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Reilly v. Town of Hopedale

Appeals Court of Massachusetts, Worcester - March 7, 2023 - N.E.3d - 2023 WL 2375559

Citizens brought action against town and railroad, seeking a declaration that town's waiver of its statutory option to purchase forest lands, entered into as part of settlement agreement with railroad, was invalid and unenforceable.

The Superior Court Department granted railroad's motion for judgment on the pleadings. In consolidated case, the Land Court Department denied citizens' motion for expedited treatment of their motion to intervene and their motion to intervene in suit brought by town against railroad. Citizens appealed.

The Appeals Court held that:

- Citizens lacked standing to seek declaratory relief under statute allowing for taxpayers to petition to restrain illegal appropriations;
- Citizens lacked standing to bring a claim under statute creating tax incentives for preserving and maintaining forest lands;
- Citizens lacked standing to pursue a mandamus action under statute allowing town to assign its option to purchase classified forest lands;
- Citizens' motion to intervene in Land Court action was not moot and would be remanded; and
- Citizens' post-judgment motion to intervene in Land Court action was not untimely.

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