Courts Decide Cities and Towns Cannot Prohibit Solar Projects Without Site-Specific Reasoning

Massachusetts municipalities have limited authority to restrict the development of solar projects within their borders. Last week, the Supreme Judicial Court affirmed the bounds of those limits in *Sunpin Energy Systems, LLC* v. *Zoning Bd. of Appeals of Petersham*, WL 2023321 (July 14, 2026). The Court confirmed that, in order to deny a special permit application for a solar energy system, the municipality must have "individualized and site-specific reasons" to do so under G.L. c. 40A, § 3, ¶ 9.

Local governments generally have broad authority to enact laws to control the use of land within their communities. However, that authority is circumscribed by G.L. c. 40A, § 3. Section 3 bars local governments from prohibiting certain uses that are especially important to the state. Educational and religious uses were the first to receive protection, but over time, the Legislature extended Section 3's reach to childcare facilities, accessory dwelling units, radio antennas, and in the ninth paragraph, solar energy systems.

In *Sunpin Energy Systems, LLC*, a solar developer, Sunpin, applied for a special permit to build a large-scale ground-mounted solar energy system in Petersham, a heavily forested Worcester County town with about 1,100 residents on the Quabbin Reservoir. The ZBA denied the application on the grounds that the project would require extensive tree clearing, which the ZBA determined was not the "most appropriate" use of the land. The ZBA feared that approval would trigger a pattern of development and further tree cutting, harming the natural lands in Petersham.

Sunpin appealed and won. The SJC found that the ZBA's denial was not narrowly tailored to protecting the public health, safety, or welfare, and therefore ran afoul of G.L. c. 40A, § 3, ¶ 9. The Court was particularly concerned that the rationale offered by the ZBA could be applied to virtually every piece of land and was thus a kind of town-wide ban on solar projects, which is unlawful. *See Tracer Lane II Realty, LLC* v. *Waltham*, 489 Mass. 775, 781 (2022).

Local governments need not turn a blind eye to concerns such as tree removal, where forestry benefits the public health and welfare, and "avoiding unnecessary deforestation is an appropriate consideration" when evaluating a special permit application for a solar facility. But the determination must be **site-specific**—not generalized to large swaths of land—and the locality must consider whether it has provided reasonable opportunities for solar projects elsewhere. The SJC believes that these two factors should guide local governments in determining whether a denial of a special permit is "necessary to protect the public health, safety, and welfare" and therefore allowed under G.L c. 40A, § 3, ¶ 9.

The upshot of *Sunpin* is that municipalities may no longer deny special permit applications for solar energy systems on slippery slope grounds. Instead, a municipality must grant the application unless its reasons for denial are based on the particular siting at issue. Municipalities are advised to seek advice from counsel when considering such applications to ensure that their decisions are supported by state law.

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