

impair or impede that applicant's ability to protect the interest; and
(4) The applicant must show that the interest will not be adequately represented by existing parties.

Conservation Law Found. of New Eng., Inc. v. Mosbacher, 966 F.2d 39, 41 (1st Cir. 1992). An "applicant who fails to meet any one of these requirements cannot intervene." *Travelers Indem. Co. v. Dingwell*, 884 F.2d 629, 637 (1st Cir. 1989).

Plaintiffs, in objecting to Mr. Thompson's motion to intervene, concede that he meets the first two requirements, but assert that he does not meet the last two. This Court agrees. Any determination by this Court in this lawsuit will not "impair or impede [Mr. Thompson's] ability to protect [his] interest." Mr. Thompson will still have the unfettered ability to raise his concerns and protect his rights before the Planning Commission when the Plaintiffs, after a decision by this Court, seek preliminary plan approval. Furthermore, Mr. Thompson has not shown his interests "will not be adequately represented" by the Defendant Town Council and its officials. Mr. Thompson's interest in the limited issue that is before this Court at this time will be adequately represented by the Town Defendants.

Therefore, the Court DENIES Rickey L. Thompson's Motion to Intervene (ECF No. 8).

IT IS SO ORDERED.



John J. McConnell, Jr.
United States District Judge

December 11, 2017