

DUKES, SS

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT DEP'T  
Civil Action No.  
Docket No. 18 MISC 000366

DONALD B. CORNER, LAURENCE H. HARDOON,	)
PATRICIA M. QUINN, and JENNY E. YOUNG,	)
Plaintiffs,	)
	)
v.	)
	)
T.EWELL HOPKINS, JR., ERIK ALBERT,	)
MARK CROSSLAND and JOSEPHINE LAMBERT,	)
In their capacity as members of the	)
OAK BLUFFS PLANNING BAORD, and	)
THE TOWN OF OAK BLUFFS PLANNING BOARD	)
And	)
DONNA J. LEON and SUSAN P. PHILLIPS,	)
Trustees of the Phillips Realty Trust	)
Defendants	)
	)

**JOINT MOTION FOR REMAND**

The Plaintiffs, Donald B. Corner, Laurence H. Hardoon, Patricia M. Quinn and Jenny E. Young, and the Defendants, Oak Bluffs Planning Board (the "Planning Board") and Donna J. Leon and Susan P. Phillips, jointly move pursuant to Massachusetts Rule of Civil Procedure 25(c) for an order remanding this matter back to the Oak Bluffs Planning Board so that it may have the opportunity to approve modifications to the proposed project pursuant to an agreement between the non-municipal parties. In further support, the parties state the following:

1. Plaintiffs appealed the decision of the Planning Board pursuant to G.L. c.40A, §17 approving a special permit for the reconstruction of a building located at 30 Circuit Ave., Oak Bluffs, Massachusetts (the "Premises").

2. The Plaintiffs and the Defendants Leon and Phillips have reached an agreement concerning the appearance and dimensions of a structure to replace the existing structure on the Premises.

The plans substantially depicting the agreed upon structure are attached hereto.

WHEREFORE, the parties respectfully request that the Court remand this matter to the Planning Board so it can consider, after notice to the interested parties under G. L. c. 40A, approval of a modified special permit for renovation/reconstruction of the Premises in conformity with the plans attached hereto after public hearing. The non-municipal parties, or representatives authorized in writing, shall appear at the public hearing on remand. Should the Planning Board determine that the project is required to be referred to the Martha's Vineyard Commission (MVC) as a development of regional impact, it will do so under the MVC's DRI Checklist and Guidelines.

Respectfully submitted by  
**THE PLAINTIFFS**  
Donald B. Corner, Laurence E. Hardoon,  
Patricia M. Quinn, and Jenny E. Young  
By their Attorney,

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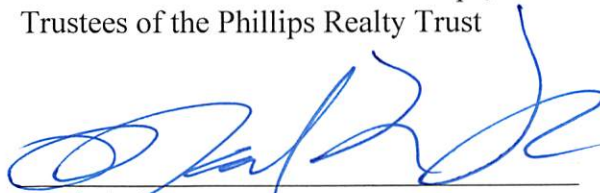
**THE DEFENDANTS**  
T. Ewell Hopkins Jr., Erik Albert, Mark Crossland  
and Josephine Lambert, in their capacity as  
Members of the Oak Bluffs Planning Board and  
The Town Of Oak Bluffs Planning Board

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By their Attorneys,  
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**THE DEFENDANTS**

Donna J. Leon and Susan P. Phillips,  
Trustees of the Phillips Realty Trust

A handwritten signature in blue ink, appearing to be 'Marilyn H. Vukota', written over a horizontal line.

By their Attorney,  
Marilyn H. Vukota, Esq.  
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Dated: May \_\_\_\_\_, 2020