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SJC Issues Decision Encouraging Broad Application of Dover Amendment Protections

BY JOSEPH R. DUQUETTE • SEPTEMBER 19, 2023

In *Hume Lake Christian Camps, Inc. v. Planning Board of Monterey*, 492 Mass. 188 (2023), the SJC was tasked with deciding whether the Dover Amendment precluded the Town of Monterey from denying approval of a recreational vehicle (RV) camp. By way of background, Hume applied to the planning board of Monterey to build an RV camp on the grounds of its Monterey property so it could house families who attend camp sessions, as well as volunteers and seasonal staff who perform a variety of duties at the camp. The board denied Hume's application on the ground that the RV camp would not be an exempt religious use under the terms of the Dover Amendment.

As with other Dover Amendment cases, the SJC considered whether the religiously significant goal of Hume was the "primary or dominant" purpose of the RV camp. In making this decision, the SJC noted that courts should not take a piecemeal approach to these inquiries and should instead determine whether the land or structure as a whole is to be used for religious purposes. The SJC further stated that the exemption also encompasses "a variety of accessory uses" that are not inherently religious in nature but are components of a broader religious project. Ultimately, the SJC vacated the lower court's decision approving the planning board's denial of the project, concluding that the primary or dominant purpose of housing families at the RV camp would serve Hume's religious mission by strengthening attendance at the proposed family camp program.

Though Dover Amendment cases are factually specific, this case continues a trend of jurisprudence expanding the application of Dover Amendment protection for accessory uses.

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