

Marcotte - 254 Queen Anne Road

The Petitioner seeks to modify the existing Site Plan approved by this Board in Decision No. PB 2000-46. This Board has the authority to do so pursuant to Section 400 of the By-law. However, pursuant to MGLA 40A, Section 3, 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 when necessary to protect the public health, safety or welfare.

The Petitioner seeks to construct a solar energy system/canopy on the existing self storage units on the subject property and construct a canopy over the existing parking area to the rear of the lot. In order to meet financial constraints and grant-writing requirements the solar energy system has to be large enough to meet said requirements. This results in the canopy over the parking lot being a distance of 5 feet from the rear lot line, where 50 feet is required, as well as being 15 feet from both sidelines where 25 feet is required under the Zoning By-law. Existing building coverage is 27% (40% max) and existing lot coverage is 93% (70% max). These arguably will remain the same as the canopy is not a "building" and the 93% site coverage is due in large part to the asphalt paving. The circulation areas, screening, site circulation, drainage, and parking calculations and layout are shown on the attached plan by ARC design dated 10/26/2021.

It is the Petitioner's contention that the proposed solar energy system/canopy will not constitute a danger to the public health, safety or welfare. Further, since the canopy to the rear of the lot will cover the existing parking area and be adjacent to the Mid-Cape Highway a 5 foot setback is reasonable versus a 50 foot setback, and 15 foot setbacks on both sides is reasonable versus a 25 foot setback.

In summary, the Petitioner requests a modification of the aforementioned site plan in accordance with the plans submitted and contends that failure to do so would constitute an unreasonable regulation concerning the proposed solar energy system/canopy.