


<p align="center">CLERK'S NOTICE</p>	<p>DOCKET NUMBER</p> <p>1783CV01063</p>	<p>Trial Court of Massachusetts</p> <p>The Superior Court</p> 
<p>CASE NAME:</p> <p>Gene Beliveau et al vs. Town of Plympton Zoning Board of Appeals and Commissioners Kenneth Thompson, Arthur B. Morin, David F. Alberti, Mark Russo and Mark Gabriel</p>		<p>Robert S. Creedon, Jr., Clerk of Courts</p>
<p>TO:</p> <p>Robin Stein, Esq. KP Law, P.C. 101 Arch St Boston, MA 02110</p>		<p>COURT NAME & ADDRESS</p> <p>Plymouth County Superior Court - Plymouth 52 Obery Street - Suite 2041 Plymouth, MA 02360</p>
<p>You are hereby notified that on 11/15/2018 the following entry was made on the above referenced docket:</p> <p>Endorsement on Motion for remand and stay (#6.0): ALLOWED</p> <p>Judge: Moriarty, II, Hon. Cornelius J</p>		
<p>DATE ISSUED</p> <p>11/16/2018</p>	<p>ASSOCIATE JUSTICE/ ASSISTANT CLERK</p> <p>Hon. Cornelius J Moriarty, II</p>	<p>SESSION PHONE#</p>

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH COUNTY, SS.

SUPERIOR COURT
C.A. NO. 1783CV01063

GENE BELIVEAU, PCP REALTY TRUST,
David Smith Trustee and PLYMOUTH
COUNTY PAVING LLC

Plaintiffs

v.

TOWN OF PLYMPTON ZONING BOARD
OF APPEALS, KENNETH A. THOMPSON,
COMMISSIONER, et al.

Defendants

ORDER FOR REMAND

The parties Joint Motion for Remand and Stay is allowed. This Court orders as follows:

1. The matter is remanded to the Plympton Zoning Board of Appeals ("Board") to hold a public hearing on the Remand within sixty (60) days of the entry of this order, with public notice to be given pursuant to the requirements of G.L. c. 40A, §11 by newspaper publication and posting at least fourteen (14) days before the hearing, and notice of the public hearing sent concurrently by mail to all parties in interest, containing the information required by statute, including the date, time, and place of the public hearing.
2. The Board shall conduct the Remand hearing *de novo* and base its decision on all documents that were previously submitted by Plaintiff and any additional documents that Plaintiff or others may present at the public hearing.
3. The Board shall make its determination within twenty 20 days of the close of the aforementioned *de novo* hearing unless there is an affirmative showing that more time is required for good cause, and shall file its written decision with the Town Clerk within ten (10) business days of its determination.

4. The Court shall retain continuing and ongoing jurisdiction over the Complaint during the Remand proceedings.

5. Within thirty (30) days of the date the Board files a written decision with the Town Clerk that is satisfactory to both parties, subject to the conditions set forth above, the Parties shall file a Stipulation of Dismissal dismissing the Complaint with prejudice, waiving all rights of appeal, and with each party to bear his/her/its own legal fees and costs.

6. The Parties shall file a Joint Status Report with the Court no later than ninety (90) days after the issuance of this Order of Remand, unless the action has been earlier resolved.

7. This action is stayed pending the remand.

Date:

11/15/18

A handwritten signature in black ink, appearing to read "Christine L. [unclear]", is written over a horizontal line.