

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

LAND COURT DEPARTMENT
OF THE TRIAL COURT
DOCKET NO.:23MISC000524
ROBERTS

STEVEN C. YOUNG and CAROLINE)
P. YOUNG, as they are Trustees of the)
YOUNG FAMILY TRUST,)

Plaintiffs,)

v.)

PLANNING BOARD OF THE)
TOWN OF HINGHAM, KEVIN)
ELLIS, GORDON CARR, RITA)
DaSILVA, TRACY SHRIVER and)
GARY TONDORF-DICK, as members)
of the Planning Board of the)
TOWN OF HINGHAM,)

Defendants.)

DEFENDANTS' ANSWER TO COMPLAINT

For their answer to plaintiffs' complaint, defendants answer each separately
numbered paragraph and state as follows:

1. Defendants are without knowledge or information sufficient to form a belief
as to the truth of the matters alleged and therefore deny the allegations on that
basis.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Admitted.
7. Admitted.
8. This paragraph consists of legal argument to which no response is required.
To the extent the paragraph purports to allege facts, the allegations are denied.
9. The documents speak for themselves. Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters alleged and therefore deny the allegations on that basis.
10. Admitted.
11. The documents speak for themselves. Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters alleged and therefore deny the allegations on that basis.
12. The documents speak for themselves. Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters alleged and therefore deny the allegations on that basis.
13. The documents speak for themselves. Defendants are without knowledge or information sufficient to form a belief as to the truth of the matters alleged and therefore deny the allegations on that basis.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. The documents speak for themselves.

20. The documents speak for themselves. This paragraph consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.
21. This paragraph consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.
22. Admitted.
23. The documents speak for themselves.
24. This paragraph consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.
25. The documents speak for themselves. This paragraph, including all subparts, consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.
26. This paragraph consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.
27. This paragraph consists of legal argument to which no response is required. To the extent the paragraph purports to allege facts, the allegations are denied.

The WHEREFORE paragraph, including subparts, sets forth a prayer for relief to which no response is required. To the extent a response is required, denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiffs fail to state a claim for which relief can be granted.

Second Affirmative Defense

Plaintiffs are barred from bringing their claims due to their own actions and inactions.

Third Affirmative Defense

Plaintiffs' claims are barred in whole or in part by failure to timely serve a summons on each of the defendants.

Fourth Affirmative Defense

Plaintiffs' claims are barred in whole or in part by their failure to properly serve the complaint on all defendants.

Fifth Affirmative Defense

Plaintiffs' claims are barred in whole or in part for failure to follow all procedures pursuant to G.L. ch. 41, § 81BB.

Sixth Affirmative Defense

Plaintiffs' claims are barred in whole or in part for lack of standing.

Seventh Affirmative Defense

Plaintiffs' claims are barred in whole or in part for failing to timely appeal.

WHEREFORE, defendants request that the Court enter judgment as follows:

1. That plaintiffs takes nothing by their complaint;
2. Dismissing plaintiffs' complaint with prejudice;
3. Awarding the defendants such further and additional relief as the Court deems just and proper.

Respectfully submitted,
The Defendants
By their attorneys,

November 13, 2023

/s/ Kerry T. Ryan
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CERTIFICATE OF SERVICE

I, Kerry T. Ryan, hereby certify that on this 13th day of November, 2023, the foregoing document was served by email and first-class mail, postage pre-paid, on the following:

Stephen J. McLaughlin, Esq.
McLaughlin Law, Mediation, Conciliation & Arbitration, P.C.
P.O. Box 1212
Plymouth, MA 02362

/s/ Kerry T. Ryan
Kerry T. Ryan