INTRODUCTION ON THE LAW OF STANDING UNDER c. 40A, c. 240, §14A AND c. 249, §4

Presenters:

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and

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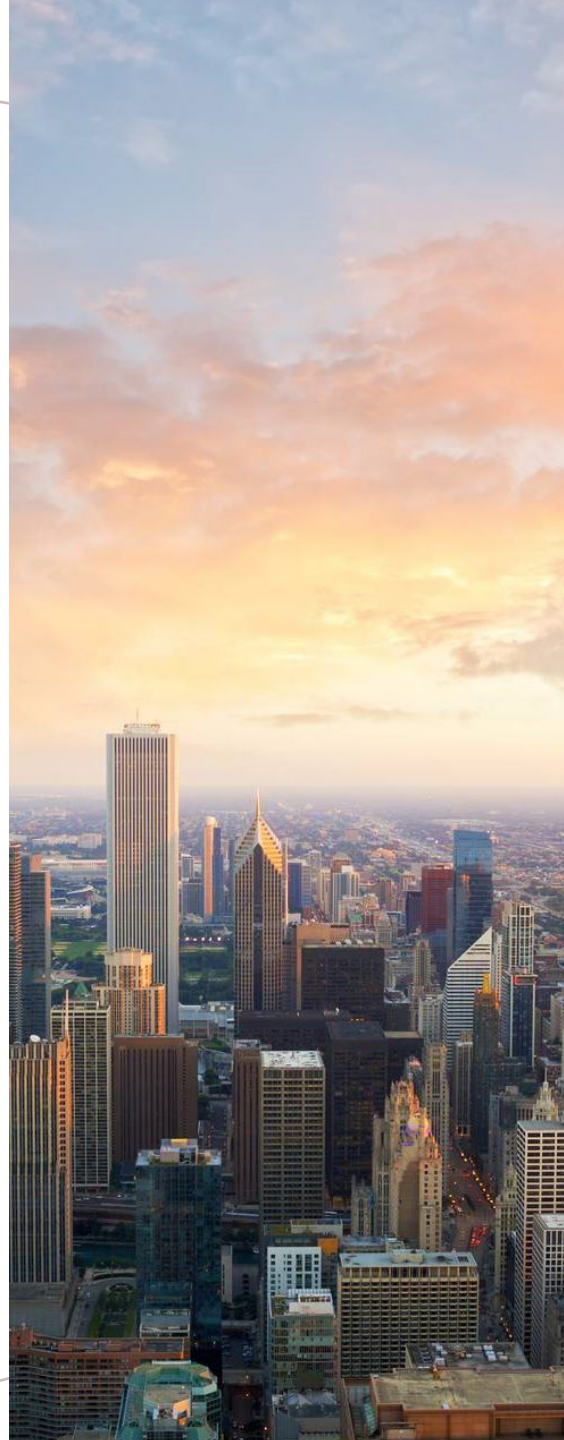
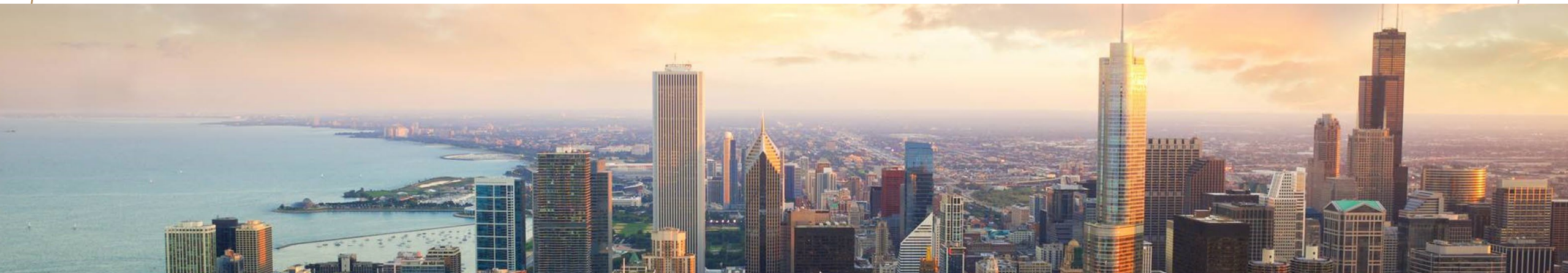


CLIENT INTAKE QUESTIONS

1. WHAT HAPPENED AND WHEN?

PROSPECTIVE CLIENT: PROSPECTIVE CLIENT: MY COMMUNITY IS ALLOWING MY NEIGHBOR TO CONSTRUCT A NEW STRUCTURE AND ENGAGE IN A NEW USE. THE TOWN BOARD GOT IT ALL WRONG, I THINK THEY WERE MISLED, AND THEY WOULD NEVER LET ME DO THIS. THIS IS NOT FAIR, WE HAVE TO STOP THIS.



FIRST QUESTION TO ASK POTENTIAL CLIENT

1. WHEN DID THE PERMIT GRANTING AUTHORITY (I.E., THE ZONING BOARD OF APPEALS) APPROVE YOUR NEIGHBOR'S PROJECT?

DEADLINES FOR FILING ZONING APPEALS

- Appeals under G.L. c. 40, § 17 must be filed with court (often the Land Court or the Superior Court) within 20 days after the decision by the permit granting authority (i.e., the Zoning Board of Appeals) has been filed in the office of the city of town clerk
    - Complaint must include a certified copy of the appealed decision
- Appeals under Chapt. 665 of the Acts of 1956 (The Boston Enabling Act) governs zoning appeals in Boston, and must be filed within 20 days after the decision has been filed with the Clerk of the City of Boston Inspectional Services Department
- In addition to filing complaint by the 20-day appeal deadline, under G.L. c. 40, § 17, notice of the action with a copy of the complaint must be provided to the city or town clerk within the 20-day appeal period
- No requirement under the Boston Enabling Act to file notice of filing with the City Clerk

PRACTICE POINTS

- G.L. c. 40A, §17 defines the world of potential plaintiffs and outlines the procedures and deadlines for zoning appeals for the entire Commonwealth, except Boston, which is governed by Chapt. 665 of the Acts of 1956 (The Boston Enabling Act).

- Do not wait until the 20th day to file the complaint with the court or the notice of the appeal with the city of town clerk. Provide some buffer time in the event that any issues arise with filing or providing notice.

SERVICE OF PROCESS AND RESPONSIVE PLEADING (OR LACK THEREOF)

- Under G.L. c. 40A, §17, "[t]o avoid delay in the proceedings, instead of the usual service of process, the plaintiff shall within fourteen days after the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or certified mail to all defendants, including the members of the board of appeals or special permit granting authority and shall within twenty-one days after the entry of the complaint file with the clerk of the court an affidavit that such notice has been given. If no such affidavit is filed within such time the complaint shall be dismissed."

- Under G.L. c. 40A, §17, defendant is not required to answer, but one may be filed

- **Practice Point:** May be good idea to file answer as it precludes the plaintiff(s) from later amending complaint as of right or voluntarily dismissing action by filing notice of dismissal (instead of requiring stipulation to be filed, which is signed by all Parties who have appeared in the action)

- Under the Boston Enabling Act, normal service under Mass. R. Civ. P. 4 apply (service within 90 days)

- Under the Boston Enabling Act, no clear waiver of answer / responsive pleading requirement

FOLLOW UP QUESTION TO POTENTIAL CLIENT: WILL YOU BE HARMED BY THE PERMITTING DECISION?

SUBJECT MATTER JURISDICTION

WILL YOU BE H ARMED BY THE PERMITTING DECISION?

Potential Client: I'm just so upset. The Board didn't listen to us at all, half the neighborhood showed up to explain how this is going to change our community and ruin our property values, and the Board still approved it. The Board just got it wrong!"

Question to the Potential Client: "I hear you. That sounds frustrating. But let's talk about why you think this board's approval is going to cause you harm."

ONLY PERSONS AGGRIEVED HAVE STANDING

1. Only "persons aggrieved" may seek judicial review of zoning decisions under G.L. c. 40A, § 17 and the Boston Zoning Enabling Act.

What is a person aggrieved?

- A person aggrieved is someone who suffers some infringement of their legal rights.
  - *81 Spooner Road, LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 700 (2012)
- The right or interest asserted by plaintiff(s) claiming aggrievement must be one that the Zoning Act or zoning bylaw is intended to protect
  - *Murchison v. Zoning Bd. of Appeals of Sherborn,* 485 Mass. 209, 214 (2020)
  - *Picard v. Zoning Bd. of Appeals of Westminster*, 474 Mass. 570, 574 (2016)
  - *Kenner v. Zoning Bd. of Appeals of Chatham*, 459 Mass. 115, 120 (2011)
  - *Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 27-28 (2006)
- The phrase "persons aggrieved" is not to be narrowly construed.
  - *Marashlian v Zoning Bd. of Appeals of Newburyport*, 421 Mass. 719, 721 (1996)
  - *Marotta v. Bd. of Appeals of Revere*, 336 Mass. 199, 204 (1957)

ONLY PERSONS AGGRIEVED HAVE STANDING

Prior to the amendments to G.L. c. 40A

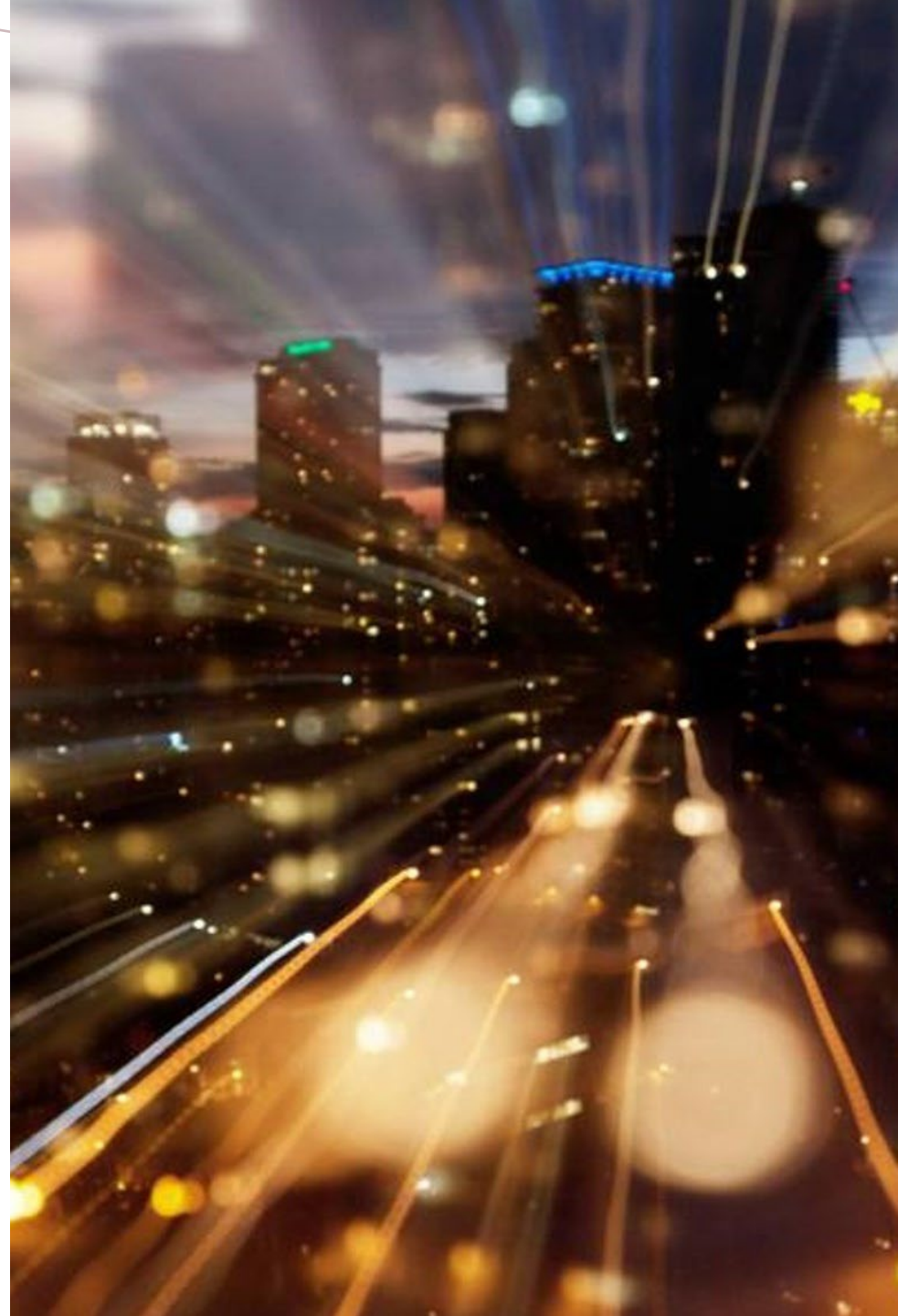
- Only one plaintiff needed to show aggrievement from just a single harm in order to establish standing.
    - *81 Spooner Road, LLC v. Brookline Zoning Bd. of Appeals*, 461 Mass. 692, 706 n. 10 & 16 (2012)

After the amendments to G.L. c. 40A (approved on August 6, 2024)

- Section 17 has been amended to state that **each plaintiff** shall sufficiently allege and must plausibly demonstrate measurable injury. Thus, plaintiffs in a zoning appeal cannot rely on merely one plaintiff to have standing to maintain their appeal.

WHY DOES STANDING MATTER?

- **Potential Client**: "I'm confused, we aren't even talking about everything that the Board did wrong! Why am I being required to prove anything, when the Board and the project proponent should have to justify what they've done"
- **Response**: Standing is a gatekeeping function, if plaintiff(s) cannot show standing to confer subject matter jurisdiction, nothing else matters because the court will not reach the merits.
    - Plaintiff(s) bears the burden of proving aggrievement necessary to confer standing. Plaintiff(s) must establish by direct facts and not by speculative personal opinion -- that injury is special and different from the concerns of the rest of the community
        - *81 Spooner Road, LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 701 (2012)
        - *Standerwick v. Zoning Bd. of Appeals*, 447 Mass. 20, 27-28 (2006)
    - Standing is jurisdictional and cannot be waived
        - *Barvenik v. Board of Aldermen of Newton*, 33 Mass. App. Ct. 129, 131-133 (1992)



PRACTICE POINT
HOW TO RAISE STANDING ISSUE?

- Standing can be raised as an issue immediately in a zoning appeal under Mass. R. Civ. P. 12(b)(6) (failure to state a claim upon which relief can be granted)
- Standing can be raised as an issue during or after discovery under Mass. R. Civ. P. 12(b)(1) (lack of jurisdiction over the subject matter) or Rule 56 (summary judgment)
- Standing can be raised at trial as a question of fact
- Standing can be raised on appeal (even if not raised below)
- **Procedural Tip**: Rule 12(b)(1) is the most appropriate mechanism to challenge standing by dispositive motion, although many judges believe Rule 56 is more appropriate

IS THE ALLEGED HARM SOMETHING THAT ZONING IS INTENDED TO PROTECT?

For Individual Abutter Plaintiff(s)

- Need to assert a plausible claim of a definite violation of a private right, a private property interest, or a private legal interest
    - Examples of cognizable/measurable harms: traffic and parking; density; diminished views, light and shadows; noise; and odor
- Aesthetics, incompatible architectural style, historical important, preserving neighborhood "feel" not the type of harms zoning was intended to protect
- Views generally not a protected unless specifically protected by the zoning bylaw
    - *Kenner v. Zoning Bd. of Appeals*, 459 Mass. 115, 120 (2011)
- Diminution in the value of real estate is a sufficient basis for standing only where it is "derivative of or related to cognizable interests protected by the applicable zoning scheme."
    - *Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 31-32 (2006)

IS THE ALLEGED HARM SOMETHING THAT ZONING IS INTENDED TO PROTECT?

For Corporate/Commercial Abutter Plaintiff(s)

- Business competition is not a basis for standing
  - *Circle Lounge Grille v. Board of Appeal of Boston*, 324 Mass. 427 (1949)
- Commercial abutter plaintiff(s) cannot rely on "individualized" injuries to patrons to confer standing
  - *Cohen v. Zoning Board of Appeals*, 35 Mass. App. Ct. 619 (1993)
- In order for corporations to have standing, must establish some harm to a corporate legal right
  - *Harvard Square Defense Fund, Inc. v. Planning Bd. of Cambridge*, 27 Mass. App. Ct. 491 (1989)

PRACTICE POINT

- Boston for example often describes protection of views from public ways or distinguishes views of the "urban wild" or specific waterfront locations, which means that a view not fitting these definitions would not offer a protected interest.
- Avoid *Harvard Square Defense Fund* issue where none of the plaintiffs, including the corporate entity, owed or occupied property in the same zoning district and, therefore, could not demonstrate a legitimate interest.

HOW IS THE ALLEGED HARM SPECIAL AND DIFFERENT?

- Standing as an "aggrieved" person requires evidence of an injury particular to the plaintiffs, as opposed to the neighborhood in general
    - *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209, 214 (2020)
- Plaintiff(s) must show that the injury flowing from the board's action is special and different from the injury the action will cause the community at large
    - *Butler v. City of Waltham*, 63 Mass. App. Ct. 435, 440 (2005)
- This includes showing plaintiff's relationship to the alleged harm. For example, with something like parking, if a plaintiff is not using/competing for the street parking, then the plaintiff lacks a particularized injury.
    - *Cross v. Volo*, 16 LCR. 725, 730 (Misc. Case No. 351352) (Nov. 6, 2008) (Grossman, J.)

HOW DOES THIS ALL RELATE TO THE BOARD'S ZONING RELIEF?

- Standing as an "aggrieved" person requires evidence of an injury particular to the plaintiff(s) and that injury must be causally related to a violation of zoning laws
    - *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209, 214 (2020)
- Evidence must be of a type that a reasonable person could rely upon to conclude that the claimed injury will flow from the board's action
    - *Butler v. City of Waltham*, 63 Mass. App. Ct. 435, 442 (2005)

WHAT TYPE OF EVIDENCE SUPPORTS HARM?

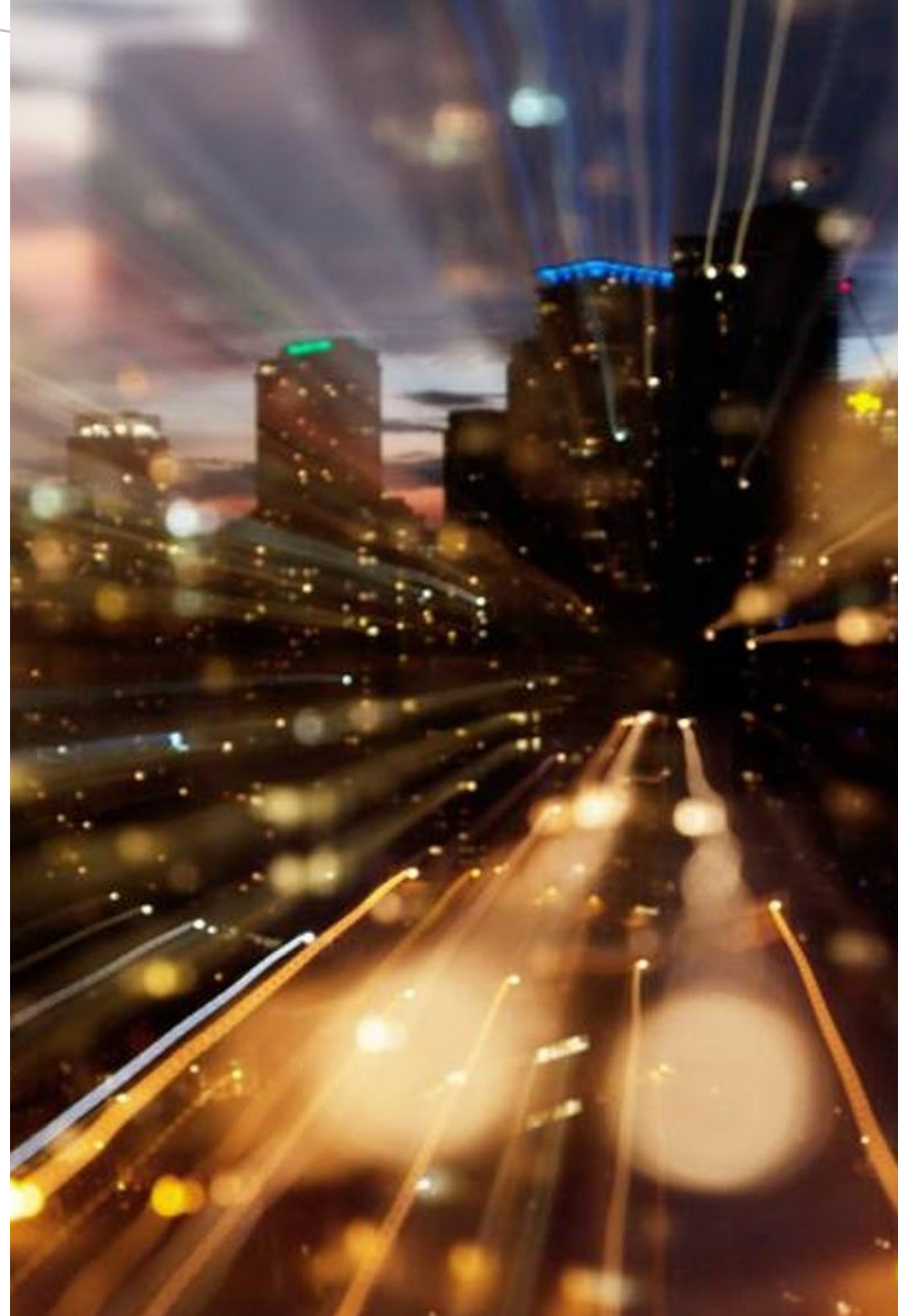
- Must be more than mere allegation of zoning violation, and must be more than de minimis
    - *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209, 214 (2020)
- Must put forth credible evidence to support allegations of harm
- Plaintiff's evidence cannot be speculation, conjecture, personal opinion, or hypothesis
    - **Quantitatively**, the evidence must provide specific factual support for each of the claims of particularized injury the plaintiff has made
    - **Qualitatively**, the evidence must be of a type on which a reasonable person could rely
        - *Butler v. City of Waltham*, 63 Mass. App. Ct. 435, 441 (2004)
- Standing is a question of fact for the trial judge

INVEST OF TIME AND COSTS IN ZONING APPEAL

- In order to prove plaintiff's harm(s), it may be necessary to engage an expert witness or multiple expert witnesses
    - Examples include the following: traffic, safety, parking, density, stormwater, some odors, exhaust, light pollution, etc.
- Should speak with the potential client about the possibility of having to engage expert to support the alleged harm
- **Practice Point**: A nonexpert owner of residential property is permitted to testify as to personal opinion of property value, but testimony that is wholly speculative and conjectural is insufficient to establish aggrievement
    - *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209, 216-217 (2020)
- Also advise potential client of the American Rule and that litigants are responsible for their own attorneys' fees and costs in a zoning appeals
    - However, amendment to Section 17 of the Zoning Act changed the definition of costs to include "reasonable attorneys' fees, in an amount to be fixed by the court may be allowed against the party appealing from the decision of the board or special permit granting authority if the court finds that the appellant or appellants acted in bad faith or with malice in making the appeal to court."

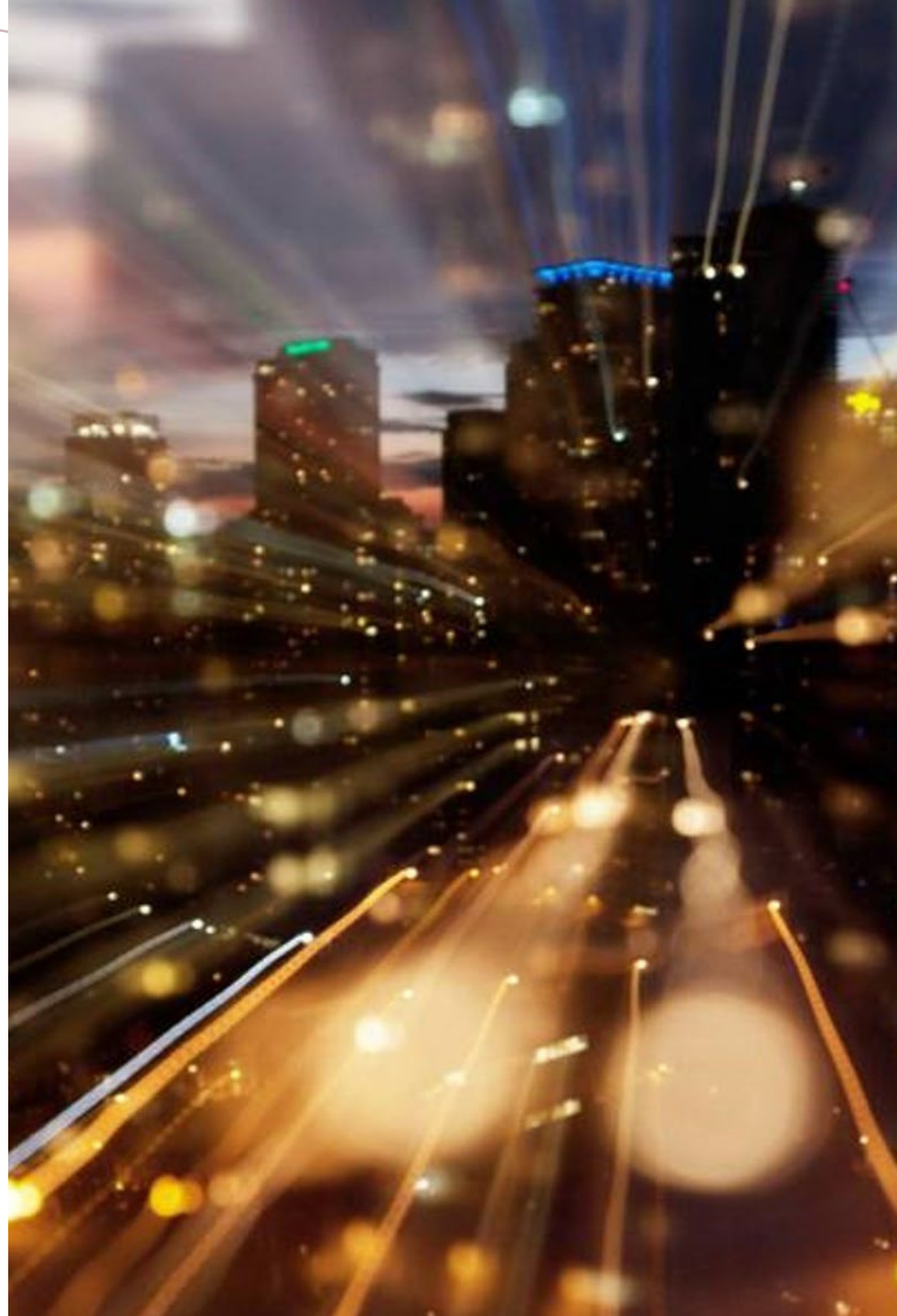
WHAT IS THE POTENTIAL CLIENT'S PROXIMITY TO THE PROJECT?

- Previously, under G.L. c. 40A, there was a rebuttable presumption of standing for abutters and other entitled to notice of the underlying zoning hearing ("parties in interest" under Section 11)
    - Party in interest include abutters, owners of land directly opposite on any public or private street or way, and abutters of abutter within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list
    - Initial burden of going forward with evidence was on Defendant (permit holder) to rebut presumption of standing
- Chapter 150 of the Acts of 2024, "An Act Relative to the Affordable Homes Act," effective August 6, 2024, eliminated the presumption of standing was eliminated.
    - *J.D. Raymond Transport, Inc. v. Farm Avenue Two Lots*, LLC, 32 LCR. 500 (22 MISC 000681, 23 MISC 000115) (Sept. 30, 2024) (Foster, J.)
    - Has yet to be seen how other judges will proceed now that amendment sought to eliminate the presumption of standing
- **Practice Point**: Beware of using old, draft template pleadings that do not account for amendments to G.L. c. 40A



HOW HAS STANDING EVOLVED WITH NEW AMENDMENTS?

- Standing burden now falls on **each plaintiff to "sufficiently allege and must plausibly demonstrate that measurable injury, which is special and different to such plaintiff, to a private legal interest that will likely flow from the decision through credible evidence."**
- No longer matters whether individual was a party in interest under Section 11 of the Act because **each plaintiff** must sufficiently allege measurable injury
    - No longer presumption of standing for being a party in interest
- Standing must be based on a "measurable injury"
    - Demonstration of actual injury, not just an impact
- Injury will "likely flow" from the decision
- **Yet to be seen how amendments will impact zoning appeals in Boston under the Enabling Act**
    - BUT SEE: *Boula RE Holdings, LLC v. Dong*, 2024 Mass. LCR LEXIS 141, at *11 n.8 (Nov. 1, 2024)(24 PS 000238)(Speicher, J.)
        - "Recent amendments to G. L. c. 40A, § 17, inserted by St. 2024, c. 150, § 8, appear to have eliminated the presumption of standing for abutters and others who have been given notice of a zoning hearing in all municipalities other than Boston. See, Emerson College v. City of Boston, 393 Mass. 303, 471 N.E.2d 336 (1984). No similar amendments have been made to the corresponding sections of the Boston Zoning Enabling Act."



G.L. C. 240, § 14A

VALIDITY AND/OR APPLICATION OF ZONING BYLAW

WHAT IS THE PURPOSE OF G.L. c. 240, § 14A?

- Chapter 240, § 14A, provides that "[t]he owner of a freehold estate in possession in land may bring a petition in the land court against a city or town wherein such land is situated, ... for determination as to the validity of a municipal ... by-law ... which purports to restrict or limit the present or future use, enjoyment, improvement or development of such land, or any part thereof of, ... or for determination of the extent to which any such municipal ... by-law ... affects a proposed use."
    - Exclusive jurisdiction is vested in the Land Court
- "The primary purpose of proceedings under § 14A is to determine how and with what rights and limitations the land of the person seeking an adjudication may be used under the provisions of a zoning enactment in terms applicable to it, particularly where there is no controversy and hence no basis for other declaratory relief." *Harrison v. Braintree*, 355 Mass. 651, 654 (1969).
- Seeks a declaratory judgment regarding the validity and/or extent of a zoning bylaw provision and the affect on a specific property
    - *Banquer Realty Co. v. Acting Bldg. Comm'r*, 389 Mass. 565, 570 (1983)
- The statute has been described as remedial and is to be given broad construction
- No actual controversy is required for petition to seek relief under the statute
    - *Mayer v. Mental Health Ass'n*, 29 LCR 519 (19 MISC 000557) (October 29, 2021) (Roberts, J.)

HOW IS STANDING TREATED UNDER G.L. c. 240, §14A?

- Standing still serves a gate keeping function because the plaintiff's standing is an essential prerequisite to judicial review
    - *Nickerson v. Zoning Bd. of Appeals of Raynham*, 53 Mass. App. Ct. 680, 681 n.2 (2002)
- Criteria to evaluate standing (*Hanna v. Town of Framingham*, 60 Mass. App. Ct. 420 (2004)):
    - Plaintiff's alleged harm must be one the zoning regime is intended to protect.
    - Use of the property at issue must not be overly theoretical.
        - *Hansen & Donahue, Inc. v. Town of Norwood*, 61 Mass. App. Ct. 292, 295 (2004)
    - Plaintiff must be an owner of the land impacted or the landowner whose land will receive a direct effect of the zoning/zoning interpretation.
    - The plaintiff must show that the challenged use (when challenging the use on another lot) of such other land pursuant to the zoning amendment "directly and adversely affects the permitted use of his land." *Mastriani v. Building Inspector of Monso*n, 19 Mass. App. Ct. 989, 990 (1985)
    - **Practice Point**: Plaintiff may lack standing under G.L. c. 40A, but still have standing under G.L. c. 240, §14A

DIFFERENCES BETWEEN G.L. c. 40A AND G.L. c. 240, § 14A?

- Plaintiff challenging the validity of a zoning enactment under G.L. c. 240, §14A need not demonstrate that he/she/they will suffer an injury that is special and different from that experience by the general community
    - *Van Renselaar v. Springfield*, 58 Mass. App. Ct. 104, 107 (2003)
- Under G.L. c. 40A, must exhaust all administrative procedures before filing a zoning appeal with the court
    - G.L. c. 40A, §§ 8 & 17
- No requirement under G.L. c. 240, § 14A to exhaust all administrative procedures before filing appeal
    - *Mayer v. Mental Health Ass'n*, 29 LCR 519 (19 MISC 000557) (October 29, 2021) (Roberts, J.)
- No formal dispute is necessary to bring suit under G.L. c. 240, § 14A

G. L. C. 249, § 4

ACTION IN THE NATURE OF CERTIORARI

PURPOSE OF G.L. c. 249, § 4

- G.L. c. 249, § 4, provides a right of action "in the nature of certiorari to correct errors in proceedings which are not according to the course of common law, which ... are not otherwise reviewable by motion or by appeal."

- A complaint in the nature of certiorari is, in the absence of a procedure described by statute, the appropriate avenue of judicial review from a discretionary decision of a local licensing authority

    - *Friedman v. Conservation Comm'n*, 62 Mass. App. Ct. 539, 542 (2004)

STANDING UNDER G.L. c. 249, § 4

- Requirements for standing:
  - (1) a judicial or quasi-judicial proceeding;
  - (2) a lack of all other reasonably adequate remedies; and
  - (3) a substantial injury or injustice arising from the proceeding under review.

  Boston Edison Co. v. Bd. of Selectmen of Concord, 355 Mass. 79, 83 (1968)

STANDING UNDER G.L. c. 249, § 4

- Plaintiff(s) must make requisite showing of a reasonable likelihood that he/she/they suffered injury to a protected legal right. *Higby/Fulton Vineyard, LLC v. Bd. of Health of Tisbury*, 70 Mass. App. Ct. 848, 850 (2007).

- Plaintiff(s) must demonstrate that allegations are more than speculative and the damage alleged is more than generalized." *Fiske v. Bd. of Selectmen of Hopkinton*, 354 Mass. 269, 271 (1968).

- Status as direct abutter does not create rebuttable presumption of standing. *Higby/Fulton Vineyard, LLC v. Bd. of Health of Tisbury*, 70 Mass. App. Ct. 848, 850 (2007).

- Plaintiff(s) can be landowner dissatisfied with decision or persons, including abutters, who can establish that he/she/they suffered injury to a protected legal interest

- **Practice Point**: Deadline to appeal is 60 days from the date of the board's **vote**

RESOURCES & HANDOUTS

REBA

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REBA Land Use and Zoning, Litigation, New Lawyers, and Environmental and Renewable Energy Law Sections' Webinar on November 21st

Introduction on the Law of Standing Under c. 40A and c. 240, §14A, and for Certiorari Appeals

The burden of proving standing rests with the Plaintiff and requires a showing of harm caused by governmental action. Standing is jurisdictional and cannot be waived. Standing is a fact question to be determined by the judge. As a generalized comparison of the criteria for showing subject matter jurisdiction (standing) in various land use appeals:

	Zoning Appeal (c. 40A)	Zoning Validity Challenge (c. 240)	Cert. Appeal (c. 249)
Overview / Summary	The plaintiff must rely on credible evidence to plausibly demonstrate a measurable injury, that is special and different to such plaintiff, to a private legal interest that will likely flow from the decision.	The plaintiff must be a land owner inquiring about rights and limitations on that land, which may experience a direct and adverse affect even in an instance when there is no immediate controversy.	The plaintiff must have no remaining remedies available to it and show a substantial injury or manifest injustice that is different in nature or magnitude than the general public.
Prior Administrative Process	Completed the administrative process and appeal commenced within 20 days	No requirement to exhaust administrative remedies	Completed a judicial or quasi-judicial with no other reasonably adequate remedy available
Plaintiff Description	"Person Aggrieved"	"owner of a freehold estate in possession in land …"	A participant in a prior judicial or quasi-judicial proceeding
Property Interest	A private right, a private property interest, or a private legal interest that is within the interests protected by the applicable zoning scheme and has a relationship to the challenged zoning relief.	Landowner or neighbor whose lands will receive a direct effect from the zoning amendment or interpretation.	Injury arises out of the proceeding under review.
Measure of Harm	A real, substantial, and directly caused by the zoning decision or nonaction that is being challenged; more than de minimis	The challenged use (when challenging the use on another lot) of such other land pursuant to the zoning amendment "directly and adversely affects the permitted use of his land."	The plaintiff must show a substantial injury or manifest injustice that results from challenged action
Possibility of Harm	Cannot be based upon speculation, "conjecture, personal opinion, [or] hypothesis,"	Hypotheticals can be sufficient: "A landowner is entitled to a decision on the applicability of zoning provisions on her land without regard to the existence of a controversy or the right otherwise to declaratory relief"	Plaintiff must demonstrate that their "allegations are [more than] speculative and the damage alleged is [more than] generalized."
Uniqueness of Harm	An injury particular to the plaintiffs, as opposed to the neighborhood in general; the "special and different" test.	Does not need to demonstrate an injury that is special and different from that experienced by the general community	An injury different in nature or magnitude from that of the general public

REBA News

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Affordable Homes Act Brings Big Changes to 40A

Tuesday, August 13, 2024

By Daniel P. Dain and Jesse D. Schomer

The Governor's press release touting the signing of the Affordable Homes Act on August 6th called it "the most ambitious legislation in Massachusetts history to tackle the state's greatest challenge – housing costs." The press release describes the "historic legislation" as authorizing "$5.16 billion in spending over the next five years along with 49 policy initiatives to counter rising housing costs caused by high demand and limited supply."

This statement is an important acknowledgment that rising housing costs are tied to limitations on the supply of housing, and, by implication, barriers to new housing production. Among the 49 policy initiatives contained in the new law are changes to the state's Zoning Act, and General Law Chapter 40A (which applies to 350 municipalities in Massachusetts, excluding Boston). The change to the Zoning Act getting the most attention is a provision making accessory dwelling units allowed as of right, though subject to reasonable dimensional restrictions, in all single-family residential districts. But three other changes, while seemingly mundane, also promise to open up more lots for residential development and limit the ability of neighbors to make housing production more unpredictable and costly through long drawn-out appeals. These changes are to the merger doctrine, to the ability of courts to impose a bond on a plaintiff as a condition of proceeding with an appeal of the grant of a zoning entitlement, and to the burden on plaintiff project-opponents to establish an injury (prove standing) caused by the decision being challenged. (There are two other material changes to 40A that do not address housing production – new rules for approval of outdoor restaurant table service and for the adoption of preferences for veterans in inclusionary zoning – that this article does not discuss.)

For housing advocates, more liberal allowance of accessory dwelling units (sometimes called granny flats) has long been a

RESOURCES
G.L. c. 40A & BOSTON ENABLING ACT

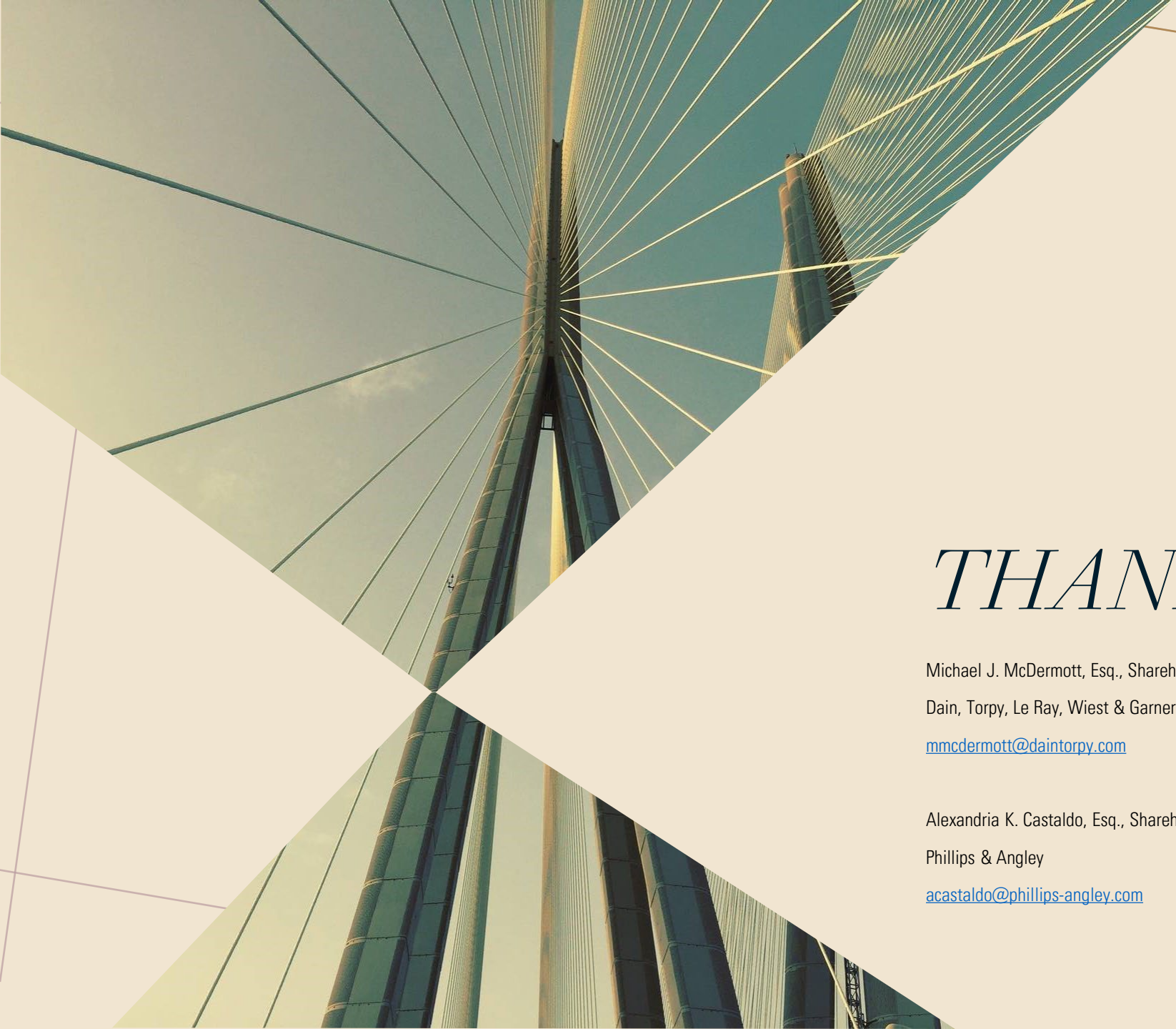
- G.L. c. 40A
- Amendments to G.L. c. 40A
- Boston Zoning Enabling Act, s. 11
- Murchison v. Zoning Bd. of Appeals of Sherborn, 485 Mass. 209 (2020)
- 81 Spooner Road, LLC v. Zoning Bd. of Appeals of Brookline, 461 Mass. 692 (2012)
- Picard v. Zoning Bd. of Appeals of Westminster, 474 Mass. 570 (2016)
- Kenner v. Zoning Bd. of Appeals, 459 Mass. 115 (2011)
- Standerwick v. Zoning Bd. of Appeals of Andover, 447 Mass. 20 (2006)
- Marashlian v Zoning Bd. of Appeals of Newburyport, 421 Mass. 719 (1996)
- Watros v. Greater Lynn Mental Health & Retardation Ass'n, 421 Mass. 106 (1995)
- Circle Lounge & Grille, Inc. v. Board of Appeal of Boston, 324 Mass. 427 (1949)
- Talmo v. Zoning Board of Appeals of Framingham, 93 Mass. App. Ct. 626 (2018)
- Michaels v. Zoning Bd. of Appeals of Wakefield, 71 Mass. App. Ct. 449 (2008)
- Butler v. City of Waltham, 63 Mass. App. Ct. 435 (2005)
- Hanna v. Framingham, 60 Mass. App. Ct. 420 (2004)
- Nickerson v. Zoning Bd. of Appeals of Raynham, 53 Mass. App. Ct. 680 (2002)
- Barvenik v. Board of Aldermen of Newton, 33 Mass. App. Ct. 129 (1992)
- Harvard Sq. Def. Fund, Inc. v. Planning Bd. of Cambridge, 27 Mass. App. Ct. 491 (1989)
- John Whittier v. Planning Bd. of Ipswich, Slip Op., 23-P-1108 (Oct. 22, 2024) (Rule 23.0 Decision)
- Fiske v. Bd. of Selectmen of Hopkinton, 354 Mass. 269 (1968)

RESOURCES
G.L. c. 240, §14A

- G.L. c. 240, §14A
- Whitinsville Retirement Soc. v. Town of Northbridge, 394 Mass. 757 (1985)
- Banquer Realty Co. v. Acting Bldg. Comm'r, 389 Mass. 565 (1983)
- Sturges v. Town of Chilmark, 380 Mass. 246 (1980)
- Harrison v. Town of Braintree, 355 Mass. 651 (1969)
- Amberwood Dev. Corp. v. Board of Appeals of Boxford, 65 Mass. App. Ct. 205 (2005)
- Hansen & Donahue, Inc. v. Town of Norwood, 61 Mass. App. Ct. 292 (2004)
- Mayer v. Mental Health Ass'n, 29 LCR 519 (19 MISC 000557) (October 29, 2021) (Roberts, J.)

RESOURCES
G. L. c. 249, § 4

- *G.L. c. 249, § 4*
- *Boston Edison Co. v. Bd. of Selectmen of Concord, 355 Mass. 79 (1968)*
- *Hickey v. Conservation Commission of Dennis*, 93 Mass. App. Ct. 655 (2018)
- *Higby/Fulton Vineyard, LLC v. Bd. of Health*, 70 Mass. App. Ct. 848 (2007)
- *Friedman v. Conservation Comm'n*, 62 Mass. App. Ct. 539 (2004)



THANK YOU

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