

Ground-Mount Solar Panel Proposed Warrant Article

The installation of ground-mount solar panels on the side or front of a home are in conflict with Longmeadow Zoning Bylaws “**Section B. Uses in Residence Zones.**”

If passed, this article would enable a greater utilization of solar energy for ground-mount solar panels in ways that comply with **MGL Chapter 40A, Section 3** by establishing reasonable regulations that also abide by building, electrical, mechanical, and plumbing code standards.

Massachusetts General Law:

[Chapter 40A Section 3](#)

This section of M.G.L. addresses “[s]ubjects which zoning may not regulate...” As this language suggests, this section of the statute describes several uses that cannot be regulated in the same manner as typical residential, commercial, or other uses. For example, limits on the ability to regulate religious uses, agricultural uses, and day-care operations are included in this section of the statute. Paragraph 9 of this section addresses solar energy systems as follows:

Chapter 40A Section 3 (Paragraph 9):

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.

Present Longmeadow by-laws:

ARTICLE IV. USE REGULATIONS

SECTION A. GENERAL CONDITION

General Condition. Any building or structure, use of building or structure, or use of land not herein expressly permitted for the zone in which the building or structure or land is located is hereby forbidden, except a building or structure, use of a building or structure, or use of land legally existing prior to the effective date of this by-law, or any pertinent amendment thereof, unless permission is obtained from the Zoning Board of Appeals as provided in Article I of this by-law.

The following use is specifically prohibited in all zones under this by-law: Wholesale or retail motor or recreational vehicle sales. Included herein would be any establishment whose principal or secondary business includes the sale of new and used automobiles, trucks or trailers, or the sale of new and used on- or off-road recreational or water sport vehicles, including but not limited to: boats, snowmobiles, jet engine or motor-powered water craft, motorcycles and two or four wheel all-terrain vehicles.

(Amended at Annual Town Meeting on May 9, 2000, Article 25.) (Approved by the Attorney General, Commonwealth of Massachusetts on August 17, 2000.)

SECTION B. USES IN RESIDENCE ZONES

1.2 Detached buildings and structures, as enumerated hereunder, may be constructed and erected as accessory to the dwelling, provided that the total land area occupied by such accessory buildings and structures shall not exceed 50% of the gross land area within the property lines to the rear of the secondary set-back line as defined under Article VI, Section B, Sub-paragraph 2a.

42. "Secondary Setback Line". The line running parallel or concentric with the front lot line which includes that part of the building nearest to such rear line.

50. "Structure."

"Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, solar panels, or the like, or the parts thereof, and swimming pools, but not including paved surfaces such as a driveway, a walk or a patio.

It is proposed to allow solar panels to be installed on side lot lines and improve the aesthetics by shrouding the solar panels with lattice and shrubbery.

Examples:



Solar panels sides and rear to be shrouded with vinyl lattice fence material (with access port) to conceal support structure and underside of solar panels as typical photograph demonstrates above (lattice color: tan or gray).

Evergreen shrubbery (size and species to be determined) to be placed in front of lattice @ three foot on-center spacing.

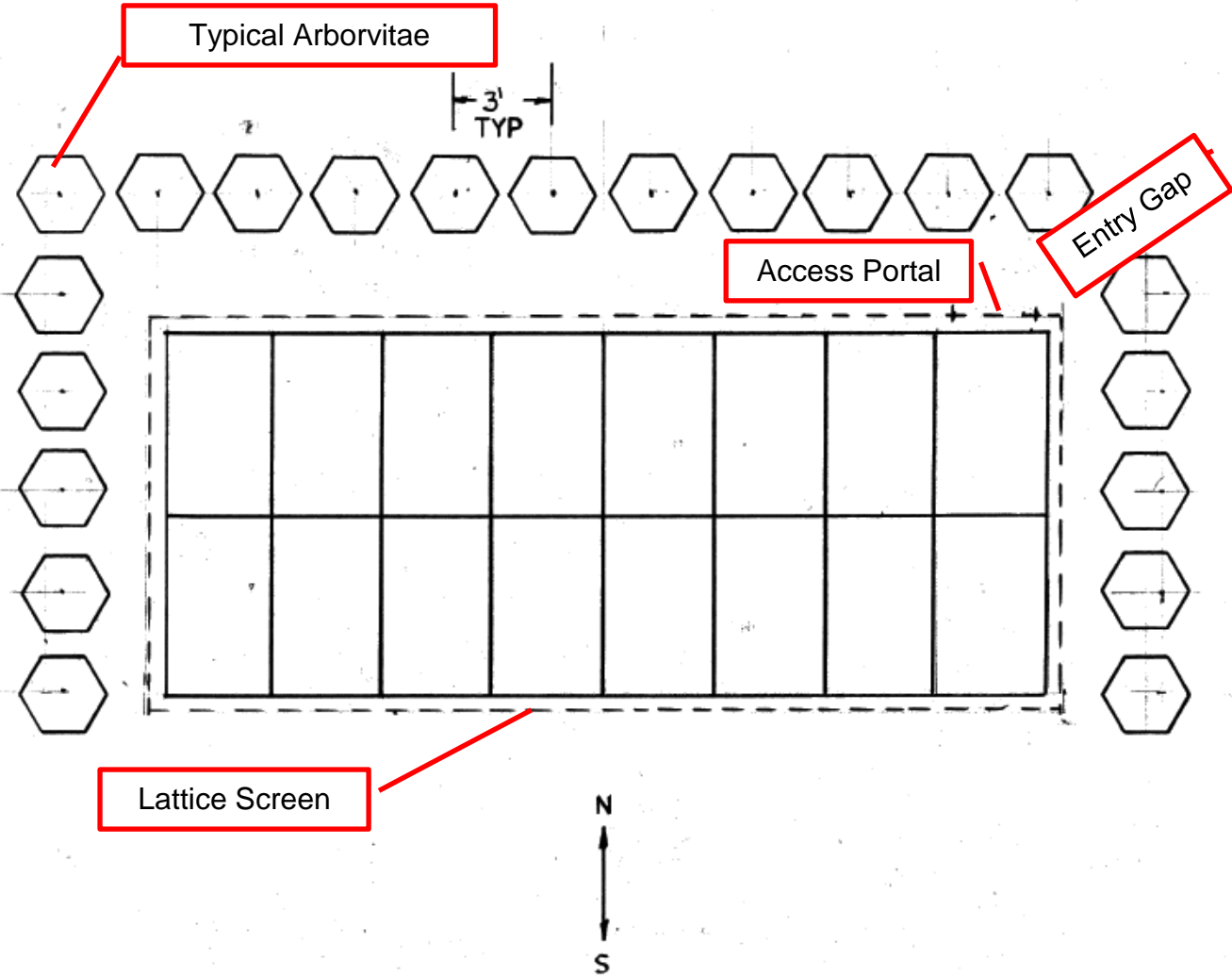


Vinyl Diamond Lattice

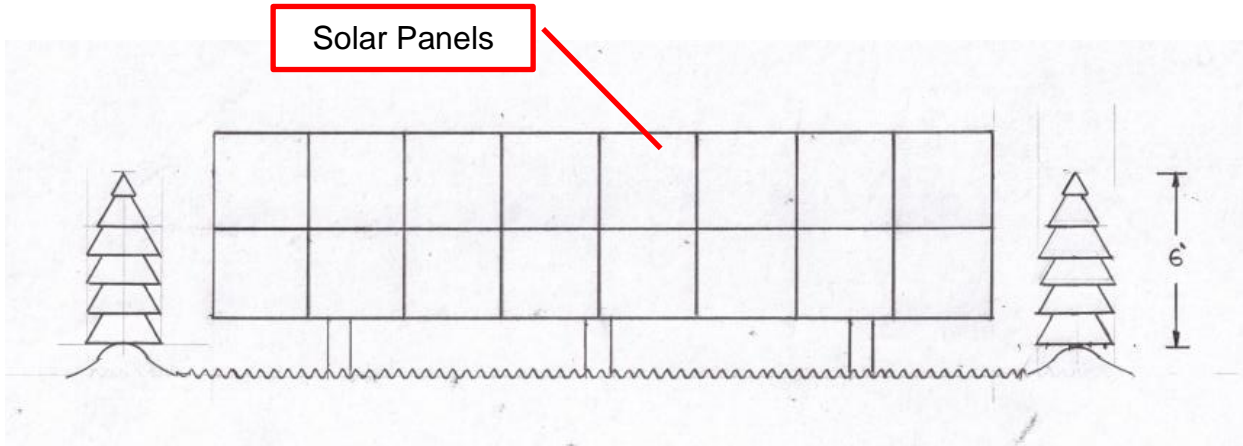


Close-up of Lattice

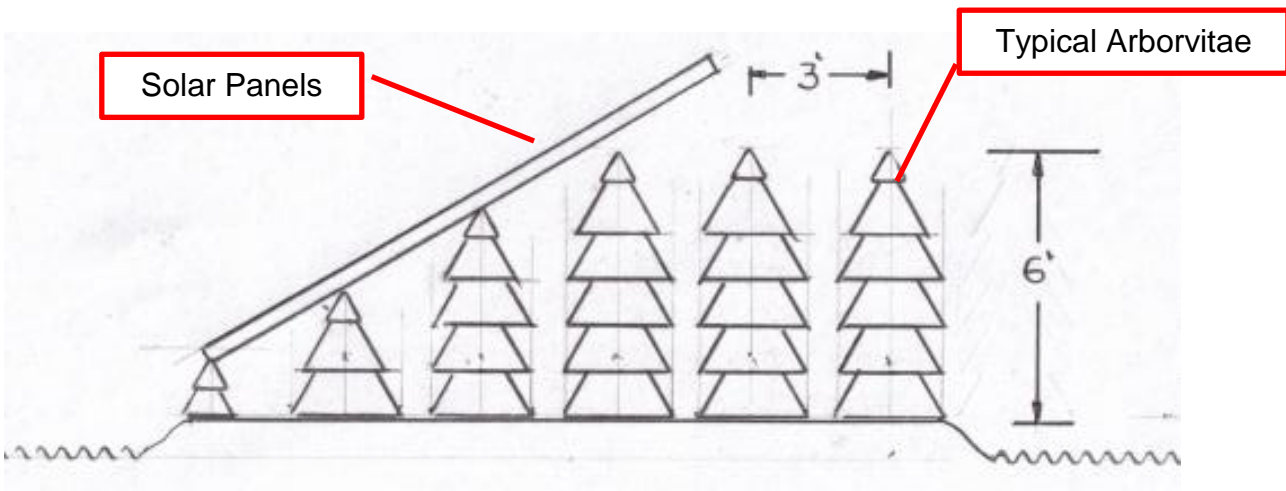
Additional Examples:



Shrubbery and Lattice Fence Details
[Plan View]



Front View (Facing North)
[Lattice screen not shown]



End View (Facing West)
[Lattice screen not shown]