

Article 30. To see if the Town will vote to amend the Zoning By-Laws substantially as follows:

- 1.) Renumbering the existing "Section 16" of the Zoning Bylaw such that the existing Section 16 shall be re-numbered as "Section 17", and:
- 2.) By adding a new "Section 16" entitled "Solar Bylaw" as follows:

Section 16 Solar Bylaw

16.1 Purpose

The purpose of the Solar Bylaw is to provide standards and guidelines for the installation of solar PV and Thermal Systems in the Town of Marion compatible with the Massachusetts Zoning Act and consistent with the Marion Zoning Bylaw. These standards define conditions and requirements for allowance of solar PV and Thermal Systems to be installed in Marion while protecting public health, safety, and welfare and preserving the character of the Town.

16.2 Definitions

1. For the purposes of this Bylaw and without intending to limit the interpretation of the same, "Solar Systems", whether roof or ground mounted, shall include any engineered and constructed structure that converts sunlight into 1) electrical energy (PV Systems) through an array of solar panels that connect to a building's electrical system and/or the electrical grid, or 2) heat energy (Thermal Systems) through an array of solar panels that connect to a building's heating or hot-water system.
2. Only roof-mounted and ground-mounted Systems will be allowed in the town of Marion.
3. For the purposes of this Bylaw, "Applicant" shall include owners of real property who also own the System, owners of real property who lease the System, and lessees of either or both, the real property and the System.

16.3 Applicability: Roof-Mounted Solar Systems

1. Roof-mounted Solar Systems ("Systems") may be installed in all Zoning Districts by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document, without need for obtaining a special permit, provided that a building permit has been issued pursuant to the Massachusetts Building Code. All Roof-mounted solar Systems shall comply with Sections 16.3.1 and 16.3.2, below.
2. Within Residential Zoning Districts, solar panels shall conform to existing roof contours, extend not more than 12" above roof surfaces, do not project outside of roof areas, and are not mounted on vertical face of structure on which the panels are installed; and
3. In General Business, Marine Business, and Limited Industrial Districts, solar panels may be installed at angles of up to 45 degrees from the horizontal on flat roofs (with roof pitch less than 1 in 12). Solar panels shall not exceed a total height of 10 feet above the roof surface.

16.4 Applicability: Ground-Mounted Solar Systems with Either PV or Thermal Collector Area of Less Than 600 s.f. or Combined PV/Thermal Collector Area of Less Than 900 s.f.

Either Ground-mounted Solar PV or Thermal Systems with maximum collector area of 600 square feet (600 s.f.) or a combined collector area of 900 s.f., may be installed in all Zoning Districts by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document, without need for a special permit, provided that the lot on which the System is to be installed contains at least 1 acre (43,560 square feet) and that a building permit has been issued pursuant to the Massachusetts Building Code. All Ground-mounted solar Systems with a maximum collector area of 600 s.f. individually or 900 s.f. combined shall comply with Sections 16.4.1, 16.4.2 and 16.4.3, below.

1. The System(s) must comply with the requirements of Section 16.6; and
2. The System(s) must have been reviewed and approved by the Planning Board pursuant to the provisions of Section 9.1.1 (Minor Site Plan Review); and
3. Within Residential Zoning Districts, the Solar PV System shall not be capable of producing more than 120% of the locus' annual electricity usage.

16.5 Applicability: Ground mounted Solar Systems with Collector Area Exceeding 600 s.f.

Ground-mounted Solar Systems with collector area exceeding 600 s.f. may be installed by an Applicant on behalf of and with the permission of the property owner pursuant to a legally binding lease or other contractual document in General Business, Marine Business, Limited Industrial, and the Municipal Solar Overlay Zoning Districts without need for a special permit provided that a building permit has been issued pursuant to the Massachusetts Building Code and the System complies with 16.5.1 and 16.5.2, below.

1. The System must comply with the requirements of Section 16.6; and
2. The System must have been reviewed and approved by the Planning Board pursuant to the provisions of Section 9.1.2 (Major Site Plan Review).

In all cases and without exception, a special permit pursuant to Section 7 of the Zoning Bylaw shall be required for Ground-mounted solar Systems with a collector area exceeding 600 s.f. individually/900 s.f. combined in a Residential Zoning District.

16.6 Design Standards and Dimensional Requirements

No System shall be constructed or installed, whether with or without the need to obtain a special permit pursuant to Section 7 of the Zoning Bylaw, unless the System complies, at all times, with

the following general standards and requirements, in addition to all other applicable rules, regulations and laws of the Town of Marion or Commonwealth of Massachusetts:

1. No System or any of its components shall be illuminated, except to the degree minimally necessary for public safety and only in compliance with the Zoning Bylaw and General Bylaws of the Town of Marion.
2. No System shall contain or have affixed thereto any outdoor advertising or other signage, except for emergency contact information.
3. All Systems shall be considered either a “structure” or an “accessory structure” as defined in the Zoning Bylaw and shall have setbacks on all sides of at least 35 feet and not exceed ten (10) feet above grade. Upon receipt of a special permit pursuant to Section 16.9 of this Bylaw and notwithstanding any requirement to the contrary, the Planning Board may permit a lesser setback or a greater height than permitted by this Bylaw where, in the Planning Board’s opinion given the location of the proposed System, the natural or proposed screening of the proposed System and/or the topography of the locus on which the proposed System is to be constructed, a lesser setback or a greater height will not negatively impact the views, vistas or enjoyment of abutting properties or the general neighborhood within which the System is proposed.
4. Fencing or landscaping of reasonable height and density shall be provided to screen views of System from neighboring residential properties.
5. Large-scale clearing of forested areas for the purpose of constructing solar arrays is prohibited.
6. Utility Connections: Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from solar photovoltaic installations underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by utility provider. All electrical work shall be in accordance with the National Electrical Code and the Massachusetts Building Code.

16.7 Minor Site Plan Review and Approval

Where required by this Bylaw (Section 16, et seq.), submission to the Planning Board for Minor Site Plan Review and Approval pursuant to Section 9.1.1 of the Zoning Bylaw shall be as set forth herein and regardless of the minimum threshold requirements found in Section 9.1.1. In addition to the submission requirements found in Section 9.1.1 of the Zoning Bylaw, the Planning Board may require, where in its sole judgment it deems relevant, the submission of one or three-line electrical diagrams detailing solar PV Systems, associated components, electrical interconnection methods, all National Electrical Code compliant disconnects and overcurrent devices, documentation of major System components to be used, including PV panels, mounting System, and inverter(s), the designed annual electrical output of the System and evidence of the annual on-site consumption in watt-hours.

16.8 Major Site Plan Review and Approval

Where required by this Bylaw (Section 16, et seq.), submission to the Planning Board for Major Site Plan Review and Approval pursuant to Section 9.1.2 of the Zoning Bylaw shall be as set forth herein and regardless of the minimum threshold requirements found in Section 9.1.2. In addition to the submission requirements found in Section 9.1.2 of the Zoning Bylaw, the Planning Board may require, where in its sole judgment it deems relevant, the submission of one or three-line electrical diagrams detailing solar PV Systems, associated components, electrical interconnection methods, all National Electrical Code compliant disconnects and overcurrent devices, documentation of major System components to be used, including PV panels, mounting System, and inverter(s), the designed annual electrical output of the System and evidence of the annual on-site consumption in watt-hours. In addition, the Planning Board may require the Applicant to provide the name, address, and contact information of proposed System installer, the name, contact information and signature of any agents representing the project proponent, require the provision of evidence of site control, evidence of utility notification, an operation and maintenance plan, emergency response plan, and a description of financial surety as required by Section 16.12 if the System is located on land owned by the Town of Marion.

16.9 Special Permit

A special permit pursuant to Section 7 of the Zoning Bylaw and G.L. c.40A, s.9 of the Zoning Act shall be required for any Ground-mounted PV Solar Systems with collector area greater than 600 s.f. on any property located in a Residential Zoning District. The Planning Board shall be the special permit granting authority pursuant to this Bylaw and may include as part of its special permit review and proceedings, all the provisions and requirements of Section 9.1.2 (Major Site Plan Review) of the Zoning Bylaw. Any System that requires a special permit shall be subject to Section 9.1.2 of the Zoning Bylaw.

16.10 Modifications to Existing Systems

Any System installed or constructed pursuant to this Bylaw or any System preexisting the effective date of this Bylaw shall, thereafter, conform to the requirements of this Bylaw should the System be modified, expanded or otherwise altered to thereafter not conform to this Bylaw. All the provisions of this Bylaw, including review pursuant to Section 9.1.1 and 9.1.2, as well as Section 16.9, above, shall apply to any modification, expansion or alteration to or of, a System installed or constructed pursuant to this Bylaw or any System preexisting the effective date of this Bylaw;

16.11 Safety

Prior to the issuance of a special permit or Building Permit for any Ground mounted System permitted pursuant to this Bylaw, the Applicant shall:

1. Submit to the Planning Board and/or Building Commissioner for review an executed connection agreement with a public utility; and
2. Submit to the Planning Board and/or Building Commissioner and the Fire Chief a copy of the project summary, electrical schematic, site plan, and emergency plan identifying a responsible party to contact should the System require an emergency shut down; and.
3. The owner and operator of a Ground-mounted solar System shall maintain the facility in good condition. Maintenance shall include but not be limited to painting, structural repairs, landscaping, and integrity of fencing or screening measures. Access to the System for fire fighting and inspectional purposes shall, at all times, be maintained to a level acceptable to the Fire Chief and Planning Board.

16.12 Financial Surety, Removal, Decommissioning, and Abandonment

Prior to the issuance of a special permit or Building Permit for any System with maximum collector area exceeding 600 s.f. for an individual solar PV or thermal system or 900 s.f. for a solar/thermal combined system otherwise permitted pursuant to this Bylaw, an escrow agreement (the "Escrow Agreement") in form and substance acceptable to the property owner and the Board of Selectmen, where the System is located on land owned by the Town of Marion, or to the Planning Board in all other cases, shall be executed by the Applicant for said special permit or Building Permit, the property owner, and an Escrow Agent (such party to be acceptable to the property owner, the Applicant, and the Board of Selectmen or Planning Board), with the Town of Marion named as a third party beneficiary under such Escrow Agreement. The Escrow Agreement shall require, among other things, that Applicant shall deposit a specified sum of money in an escrow account (the "Escrow Account") to be held by the Escrow Agent. The Escrow Agent shall be a financial institution that regularly acts as an "escrow agent" or "trustee".

The Escrow Amount shall be sufficient to cover the estimated cost to the property owner to remove the facility in full and remediate the landscape. Where the Applicant is not the property owner, the Escrow Agreement shall contain a provision to the satisfaction of the Board of Selectmen or Planning Board, that any funds released from the Escrow Account following the expiration or earlier termination of the lease between the property owner and the Applicant shall (i) first be used by the property owner solely to complete said removal and remediation up to the amount set forth in the lease, (ii) second, to be used by the property owner to complete any additional removal and remediation as prescribed by the Board of Selectmen or Planning Board (and consented to by the property owner) up to the amount set forth in the Escrow Agreement; (iii) and any excess be returned to the Applicant.

The Escrow Amount shall be established by the Applicant to the satisfaction of the Board of Selectmen or Planning Board and the property owner based upon the Applicant's delivery of a

fully inclusive estimate of the costs (the "Removal Cost Estimate") associated with said removal and remediation (such amount not to be less than the amount set forth in the lease), prepared by a qualified engineer. The Removal Cost Estimate shall be re-evaluated every seventh (7th) anniversary of the Building Permit by the Applicant's designated engineer and, in the event of any adjustments to said Removal Cost Estimate that are approved in writing by both the Board of Selectmen or Planning Board and the property owner, the Escrow Amount shall be correspondingly adjusted to reflect such updated Removal Cost Estimate. Within 90 days of each said 7th anniversary, the property owner shall confirm in writing to the Board of Selectmen or Planning Board the continued compliance and fully funded status of the Escrow Account in satisfaction of this condition.

Any System that does not comply with the above noted requirements, including the re-evaluation requirements governing the Removal Cost Estimate and any System that has been abandoned or not used for a two years or more shall be deemed to no longer comply with the Marion Zoning Bylaws and shall be subject to the enforcement and penalty provisions of civil and criminal laws of the Town of Marion and Commonwealth of Massachusetts.

or take any other action thereon.

Article 31. To see if the Town will vote to amend the Zoning Bylaw by adding:

(1) a new zoning district entitled "Municipal Solar Overlay District" in the list of Zoning Districts included in Section 3.1; and;

(2) a new zoning district designation and column to Section 4.2 (Table of Principal Uses) to be identified as "MSOD-Municipal Solar Overlay District"; and;

(3) including the letter "Y" in the aforesaid MSOD COLUMN within Section 4.2 to correspond with the Principal Use "Municipal Facilities"; all other COLUMN entries to include the letter "N"; and to;

(4) add a new section 8.13, entitled "Municipal Solar Overlay District" as follows:

8.13 Municipal Solar Overlay District

8.13.1 Purpose Bylaw Objectives:

The purpose of the Municipal Solar Overlay District is to identify and include on the Marion Zoning Map with corresponding inclusion in the Zoning Bylaw, Town owned real property on which the installation of solar PV Systems without the need for a special permit would be compatible and consistent with the Marion Zoning Bylaw.

8.13.2 Definition:

For the purposes of this Bylaw and without intending to limit the interpretation of the same, "Ground-mounted solar PV Systems" shall include any engineered and constructed structure that

converts sunlight into electrical energy through an array of solar panels that connect to a building's electrical system and/or the electrical grid.

8.13.3 Overlay District Locations

The Municipal Solar Overlay District shall be defined as and include Lots 8, 9, 9C, and 9D as shown on Marion Assessor's Map 24. The provisions of this District shall be considered superimposed on and over the Zoning Map of the Town of Marion and shall hereinafter be referred to as the "Municipal Solar Overlay District". The uses and structures permitted in the Municipal Solar Overlay District shall be considered an addition to, and not in conflict with, the uses and structures permitted by the Zoning Bylaw and Zoning Map.

8.13.4 Allowable Uses and Structures

In addition to all other permitted and lawful uses and structures, within the Municipal Solar Overlay District, the Town of Marion shall be permitted to construct or have others construct, Ground-mounted solar PV Systems provided that a building permit has been issued pursuant to the Massachusetts Building Code. No special permit shall be required for construction of Ground-mounted solar PV Systems within the Municipal Solar Overlay District. Submission to the Planning Board for Minor Site Plan Review and Approval pursuant to Section 9.1.1 of the Zoning Bylaw shall be as required by this Bylaw (Section 8.13, et seq.), regardless of the minimum threshold requirements found in Section 9.1.1. In addition, a solar PV installation on the closed landfill within the Municipal Solar Overlay District also requires a MassDEP post-closure permit according to the MassDEP's Landfill Post-Closure Use Permitting Guidelines. All the provisions of the general or special laws relating to the use, lease and disposal of municipally owned property shall apply to any use or application of the Municipal Solar Overlay District;

or take any other action thereon.

Zoning Map of The Town of Marion with Assessors' Lots September 30, 1999

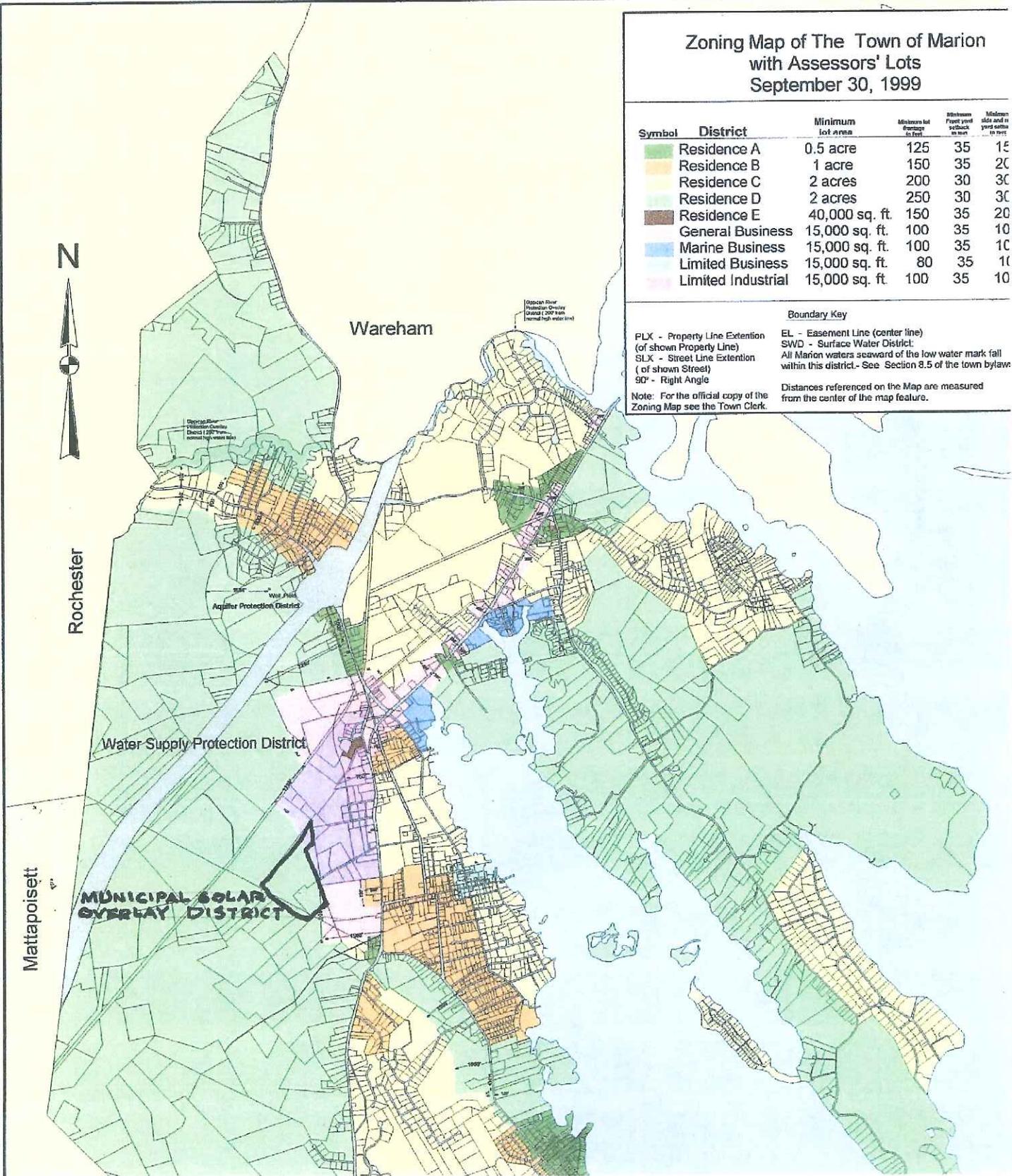
Symbol	District	Minimum lot area	Minimum lot frontage in feet	Minimum front yard setback in feet	Minimum side and rear yard setbacks in feet
■	Residence A	0.5 acre	125	35	15
■	Residence B	1 acre	150	35	20
■	Residence C	2 acres	200	30	30
■	Residence D	2 acres	250	30	30
■	Residence E	40,000 sq. ft.	150	35	20
■	General Business	15,000 sq. ft.	100	35	10
■	Marine Business	15,000 sq. ft.	100	35	10
■	Limited Business	15,000 sq. ft.	80	35	10
■	Limited Industrial	15,000 sq. ft.	100	35	10

Boundary Key

PLX - Property Line Extension (of shown Property Line)
 SLX - Street Line Extension (of shown Street)
 90° - Right Angle
 Note: For the official copy of the Zoning Map see the Town Clerk.

EL - Easement Line (center line)
 SWD - Surface Water District:
 All Marion waters seaward of the low water mark fall within this district. - See Section 8.5 of the town bylaws.

Distances referenced on the Map are measured from the center of the map feature.





TOWN OF MARION ASSESSORS PLANS

SCALE = 200 FEET
FEBRUARY-1948

25

23
29 Acres

13
82 AC. 7277

APPROX. AREA OF PROPOSED
COMMUNITY SOLAR GARDEN

MUNICIPAL SOLAR OVERLAY DISTRICT

26

8
112 Acres

1
24.25 Acres

10N
2.4 AC. 21461

10M
2.4 AC. 46232

10
12 AC. 27498

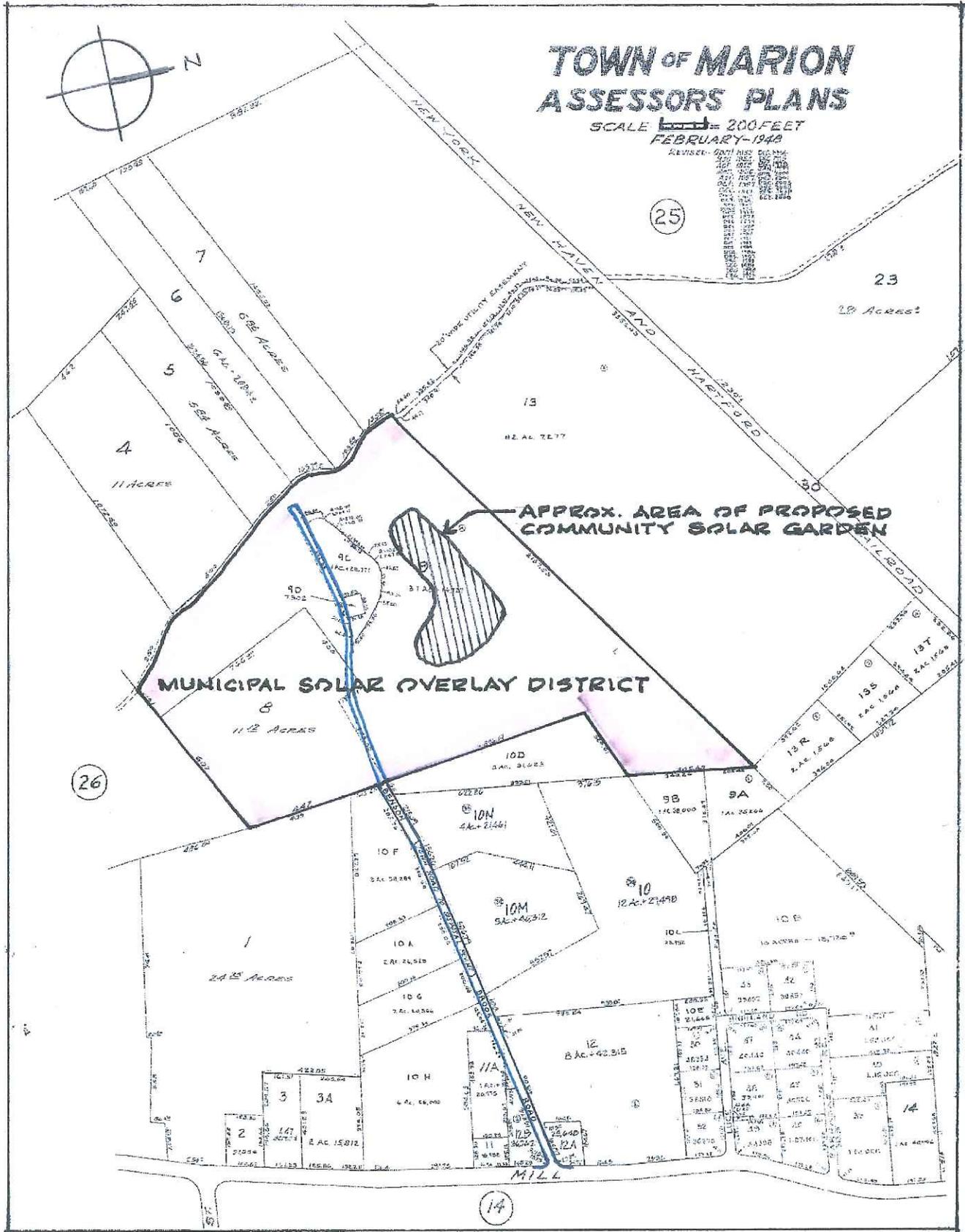
12
8 AC. 42315

10H
6 AC. 18,000

3
2 AC. 15012

3A

14



MAIN ST.