

Massachusetts House of Representatives Bill Summary

Bill #:	H.5641
Title:	An Act establishing a temporary moratorium on large scale photovoltaic installations and battery energy storage systems (BESS) in the town of Becket
Sponsor:	Rep. Leigh Davis and Sen. Paul Mark
Committee:	Municipalities and Regional Government
Hearing Date:	9/21/26 to 9/28/26 written testimony only
Similar bills:	H.5294 (Worthington) was placed into a study order June 8, 2026.
Current Law:	Chapter 40A is the State Zoning Act, which regulates how all cities and towns except Boston determine where certain types of structures and uses may be located within a municipality. Exemptions are provided for specified uses and structures (solar, non-profits, agricultural, etc.) Chapter 239 of 2024 is the climate / clean energy law, codified in M.G.L. Chapter 164, Sections 69H to 69W (definitions in 69G). The law requires cities and towns to issue a decision on small clean energy infrastructure project applications through a mandated consolidated permitting process within 12 months. If a municipality fails to act within 12 months, the permit would be automatically approved, allowing the project to operate under standard conditions. Small clean energy infrastructure is defined as generation projects under 25 megawatts and clean energy infrastructure storage projects under 100 megawatt hours. Permitting for large projects will also follow a consolidated process through the Energy Facilities Siting Board, with approvals due within 15 months of receipt of an application. 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00 and 17.00 are Department of Energy Resources regulations from the Energy Facilities Siting Board, which became final on February 27, 2026, and are designed to implement applicable provisions of the 2024 climate law. The DOER also drafted guidance and model bylaws. Beginning on October 1, 2026, a town must accept a consolidated local permit application. Under 225 CMR 29.11, the Department of Energy Resources offers technical assistance to municipalities upon request and free of charge. In Tracer Lane II Realty LLC vs. City of Waltham (2022) The Supreme Judicial Court affirmed a Land Court ruling that a local prohibition on solar energy systems, including access roads for such systems, in a residential zone was improper because Section 3 of M.G.L. Chapter 40A protects solar energy systems from local regulation that is not ‘necessary to protect the public health, safety or welfare.’ The court noted that the City of Waltham’s zoning code

prohibited large-scale solar systems—which are “key to promoting solar energy in the Commonwealth” and to achieving net zero greenhouse gas emissions by 2050—in at most one to two percent of its land area.

On June 22, 2026 the Attorney General disapproved a proposed town by-law passed as Article 4 at the Becket Special Town Meeting held on March 7, 2026. The by-law sought to impose a temporary moratorium on the construction of large-scale solar photovoltaic installations and battery energy storage systems. The Attorney General stated that the proposed by-law "violates M.G.L. Chapter 40A, Section 3's prohibition against unreasonably regulating or prohibiting solar and related uses."

Summary:

Section 1 of the bill authorize the town of Becket to establish a six-month moratorium on the use of land or structures for large scale solar photovoltaic installations and battery energy storage systems. This would not apply to residential installations. The moratorium would begin either upon the adoption of this act or the date when the town adopts related town by-laws, whichever occurs sooner.

During the moratorium period, the town would study, review, analyze and address possible revisions to the zoning by-laws relative to such large-scale installations and storage systems that may be needed or desirable to authorize and regulate such uses, consistent with applicable law while protecting the town's natural resources and planning goals.

Section 2 provides for the act to take effect immediately upon its passage.

Notes:

Approved as Article 5 at the March 7, 2026 Special Town Meeting; passed with 92 in favor (109 voters in attendance).

The Town of Becket has a population of approximately 2,000. It has a small volunteer fire department to cover 47.8 square miles, but no fire hydrants.

According to the Attorney General's letter disapproving the by-law, the town currently has one large-scale solar photovoltaic installation, which was completed in 2018, and four additional facilities, co-located with BESS, that are in the permitting process.