Anderson & Kreiger Secures Pivotal Win for Clean Energy Client

In a significant victory for A&K client New Leaf Energy, Land Court Judge Lauren Reznick ruled that developments of standalone battery energy storage facilities is protected from local zoning under G.L. c. 40A, § 3, paragraph 9 (the "Solar Zoning Provision"), as "structures that facilitate the collection of solar energy."

In this case of first impression, Partner Nina Pickering-Cook and Associate Marissa Grenon Gutierrez persuaded the Court to interpret the Solar Zoning Provision's "structures" clause and to affirm the critical role energy storage plays in advancing the Commonwealth's renewable energy and decarbonization goals. Indeed, Judge Reznick included among her findings the fact that, without energy storage, Massachusetts will not be able to build enough solar energy systems to reach the Commonwealth's carbon neutrality and renewable energy goals. The Court rejected the Town's argument that only batteries connected to solar generation systems are protected, recognizing that standalone battery storage helps reduce solar energy waste and supports greater integration of solar power into the grid.

The ruling authorizes New Leaf's 5MW storage project to proceed and sets an important precedent for similar projects statewide.

Nina Pickering-Cook advises and litigates on behalf of both public and private sector clients, focusing on construction, land use, and real estate matters.

Marissa Grenon Gutierrez advises on environmental, energy, land use, and administrative law, with a focus on regulatory compliance, permitting, and legislative advocacy.

Click to the link to read the full decision: Duxbury Energy Storage LLC., v. Town of Duxbury Zoning Board of Appeals, et al., 23 MISC 000643 LER