

Harley Racer

Shareholder

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OVERVIEW

Harley, a Shareholder at Rich May, focuses on land use disputes, conservation and environmental law and complex civil litigation, including business and affordable housing partnership disputes. Harley's practice also includes local and environmental permitting and municipal law.

Harley's primary practice area is in aggressively protecting and conserving open space and public rights to land through litigation representing land trusts, citizen groups and abutting property owners.

Harley's business litigation practice includes a wide variety of business disputes including breach of contract, breach of fiduciary duties, trust administration, low-income housing tax credit (LIHTC) partnerships, licensing agreements, defamation, violations of c. 93A, tortious interference of business relationships and easement infringement.

Harley also appears before numerous municipal boards and commissions in Massachusetts to obtain or oppose permitting, with a strong track record of success on both sides.

REPRESENTATIVE MATTERS

Litigation

- Represented citizen group of town residents in two lawsuits concerning a town's right of first refusal to acquire forestland protected under M.G.L c. 61. Issues include application and procedure of c. 61 and public rights to protect against unauthorized municipal spending. Obtained judgment successfully and permanently enjoining town from consummating a settlement agreement to acquire a smaller portion of the forestland in exchange for waiving the town's c. 61 rights, rendering the settlement

Paralegal

Marissa Thomas

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agreement ineffective. Successfully appealed the denial of the citizen group's intervention in the land court to protect that judgment. See Reilly v. Town of Hopedale, 102 Mass. App. Ct. 367 (2023).

- Represented land conservation trust and town residents in multiple lawsuits and administrative proceedings concerning 55,000 s.f. building proposed by major university to be constructed in Natural Resource District on scenic ocean headlands next to public park. Issues include protection under Article 97 of the Massachusetts Constitution of dedicated parkland, zoning restrictions under Dover Amendment, wetlands protection, building height restrictions, environmental review under the Massachusetts Environmental Policy Act, historic preservation, eminent domain and municipal easements through site.

- Represented a start-up biotech company in defense of claims brought by alleged co-founder for breach of implied partnership agreement, breach of fiduciary duty, violation of Chapter 93A and defamation and in countersuit against alleged co-founder for breach of partnership agreement and breach of fiduciary duty based on alleged misappropriation of confidential information and other tortious acts. Obtained a favorable settlement after mediation.

- Represented beneficiary of trust against trustee for multiple breaches of fiduciary duty including failure to make distributions in the sixteen-year history of the trust, failure to account, commingling and waste of trust assets. Obtained $4 million judgment and removal of trustee after trial.
- Representing major nonprofit watershed association, intervening to join with Massachusetts Department of Environmental Protection, to successfully defend drought regulations.
- Represented owner of 77 acres of downtown property, preventing a taking of the property through eminent domain under an Urban Renewal Plan.
- Prevented the loss of historic easements across active railroad against claims of federal railroad preemption.
- Represented limited partners in action against principal of general partner for breach of guaranty agreements on multiple affordable housing projects, and defended limited partners and affiliates in action claiming alleged improper removal of former general partners. After extensive discovery, obtained agreement for judgment against principal of general partner.
- Represented general partner and non-profit sponsor of affordable

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housing in dispute with limited partners over non-profit's ability to exercise right of first refusal to obtain ownership of multi-million dollar low-income tax credit housing project.

Permitting

- Represented developer of cannabis retail operations in multiple municipalities with respect to zoning, tidelands, wetlands, parking, traffic, security, site plan approval, and other issues.
- Represented private school preventing major developer from amending local zoning ordinance to allow development of undeveloped forestland.

EDUCATION

- Northeastern University School of Law, J.D., 2013
- University North Carolina Asheville, B.A. Political Science, 2010

BAR ADMISSIONS

- Commonwealth of Massachusetts

COURT ADMISSIONS

- U.S. District Court for the District of Massachusetts

OUTSIDE THE OFFICE

Harley keeps bees, weaves baskets and is an avid permaculture gardener. He spends much of his time outside the office truly outside with his wife and three kids immersed in the natural world whether in their backyard food forest, hiking, foraging or family camping.

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