

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - MASSACHUSETTS**

### **Sunpin Energy Services, LLC v. Zoning Board of Appeals of Petersham**

**Supreme Judicial Court of Massachusetts, Suffolk - July 14, 2026 - N.E.3d - 2026 WL 2023321**

Applicant for special permit for building a large-scale ground-mounted solar energy system in a town brought action for review of zoning board of appeals' denial of application.

The Land Court Department granted zoning board's motion for summary judgment. Applicant appealed. The Appeals Court vacated on basis of determination that board's decision was arbitrary and capricious. Board applied for further appellate review, which was granted.

The Supreme Judicial Court held that:

- Bylaw setting out requirement of a special permit for large-scale ground-mounted solar electric installations and then imposing certain requirements for such installations did not limit zoning board's powers in regard to special permits for solar energy systems to those site-specific conditions that could be imposed pursuant to bylaw but rather allowed denial of special permit if the denial fell within ambit of state statute allowing local regulation of solar energy systems when necessary to protect the public health, safety or welfare; but
- Deforestation that would allegedly be caused by proposed project did not render permit denial "necessary to protect the public health, safety or welfare" absent site-specific analysis;
- Board's conclusion that solar energy facilities did not provide clear community benefits did not, absent site-specific analysis, render denial of permit "necessary to protect the public health";
- Hypothetical concerns about rampant future development did not, absent site-specific analysis, render denial of permit "necessary to protect the public health"; and
- Remand to board, rather than order for board to grant permit, was appropriate remedy.