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ATTEST

*Harry Jekanowski, Jr.*  
CLERK MAGISTRATE  
HAMPSHIRE, ss

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT  
CIVIL NO. 15-0112

COTTON TREE SERVICES, INC. and  
DODGE MAPLE GROVE FARM, LLC  
Plaintiffs

v.

PLANNING BOARD OF THE TOWN OF WESTHAMPTON, through its members,  
Mark Schwallie, Thomas Hathaway, Robert Dragon, Jr., and Robert Turner and Patricia  
Cotton and TOWN CLERK OF THE TOWN OF WESTHAMPTON  
Defendants

**ORDER ON TIMOTHY FONDAKOWSKI'S MOTION  
FOR RECONSIDERATION**

By way of background, Timothy Fondakowski moved to intervene in the above case claiming that he is a "true party in interest" with respect to this dispute, pursuant to G.L. c. 40A, sec. 17 and Mass. R. Civ. P. 24. The case involves an appeal of the denial of the Planning Board's decision regarding a special permit to operate a saw mill. The plaintiff is an abutter to the property on which a saw mill is operated.

I denied Fondakowski's motion to intervene based on standing. See, *Berkshire Power Dev., Inc. v. Zoning Bd. of Appeals of Agawam*, 43 Mass. App. Ct. 828, 832 (1997).

I have reviewed the motion to reconsider, the opposition and my decision and I continue to believe that my decision was the correct one.

Accordingly, the plaintiff's motion for reconsideration is DENIED.

SO ORDERED

By the Court (Agostini, J.)

8/1/2017  
Date

*Harry Jekanowski, Jr.*  
Harry Jekanowski, Jr., Clerk of Courts