

SEAL

COMMONWEALTH OF MASSACHUSETTS  
Land Court  
Department of the Trial Court  
12 MISC 459564 (AHS)

WALKER REALTY, LLC,

Plaintiffs,

vs.

TOWN OF ACTON, MASSACHUSETTS; and ADAM HOFFMAN, KENNETH KOZIK, and  
MARILYN PETERSON, Members of the Board of Appeals of the Town of Acton,

Defendants.

**POST-HEARING ORDER**

This cause came to be heard on March 20, 2015 for a status conference. Following a discussion with the parties on the record, it is hereby ordered as follows:

1. The parties report that, after this case was remanded to the Board of Appeals of the Town of Acton (the "Board") pursuant to the court's November 25, 2015 Decision (the "Decision"), the Board has very recently issued a decision to deny Plaintiff's revised application for approval of its proposed construction of a day care center at the subject property.

2. Plaintiff shall submit to the Board its formal response to the Board's decision on or before Friday, March 27, 2015. The Board shall reply to Plaintiff's response on or before Friday, April 3, 2015

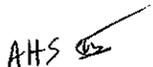
3. The parties shall appear for a status conference on Tuesday, April 14, 2015 at 10:30 A.M. to discuss the status of discussions between Plaintiff and the Board and the future trajectory of this case.

4. The court notes that the Town's counsel has expressed a willingness on the part of

the Board to compromise on the issue of the building size that it would approve as part of Plaintiff's project, but that Plaintiff's counsel represents that Plaintiff is unlikely to agree to significantly reduce the size of the proposed building.<sup>1</sup> The court strongly encourages counsel to conduct settlement discussions relative to this issue, and to confer with their clients with respect to a compromise that would enable reasonable development of the subject property, while still accommodating the Board's concerns with respect thereto. The counsel are further encouraged to bring their respective clients to the April 14, 2015 status conference to participate in said conference.

5. In the event that this case is settled, the parties should contact the court as soon as possible.

So ordered.

AHS   
By the court. (Sands, J.)

Attest:

Dated: March ~~15~~<sup>20</sup> 2015

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Deborah J. Patterson  
Recorder

A TRUE COPY  
ATTEST.

*Deborah J. Patterson*  
RECORDER

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<sup>1</sup> The court also notes that one of the directives in the Decision was that Plaintiff consider compromising on the size of the proposed building -- something that Plaintiff does not appear willing to do. The court declines to rule at this time as to whether Plaintiff is in violation of this directive, but may have cause to do so in the future if the parties are unable to resolve this issue between themselves.