



SNEAPA 2016

— ENGAGE - PLAN - GROW —
CULTIVATING GREAT COMMUNITIES

Land Use Law Developments of the Last Year

Thursday, October 20, 2016

Resource Materials for Land Use Law

Alternative Dispute Resolution

Lincoln Institute of Land Policy

http://cbuilding.org/sites/cbi.drupalconnect.com/files/Mediating%20Land%20Use%20Disputes_o.pdf

Fanning v. Alexander, MISC 14-484762 (Mass. Land Court 2016)

<http://masscases.com/cases/land/2016/2016-14-484762-DECISION.html>

Theodore W. Kheel Center on the Resolution of Environmental Interest Disputes

<http://law.pace.edu/edr-resources>

Comprehensive Plan

In re Rutland Renewable Energy, LLC (VT 2016)

<http://tinyurl.com/zo6yx82>

Easements

Francini v. Goodspeed Airport LLC (Conn. App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

Melrose Fish & Game Club v. Tennessee Gas Pipeline Company (Mass. App. 2016)

www.masscases.com/cases/app/89massappct594.html

Eminent Domain / Expert Testimony

United States ex rel. Tennessee Valley Authority v. 1.72 Acres of Land in Tennessee, 821 F.3d 742 (6th Cir. 2016)

<http://tinyurl.com/z8ltog7>

U.S. Constitution 5th Amendment

<http://tinyurl.com/32cryl>

Endangered Species

Kuehl v Sellner (N.D. Iowa 2016)

<http://tinyurl.com/hpzyzl7>

Grandfathering

TheRDM Trust v. Town of Milford No. 2015-0495 (N.H. 2016)

<http://tinyurl.com/zbwspk>

Almeida v. Arruda (Mass. App. 2016) <http://tinyurl.com/hcmm7lm>

Historic Preservation

Restore Oregon

<http://restoreoregon.org/lessons-learned-carman-house/#lightbox/3/>

Lake Oswego Preservation Society v. City of Lake Oswego, 360 Or. 115 (2016)

<http://tinyurl.com/gp4ucqa>

Lake Oswego Preservation Society

<http://lakeoswegopreservationsociety.org/land-use-testimony/>

Preemption

City of Longmont v. Colorado Oil and Gas Association (Colo. 2016)

<http://tinyurl.com/zd5ckcd>

Protected Speech – First Amendment

Buehler v. City of Key West (11th Cir. 2015)

<http://tinyurl.com/h82pmq7>

Public Trust Doctrine

Hackensack Riverkeeper, North Jersey's Leading Clean Water Advocate

<http://www.hackensackriverkeeper.org/2503-2/>

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Hackensack Riverkeeper v. New Jersey Department of Environmental Protection, (NJ App. Div. 2015)

<http://tinyurl.com/jd6w7yd>

New Jersey Coastal Management Program

<http://www.nj.gov/dep/cmp/>

New Jersey Municipal Public Access Plans, FAQ's

<http://www.nj.gov/dep/cmp/access/faqs.html>

Railroads

Murray v. Department of Conservation & Recreation (Mass. 2016)

www.masscases.com/cases/sjc/475mass99.html

RLUIPA

See, generally and frequently: rluipa-defense@rc.com

Signs – First Amendment

Rocky Mountain Sign Law Blog

<http://www.rockymountainlaw.com/2016/08/tampa-panhandling-ban-found-unconstitutional/#more-2058>

Homeless Helping Homeless, Inc.

<http://www.homelesshh.com>

Tampa repeals parts of panhandling law

<http://www.wtsp.com/news/local/tampa-repeals-parts-of-panhandling-ban/236451926>

Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015)

<http://tinyurl.com/zroq4g8>

Standing

Cherry v. Weisner, 781 S.E.2d 871 (NC App. 2016)

<http://tinyurl.com/j8ecw9t>

NC Modernist Houses Website: Timeline for the Louis Cherry / Marsha Gordon House

<http://www.ncmodernist.org/2014oakwood.htm>

2016-10-17

Lovelady, **Can the neighbor speak? Can the neighbor appeal? Standing and quasi-judicial hearings**” Coates' Canons (Sept. 27, 2016)

<http://tinyurl.com/gwm8tk5>

Arieff, **Don't Like Your Neighbors' House? Sue Them**, New York Times (July 12, 2014)

<http://tinyurl.com/z2yong7>

Takings

Kirby v. North Carolina Department of Transportation (NC 2016)

<http://tinyurl.com/jkrt28z>

California Bldg. Indus. Ass'n v. City of San Jose, California (US 2016) Cert. Denied

<http://tinyurl.com/ja6dojx>

Variances

Assateague Coastal Trust, Inc v. Schwalbach (MD App. 2016)

<http://tinyurl.com/hyfjib2>

Caruso v. City of Meriden (CT App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

Zoning

Macdonough v Spaman (D. N.Y. 2016)

<http://tinyurl.com/jx5fm95>