

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

MIDDLESEX, ss.

MISCELLANEOUS CASE
No. 17 MISC 000160 (HPS)

AEDIN C. CULHANE, JOY A. BARON,
Trustee of the Baron Trust of 2013, and
SIMON J. FRENCH,

Plaintiffs,

v.

BROOKE K. LIPSITT, VINCENT FARINA,
HARVEY A. CREEM, WILLIAM M.
McLAUGHLIN, BARBARA HUGGINS
CARBONI, TREFF LaFLECHE, MICHAEL J.
ROSSI, and MICHAEL J. QUINN, as they are
members of the ZONING BOARD OF
APPEALS OF THE CITY OF NEWTON,
JOHN D. LOJEK as COMMISSIONER OF
INSPECTIONAL SERVICES FOR THE
CITY OF NEWTON, and ECW REALTY,
LLC,

Defendants.

JUDGMENT

This action, filed on March 27, 2017, pursuant to G. L. c. 40A, §17, came on to be heard by the court (Speicher, J.) on the plaintiffs' motion for summary judgment and the defendants' cross-motion for summary judgment. In a decision of even date, the court has made rulings of law and ordered the entry of summary judgment. In accordance with the court's decision, it is

ORDERED and **ADJUDGED** that the motion for summary judgment of the plaintiffs Aedin C. Culhane and Simon J. French,¹ is **DENIED**, and the cross-motion for summary judgment of the defendants, as they are the members of the Zoning Board of Appeals of the City of Newton, and the Commissioner of Inspectional Services for the City of Newton, and ECW Realty, LLC, is **ALLOWED**, and it is further

ORDERED and **ADJUDGED** that the decision of the Zoning Board of Appeals of the City of Newton filed with the City Clerk on March 8, 2017, upholding a decision of the Commissioner with respect to the issuance of a building permit for the construction of a detached two-family dwelling at 47 Glen Avenue in Newton, is hereby **AFFIRMED**, and it is further

ORDERED that today's decision, and this Judgment issued pursuant thereto, dispose of this entire case; the court has adjudicated or dismissed all claims by all parties in this action and has not reserved decision on any claim or defense, and it is further

ORDERED that no costs, fees, damages or other amounts are awarded to any party.

By the Court (Speicher, J.)

Attest:

Deborah J. Patterson
Recorder

Dated: March 15, 2018

¹ The claims of plaintiff Joy A. Baron, Trustee of the Baron Trust of 2013, have previously been dismissed by stipulation.