Comp. Permit issue, and it can't be approved under the umbrella of the 40B law. Large ground-mounted solar installations are governed by Sherborn zoning bylaw 5.10; a revision of this bylaw was passed at the 2023 TM and is currently under review by the AG. The proposed Farm Road solar installation may not be large enough to fall under this bylaw, but the clearing of an undisturbed forested parcel adjacent to and ecologically continuous with Town Forest for a private, revenue-generating solar array should be subject to scrutiny in the interest of the health and well-being of the 40B residents and the entire Town.

I trust you will consider these issues and demand clear answers from the developer of the Farm Road Homes project.

Thanks to each of you for the tremendous amount of personal time you've dedicated to this and other 40B applications. Sherborn is lucky to have you and we're forever in your debt!

Best regards,

Marian Neutra