

Bond Case Briefs

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Mojalaki Holdings, LLC v. City of Franklin

Supreme Court of New Hampshire - April 9, 2024 - A.3d - 2024 N.H. 17 - 2024 WL 1514612

Landowner and solar energy company appealed decision of the city planning board that denied a site plan application to install a solar panel array.

The Superior Court affirmed, and landowner and company appealed.

The Supreme Court held that:

- Planning board improperly relied on purpose provisions of city site plan regulations when denying application, and
- Landowner and solar energy company were entitled to builder's remedy to construct proposed solar panel array.

City planning board improperly relied on purpose provisions of city site plan regulations when denying application to install solar panel array which satisfied all of the site-specific technical regulations applicable to the project; board, which had concerns about constructing the solar panel array in a rural residential area, relied on purpose provisions stating that the regulations were to provide for harmonious and aesthetically pleasing development, to provide for building purposes which would not endanger the health, safety, and welfare of the general public and the abutting properties, and provide for the protection of trees and other natural features.

Landowner and solar energy company were entitled to builder's remedy to construct proposed solar panel array, where their site plan application met the specific, applicable site plan regulations, and planning board improperly relied on purpose provisions of the city site plan regulations to deny the application.