

LAND COURT
FILED

Land Court
Department of the Trial Court

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
Case No. _____

Civil Cover Sheet

2015 AUG 11 PM 1:28

2015 AUG 11 AM 10:23

First Plaintiff Joseph Spaulding, Pro Se

First Defendant Weymouth Zoning Board of Appeals

Locus Address/Description 1434 Pleasant St / Lots 14 & 15 City/Town East Weymouth (Jackson Square)

Instructions

Part I - To Be Completed by Plaintiff(s)' Counsel:

FOR ALL MISCELLANEOUS CASES (EXCEPT cases filed pursuant to Servicemembers Civil Relief Act):

1. Using the list below, please number, with the **Number 1**, the main cause of action on which you base your complaint.

and

2. Place an "X" next to each other cause of action in your complaint.

and

3. Is this complaint verified ? ☐ Yes ☒ No

and

4. Are there any related cases filed in the Land Court Department ? ☐ Yes ☒ No

If yes, please provide the Case No.(s) : _____

1	ZAC	Appeal from Zoning/Planning Board G. L. c. 40A, § 17
	ZAD	Appeal from Planning Board G. L. c. 41, § 81BB
	ZJA	Validity of Zoning G. L. cc. 240, § 14A, 185, § 1 (j ½)
	ZEN	Enforcement of Zoning G. L. c. 40A, § 7
	COT	Remove Cloud on Title G. L. c. 240, § 6 - 10
	DOM	Discharge of Old Mortgage G. L. c. 240, § 15
	LVT	Affirm Tax Foreclosure - Land of Low Value - G. L. c. 60, § 80B
	MTB	Try Title G. L. c. 240, § 1 - 5
	MWA	Recover Freehold Estate (Writ of Entry) - G. L. c. 237
	MRC	Determine Validity of Encumbrances G. L. c. 240, § 11 - 14
	CER	Enforce Restrictions G. L. c. 240, § 10A - 10C

	MAD	Determine Fiduciary Authority G. L. c. 240, § 27
	PAR	Partition G. L. c. 241
	RED	Redemption G. L. c. 60, § 76
	SP	Specific Performance of Contracts G. L. c. 185, § 1 (k)
	MBF	Determine Municipal Boundaries G. L. c. 42, § 12
	MFE	Determine Boundaries of Flats G. L. c. 240, § 19
	CNC	Certiorari - G. L. c. 249, § 4
	MAN	Mandamus - G. L. c. 249, § 5
	TRE	Trespass to Real Estate Involving Title - G. L. c. 185, § 1 (o)
	EQA	Equitable Action Involving Any Right, Title or Interest in Land G. L. c. 185, § 1 (k)
	AHA	Affordable Housing Appeal G. L. c. 40B, § 21
	OTA	Other

Part II - Uniform Counsel Certificate - to be filled out by Plaintiff(s)' Counsel at the time of initial filing. All other counsel shall file within thirty (30) days of initial entry into the case, whether by answer, motion, appearance or other pleading.

FOR ALL MISCELLANEOUS CASES (EXCEPT Mortgage Foreclosures under the Servicemembers Civil Relief Act)

I am attorney-of-record for: Joseph Spaulding, Glenn F. Simmons, Daniel Makay

☒ Plaintiff ☐ Defendant in the above-entitled matter.

If Defendant(s) Attorney, please provide Case No. _____

- A. In accordance with Rule 5 of the Supreme Judicial Uniform Rules on Dispute Resolution (SJC Rule 1:18) which states in part: "... Attorneys shall: provide their clients with this information about court-connected dispute resolution; discuss with their clients the advantages and disadvantages of the various methods of dispute resolution; and certify their compliance with this requirement on the civil cover sheet or its equivalent . . ."
- B. In accordance with Land Court Standing Order 1-12, I certify that I am aware of the requirement to, "...serve a copy of the "Limited Assistance Representation (LAR) Information Sheet" upon all defendants at the same time as service of the summons, complaint, and civil cover sheet is made", and I will comply with this requirement.

I hereby certify my compliance with these requirements.

BBO# PRO SE

Joseph M. Spaulding, pro se
Signature of Attorney-of-Record

Date: August 11, 2015

Joseph M. Spaulding, Pro se
Please Print Name

Exempt Cases: Tax Foreclosures, Mortgage Foreclosures under the Servicemembers Civil Relief Act and all cases related to original and subsequent registration under G. L. c. 185, §1.

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

PARTIES

1. Plaintiff, Glenn Fitzsimmons, Pro Se, (Fitzsimmons), is a natural person who owns and resides at 10a Shawmut Ave, in Weymouth, Norfolk County, Massachusetts. Fitzsimmons' property abuts the subject property.
2. Plaintiff, Joseph Spaulding, Pro Se, (Spaulding), is a natural person who owns and resides at 7 Shawmut Ave, in Weymouth, Norfolk County, Massachusetts. Spaulding's' property abuts the subject property.
3. Plaintiff, Daniel McKay, Pro Se, (McKay), is a natural person who owns and resides at 1429 Pleasant St, in Weymouth, Norfolk County, Massachusetts. McKay's property abuts the subject property.
4. The Defendant, Weymouth Board of Zoning Appeals is a duly constituted municipal board and the permit granting authority with respect to the grant or denial of special permits and variances in the Town of Weymouth. The ZBA has a usual place at Middle St, in Weymouth, Norfolk County, Massachusetts.
5. The Defendant, Richard McLeod, is a duly appointed member and chairman of the ZBA and resides at Sherricks Farm Rd in Weymouth, Norfolk County Massachusetts.
6. The Defendant, Edward Foley is a duly appointed member and vice-chairman of the ZBA and resides at Harding Avenue in Weymouth, Norfolk County, Massachusetts.
7. The Defendant, Charles Golden, is a duly appointed member of the ZBA and resides at 11 Golden Bear Lane in Weymouth, Norfolk County, Massachusetts.
8. The Defendant, Jonathan Moriarty, is a duly appointed member of the ZBA and resides at 38 Hildale Road in Weymouth, Norfolk County, Massachusetts.
9. The Defendant, Robert Stevens, is a duly appointed associate member of the ZBA and resides at 35 West Lake Drive in Weymouth, Norfolk County, Massachusetts.
10. The Defendant, Brad Vinton, is a duly appointed associate member of the ZBA and resides at 260 Park Avenue in Weymouth, Norfolk County, Massachusetts.
11. The Defendant, Brandon Diem, is a duly appointed associate member of the ZBA and resides at 22 Stratford Road in Weymouth, Norfolk County, Massachusetts.
12. The Defendant, Robin L. Moroz, is a duly appointed associate member of the ZBA and resides at 56 Pine Cliff Road in Weymouth, Norfolk County, Massachusetts.
13. The Defendant, Kemel A. Denizkurt, is a duly appointed clerk of the ZBA and resides at 33 Circuit Road in Weymouth, Norfolk County, Massachusetts.

14. The Defendant, Weymouth Pleasant Realty LLC, of 64 Willard St, in Quincy, Norfolk County, Massachusetts, is the registered owner of the property located at 1434 Pleasant Street in Weymouth, Norfolk County, Massachusetts.
 15. The Defendant, Joseph E. McLaughlin, is the principal on record and registered agent of Weymouth Pleasant Realty LLC, is a natural person and is located at 64 Willard St, Quincy, Norfolk County, Massachusetts.
-

JURISDICTION

16. This Land Court has jurisdiction over this case pursuant to M.G.L chapter 40A section 17.
-

ALLEGATIONS

17. That neither the Zoning Board of Appeals (ZBA) nor Joseph McLaughlin (McLaughlin) and accompanying parties are adhering to the standards set forth in the "Town of Weymouth Master Plan" (Master Plan)
 18. That neither the ZBA nor McLaughlin and accompanying parties are adhering to the standards set forth in the "Design Guidelines for the Village Center, Retail and Office Districts of the Town of Weymouth, MA" (Village Design Guidelines).
 19. That neither the ZBA nor McLaughlin and accompanying parties are adhering to the standards set forth in the ORDER 10 111 as referenced in the applicants factual background provided by representation Frank J Baldassini.
 20. That the proposed structure to be built at 1434 Pleasant St (proposed structure) is too tall as it lies in a B2 zone that abuts a R1 zone according to Town of Weymouth Building Ordinances as well as other zoning issues.
 21. That contrary to McLaughlin's special permit application, the proposed structure does not fulfill the requirements of the special permit.
 22. That the proposed structure's plan was negligently created and construction of the proposed retaining wall will encroach, disturb and/or destabilize the abutting land of Ryder Properties Company.
-

RELIEF

We are seeking that the special permit be revoked. Additionally, we would like to see any future plan for the proposed structure be redesigned fully utilizing the Master Plan and Village Design Guidelines with recognition that this B2 zone abuts a R1 zone and all that legal recognition affords. Additionally, we request that the Town of Weymouth

completes any required village zoning amendments, such as, but not limited to, ORDER 10 111, in accordance with the Master Plan and Village Design Guidelines, as was its intention, within 340 days to decisively protect the integrity of the villages. The plaintiffs humbly request this be done in order to fully halt any further wanton and reckless planning in the future.