Zoning & Land Use

APPROACH

Our Zoning & Land Use Group supports clients in navigating the complex regulations that shape how real property is purchased, developed, improved, and used. Working at the crossroads of commercial real estate and litigation, we assist developers, property owners, businesses, and institutions in securing approvals, resolving regulatory challenges, and safeguarding their property interests.

Ruberto, Israel & Weiner represents clients across a range of industries, including commercial and residential real estate development, with specialized expertise within the following fields: wireless telecommunications, large scale solar, cannabis, retail, restaurants, and hospitality. Our legal experts have years of experience helping them manage industry-specific challenges and regulatory frameworks.

Whether you're pursuing a major commercial project, seeking a special permit, responding to neighborhood opposition, or challenging a municipal decision, our team delivers practical strategies and results-driven representation.

For more information about how the team at RIW can assist with your land use needs, contact Michael Rosen, Zoning & Land Use Group Chair, at **(617) 570-3541** or **mdr@riw.com**.

SERVICES

ZONING & APPROVALS (Chapter 40A); APPEALS

In conjunction with our **Commercial Real Estate Group**, we represent clients in all aspects of zoning and permitting under Chapter 40A, including applications for variances, special permits, site plan review, and subdivision approvals.

LAND USE RIGHTS & DISPUTES

Our legal zoning and land use experts handle complex land use disputes involving trespass, adverse possession, boundary conflicts, tree damage, and the enforcement or relocation of easement rights.

LITIGATION

In conjunction with our **Litigation Practice Group**, we advise and represent clients in litigation when necessary to prosecute and defend claims relating to real property. These claims cover the entire lifecycle of property development, including contract or

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construction disputes, appeals of municipal approvals or denials, title claims, enforcement of financing documentation, and commercial lease disputes and evictions.

GOVERNMENT RELATIONS
Our attorneys provide strategic counsel and advocacy to help clients navigate the government relations side of land use matters, including representation before state agencies and local boards and committees, guidance on legislative and administrative issues, and support with community outreach and public affairs.

ADMINISTRATIVE PERMITTING & APPEALS
We represent clients in administrative proceedings involving architectural, historical, and neighborhood-specific oversight bodies, including the Back Bay Architectural District Commission (**BBAC**) and other City of Boston agencies. We also handle administrative appeals under Chapter 30A, as well as matters involving various state agencies.

CONSTRUCTION & PROJECT ENFORCEMENT
Our team assists clients in protecting their financial interests in **construction projects**, including filing and enforcing mechanics' liens, seeking attachments, and pursuing or defending claims related to payment disputes and project delays.

TITLES
Our attorneys review title to property; interpret, advocate, and seek to resolve title disputes; present petitions before the land court to quiet title; and issue title insurance policies.

WETLANDS & ENVIRONMENTAL COMPLIANCE
We advise clients on wetlands issues under both local bylaws and the **Massachusetts Wetlands Protection Act**, including representation before Conservation Commissions and the Department of Environmental Protection (DEP).

REPRESENTATIVE MATTERS

- Secured a favorable judgment in the Massachusetts Land Court for Benevolent Botanicals, finding that the City of Malden's zoning ordinance violated MGL ch. 94 (g), making it "unreasonably impractical" to obtain approvals and operate a marijuana establishment. **Access the Decision here**.
- Secured a precedent-setting Land Court decision, upheld by Appeals Court, confirming that cannabis cultivation constitutes an "agricultural use" under local zoning bylaws, rejecting a planning board's attempt to classify cultivation as light manufacturing. **Access the Decision here**.
- Served as lead counsel for Grandis Homes LLC in securing a comprehensive permit under Chapter 40B for a 170-acre residential development in Medway, Massachusetts, enabling construction of 136 single-family homes.
- Served as counsel to TowerCo, alongside co-applicant Verizon, in obtaining local approvals for construction of monopole telecommunications facilities in Acton, MA and Sanbornton, NH.
- Served as counsel to Viridi Wireless, alongside co-applicant AT&T, in obtaining local approvals for construction of a monopole telecommunications facility in Greenfield, Massachusetts.
- Secured approval of the first "Planned Development District" in City of Medford and related permits for construction of mixed-use commercial/residential development with 65-units.
- Secured a favorable judgment in Land Court, upheld by Appeals Court, ruling that a dominant estate can realign, change grade, and widen an access drive if reasonably

necessary for its use and enjoyment, so long as such improvements do not unreasonably increase the burden of the servient estate holder. **Access the Decision here**.

- Served as counsel to Pugh Management in connection with the development of 735 Broadway, a 95,000 square foot distribution warehouse in Everett, Massachusetts
- Secured use variance and related entitlements for a 45-unit mixed-use development in the City of Medford.
- Served as lead zoning and development counsel for national sports and entertainment company in development of new 14,000 sq ft facility in Boston's Fort Point neighborhood.
- Secured a favorable ruling for solar developer for a site in Northbridge, MA. **Read more here**.
- Secured favorable settlements for property owners in disputes involving the alleged cutting down or destruction of trees.