

May 27, 2026 | Firm News

Appeals Court and SJC Affirm Land Court ruling that neighbor does not have standing to challenge ZBA determination

By: Rich May



Related Attorneys

Jeffrey B. Loeb

We're proud to announce that a case Jeff Loeb tried and prevailed on in the Land Court, *Bonanno v. Zoning Board of Appeals of Gloucester*, has been affirmed by the Appeals Court and the Supreme Judicial Court declined to hear further arguments.

The dispute centered on whether the plaintiffs—abutters to a vacant lot on Sleepy Hollow Road owned by our clients—had standing to challenge the Gloucester Zoning Board of Appeals' determination that the vacant lot was buildable.

Relying upon the Supreme Judicial Court decision in *Murchison v. Zoning Bd. of Appeals of Sherborn*, 485 Mass. 209 (2020), Attorney Loeb filed a motion for summary judgment. The Land Court ruled that while there was an issue of fact regarding whether the construction of a home on the lot would interfere with the neighbors' use of the right of way they used to get to their property, we had successfully rebutted the plaintiffs' presumption of standing as to all other issues and granted summary judgment in our clients' favor.

The trial proceeded on the narrow issue of whether the alleged impact on the plaintiffs' ability to access their property over a driveway easement that in part encumbered our clients' property provided a sufficient basis for standing. The Land Court found that any alleged harm to the plaintiffs was either *"de minimis or speculative"* and therefore insufficient to confer standing and entered Judgment in favor of our clients dismissing the neighbors' appeal of the ZBA determination that our clients' property was a buildable lot. The Trial Court decision outlining the court's reasoning can be found here.

After oral argument, the Appeals Court affirmed the judgment in full, agreeing that the plaintiffs failed to demonstrate any legally cognizable injury. The panel emphasized that speculative concerns—such as hypothetical impacts on sight lines for large service vehicles—could not support standing, noting that *"neither conjecture nor speculative personal opinion substitutes for proof."* The Appeals Court Memorandum and Order affirming the decision can be found here.

This decision by the Appeals Court and the subsequent denial of plaintiffs' Application for

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Further Appellate Review by the Supreme Judicial Court brings finality for our clients, clearing the way for them to build on their property.