

We are looking for town Boards. Committees or Commissions to join the amicus brief on this solar bylaw question.

The Supreme Judicial court is currently accepting Amicus Curiae (“Friend of the Court”) Briefs on Tracer Lane II Realty, LLC vs. City of Waltham & another (SJC-13195).

See <https://www.mass.gov/info-details/amicus-announcements-from-september-2021-to-august-2022> and <https://www.ma-appellatecourts.org/docket>

Background- A solar developer appealed a decision by the City of Waltham to deny the developer the right to use land zoned residential for a commercial use -- an access road for a ground-mounted industrial solar project. The Land Court found in favor of the developer. The case is on appeal to the Massachusetts Supreme Judicial Court.

Here is the SJC announcement:

“The Justices are soliciting amicus briefs. Where G. L. c. 40A, § 3, ninth par., precludes zoning ordinances or by-laws that "prohibit or unreasonably regulate the installation of solar energy systems" (except to protect public health, safety or welfare), whether allowing solar energy facilities in certain areas of a municipality but prohibiting them in other areas is permissible or whether it constitutes unreasonable regulation in contravention of the statute.

Any town boards who are concerned about this decision can e-mail the attorneys who are handling this to express an interest in joining. The brief will be ready for your review in Mid-January, and to be submitted at the end of January. There will be no charge to the town for joining.

Contact is: Environmentwatchesoutheasternma@gmail.com