

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss.

Civil Action No. 2282CV00038

JOANNE DELAPA, of DELAPA REALTY TRUST )  
Plaintiff )

v. )

TOWN OF WESTWOOD CONSERVATION )  
COMMISSION )  
Defendant )

ANSWER

NOW COMES the Defendant Town of Westwood Conservation Commission and hereby responds to the Plaintiffs' Complaint as follows.

1. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
2. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
3. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
4. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
5. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.

6. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
7. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
8. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
9. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
10. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
11. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
12. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
13. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
14. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
15. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
16. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.

17. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
18. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
19. No response is required to the Plaintiff's Introductory Statement as it is not a factual allegation. To the extent a response is required, denied.
20. The Defendant lacks sufficient information to admit or deny the allegation in this paragraph and therefore denies the same.
21. Admitted.
22. The allegation in this paragraph is a conclusion of law and therefore no response is required. To the extent a response is required, admitted.
23. Denied.
24. Admitted only that the Plaintiff lacks other review; the remainder of the allegation is denied.
25. Admitted that the Plaintiff filed an NOI application; the document speaks for itself. The remainder of the allegation is denied.
26. The Defendant lacks sufficient information to admit or deny the allegation in this paragraph and therefore denies the same.
27. The Defendant lacks sufficient information to admit or deny the allegation in this paragraph and therefore denies the same.
28. Denied.

29. Admitted only that Delapa's representative filed a writing with the Commission; the remainder of the allegation is denied.
30. Denied.
31. Denied. Answering further, the Commission states that it issued an Order dated November 17, 2021.
32. Admitted only that the Commission relied upon its peer reviewer; the remainder of the allegation is denied.
33. The Defendant lacks sufficient information to admit or deny the allegation in this paragraph and therefore denies the same.
34. The allegations in this paragraph do not require a response; to the extent a response is required, denied.
35. The allegations in this paragraph do not require a response; to the extent a response is required, admitted.
36. Admitted.
37. No response is required to the statement in this paragraph.
38. Admitted only that Delapa's representative submitted a writing to the Commission seeking to withdraw part of the NOI application; the remainder of the allegation is denied.
39. Admitted only that the Commission duly proceeded with its hearing; the remainder of the allegation, including the characterization of the Commission's actions, is denied.
40. Denied.
41. No response is required to the statement in this paragraph.

- 42. The Bylaw speaks for itself. To the extent a response is required, the Defendant lacks sufficient information to admit or deny the allegation in this paragraph and therefore denies the same.
- 43. The Bylaw speaks for itself. To the extent a response is required, denied.
- 44. Admitted.
- 45. Admitted.
- 46. Admitted.
- 47. The statement in this paragraph is a conclusion of law to which no response is required. To the extent a response is required, denied.
- 48. The statement in this paragraph is a conclusion of law to which no response is required. To the extent a response is required, denied.
- 49. No response is required to the statement in this paragraph.
- 50. Denied.
- 51. Denied.
- 52. Denied.
- 53. Denied.
- 54. Denied.
- 55. Denied.
- 56. Denied.

#### **Affirmative Defenses**

- A. The Plaintiff has failed to exhaust its administrative remedies.
- B. The Plaintiff has failed to join necessary parties.

- C. The Defendant reserves the right to add any additional and further defenses as discovery may reveal.

Respectfully submitted,  
THE TOWN OF WESTWOOD CONSERVATION COMMISSION  
By their attorneys,

/s/ Daniel J. Bailey, III

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Dated: April 20, 2022

CERTIFICATE OF SERVICE

I, Kathleen M. Heyer, hereby certify that on April 20, 2022 I served a copy of the foregoing *Answer*, by electronic mail and by first class mail, posted prepaid, to the following counsel of record:

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