

Bond Case Briefs

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City of Boston v. Conservation Commission of Quincy

Supreme Judicial Court of Massachusetts, Suffolk - July 25, 2022 - N.E.3d - 2022 WL 2911830

City sought certiorari review of local conservation commission's denial of city's application for permission to build a bridge that would impact wetlands, pursuant to Wetlands Protection Act and local wetlands ordinance.

The Superior Court Department allowed city's motion for partial judgment on the pleadings, after which the Superior Court Department entered a final judgment. Commission appealed.

The Supreme Judicial Court held that Department of Environmental Protection's (DEP) superseding order of conditions preempted the commission's denial of city's application.

Department of Environmental Protection's (DEP) superseding order of conditions pursuant to Wetlands Protection Act preempted local conservation commission's denial of city's application for permission to build a bridge to the extent that commission's decision was premised on impacts related to access road, where commission stated that it was unable to assess cumulative wetlands impacts under local wetlands ordinance, the impacts with which commission's consultants and commission were concerned were within DEP's purview, and differing analyses for any consideration by commission of impacts other than those that the DEP found meaningful were not due to local ordinance being more stringent than Act.