Date Filed 7/11/2024 3:22 PM
Superior Court - Norfolk
Docket Number 2382CV00156

Docketed 7/12/24

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss. **SUPERIOR COURT DEPARTMENT**
2382 CV 00156

SCOTT COLWELL, of COLWELL HOMES

PLAINTIFF

v.

TOWN OF MEDFIELD CONSERVATION COMMISSION

DEFENDANT.

PARTIES' JOINT MOTION FOR ORDER FOR REMAND AND STAY OF PROCEEDINGS

NOW COME the parties in the above-captioned matter and jointly move this Honorable Court to stay the current proceedings, issue an Order on the Joint Motion for Remand, *forthwith*, consistent with the proposed Order filed herewith for the Court's convenience, and retain jurisdiction during the pendency of the remand and the statutory appeal period for an Order of Conditions.

In support of their Motion, the parties state that the Plaintiff has made modifications to the Project and the Conservation Commission has agreed to consider such modifications at a new public hearing, pursuant to a remand.

The Parties submit that it is in the interests of the parties and the Court to stay the litigation and remand the matter to the Commission to allow it to consider the proposed Project as modified pursuant to settlement discussions.

WHEREFORE, for the reasons set forth herein, the parties respectfully request that the Court remand this matter to the Commission to allow the Plaintiff to submit modified plans and

proposed declaration of restriction materials pursuant to settlement discussions and the Commission to hold a public hearing to consider such documents. The Parties further move that the case be stayed pending remand and through the applicable statutory appeal period of any decision issued by the Commission after the public hearing.

Respectfully submitted,

Plaintiff Scott Colwell, of Colwell Homes,
By his attorneys,

Dated: July 11, 2024

/s/ Rachel Watsky

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Defendant Town of Medfield Conservation Commission,
By its attorney,

/s/ Mark Cerel

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Certificate of Service

I, Rachel Watsky, hereby certify that a copy of the above document was sent by email to:

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Date: July 11, 2024

/s/ Rachel Watsky
Rachel Watsky