

DRAFT PROPOSAL

Zoning Bylaw Amendment

Amendments are being proposed in the following sections:

- 4.2 Use Table, Principal Uses
- 4.4 Accessory Uses
- 4.7 Prohibited Uses
- 4.8.9 Solar Photovoltaic Generating Installations
- 5.2 Interpretation notes for area

4.2 Use Table, Principal Uses

Zoning District	RR	SR	LR	VR	TC	C	I	Refer to Section
H. Other Principal Uses								
6. Roof Mounted Solar Photovoltaic Generating Installation	Y	Y	Y	Y	Y	Y	Y	4.8.9
7. Small Scale (15kW or less) DC Photovoltaic Generating Installation	SPP SPZ	SPP SPZ	N	N	N	SPP SPZ	SPP SPZ	4.8.9
8. Medium Scale (greater than 15kW or 200 kW DC Photovoltaic Generating Installation)	SPP	N	N	N	N	SPP	SPP	4.8.9
9. Large Scale (greater than 15 200 kW) Photovoltaic Generating Installation	SPP	N	N	N	N	N	SPP	4.8.9
10. Battery Energy Storage System (greater than 20 KWh)	N	N	N	N	N	N	N	4.8.9

4.4 Accessory Uses

4.4.1 The following uses are permitted as indicated below as accessory uses to the primary use of the property. In no case shall such uses exceed 40% of the property, determined by square footage of the structure in which it is located or square footage of the area of the parcel, whichever is the appropriate measure. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required. (Amended 11/17/16 Art. 14)

A. Private garage, greenhouse, shed, swimming pool, tennis court, ~~small scale ground-mounted installation that serve as an accessory to a single-family or two-family home~~, Energy Storage System (ESS) below 20 KWh, or other similar structures or uses on residential properties for the use of the residents are permitted subject to compliance with the dimensional requirements of Article 5 of the Zoning Bylaw.

4.7 Prohibited Uses

4.7.1 Any use not included in the Table of Uses is prohibited, including, but not limited to the specific uses below, which are spelled out as a matter of clarification. For specific uses which are not listed but are clearly within a category listed in the Table, the Building Inspector/Zoning Enforcement Officer shall make the determination as to whether the proposed use is permitted, and if so, which category it will be classified as.

A. Recreational vehicle or mobile home, or recreational vehicle or mobile home park. This shall not be construed to mean a homeowner cannot park his own recreational vehicle on his lot for storage purposes.

B. Lodging house.

C. Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1 (j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of license marijuana-related businesses, shall be prohibited within the Town of Spencer. (Amended 5/4/17 Art. 25)

D. ~~Battery~~ Energy Storage System (BESS) not located on the site of, and specifically ~~appurtenant~~ **connected, accessory to**, a permitted Large Scale Solar Installation (LSSI). For the purposes of this section, Battery Energy Storage System (BESS) is defined as a non-generating energy storage system that utilizes batteries and other commercially available technology capable of drawing electric power from existing electrical infrastructure, storing it for a period of time, and thereafter discharging electric power into the existing electrical infrastructure.

ARTICLE 4.8.9 **LARGE-SCALE** SOLAR PHOTOVOLTAIC GENERATING
INSTALLATIONS

(Amended 11/17/16 Art. 12)

- A. Purpose - The purpose of this bylaw is to facilitate the creation of new **large-scale** Solar Photovoltaic Generating Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on the environment, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations consistent with the intent of Chapter 40A Section 3 of the Massachusetts General Laws.
- B. Applicability - The provisions set forth in this section shall apply to the construction, operation, **modification**, repair and/or removal of **large-scale** Photovoltaic Generating Installations as permitted in Article 4.2. Use Regulations. All such facilities require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other applicable provisions of Spencer's Zoning Bylaws.

Smaller scale ground or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but must comply with the other provisions of Spencer's Zoning Bylaws as applicable.

C. Definitions

Accessory Use: A use which is customarily incidental, subordinate to, and supporting of the principal use of a lot or structure and is located on the same parcel or contiguous parcels as the principal structure or use.

Building Official: The state certified town inspector of buildings, building commissioner, or local inspector, charged with the enforcement of the Spencer Zoning Bylaw.

Energy Storage System (ESS): A device or group of devices assembled together, capable of storing energy in order to supply electrical energy at a later time.

Large Scale Ground-Mounted Solar Photovoltaic Installation: A ground-mounted solar energy system that occupies **40,000 square feet** or more of surface area. ~~Or a solar photovoltaic system that~~ and is structurally mounted on the ground and is not roof-mounted, has a minimum nameplate capacity of **15 kW DC**, and generates power utilized at least in part off-site.

Principal Use: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this ordinance shall be considered an accessory use.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Roof-Mounted Solar Energy System: A photovoltaic (PV) system that has its electricity-generating solar panels mounted on the rooftop of a residential or commercial building or structure.

Site Plan Review Authority: For purposes of Large-Scale Ground-Mounted Solar Photovoltaic installations and Energy Storage Systems, the Site Plan Review Authority is the Spencer Planning Board.

Small Scale Ground-Mounted Solar Photovoltaic Installation: A ground-mounted solar energy system that occupies less than 40,000 square feet. ~~Or a solar photovoltaic system that~~ and is structurally mounted on the ground and is not roof-mounted, has a ~~minimum~~ maximum nameplate capacity less than 15 kW DC, and generates power utilized at least in part off-site.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

D. General Requirements

1. The construction and operation of all Photovoltaic Generating Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Photovoltaic Generating Installation shall be constructed in accordance with the Massachusetts State Building Code.

2. Photovoltaic Generating Installations shall not be constructed, installed or modified as provided in this section without first obtaining a building permit and paying any required fees.

3. Noise generated by Photovoltaic Generating Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

- a. Increases the broadband sound level by more than 10 db (A) above ambient, or
- b. Produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP.

E. The Photovoltaic Generating Installation's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Generating Facilities and any access road(s).

F. Required Submission Documents – Special Permit And/or Site Plan Review Applications shall include:

1. A properly completed and executed application form and application fee.
2. Any requested Waivers
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
4. Name, contact information and signature of any agents representing the project proponent.
5. Name, address, and contact information for proposed system installer.

6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation.
7. Proposed Hours of Operation
8. Route by which construction materials and equipment will be delivered to site.
9. Blueprints or drawings of the solar electric installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
10. Utility Notification - evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification. A copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR § 12.00) compliant disconnects and overcurrent devices. Off-grid systems shall be exempt from this requirement. (Amended 11/16/17 Art.9)
11. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc. If the proposed system is located in Aquifer Protection District, documentation must include information on elements of the system that use materials that are in any way either hazardous or toxic.
12. Documentation by an acoustical engineer of the noise levels projected to be generated by the installation.
13. Operation & Maintenance Plan for the operation and maintenance of the Photovoltaic Generating Installation, which shall include measures for maintaining safe access to the installation, storm water and vegetation controls, and general procedures for operational maintenance of the installation.
 1. Abandonment & Decommissioning Plan - Any Photovoltaic Generating Installation which has reached the end of its useful life or has been abandoned (i.e. when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of

abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment & Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (d) Description of financial surety for decommissioning - Proponents of Solar Electric Generating Facilities shall provide a form of surety, either through **escrow account, bond or other form of surety** approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The Planning Board may review the surety at any time on form and/or amount of surety be adjusted as required to insure that adequate security is maintained. Each new owner or operator of the Facility shall provide good evidence to the Planning Board immediately upon assuming ownership or responsibility that it is the principal for or has otherwise provided and is responsible for the required decommissioning security.
- (e) All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.

14. Ownership Changes – If the Applicant, Owner, Manager, or Operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation changes or the owner of the property changes, the site plan approval shall remain in effect provided that the successor Owner or Operator assumes in writing all of the obligations of the Site Plan Approval, Operation and Maintenance Plan, and Decommissioning Plan. A new Owner or Operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall notify the Planning Board and local emergency personnel of such change in ownership or Operator within [30] days of the ownership change. Together with such notification, the new owner or operator shall provide good evidence that it is the principal for or has otherwise provided and is responsible for the required decommissioning security,

15. Proof of liability insurance.

16. A Site Plan with stamp and signature of Professional Engineer licensed to practice in Massachusetts that prepared the plans including;

- (a) Everything required under Section 7.4 Site Plan Review, plus all of the following;
- (b) Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site signed and sealed by a Registered Massachusetts Land Surveyor;
- (c) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fencing or structures including their height and placement of system signed and including, solar arrays and required appurtenances;
- (d) An estimate of earthwork operations listing the amount of soil material to be imported or exported from the site.
- (e) Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- (f) Locations of Floodplain area, as well as Aquifer Protection District (Zone 2)
- (g) Existing isolated trees 10" caliper or larger and shrubs.

- (h) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).
- (i) Materials, delivery, equipment staging area.
- (j) Proposed installation of screening vegetation or structures

G. Design and Performance Standards

1. Minimum Dimensional and Setback Requirements For Solar Electric Generating Facilities Appurtenant Structures (including but not limited to, equipment shelters, storage facilities, transformers, fencing, parking and substations):
 - (a) Lot size and frontage: **Large-Scale ground-mounted** solar electric generating facilities are considered a principal use and require the minimum lot size, lot width and frontage required for principal structures in the underlying district.
 - (b) Setbacks: The solar installation and all appurtenant structures shall have a setback from front property lines and public ways of at least 200 feet, and a setback from side, and rear property lines and public ways of at least 100 feet. If the solar installation abuts an open field, farm, or pasture it shall have a setback from front, side, and rear property lines and public ways of at least 300 feet. This may be reduced at the discretion of the Planning Board if sufficient natural vegetation exists in the setback area, but to not less than 100 feet. No facilities are permitted between the front of the principal building and the front lot line. **Battery Energy storage system shall have a setback from front property lines and public ways of at least 300 feet, and a setback from side, and rear property lines and public ways of at least 200 feet. If the solar installation abuts an open field, farm, or pasture the battery storage shall have a setback from front, side, and rear property lines and public ways of at least 400 feet.**
 - (c) Maximum Height of Structures
 - Residential Districts: 10'
 - Non-Residential Districts: 15'
2. All appurtenant **connected, accessory structures** to Solar Electric Generating Facilities shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3. Visual Impact Mitigation - The visual impact of the solar installation and all appurtenant structures shall be mitigated to the maximum extent feasible. All appurtenant structures shall be architecturally compatible with each other and joined or clustered. Structures shall be shielded from view to avoid adverse visual impacts as deemed necessary by the Planning Board, utilizing methods such as landscaping, natural fences and opaque fencing. In natural (undeveloped) areas, existing vegetation shall be preserved to the maximum extent possible. In developed areas, the design of the installation shall consider and incorporate human-designed landscape features to the greatest extent, including contextual landscaping and landscaping amenities that compliment the physical features of the site and abutting properties. All structures shall be shielded from view by a substantial sight-impervious vegetative screen. As deemed necessary by the Planning Board, the depth of the vegetative screen shall be 30 feet and shall be composed of native or naturalized trees and shrubs staggered for height and density. The landscaping shall be properly maintained and replaced as necessary by the owner/operator of the solar energy system. A diversity of plant species shall be used, with a mix of deciduous and evergreen varieties. The use of pollinator species is encouraged. In the absence of on-site irrigation, a water truck or water bags shall be used for the first three growing seasons to assure plant survival.

Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. The mature height of the vegetative screen shall be such that the installation's structures are not apparent to a person upon any public road and viewing the installation from a height of 10 feet. This determination will be at the discretion of the Planning Board and/or Building Inspector.

Planting of the vegetative screening shall be completed prior to final approval of the photovoltaic installation by the Building Inspector.

4. Lighting - Lighting of Solar Electric Generating Facilities shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the Photovoltaic Generating Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
5. Signage - Solar Electric Generating Facilities shall not be used for displaying any advertising signage except for reasonable identification of the manufacturer or operator of the solar electric installation. Signs on Solar Electric Generating Facilities shall comply with Spencer's sign bylaw. A sign consistent with Spencer's sign bylaw shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number.

6. Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the Photovoltaic Generating Installation 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 the utility provider.

7. Roads - Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

8. Vegetation Management-Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Photovoltaic Generating Installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives. In the Aquifer Protection District, low growing grasses are optimal. Other grasses must be regularly mowed or grazed so as to minimize the amount and height of "fuel" available in case of fire.

All land associated with the ground-mounted solar installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize on-site infiltration of stormwater. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited. Herbicides shall be applied only by properly licensed personnel in conformance with all applicable state regulations.

9. Hazardous Materials - If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of ground water are required. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment.

10. Impact on Agricultural and Environmentally Sensitive Land - The Photovoltaic Generating Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50-percent of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.

11. Drainage - The design shall minimize the use of concrete and other impervious materials to the greatest extent possible, to minimize erosion and transport of sediment, and prevent contamination of surface water and groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances. A permit in accordance with the Spencer Erosion and Sediment Control for Stormwater Management shall be required and can be run concurrent with the approval process under this section.

12. Projects shall be designed to:

- (a) minimize the volume of cut and fill, the number of removed trees 10" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution
- (b) maximize pedestrian and vehicular safety both on the site and entering and exiting the site;
- (c) minimize obstruction of scenic views from publicly accessible locations;
- (d) minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- (e) minimize glare from headlights and light trespass;
- (f) Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage.

13. Emergency Services - The Photovoltaic Generating Installation's owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Photovoltaic Generating Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

14. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Photovoltaic Generating Installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for Solar Electric Generating Facilities shall contain land requiring clearing of forest.

15. No topsoil shall be removed from the land parcel under consideration for Solar Electric Generating Facilities. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such time earthwork operations are completed and topsoil can be respread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.

16. Large-Scale Solar Photovoltaic Facilities - The total number of Large Solar Energy Facilities concurrently within the Town shall be limited to 25. Included within this number are large facilities that have received a permit to operate from the Spencer Planning Board as of the effective date of this Solar Energy bylaw. The total number of Large Solar Energy Facilities shall be quantified by the personal property bill and/or tax agreements, which is determined by the Town of Spencer's Assessor.

17. Battery Electric Storage System Unit: Applicant-Developer shall submit plans for proposed on-site battery storage unit(s) for review by the Spencer Fire Department and by such consultants as deemed necessary by the Planning Board, at the expense of the applicant. Plans shall include but not be limited to storage unit specifications, battery type, battery storage configuration, and fire extinguishing system.

1. Material Safety Data Sheets (MSDS) shall be included and meet the requirements set forth by Appendix D of 29 CFR 1910.1200.

2. The battery energy storage system shall be equipped with a fire suppression system capable of extinguishing a fire within the container, and immediate notification of the of the LSSI owner, the Spencer Fire Department and the Spencer Police Department.

3. Battery Energy storage units shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, and with all applicable state and federal regulations.

4. Battery Energy Storage System (BESS) capacity shall not exceed the total nameplate capacity of the permitted LSSI. Example: an LSSI rated at 4 mW shall not install battery storage exceeding a total capacity of 4 mW. An ESS battery Energy Storage System (BESS) not located on the site of, and specifically connected to, a permitted Large Scale Solar Installation (LSSI) is prohibited under Section 4.7 Prohibited Uses.

- H. Waivers - The Planning Board may, upon the prior written request of the applicant, waive any of the requirements of this sub-section, but must state their reasons for doing so in writing as part of their decision.
- I. Field Reports During Construction - While construction progresses, the applicant shall submit field reports by its civil engineer to the Board on a weekly basis, and before and after every rain event of 0.5 inches or more until the site is completely stabilized. The field report shall include standard field report information, weather conditions, type of inspection, present phase of construction, storm event information since the last inspection, and reports of any stormwater discharges.
- J. The operator shall provide the Planning Board with a yearly operations and maintenance report of the operation status, including but not limited to efficiency of energy production. This report shall be submitted no later than forty-five (45) days after the end of the calendar year. The applicant shall incur the cost for the Town to hire an engineer to review the report. If said report is not submitted, the Town may consider this as evidence the facility has been abandoned and the Planning Board may take action.
- K. Completion – No large-scale solar photovoltaic generating installations shall be issued a Certificate of Occupancy until the Spencer Planning Board has issued a Certificate of Completion.

5.2 Interpretation notes for area. The following shall be used to interpret the table of area requirements:

5.2.6 Detached Accessory Structures, including garages, sheds, swimming pools, etc. (see Section 4.4.1.A), on residential lots shall have a 10 foot setback from the side or rear lot line, provided said structure is located within the rear yard (i.e. anywhere behind the house from one side property line to the other). Any future connection of an accessory structure to a primary structure that creates nonconformity with regard to setbacks may be allowed by Special Permit issued by the Zoning Board of Appeals (Amended 11/17/16 Art. 14).

~~Small scale ground-mounted installation that serve as an accessory to a single-family or two-family home residential property shall have a 50 foot setback from the side and rear lot line, and must be located within the rear yard (i.e. anywhere behind the house from one side property line to the other). Any proposed array that is determined to be nonconforming with regard to setbacks may be allowed by Special Permit issued by the Zoning Board of Appeals.~~