

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

MIDDLESEX, SS.

MISCELLANEOUS CASE
NO. 20 MISC 000073 (HPS)

Galina Filippova, as Trustee of the)
PROSPECT STREET REALTY TRUST,)
Plaintiff,)
)
v.)
)
FRAMINGHAM ZONING BOARD OF)
APPEALS, and STEPHEN MELTZER,)
EDWARD COSGROVE, SUSAN)
CRAIGHEAD, JOHN MCKENNA,)
JOSEPH NORTON, HEATHER)
O'DONNELL, and LAP YAN, as they are)
the Members of the FRAMINGHAM)
ZONING BOARD OF APPEALS,)
Defendants,)
)
and)
)
Fredric W. Schelong, Trustee of the)
FREDRIC W. SCHELONG 1997)
REVOCABLE TRUST,)
Defendant-Intervenor.)
)

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

The plaintiff, Galina Filippova, as Trustee of the Prospect Street Realty Trust, respectfully submits, in addition to the Joint Statement of Agreed Facts in Support of Motions for Summary Judgment, the following limited undisputed material facts in support of its Motion for Summary Judgment:

1. Section V.E. of the Framingham Zoning By-Law, entitled "Wireless Communications Facilities" was first adopted at the Annual Town Meeting in April 1997. Joint

Appendix in Support of Motions for Summary Judgment (“Joint App.”) Exh. 4, p. n; Plaintiff’s Land Court Rule 4 Appendix (“Pl’s. App.”) Exh. A.

2. On or about December 10, 2019, Filippova submitted materials to the Framingham Zoning Board of Appeals, including an expert report, which Filippova asserts demonstrated the necessity of a tower height of 80 feet.¹ Joint App. Exh. 8, ¶ 6.9; Pl’s. App. Exh. B, p. 19.


Respectfully submitted,

Galina Filippova, Trustee of the
Prospect Street Realty Trust

By her attorneys,



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¹ Filippova asserts only that the materials appearing in Exhibit B to the Plaintiff’s Land Court Rule 4 Appendix were submitted to the Framingham Zoning Board of Appeals and does not, for the purpose of its Motion for Summary Judgment, rely on the veracity of the report by Dennis Egan found at page 19 thereof.

CERTIFICATE OF SERVICE

I, Ethan Dively, attorney for the plaintiff, hereby certify that on this 24th day of July 2020, I caused a copy of the foregoing Plaintiff's Statement of Material Facts in Support of Its Motion for Summary Judgment. to be served by email, upon the following counsel of record:

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