



## WHAT'S NEW IN MUNICIPAL LAW 2021

### Alphabetical Listing of ATB and Court Decisions

**Abuzahra v. Cambridge**, 486 Mass. 818, February 17, 2021 - SJC held that the owner of property subject to the “quick take” statute (General Laws chapter 79) could accept the government’s *pro tanto* payment and simultaneously dispute the validity of the taking in court.

<http://masscases.com/cases/sjc/486/486mass818.html>

**Atlantic Union College v. Lancaster Assessors**, ATB Docket Nos. F324281—F394292, F326402—F326413, F329370—F329381, November 17, 2020 - On remand after reversal of earlier ATB decision, the ATB evaluated exemption eligibility of twelve subject parcels as a whole and reaffirmed its decision in favor of the taxpayer educational institution. The ATB relied on the college’s continuing academic activities after it suspended its Bachelor of Arts degree program.

<https://www.mass.gov/doc/atlantic-union-college-v-board-of-assessors-of-the-town-of-lancaster-november-17-2020/download>

**Brookline v. Alston**, 487 Mass. 278, April 27, 2021 - SJC upheld Civil Service Commission’s finding that plaintiff’s discharge from employment as a firefighter lacked just cause.

<http://masscases.com/cases/sjc/487/487mass278.html>

**Citizens for a Safe Chatham Airport v. Chatham**, 99 Mass. App. Ct. 1115, March 15, 2021 (Unpublished Decision pursuant to Rule 23) - Denial of preliminary injunction upheld where injuries of near-neighbors were hypothetical and speculative.

[https://scholar.google.com/scholar\\_case?case=14797709368653487857&q=Citizens+for+a+safe+chatham+airport+v.+town+chatham&hl=en&as\\_sdt=4,22](https://scholar.google.com/scholar_case?case=14797709368653487857&q=Citizens+for+a+safe+chatham+airport+v.+town+chatham&hl=en&as_sdt=4,22)

**Cobble Hill Center LLC v. Somerville Redevelopment Auth.**, 487 Mass. 249, April 22, 2021 - Trial Court’s order of taking upheld. Project in question constituted a demonstration project as allowed by statute.

<http://masscases.com/cases/sjc/487/487mass249.html>

**Holyoke v. Tosado**, Land Court, March 2, 2021 - City’s foreclosure action against defendant was dismissed given the City’s failure to supply notice of its intent to take to all owners of record.

<https://www.mass.gov/media/2336746/download>

**Hurley v. Quincy Assessors**, ATB Docket No. F337963, February 26, 2021 - The ATB rejected assessors’ denial of tax deferral under G.L. c. 59, § 5, Clause Forty-first A.

<https://www.mass.gov/doc/hurley-joyce-m-v-board-of-assessors-of-the-city-of-quincy-february-26-2021/download>

**Ithaca Finance, LLC v. Leger**, 99 Mass. App. Ct. 368, March 30, 2021 - Foreclosure decision upheld. Defendant signed mail receipt for notice. Argument that foreclosing entity’s violation of the tax lien statutes’ assignments and communications procedures contravened due process rejected.

<http://masscases.com/cases/app/99/99massappct368.html>

**Kali Family LP v. Milton**, 99 Mass. App. Ct. 1112, February 24, 2021 - (Unpublished Decision pursuant to Rule 23) - Court rejected plaintiff's unjust enrichment claims for allegedly excessive past tax payments as to which no abatement applications were filed. Abatement was the exclusive remedy.

[https://scholar.google.com/scholar\\_case?case=12816585964045262492&q=kali+family+milton&hl=en&as\\_sdt=4,22](https://scholar.google.com/scholar_case?case=12816585964045262492&q=kali+family+milton&hl=en&as_sdt=4,22)

**LHPNJ, LLC v. Jefferson Development Partners, LLC**, Land Court, March 17, 2021- Court rejected mortgagee challenge to City assignee's sale of a tax title property at auction. Mortgagee is not entitled to notice of a tax title assignment auction.

<https://www.mass.gov/media/2336751/download>

**Malden v. Zeraschi**, 99 Mass. App. Ct. 1124, May 12, 2021 (Unpublished Decision pursuant to Rule 23) - Appeals Court reversed the trial court's order of declaratory judgment finding that defendant's open air parking lot violated City ordinance.

[https://scholar.google.com/scholar\\_case?case=11223105303669934596&q=malden+v.+zeraschi&hl=en&as\\_sdt=4,22](https://scholar.google.com/scholar_case?case=11223105303669934596&q=malden+v.+zeraschi&hl=en&as_sdt=4,22)

**Mederi v. Salem**, SJC-13010, July 30, 2021 – SJC affirmed Superior Court's dismissal of complaint challenging City's rejection of plaintiff as a host community agreement (HCA) partner.

<https://casetext.com/case/mederi-inc-v-city-of-salem>

**Murrow v. Boston Assessors**, ATB Docket No. F338259, January 22, 2021, *appeal pending* - ATB upheld the assessment of the taxpayer's parking easement conveyed by a condo association (not appurtenant to any unit and freely alienable) as a taxable present interest in real estate.

<https://www.mass.gov/doc/murrow-claudia-v-board-of-assessors-of-the-city-of-boston-january-22-2021/download>

**Nextsun Energy LLC v. Fernandes**, Land Court, 20 LCR 52, February 22, 2021 - Court rejected Norton's denial of approval for plaintiff's dual use of its property for growing cranberries and generating solar energy.

<http://masscases.com/cases/land/2021/2021-19-000230-CORRECTED-MEMORANDUM.html>

**Oak Ledge Properties, LLC v. Hub Realty Co.**, Land Court Docket No. TL 20-000268, November 16, 2020 - Assignee of Town of Randolph's tax title account had its foreclosure action dismissed for lack of standing. A series of errors in executing the assignment invalidated the documentary instrument.

<http://masscases.com/cases/land/2020/2020-20-000268-DECISION.html>

**Patch v. Hingham**, 99 Mass. App. Ct. 1103, December 11, 2020 (Unpublished Decision pursuant to Rule 23) - Appeals Court affirmed Superior Court's dismissal of complaint challenging a sewer special assessment.

[https://scholar.google.com/scholar\\_case?case=10781800897662381799&hl=en&as\\_sdt=40000006](https://scholar.google.com/scholar_case?case=10781800897662381799&hl=en&as_sdt=40000006)

**Silverio v. North Andover**, Superior Court C.A. No. 1977CV00629, March 22, 2021- Court held that construction of bleachers as opposed to a stadium was consistent with the spending purposes allowed under the Community Preservation Act. Artificial turf was not allowed.

<https://www.mass.gov/media/2337561/download>

**Springfield City Council v. Sarno**, Superior Court Docket No. 2079CV00515, April 16, 2021, *Direct Appellate Review Allowed July 28, 2021* [No Citation Available] - The City Council exceeded its authority to reorganize departments when it set qualifications for a Board of Police Commissioners to replace the Chief of Police. The ordinance encroached on the Mayor's broad powers of appointment and contracting.

<https://www.mass.gov/doc/springfield-city-council-v-domenic-sarno-sjc-13154/download>

**Unquity Housing Corp. v. Milton Assessors**, ATB Docket No. F335576, February 16, 2021 - Charitable exemption claim denied where taxpayer rented to elderly tenants entitled to rental assistance. Taxpayer failed to prove that its dominant purpose was to provide charitable services to residents. (*Companion case Winter Valley Residences, Inc., infra.*)

<https://www.mass.gov/doc/unquity-house-v-board-of-assessors-of-the-town-of-milton-february-16-2021/download>

**Valley Green Grow, Inc. v. Charlton**, 99 Mass. App. Ct. 670, June 9, 2021 - Large-scale marijuana cultivation in greenhouses qualified as an allowable agricultural use of property zoned for agricultural uses.

<http://masscases.com/cases/app/99/99massappct670.html>

**Williams v. Board of Appeals of Norwell**, 100 Mass. App. Ct. 1102, June 4, 2021 (Unpublished Decision pursuant to Rule 23) - Appeals Court reversed Land Court over whether a parcel met the frontage requirements for grandfathering under [G.L. c. 40A:6](#).

[https://scholar.google.com/scholar\\_case?case=779598676022872048&q=williams+board+appeal+Norwell&hl=en&as\\_sdt=4,22](https://scholar.google.com/scholar_case?case=779598676022872048&q=williams+board+appeal+Norwell&hl=en&as_sdt=4,22)

**Winter Valley Residences, Inc. v. Milton Assessors**, ATB Docket No. F335577, February 16, 2021 - Charitable exemption claim denied where taxpayer rented to elderly tenants entitled to rental assistance. Taxpayer failed to prove that its dominant purpose was to provide charitable services to residents. (*Companion case Unquity Housing Corp., supra.*)

<https://www.mass.gov/doc/winter-valley-residences-inc-v-board-of-assessors-of-the-town-of-milton-february-16-2021/download>