

**SENATE . . . . . No. 1176**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to installing solar energy systems in historic districts.

PETITION OF:

NAME:

*Julian Cyr*

DISTRICT/ADDRESS:

*Cape and Islands*

**SENATE . . . . . No. 1176**

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1176) of Julian Cyr for legislation relative to installing solar energy systems in historic districts . Municipalities and Regional Government.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to installing solar energy systems in historic districts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 4 of chapter 40C of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out, in line 12, the word “and”.

3 SECTION 2. Said section 4 of chapter 40C of the General Laws, as so appearing, is  
4 hereby amended by inserting, in line 13, after the word “area” the following words:-

5 “ , at least one building contractor with no less than 5 years of experience in the historical  
6 building trade, and one solar energy systems industry representative. If the building contractor is  
7 also an industry representative, only one member is needed. Contractors and industry  
8 representatives must be appointed annually.”

9 SECTION 3. Section 7 of chapter 40C of the General Laws, as so appearing, is hereby  
10 amended by striking out the last sentence.

11 SECTION 4. Said section 7 of chapter 40C of the General Laws , as so appearing, is  
12 hereby amended by inserting after the word “access.”, in line 17, the following sentences:-

13 “Historic district commissions must give a written notice of a denial of a solar energy  
14 system application to the applicant within 14 days of its filing and post a fully signed copy on the  
15 internet website of their governing municipality within three days of issuance. As part of the  
16 notice, an applicant must be provided with rationale for the denial, including but not limited to:  
17 criterion that triggered the rejection, how the proposal meets the criterion, and recommend  
18 changes to the application that would improve the chance of approval upon resubmission.”

19 SECTION 5. Section 11 of chapter 40C of the General Laws, as so appearing, is hereby  
20 amended by striking out the wording, in lines 37 and 38, after the word “if” and inserting in  
21 place thereof the following wording:-

22 “applicants for solar energy system installations can secure a waiver from the hearing  
23 with the written signature of five property owners within a mile of the residence or commercial  
24 structure in question, upon which the panels will be built.”

25 SECTION 6. Section 12 of chapter 40C of the General Laws, as so appearing, is hereby  
26 amended by inserting after the last sentence of the first paragraph the following sentence:-

27 “The appellate body should overrule the historic district commission decision if it  
28 violates prior documented criterion from that historic district commission for approval of  
29 residential solar energy system installation.”

30 SECTION 7. Notwithstanding any general or special law to the contrary, there shall be a  
31 special state-wide commission to design, standardize, and draft suggested guidelines for

32 compliant solar energy system installations within historic districts by December 1, 2020. The  
33 commission may include representatives of the Massachusetts Municipal Association, the  
34 Metropolitan Area Planning Council, the solar installation industry, regional planning agencies,  
35 and historic district commissions within each county in Massachusetts to study matters relative  
36 to the rights of residents or landowners within a historic district to install arrays of solar energy  
37 systems on land or buildings. If a district requires a modification of the State guidelines, they  
38 must file an exemption clause to their regional planning agency justifying their need to add or  
39 remove a clause and shall upload their specific guidelines to their internet website.