

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss

MISCELLANEOUS CASE
NO. 21 MISC 000401 (RBF)

WALSH BROTHERS BUILDING)
COMPANY, INC.,)

Plaintiff,)

v.)

JOHN LEE, SUSANNE MURPHY,)
ROBERT FITZGERALD, MARY JANE)
COFFEY, and DREW DELANEY as they)
are members of the TOWN OF WALPOLE)
ZONING BOARD OF APPEALS,)

Defendants.)

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J U D G M E N T

Plaintiff Walsh Brothers Building Company, Inc. (Walsh Brothers) filed the Complaint in this action on August 6, 2021, naming as defendants the members of the Town of Walpole Zoning Board of Appeals (ZBA). The Complaint is an appeal under G.L. c. 40A, § 17, of the ZBA's decision in Board of Appeals Case No. 20-25, filed with the Walpole Town Clerk on August 2, 2021 (Decision). At a status conference on December 8, 2021, the parties agreed to present this action as a case stated. The Statement of Material Facts for Case Stated and Walsh Brothers Building Company, Inc.'s Brief in Support of Case Stated were filed on March 2, 2023. Defendant's Case-Statement Trial Brief was filed on March 22, 2023. Walsh Brothers Building Company, Inc.'s Reply Brief in Support of Case Stated, along with the bylaw, were filed on March 23, 2023. A view was taken and the case stated hearing was held on March 23, 2023, and taken under advisement. In a decision of even date, the court (Foster, J.) has made findings of fact and rulings of law.

In accordance with the court's Decision issued today, it is

ORDERED, ADJUDGED and DECLARED that the Decision is ANNULLED. It is further

ORDERED, ADJUDGED and DECLARED that this matter is REMANDED to the ZBA for further proceedings consistent the with the Decision issued today and this Judgment. It is further

ORDERED and ADJUDGED that this Judgment is final, and that the court does not retain jurisdiction of this matter.

By the Court. (Foster, J). /s/ Robert B. Foster

Attest:

/s/ Deborah J. Patterson

Deborah J. Patterson

Recorder

Dated: January 9, 2024.