

Bond Case Briefs

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Carroll v. Select Board of Norwell

Supreme Judicial Court of Massachusetts, Suffolk - January 5, 2024 - N.E.3d - 2024 WL 56172

Subdivision residents brought action against town select board, seeking mandamus relief so as to compel board to transfer land abutting subdivision to conservation commission.

On cross-motions for summary judgment, the Land Court Department granted summary judgment to board. Residents appealed and board cross-appealed.

After sua sponte transfer of case from Appeals Court, the Supreme Judicial Court held that:

- Land was held by town for specific purpose of providing affordable housing rather than as general corporate inventory and therefore could not be diverted to an inconsistent use, including use for conservation, without approval of board or officer having charge of land, and
- Residents' objections to board's statement of undisputed facts were insufficient to constitute a request for more discovery prior to summary judgment ruling.