

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

BERKSHIRE ss.

MISCELLANEOUS CASE
No. 19 MISC 000386 (DRR)

HUME LAKE CHRISTIAN CAMPS, INC.,

Plaintiff,

v.

THOMAS M. SAWYER, ROGER C. TRYON,
LAWRENCE B. KLEIN, PATRICIA SALOMON,
and NANCY R. MARCUS, as MEMBERS OF
THE PLANNING BOARD OF THE TOWN OF
MONTEREY,

Defendants.

JUDGMENT

This action commenced on August 9, 2019, as an appeal pursuant to G. L. c. 40A, §17, of a decision of the Planning Board of the Town of Monterey (the “Board”). The case came on for trial by the court (Rubin, J.). In a decision of even date, the court has made findings of fact and rulings of law. In accordance with the court’s decision, it is

ORDERED and **ADJUDGED** that the decision of the Board, dated July 25, 2019, rejecting Hume Lake Christian Camps, Inc’s May 17, 2019, application for site plan review for the property on Chestnut Hill Road, Monterey on the basis that the proposed RV Camp is not a religious use under G.L. c. 40A, § 3 is unsubstantiated and legally untenable as it relates to use by attendees of the proposed Family Camp and is therefore **ANNULLED in part**, and it is further

ORDERED and **ADJUDGED** that the decision of the Board, dated July 25, 2019, rejecting Hume Lake Christian Camps, Inc's May 17, 2019, application for site plan review for the property on Chestnut Hill Road, Monterey on the basis that the proposed RV Camp is not a religious use under G.L. c. 40A, § 3 is upheld as it relates to use by volunteers and seasonal staff and is therefore **AFFIRMED in part**, it is further

ORDERED and **ADJUDGED** that said decision of the Board, is hereby **REMANDED** to the Board for proceedings consistent with this Judgment and the Court's decision of even date, and so as to allow Hume Lake Christian Camps, Inc. the opportunity to submit a further application for site plan approval for the Board's review, consistent with the court's decision and this Judgment, and it is further

ORDERED that today's decision, and this Judgment issued pursuant thereto, dispose of this entire case; the court has adjudicated or dismissed all claims by all parties in this action and has not reserved decision on any claim or defense, and it is further

ORDERED that no costs, fees, damages or other amounts are awarded to any party.

SO ORDERED

By the Court (Rubin, J.)
/s/ Diane R. Rubin

Attest:

/s/ Deborah J. Patterson
Deborah J. Patterson
Recorder

Dated: April 27, 2022