

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss.

PERMIT SESSION CASE  
No. 21 PS 000331 (GHP)

PALMER RENEWABLE ENERGY, LLC,

Plaintiff,

v.

ZONING BOARD OF APPEALS of the  
CITY OF SPRINGFIELD, et al.,

Defendants.

**JUDGMENT AFTER RESCRIPT**

In this case, plaintiff Palmer Renewable Energy appealed pursuant to G. L. c. 40A, § 17 from a decision of the City of Springfield Zoning Board of Appeals (“Board”), whose members are defendants in their official capacities, revoking two building permits previously issued to the plaintiff for construction of a biomass fired energy plant on property located at 1000 Page Boulevard, Springfield (“Property”). Plaintiff alleged that the building permits issued to it in 2011 (“Permits”) remain valid or were preserved by the commencement of construction activity at the Property. The Court (Piper, C.J.) issued an Order of Remand on August 11, 2021, directing that the Board hold a public hearing and issue a revised decision that supplied previously omitted reasons for the Board’s decision revoking the Permits issued. After a duly noticed hearing, the Board filed its decision, including supplemental reasoning, with the court on September 22, 2021 (“Decision”).

This matter came before the court on plaintiff’s motion for summary judgment. In its request for summary judgment, plaintiff asked the court to annul the Board’s Decision and determine that the Permits are valid and in effect, contending that the Permits remain in effect because of equitable and statutory tolling, as well as by the commencement of construction pursuant to the Permits. In their cross-motion for summary judgment, the defendants asked the court to uphold the Board’s decision, based on a determination that the Permits had expired and become invalid.

On November 30, 2023, the court issued an order in which it denied plaintiff’s motion for summary judgment and granted the defendants’ cross motion for summary judgment. Judgment

entered the same date. A Notice of Appeal by Palmer Renewable Energy, LLC to the Appeals Court was filed on December 22, 2023. The case was entered in the Appeals Court as Case No. 2024-P-0136 on February 7, 2024. After review in the Appeals Court, that court, in a decision issued May 7, 2025, 105 Mass. App. Ct. 518 (2025), reversed the judgment of this court. Following the denial of further appellate review by the Supreme Judicial Court on October 16, 2025, rescript of the Appeals Court issued October 17, 2025 and was entered on this court's docket as follows: "The judgment affirming the board's revocation of the building permits is reversed. The case is remanded for entry of a new judgment instructing the board to reinstate the building permits and further orders, if necessary, consistent with this opinion." On November 14, 2025, the parties submitted their Joint Proposed Form of Judgment After Rescript. After review of the proposed judgment, it is

**ORDERED**, **ADJUDGED**, and **DECLARED** that the decision of the Springfield Zoning Board of Appeals ("ZBA") dated May 28, 2021 ("Decision") is hereby annulled and vacated. It is further

**ORDERED** that the ZBA convene a public meeting within thirty (30) days of entry of this Judgment After Rescript, wherein the ZBA shall take all necessary actions to reinstate Building Permit No. 11BLDOT-00180AL and Building Permit No. 11BLDOT-00161ER, both originally issued on November 15, 2011, without delay and consistent with this Judgment After Rescript. It is further

**ORDERED** that forthwith after the meeting of the ZBA, a written record of the ZBA's reinstatement of said Building Permits shall be filed with the Office of the City Clerk and notice shall be provided to the City of Springfield Building Commissioner, to the Springfield City Council, and to Palmer Renewable Energy, LLC at that time. It is further

**ORDERED**, **ADJUDGED**, and **DECLARED** that this Judgment After Rescript disposes of this case in its entirety. No other relief, and no costs, fees, damages, awards, or other sums are awarded to any party.

By the Court. (Piper, C.J.) /s/ *GHP*

Attest:

*/s/ Deborah J. Patterson*

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Deborah J. Patterson  
Recorder

Dated: January 13, 2026