

## OVERVIEW

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# LAND USE



Murtha Cullina Land Use attorneys offer a broad range of services. We guide our clients through land development processes and contract negotiation and advise them on matters ranging from local land use law to historic preservation and eminent domain. Our attorneys also conduct seminars and workshops for clients and land use commissioners through several local, regional and state agencies.

### REPRESENTING DIVERSE LAND USE CLIENTS

Murtha Cullina LLP attorneys represent a broad range of clients in all aspects of land use, including: zoning, subdivision, wetlands, water and sewer utilities, and public health issues. Our clients include commercial and residential developers, private landowners, conservation organizations, municipalities, and regional utility and health officials and agencies, among others. The diversity of this representation enhances our ability to represent each group. For our clients, our experience translates into comprehensive, cost effective, and proactive representation and management of land use issues.

### LAND DEVELOPMENT

We counsel our clients in connection with the acquisition, development, financing, and sale of real estate located in Massachusetts and Connecticut. We strategically guide the land development process beginning with an examination of land use considerations, including legal and practical evaluations and due diligence. We assist in the process of negotiating contracts for project design and construction and in closing the transactions leading to completed projects.

The firm has successfully represented numerous landowners, builders, and developers in planning, preparing and processing land use applications before all levels of government and through all phases of development, including, when necessary, successful administrative appeals. Murtha Cullina LLP attorneys are experienced in obtaining cost-effective and timely issuance of permits and approvals that implement our clients development vision. Projects in which we have played an active role include major residential and commercial developments and subdivisions, shopping centers, redevelopment projects, and affordable housing projects.

We also represent conservation organizations and citizen groups in connection with development proposals. We participate in community interaction and outreach for high profile and controversial projects.

### SERVICES

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Diverse Land Use Client

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Land Development

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Municipal Clients

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Enforcement Actions

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Litigation

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Agriculture

## OUR MUNICIPAL CLIENTS

Our municipal clients look to us for counsel and advice concerning all aspects of local land use law. The firm provides assistance with the drafting and enforcement of land use ordinances, regulations and bylaws; and with the review of, and decision-making on, land use applications. We also advise our municipal clients concerning historic preservation and eminent domain.

We have acted as general or special counsel to more than 50 municipalities in various capacities. We have also represented numerous public water and sewer authorities and regional health districts. Our lawyers have served as elected officials at various levels of municipal government. Our experience on behalf of our municipal clients has brought us into every forum from local commissions to the Massachusetts and Connecticut Supreme Court.

## ENFORCEMENT ACTIONS AND LITIGATION

Given the potentially complex issues involved in land use and development, we urge clients to obtain our advice and counsel at the earliest stage possible, believing that early and effective counseling can avoid adverse agency decisions and costly litigation. When litigation is unavoidable, however, we have the experience to try these cases to a successful conclusion in federal and state court.

## AGRICULTURE

Many of our attorneys are skilled in counseling and representing the agricultural community. We have actively participated in drafting legislation regarding energy produced on farms, and are leaders in the formation of a state-wide agricultural association.

Sustainable agriculture is extremely important, not only for the local economy, but to provide local food supply, maintain open space, and sustain the local landscape. We assist farmers and foresters, as well as state and municipal officials, on land and water use, pesticide liability, environmental issues, purchase and sale of farms and commodities, generational transfers and tax advice.

Our attorneys are well-versed in maintaining compliance with federal, state and local regulations concerning land use, marketing, and acquisition and sale of agricultural facilities. We have experience in siting small wind facilities and negotiating energy sales to farms, as well as wetlands, land use and zoning litigation. We also represent a majority of the principal commodities groups in Massachusetts.

## PROFESSIONAL AFFILIATIONS

Our attorneys are actively involved with the International Council of Shopping Centers, the Homebuilders Association, the National Association of Industrial and Office Properties (NAIOP), and the Connecticut Developers Council. Murtha Cullina LLP attorneys conduct seminars and workshops for our clients and for land use commissioners in Connecticut and in Massachusetts through the Connecticut Bar Association, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Association of Conservation and Inland Wetlands Commissions, the Massachusetts Municipal Association, the Massachusetts Department of Agricultural Resources, the Massachusetts Farm Bureau Federation, and other regional agencies and councils. Several of our lawyers have advanced degrees in science and engineering. One of our attorneys is the author of a widely used procedural guide for Connecticut land use agencies, "What's Legally Required" and the principal co-author of a nationally distributed treatise on municipal and state land use liability, WestGroup's State and Local Government Land Use Liability.

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*With six offices throughout Connecticut, Massachusetts and New York, Murtha Cullina LLP offers a full range of legal services to meet the local, regional and national needs of our clients. Our practice encompasses litigation, regulatory and transactional representation of businesses, governmental units, non-profit organizations and individuals.*

**MURTHA  
CULLINA**  
ATTORNEYS AT LAW