

COMMONWEALTH OF MASSACHUSETTS

LAND COURT  
FILED  
19 DEC 19 PM 3:59

MIDDLESEX, ss.

LAND COURT  
DOCKET NO. 19MISC000301

TOWN OF SUDBURY, by and through its  
TOWN MANAGER, PLANNING BOARD  
AND ZONING ENFORCEMENT OFFICER,

*Plaintiff*

v.

JEFFREY P. KLOFFT, BENJAMIN  
STEVENSON, NANCY G. RUBENSTEIN,  
WILLIAM RAY, JOHN RIORDAN, FRANK  
W. RIEPE, JONATHAN G. GOSSELS,  
as they are members of the TOWN OF  
SUBURY ZONING BOARD OF APPEALS,  
and ANNE STONE,

*Defendants*

**STIPULATION OF DISMISSAL**

Now come all Parties to the above-captioned action and, pursuant to Mass. R. Civ. P. 41(a)(1), hereby stipulate to the dismissal of 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.

Defendant Anne Stone (the "Applicant") has agreed that the constructive approval of the variances that are the subject of this appeal shall not be exercised except in full conformance with the following approvals of the Sudbury Planning Board ("Planning Board Approvals"): (1) Site Plan Review Decision, filed with the Sudbury Town Clerk on September 27, 2019; (2) Stormwater Management Permit Decision, filed with the Sudbury Town Clerk on September 19, 2019; and (3) Water Resource Protection Overlay District Special Permit Decision, filed with the Sudbury Town Clerk on September 19, 2019. By the filing of the within Stipulation and recording a Certificate of Constructive Approval, the Applicant agrees on her behalf and on

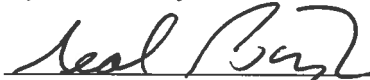
behalf of her agents, employees, successors and assigns to fully comply with the Planning Board Approvals and all of the conditions set forth therein and to not seek to modify the Planning Board Approvals except as may be necessary to comply with the requirements or conditions of other permits or approvals required for the project that is the subject of this appeal. The plaintiffs agree that the denial decision filed by the Sudbury Zoning Board of Appeals, which is the subject of companion case 19MISC00039, was untimely and therefore is a nullity and of no force or effect.

Plaintiffs,  
TOWN OF SUDBURY, by and through its  
TOWN MANAGER, PLANNING BOARD  
AND ZONING ENFORCEMENT OFFICER,  
By their Attorney:



Jonathan Silverstein (BBO No. 630431)  
A. Alexander Weisheit (BBO No. 682323)  
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Defendant,  
ANNE STONE  
By its attorneys:



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Defendants,

JOHN RIORDAN, et al., as they are members  
of the TOWN OF SUDBURY ZONING  
BOARD OF APPEALS,  
By their Attorney:

*Jonathan Silverstein (rjh)*

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Dated: December <sup>19</sup>~~7~~, 2019