



A Robinson+Cole Legal Update

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Massachusetts SJC Sheds Light on Zoning Protection for Solar Facilities in *Tracer Lane II Realty, LLC v. City of Waltham*

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On June 2, 2022, the Massachusetts Supreme Judicial Court (SJC) issued its much-anticipated decision in [Tracer Lane II Realty, LLC v. City of Waltham, SJC-13195](#), interpreting for the first time the statutory protection for solar energy systems in General Laws Chapter 40A, section 3. The unanimous opinion, authored by Justice Lowy, makes clear that large-scale solar generation systems are protected under the statute because they are considered crucial to promoting solar energy in the Commonwealth, but that they may be subject to reasonable zoning limits on their “magnitude and location” that have a reasonable public health, safety, or welfare justification. Importantly, the opinion makes clear that a municipality may not justify zoning out large-scale solar facilities on the grounds that it permits other types of ancillary solar uses.

The outcome of *Tracer Lane II* should encourage municipalities that now ban large scale solar facilities from most or all of their territory, to adopt reasonable regulations that permit these kinds of facilities with site plan or special permit review. This approach would be consistent with the Court’s directive, rooted in the language of the statute, that limits imposed on large scale solar must be “necessary to protect the public health, safety or welfare.” It would allow the evaluation of proposed facilities on a site-by-site basis, based on identified standards calibrated to protect those interests, rather than on a broad brush district by district basis. How municipalities respond to *Tracer Lane II*, and how the Massachusetts courts interpret and apply its guidance in future cases, could have a significant impact on whether the Commonwealth will succeed in meeting its climate goals.

Please contact Robinson+Cole with any questions regarding how the *Tracer Lane II* decision could impact your existing or future solar project.

FOR MORE INFORMATION

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