

Sugarbush Meadows Comprehensive Permit History

The year started out on a sour note for the Sunderland Zoning Board of Appeals in regards to the Sugarbush Meadows Comprehensive Permit court battle. On January 14, 2013, the ZBA learned that the Massachusetts Supreme Judicial Court had denied the town's final appeal. Here is a summary of the key milestone events that constituted the Sugarbush Meadows Comprehensive Permit matter. On September 28, 2006, Sugarbush Meadows LLC submitted a Chapter 40B application to build a 150-unit residential complex off of Plumtree Road using the state's Comprehensive Permit process to gain relief from several Sunderland Zoning by-laws which would have otherwise prohibited this project from being built. The ZBA conducted several public hearings starting in late 2006 and throughout all of 2007, and finally issued a decision to deny the Comprehensive Permit on January 10, 2008. Several weeks later, Sugarbush Meadows appealed our denial to the state's Housing Appeals Committee (HAC). The remainder of 2008 and most of 2009 was consumed with trial motions, document filings, extensions and a mediation session which effectively pushed off the HAC trial to the end of the year. The HAC finally conducted their hearings on November 17 in Sunderland and November 18 in Boston. On June 21, 2010 the HAC issued their ruling on the matter and voted to overturn the ZBA's denial. Subsequently, the Town of Sunderland appealed the HAC ruling to the Massachusetts Superior Court on July 19, 2010. On June 30, 2011, the Massachusetts Superior Court ruled against Sunderland and re-affirmed the HAC decision. The town then filed an appeal of the Superior Court denial to the Massachusetts Appeals Court on July 28th. On November 11, 2011 the Massachusetts Supreme Judicial Court (SJC) agreed to hear our appeal, thereby bypassing the Massachusetts Appeals Court. Our Chapter 40B counsel, Jason Talerman, argued the town's case before the Massachusetts Supreme Judicial Court on September 5, 2012. On January 14, 2013, the Massachusetts Supreme Judicial Court ruled against the town's appeal and affirmed the decision of the Housing Appeals Committee, which overturned the ZBA's denial of the Sugarbush Meadows Comprehensive Permit. With this last SJC decision, the town has exhausted all appeals avenues and the HAC's decision is final.

Although the Town of Sunderland and the ZBA did not prevail in court, the future of the Sugarbush Meadows project is far from certain. The project still has several more hurdles to clear and needs to get many more approvals. The Town will have input into several of those approvals. In addition, there have been negotiations with the developer to acquire part or all of the land, and to find some open-space preserving, revenue-generating uses for the parcel. Although this long eight-year Comprehensive Permit saga has ended, the final chapter of this project has yet to be written.