

Bond Case Briefs

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ZONING - MASSACHUSETTS

Alford v. Boston Zoning Com'n

Appeals Court of Massachusetts, Suffolk - October 9, 2013 - N.E.2d - 84 Mass.App.Ct. 359

Abutting neighbors of Boston College brought action against Boston zoning commission and Boston Redevelopment Authority (BRA), seeking injunctive relief to prohibit implementation of institutional master plan (IMP) for major expansion of college facilities, and alleging a violation of state constitution. College was allowed to intervene. The Superior Court entered summary judgment in favor of zoning commission, BRA, and college. Neighbors appealed.

The Appeals Court held that:

- State constitutional right to independent judges did not apply to IMP approval process because zoning commission and BRA did not engage in an adjudicatory or quasi-adjudicatory function in proceedings to consider IMP, and
- Approval of IMP was not arbitrary or capricious as the decision was made through a process that required communication and input from multiple sectors of state and local government and private parties in an effort to ensure that the amendment comports to the standards of the Boston zoning code, and approval of IMP by BRA did not bind zoning commission, which had authority to adopt, reject, or adopt in substantial accord the BRA recommendation.