

SENATE No. 1289

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. 1289

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 1289) of Julian Cyr for legislation relative to installing solar energy systems in historic districts. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1326 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020
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 (i) criterion that triggered the rejection; (ii) how the proposal meets the criterion; and (iii)
18 recommend changes to the application that would improve the chance of approval upon
19 resubmission.”

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

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

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

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

31 SECTION 7. Notwithstanding any general or special law to the contrary, there shall be a
32 special state-wide commission to design, standardize, and draft suggested guidelines for
33 compliant solar energy system installations within historic districts by December 1, 2022. The
34 commission may include representatives of the Massachusetts Municipal Association, the
35 Metropolitan Area Planning Council, the solar installation industry, regional planning agencies,
36 and historic district commissions within each county in Massachusetts to study matters relative
37 to the rights of residents or landowners within a historic district to install arrays of solar energy
38 systems on land or buildings. If a district requires a modification of the State guidelines, they
39 must file an exemption clause to their regional planning agency justifying their need to add or
40 remove a clause and shall upload their specific guidelines to their internet website.

41 SECTION 8. Section 9(b) of chapter 395 of the acts of 1970, as amended by section 2 of
42 Chapter 57 of the acts of 2000, is hereby further amended by inserting after the word “vicinity”
43 the following words:-

44 “ and outside the Old Historic Districts of Town and Sconset the Historic District
45 Commission shall allow for the visible integration of solar panels and renewable energy
46 systems,”

47 SECTION 9. The Old Kings Highway Historic District Commission, as established by
48 chapter 470 of the Acts of 1973, shall allow for the integration and installation of solar panels
49 and other renewable energy systems on real private property within the historic district, provided

50 that such installation maintains principals of minimal visual impact, which, for the purposes of
51 this section, is defined as installation of new ecological technologies, including, but not limited
52 to, solar energy systems, within historic districts, shall be done in a manner that minimizes how
53 visible the installation is in relation to Massachusetts State Highway Route 6A and, to the extent
54 possible, while ensuring the integrity of the installation, avoids making significant changes to
55 preexisting historical architecture.

56 SECTION 10. Section 7 of chapter 470 of the Acts of 1973 is hereby amended by
57 inserting after the word “act” at the end of the first paragraph the following:- “; nor shall
58 anything in this act be construed to prevent the erection, construction, reconstruction, restoration,
59 alteration or demolition of any such existing feature which is done to increase the energy
60 efficiency of any building or structure, including, but not limited to the installation of solar
61 panels, and other renewable energy systems, within the district”.

62 SECTION 11. Section 12 of chapter 470 of the acts of 1973 is hereby repealed.