

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

LAND COURT  
CASE NO. 24 MISC 000100 (DRR)

\_\_\_\_\_)  
 SUSAN KANTOR as she is the )  
 TRUSTEE of the KANTOR )  
 REALTY TRUST, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 PETER CHECKOWAY, )  
 JAMES KYRIMES, ELISA RIDLEY, )  
 AARON RIDLEY and MARK CARRICK )  
 as they are members of the )  
 TOWN OF DENNIS ZONING )  
 BOARD OF APPEALS and the )  
 TOWN OF DENNIS, )  
 )  
 Defendants )  
 \_\_\_\_\_)

**REMAND ORDER**

After due consideration, the parties’ Joint Motion for Remand is hereby **ALLOWED** and the matter is remanded to the Town of Dennis Zoning Board of Appeals (the “Board”) in accordance with this ORDER assented to by all the parties:

1. This matter is remanded to the Board to open a remand public hearing within sixty (60) days of the entry of this order, with public notice, posting and publication to be given pursuant to the requirements of G.L. c.40A, §11. There shall be no new application fee, but the plaintiff shall pay for the cost of providing that notice, posting and publication.

2. The Board shall conduct the remand hearing *de novo* and base its decision on all documents and information that were previously submitted by plaintiff or others and any additional documents or information that the plaintiff or others may present at the public hearing. In addition to considering the administrative appeal at issue, the Board may determine if any additional zoning relief is required.

3. The Board shall file its written decision after remand with the Town Clerk within forty-five (45) days after the close of the public hearing on the remand, with notice of the decision being provided to the plaintiff at the time of filing, unless there is a showing that more time is required for good cause or the parties mutually agree to extend that time.

4. The decision after remand shall supersede the decision at issue in this action.

5. If the plaintiff is not satisfied with the decision after remand, she shall appeal that decision by amending her Complaint in this action within twenty (20) days after said decision is filed with the Town Clerk; failing which, the decision after remand shall be presumed satisfactory to the plaintiff, and the parties shall dismiss this action by filing a Stipulation of Dismissal in the form attached hereto at Exhibit A with prejudice and with each party to bear its/his own attorney's 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. The parties shall file a Joint Status Report every thirty (30) days thereafter until further order of the Court or dismissal.

7. The Court shall retain continuing and ongoing jurisdiction over the Complaint during the remand proceedings.

8. This action is stayed pending the remand.

**SO ORDERED**

By the Court (Rubin, J.)

/s/ Diane R. Rubin

Attest:

/s/ Deborah J. Patterson  
Deborah J. Patterson, Recorder

Dated: July 24, 2025