

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
CIVIL ACTION NO. 08-843

Peter K. Frei,)
Plaintiff)
v.)
Town Clerk-, Planning Board-,)
and Zoning Board of Appeals)
of the town of Holland,)
Defendants)

PLAINTIFF’S NOTICE
PURSUANT
Mass. R.A.P. RULE 8

Notice is hereby given, that plaintiff, Peter K. Frei, will not order any parts of the transcript of the motion hearing on defendants’ motion under M.R.Civ.P. Rule 12(b)(6).

Plaintiff will present the following two questions for review:

After the constructive grant of plaintiff’s petition due to the Zoning Board of Appeals failure to take action and failure by all of the 24 notified interested parties to appeal the constructive grant, did the Superior Court err in dismissing plaintiff’s petition despite the mandatory constructive grant provision under G.L., c.40A, s.15?

In a situation whereby town officials habitually grant themselves unanimously permits that are clearly in violation of G.L. and not only local by-laws, while denying habitually non-officials their fundamental rights, did the Superior Court’s dismissal violate plaintiff’s rights granted under G.L. and article V and VII to the Constitution of the Commonwealth?

Plaintiff pro se

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CERTIFICATE OF SERVICE

On this 10th day of March 2009, I certify that I forwarded via first class mail, postage prepaid, a copy of the forgoing document to the following counsels on record:

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March 10, 2008

Peter K. Frei