

LAND USE REGULATION SYLLABUS

SPRING 2025

**Professor
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Instructors:

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REQUIRED READING

The professors have published an electronic casebook which is posted on TWEN.

GOALS AND OBJECTIVES OF THE COURSE

This is an introductory survey course of land use law. Successful students will master the complicated structure and functions of the doctrines, legal methods, legal reasoning and legal analysis employed by lawyers when practicing “land use law.” It is expected that students achieving a grade of “C” or better will have mastered the law and legal processes sufficiently to understanding of the fundamentals of land use law that is sufficient to enable them to take the first steps to establish a practice in land use law upon graduation from the Massachusetts School of Law. The course consists of both a theoretical and practical component.

GRADING

Your final grade shall be composed of two components:

Final Simulation:	30%
Final Presentation:	60%
Attendance at a Municipal Land Use Hearing (Students will file a short report of observation)	10%

The Final Simulation Exercise will consist of a controlled land use project that requires a written memorandum to be presented to a hypothetical zoning board. The Final Presentation will be a simulated presentation to the board. All students must attend a municipal zoning board hearing, and report thereon.

READING ASSIGNMENTS FROM CASEBOOK
Supplementary material will be posted during the semester

TOPIC ONE

INTRODUCTION: Class Expectations.

TOPIC TWO

Chapter One

NUISANCE - Read pages 3 to 12.

TOPIC THREE

Chapter Eight

VARIANCES – Read pages 123; 127 to 132; 135 to 142.

TOPIC FOUR

Chapter Four

PURPOSE, USE DISTRICTS AND AREA REQUIREMENTS
Read pages 50 to 59 and page 64.

TOPIC FIVE

Chapter Five

ACCESSORY USES, HEIGHT & BULK CONTROLS, &
CONDITIONAL USES – Read pages 65 to 77.

TOPIC SIX

Chapter Nine

NONCONFORMING USES & STRUCTURES
Read pages 143 to 166.

TOPIC SEVEN

Chapter Six

SPOT ZONING & UNIFORMITY
Read pages 87-97.

TOPIC EIGHT

Chapter Seven

INITIATIVE & CONTRACT ZONING

Read pages 97 to 118

TOPIC NINE

Chapter Ten

PLANNED UNIT DEVELOPMENTS

SPECIAL PERMITS

Read pages 166 to 173; 124 to 127

TOPIC TEN

Chapter Two

COMPREHENSIVE / MASTER PLANS

Read pages 24 to 27; 30 to 37

TOPIC ELEVEN

Chapter Three

CLASSIC ZONING

Read pages 40 to 47.

TOPIC TWELVE

Chapter Eleven

ZONING LITIGATION

Read pages 173 to 192.

TOPIC THIRTEEN

Chapter Thirteen

VESTED RIGHTS

Read pages 249 to 263

TOPIC FOURTEEN

Handout

SUBDIVISION CONTROL LAWS

The order of the above assignments are anticipated and may vary depending on the progress made in class. There will be additional handouts during the semester.

The last week(s) of classes will be utilized towards preparation of the Final Presentation.

It is required that students are prepared for class and have read and briefed the assigned cases. If a student is not prepared, it is that student's responsibility to notify the Professor prior to the commencement of the class. At that time a determination will be made as to whether that student may attend class, whether the lack of preparation will be treated as unexcused absence.

Attendance will be taken at each class, students who have more than three unexcused absences will have their final grade reduced by a "minus", example (C+ to a C).

If a student desires to review their final grade with the Professor, it is a prerequisite that the student produce their case briefs and outlines of the course to insure said meeting is productive in identifying those areas of difficulty.