

ARTICLE 14

Submitted by Zero Emission Advisory Board (ZEAB)

To see if the Town will amend the Zoning By-law as follows:

By amending Section 2.05, “E” Definitions, to add the following new paragraph (additions are underlined and deletions are strike-throughs):

1. Electrification Equipment: Any device that is powered by electricity and that is capable of both heating and cooling or vehicular charging. Air conditioning only condenser units powered by electricity or other fuel sources shall be excluded from this definition.

2. Erect: To construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

By amending Article V to add the following new Section 5.75:

**Sec. 5.75 Encroachments into Required Side and Rear Yard Setbacks:
 Electrification Equipment**

1. Purpose

- a. To promote the electrification of buildings and vehicles.

2. Location and Dimensions

- a. Electrification Equipment is prohibited in the Front Yard as defined in Sec. 2.25.1 and on the elevation of a Building corresponding to a Front lot line, but may encroach into required Side Yard setbacks and required Rear Yard setbacks, provided that:
 - i. at least two feet or the distance specified by the manufacturer, whichever is greater, is maintained from the vertical plane of the side and rear lot lines and
 - ii. all requirements under this Section and under applicable laws and regulations otherwise are met.

- b. Ground-mounted Electrification Equipment shall be located per manufacturer’s installation requirements and as close as possible to the building it serves to the satisfaction of the Building Commissioner or their designee.

3. Screening

- a. Roof-mounted **Electrification Equipment**, except for solar panels, shall be screened to a height that is equal to or greater than that of the mechanical equipment.
- b. The height of roof-mounted **Electrification Equipment** including supporting bases and associated screening shall not exceed 10 feet unless a Special Permit is granted by the Board of Appeals under Section 5.31.

4. Noise

- a. **Electrification Equipment** shall comply with the Town's Noise By-law.
- b. **Electrification Equipment that violates the Town's Noise By-Law shall be subject to enforcement by the Building Department or other Town agencies who may impose mitigation conditions.**

5. Historic Buildings

- a. Buildings listed in or eligible for listing in the National Register of Historic Places shall comply with Article 5.3, the Town's Demolition Delay By-law. For parcels in the Harvard Street Main Street District that also are in the Brookline Village National Register District, Article XI also applies.
- b. Buildings located in Local Historic Districts shall comply with Article 5.6 and relevant Local Historic District Guidelines.

6. Exceptions

- a. Mechanical equipment and **Electrification Equipment** on buildings within the Harvard Street Main Street District are subject to Article XI Section 11-5.08.
- b. The Board of Appeals may issue a Special Permit pursuant to Sec. 5.43 to substitute a reduction of the minimum required setback set forth in Sec. 5.75.1.a.i. This provision is not applicable to the Harvard Street Main Street District.
- c. A Yard abutting an alley to the rear shall not be considered a Front Yard solely for the purposes of this Section.

7. Exemptions

- a. The location of backup generators and pool and spa heaters are subject to Sections 5.63 and 5.72, accessory structures in side and rear yards.

- b. Energy Storage Systems (ESS), as defined, regulated, and permitted under the National Fire Protection Association (NFPA) standards, may be located in required Side and Rear Yards pursuant to the setback requirements in Sections 5.63 and 5.72.
- c. Below-grade energy systems, such as ground-source or geothermal heat pump installations, are exempt from Section 5.75 and may fully encroach into required Yard setbacks, subject to compliance with applicable statutes and regulations including but not limited to:
 - i. M.G.L. c.131, sec. 40 and 310 CMR 10.00, Wetlands Protection;
 - ii. M.G. L. c.21, sec. 43, Discharge of Pollutants;
 - iii. 310 CMR 15.000, the State Environmental Code, Title 5;
 - iv. 780 CMR Massachusetts Building Code;
 - v. 248 CMR Massachusetts Uniform Plumbing Code;
 - vi. Brookline Floodplain By-laws;
 - vii. Brookline Conservation Commission Regulations; and
 - viii. Brookline Board of Health Regulations.
- d. Roof-mounted solar photovoltaic panels may encroach in required Yard setbacks, subject to compliance with NFPA standards and manufacturer's specifications.
- e. Ground solar photovoltaic panels are regulated under Table 4.07 Use 40D and Use 61 and Section 5.06.4.h, Renewable Energy Overlay District.
- f. Residential structures with seven or more dwelling units shall be exempt from the provisions of Section 5.75, and must comply with all applicable setback requirements.

or act on anything relative thereto.