



Brian W. Blaesser

Of Counsel

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Brian is a member of the Real Estate Practice Group in the Corporate Department. He counsels clients in the areas of commercial real estate development and redevelopment, leasing, land use law, condemnation law, and environmental and renewable energy law. His clients include owners, investors, and developers who depend on his counsel in analyzing land use and development regulations, securing the requisite entitlements from state and local governments, and crafting development agreements to achieve real estate development objectives. He advises clients on projects including single and multifamily developments, cinemas, warehouse distribution centers, retail facilities, senior independent living and assisted living facilities, and projects involving a wide range of environmental transactional and regulatory permitting by agencies such as the Massachusetts Department of Environmental Protection, the Massachusetts Division of Fisheries and Wildlife, the U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers.

He also assists developers in addressing local government growth management and sustainability initiatives involving issues such as impact fees, adequate public facilities, growth phasing, inclusionary zoning (IZ), transfer development rights (TDR), design review, form-based codes, preservation of community character, and urban growth boundaries. Brian structures public/private partnerships with state and local governments on behalf of landowner and developer clients and is experienced in utilizing development agreements and public financing mechanisms, such as special assessment districts (SADs) and tax increment financing (TIF) to achieve economic development objectives.

Brian has extensive experience in state and federal trial and appellate courts in real estate and land use litigation, including the takings issue, First Amendment issues involving sign regulations, impact fees, vested rights, appeals of denials of variances and special permits, EPA enforcement actions, and violations of Section 1983 of the Civil Rights Act. He also handles condemnation matters for landowners and developers. He formerly served as special assistant attorney general for eminent domain actions brought by the Illinois departments of transportation and conservation.

As a real estate practitioner and author of various publications on real estate development, Brian has been active in teaching students in graduate business, real estate, and planning programs. He has taught the Real Estate Development course at the Columbia Business School, Milstein Center for Real Estate and a course on Land Use

Law at the Fordham University Real Estate Institute at Lincoln Center. He recently taught a course on “Entitlements for Redevelopment,” offered in the Masters in Real Estate and Masters in Urban Planning programs at Georgetown University. Brian also has served as a lecturer at the Harvard Graduate School of Design (GSD), with an appointment at the Kennedy School of Government, teaching courses on land use and environmental law, and on public/private partnerships.

Services

- Corporate & Transactional
- Real Estate
- Development & Zoning
- Eminent Domain & Valuation

Education

- Boston College Law School (J.D., 1979)
 - Law Review
- Massachusetts Institute of Technology (M.C.P., 1979)
- Brown University (B.A., *cum laude*, 1969)
 - American History, honors

Bar Admissions

- Massachusetts
- Connecticut
- Illinois

Court Admissions

- U.S. Supreme Court
- U.S. Court of Federal Claims
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of California

Affiliations/Memberships

- Counselors of Real Estate (CRE®)
- Boston Bar Association

- International Council of Shopping Centers (ICSC), National Environmental Subcommittee
- Commercial Real Estate Development Association (NAIOP-MA)

Distinctions

- *The Best Lawyers in America*®, Real Estate Law (2010 - present)
- *Chambers USA: America's Leading Lawyers for Business* in the Commonwealth of Massachusetts, Real Estate: Zoning/Land Use (2013 - present)
- *Massachusetts Super Lawyers*®, Real Estate, Land Use, and Environmental law (2004 -present)
- Awarded Counselor of Real Estate (CRE®) designation (2016- present)
- Elected to Lambda Alpha International (LAI), honorary land economics society (1984 - present)
- Elected to Massachusetts Abstract Club (2005 – present)
- U.S. Green Building Council LEED Accredited Professional (LEED AP BD+C)
- Fulbright Scholar

Publications

2021

Discretionary Land Use Controls: Avoiding Invitations to Abuse of Discretion

Thomson-Reuters: 24th ed.

2021

Federal Land Use Law & Litigation

Thomson-Reuters: 17th ed.

2017

Reinventing Development Regulations

Lincoln Institute of Land Policy

2008

Redevelopment: Planning, Law and Project Implementation

ABA Publishing

1994

Condemnation of Property: Practice and Strategies for Winning Just Compensation

Wiley Law Publications

1989

Land Use and the Constitution

Planners Press

2021, 2009, 2002

Chapters in Books

On-Going

Selected Articles/Reports