

COMMONWEALTH OF MASSACHUSETTS

LAND COURT
FILED

MIDDLESEX, ss.

LAND COURT 19 DEC 19 PM 3:59
DOCKET NO. 19MISC000359

ANNE STONE,

Plaintiff,

v.

JOHN RIORDAN, WILLIAM RAY, JOHNATHAN
GOSSELS, FRANK RIEPE, BENJAMIN
STEVENSON, JEFFREY P. KLOFFT, DAVID
BOOTH, and NANCY G. RUBENSTEIN, as they
are members of the TOWN OF SUDBURY
ZONING BOARD OF APPEALS,

Defendants.

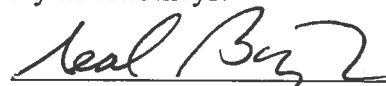
NOTICE OF DISMISSAL

Now comes all plaintiff to the above-captioned action and, pursuant to Mass. R. Civ. P. 41(a)(1)(i), hereby gives notice of the dismissal of all claims, counterclaims, crossclaims, third-party claims and defenses that have been or could have been asserted in this action with prejudice, without costs, and with all rights of appeal waived.

This Notice of Dismissal is filed in light of the facts that: (1) the variance applications underlying this appeal were constructively approved by virtue of the defendant Zoning Board of Appeals' failure to act on the applications within 100 days as required by G.L. c.40A, §15; (2) the Denial Decision that is the subject of this appeal was untimely and therefore a nullity and of no force or effect, and (3) the Stipulation of Dismissal filed in the companion appeal (Land Court Docket No. 19MISC000301) makes final the constructive approval of the variance applications.

ANNE STONE

By its Attorneys:

A handwritten signature in black ink, appearing to read "Neal Bingham", is written over a horizontal line.

Jerry C. Effren (BBO No. 151580)

Neal J. Bingham (BBO No. 652029)

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Dated: December 19, 2019