

Bond Case Briefs

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Doherty v. Planning Bd. of Scituate

Supreme Judicial Court of Massachusetts, Suffolk - March 21, 2014 - N.E.3d - Mass.

Property brought action seeking judicial review of decision of town planning board, denying owner's application for special permits to construct residential dwellings on two adjacent unimproved lots on a barrier beach peninsula. After a bench trial, the Land Court Department affirmed the board's decision, and owner appealed. The Appeals Court reversed. Board applied for further appellate review.

The Supreme Judicial Court of Massachusetts held that in determining whether lots were "subject to flooding," board could consider lots' overlap with Federal Emergency Management Agency's (FEMA) flood zones and testimony of witnesses.