

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH

Bristol, ss

BRISTOL SUPERIOR COURT
C.A. 2073CV00129

Robert Roderiques.)
Plaintiff,)
)
Vs)
)
Town of Fairhaven Planning Board et ali)
Defendants)

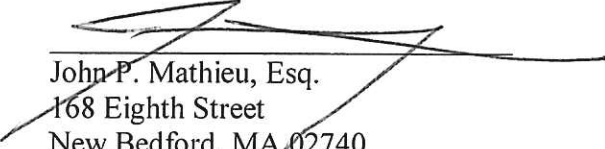
JOINT MOTION TO REMAND

Now come the Parties in the above-entitled action and request that the Court remand the Matter to the Fairhaven Planning Board under the following stipulations:

1. Said matter shall be remanded back to the Fairhaven Planning Board for consideration of possible settlement.
2. Meetings of the Planning Board pursuant to this remand shall be held pursuant to the applicable provisions of the open meeting law.
3. The Applicant through its Engineer shall re-present a Revised Subdivision Settlement Plan, with the addition of all changes made as a result of the review of the written decision, and site inspection and other settlement negotiations. Said Revised Subdivision Settlement plan contains no request for waivers, except as may be otherwise agreed by the parties.
4. The Parties shall report the Status of remand proceedings to the Court within ninety (90) days of allowance of this motion.
5. In the event that the Plan is approved the Parties shall file a Joint Motion to Dismiss this action. A decision of the Planning Board approving a plan pursuant to this order of remand shall, except as specifically provided herein or as may be otherwise agreed by the parties, be subject to all applicable provisions of law in effect at the time of the original filing, including, but not limited to, those provisions of the subdivision control law relating to the notice, filing, appeal, and recording of that plan.
6. In the event that the Plan is not approved, the Parties shall report the same to Court and the original Appeal shall proceed on the original denied Definitive Subdivision Plan with all the original issues.

7. The Plaintiff waives so much of his claim as asserts that the subject subdivision plan was approved by the claimed failure by the Planning Board to act within the time required by M.G.L. c. 41.

Plaintiff, Robert Roderiques
By his Attorneys
Mathieu & Mathieu



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Defendants
Town of Fairhaven Planning Board et ali
By its Attorneys
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DATED June __, 2022

APPROVED:

DATE:

Justice