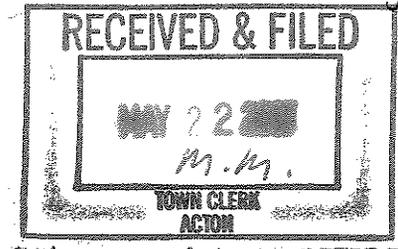


**EYI**



Massachusetts

Board of Appeals

## NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday, July 9, 2007 at 7:45 P.M. in the TOWN HALL

on the following petition:

Hearing # 07-04

Georgiana B. Gagnon for a VARIANCE from Section 5.3.1 of the Zoning bylaw to allow the installation of Photovoltaic Solar Panels 20' feet from Pope Road where 45' feet is required. Located at 126 Strawberry Hill Rd.  
Map E-5/Parcel-52.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Jonathan Wagner



Date Received  
TOWN CLERK 5-21-07

By: Marty Allwell

Date Received  
BOARD OF APPEALS

By: \_\_\_\_\_

Town of Acton  
Massachusetts

**Board of Appeals  
(Form 5)  
Petition For Variance**

May 8 2007

I/We hereby petition the Board of Appeals for a public hearing and a variance from the requirements of Section 5.3.1 of the Zoning By-law, as provided by G.L. Chapter 40A, Section 10 to allow:

INSTALLATION OF PHOTOVOLTAIC SOLAR PANELS WITHIN THE  
SETBACK AREA

**OFFICE USE ONLY**

Seven copies of petition? \_\_\_\_\_

Location Map? \_\_\_\_\_

Plot plans? \_\_\_\_\_

Additional briefs? \_\_\_\_\_

List of abutters and other interested parties? \_\_\_\_\_

Fee - \$100.00/1-25 abutters?  
\$125.00/26 + abutters? \_\_\_\_\_

Next Hearing Date? \_\_\_\_\_ # \_\_\_\_\_

Respectfully submitted,

Signed Georgiana B Gagnon  
(Petitioner)

Name GEORGIANA B. GAGNON

Address 126 STRAWBERRY HILL RD.

Phone # 978-287-5807

Signed Scott A Gagnon Georgiana B Gagnon  
(Owner of Record)

Name SCOTT A. GAGNON† GEORGIANA B. GAGNON

Address 126 STRAWBERRY HILL RD.  
ACTON, MA 01720

Phone # 978-287-5807

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision. (Section X-D)



TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9632  
Fax (978) 264-9630

**Building Department**

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May 2, 2007

Georgiana B. Gagnon  
126 Strawberry Hill Road  
Concord MA 01742

Re; Solar Panels

Dear Ms. Gagnon,

You have questioned if ground mounted photovoltaic solar panels would be considered a STRUCTURE and therefore subject to setback requirements as set forth in the Table of Standard Dimensional Regulations. I believe solar panels are subject to the setback requirements. Acton Zoning Bylaw § 5.3.1 provides;

*Unless otherwise specified in this Bylaw, no STRUCTURE shall be located within the required yard area of any LOT except: walls or fences no more than eight feet in height; uncovered steps, ramps or terraces; sign posts; pedestrian lighting facilities; flagpoles; or similar STRUCTURES.*

Acton Zoning Bylaw § 1.3.17 defines a STRUCTURE as follows;

*A combination of materials assembled to give support or shelter, such as BUILDINGS, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, tennis courts, signs, fences; but not including driveways, walkways and other paved areas, underground storage tanks, septic tanks and septic systems, and accessory facilities associated with the provision of utilities such as drains, wells, transformers and telephone poles.*

The Zoning Bylaw widely defines structures as noted above. While these type of solar panels are not directly mechanical equipment they are similar in nature and generally look and operates similar. I am therefore determining that photovoltaic solar panels are structures within the meaning of the Bylaw and are subject to setback requirement of the Table of Standard Dimensional Regulations. If you disagree with this decision you have the right to appeal to the Zoning Board of Appeals.

Sincerely,

Garry Rhodes  
Building Commissioner



1" = 1200'

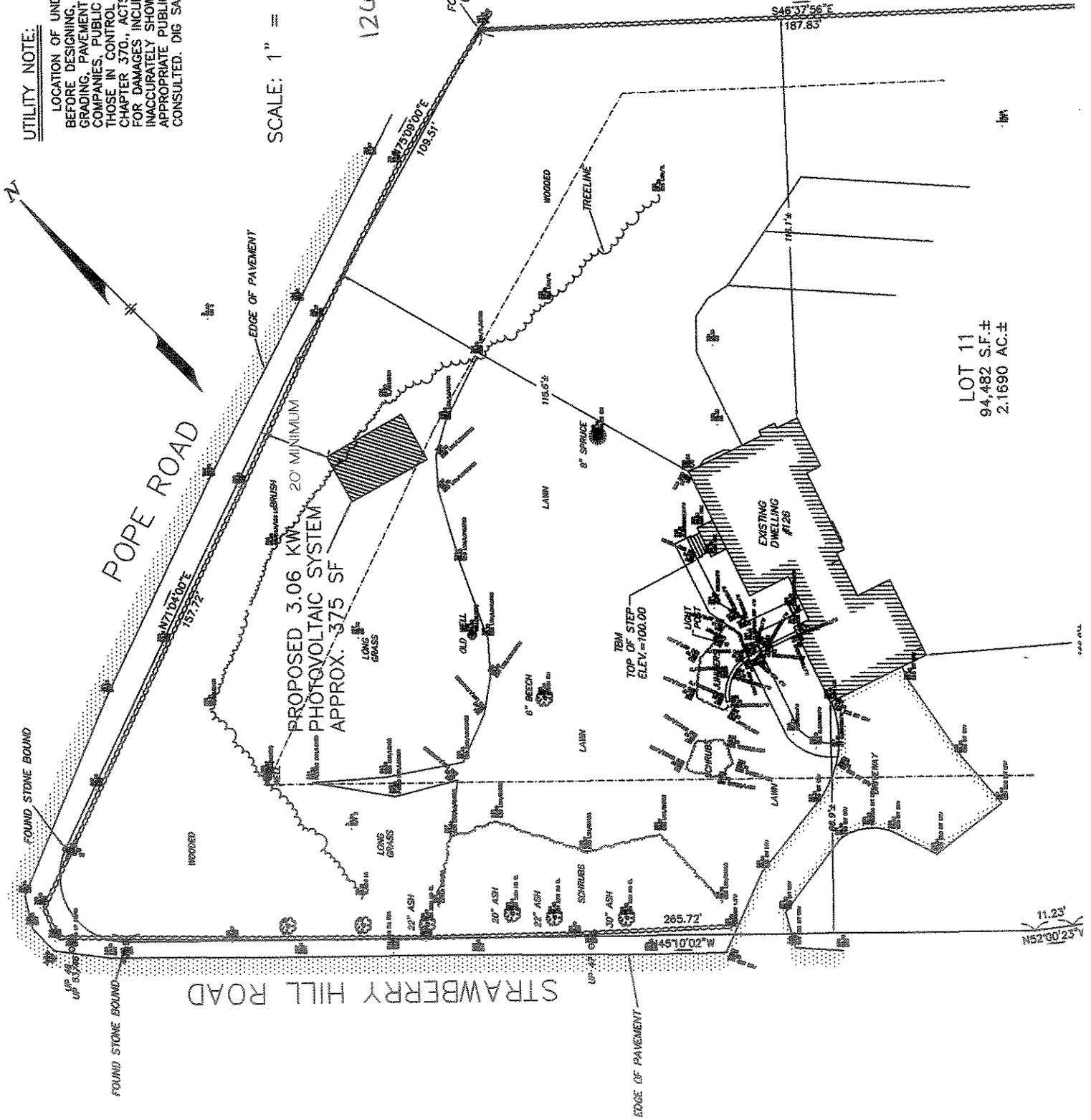
D

**UTILITY NOTE:**

LOCATION OF UNDERGROUND UTILITIES ARE NOT SHOWN BEFORE DESIGNING, EXCAVATING, BLASTING, INSTALLING, SAC GRADING, PAVEMENT RESTORATION OR REPAIRING. ALL UTILTY COMPANIES, PUBLIC AND PRIVATE, MUST BE CONTACTED IN THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN. CHAPTER 370, ACTS OF 1963 MASS. WE ASSUME NO RESF FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTE APPROPRIATE PUBLIC UTILITY ENGINEERING DEPARTMENT MU CONSULTED. DIG SAFE TELE. NO. 1-800-322-4844.

SCALE: 1" = 40'

GAGNON RESIDENCE  
126 STRAWBERRY HILL RD.  
ACTON, MA 01720



LOT 11  
94,482 S.F. ±  
2.1690 AC. ±

POPE ROAD

STRAWBERRY HILL ROAD

PROPOSED 3.06 KW  
PHOTOVOLTAIC SYSTEM  
APPROX. 375 SF

EXISTING DWELLING  
#126

TOP OF STEP  
ELEV. = 100.00

FOUND IRON PIPE  
(LOT CORNER)

EDGE OF PAVEMENT

EDGE OF PAVEMENT

FOUND STONE BOUND

FOUND STONE BOUND

UP #1

UP #2

11.23'  
N52°00'23"W

157.72'

N71°04'00"E

109.51'

N75°09'00"E

187.83'

S46°37'56"E

116.65'

116.17'

265.72'

451.02'

N45°10'02"W

**Gia Gagnon**

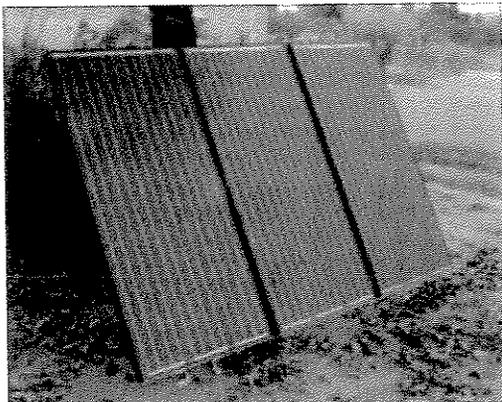
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**From:** "Environmental Energy Consultants" <energy.consultants@adelphia.net>  
**To:** "Gia Gagnon" <Giagagnon@comcast.net>  
**Sent:** Tuesday, May 08, 2007 1:02 PM  
**Subject:** [SPAM] Re: Photo

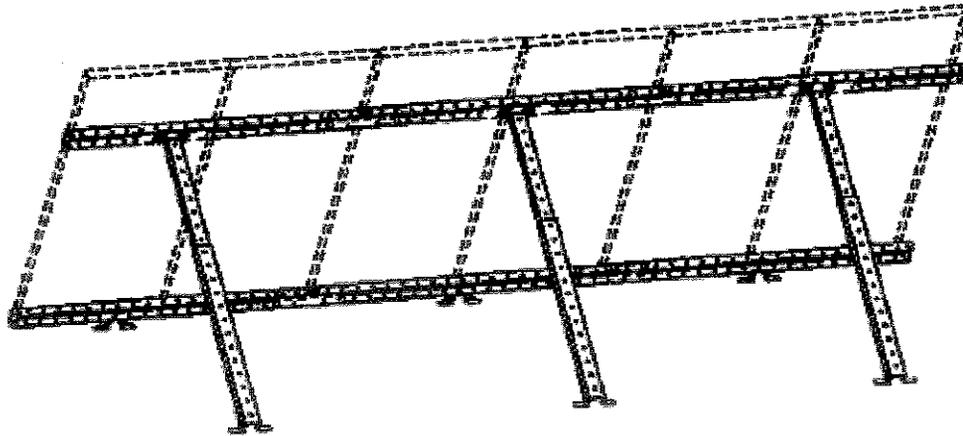
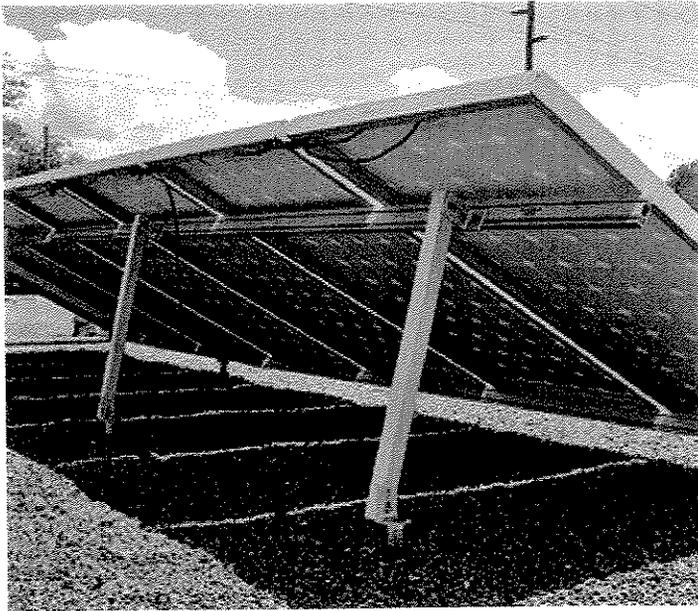
Gia,

I have no photos of a 3 kW but these should give you an idea on how it will look. The system will have 2 rows, 8 panels each. It will require approximately 15' X 25' clear land and be slightly less than 6' from the ground to the top of the panel's.

Patrick



5/8/2007



Environmental Energy Consultants

P.O. Box 668  
Bryantville, MA 02327

Phone: 781-836-0217  
Cell: 781-588-3259  
Fax: 781-836-0213

Hi Patrick,

Do you have any photo's of a 3 KW ground mounted PV system that is similar to what is proposed at my house? I'd like to include something in the Petition for Variance. If you don't is there a website that you would recommend? Thanks, Gia Gagnon

5/8/2007



Town of Acton  
 472 Main Street  
 Acton, MA 01720  
 Telephone (978) 264-9622  
 Fax (978) 264-9630

Brian McMullen  
 Assistant Assessor

Locus: 126 Strawberry Hill Rd  
 Parcel: E5-52

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
190 POPE RD	E5-16-15	CHRISTMAS DAVID A	CHRISTMAS MAUREEN H	190 POPE RD	ACTON	MA	01720
186 POPE RD	E5-16-16	DUGGAN CHRISTOPHER A	DUGGAN NANCY J	186 POPE ROAD	ACTON	MA	01720
118 STRAWBERRY HILL RD	E5-16-18	SARAFAN PETER M	SARAFAN AVA L	118 STRAWBERRY HILL RD	ACTON	MA	01720
200 POPE RD	E5-22	BUTTON DANIEL P	BUTTON KATHLEEN S	200 POPE RD	CONCORD	MA	01742
204 POPE RD	E5-22-1	LONGDEN JOHN M		204 POPE RD	ACTON	MA	01720
205 POPE RD	E5-37	WESTERMAYER JOHN A ET US TRS	WESTERMAYER REALTY TRUST	205 POPE RD	ACTON	MA	01720
211 POPE RD	E5-38	MACLELLAN STEPHEN J	MACLELLAN PAULINE H	211 POPE ROAD	CONCORD	MA	01742
2 SIMON HAPGOOD LN	F5-2	GADO JAMES E	ADACHI JANET K	2 SIMON HAPGOOD LN	CONCORD	MA	01742
4 SIMON HAPGOOD LN	F5-3	MUBAREK STEPHEN M	MARIANO TAMARA	4 SIMON HAPGOOD LN	ACTON	MA	01720
127 STRAWBERRY HILL RD	F5-12	SCHOELLER WALTER	SCHOELLER SUZANNE G	127 STRAWBERRY HILL RD	CONCORD	MA	01742
136 STRAWBERRY HILL RD	F5-12-2	OLSON GREG E	OLSON JUDITH A	136 STRAWBERRY HILL RD	ACTON	MA	01720
181 POPE RD	F5-12-5	STONEYMEADE PROPERTIES LLC		135 STRAWBERRY HILL RD	CONCORD	MA	01742

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

**HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:**

Boxborough, MA 01729    Maynard, MA 01754    Concord, MA 01742    Littleton, MA 01460  
 Carlisle, MA 01741    Stow, MA 01775    Westford, MA 01886    Sudbury, MA 01776

*Kimberly Hoyt*  
 Kimberly Hoyt  
 Assessing Clerk  
 Acton Assessors Office  
 18-May-07