

## **STATE HOUSING APPEALS BOARD**

**44 Washington Street**

**Providence, Rhode Island 02903**

**Phone – (401) 457-1285**

**Fax – (401) 457-1140**

**e-mail: [jjones@rihousing.com](mailto:jjones@rihousing.com)**

### **Minutes of the November 15, 2004 Board Meeting**

**The November 15, 2004 meeting of the State Housing Appeals Board (“SHAB” or “Board”) was called to order at 2:15 PM in the Council Chambers at Pawtucket City Hall, 137 Roosevelt Avenue, Pawtucket, Rhode Island by Judge Stephen Erickson, Chair. Board members in attendance were Judge Erickson, Richard Godfrey, Donald Goodrich, John O’Brien, Steve Ostiguy, and Dr. Isadore Ramos. Board members Frank Giorgio, III, Thomas Hodge, and Charles Maynard were not present. Also present were Steven Richard, Esq., legal counsel to the Board, and Judy Jones, Katherine Maxwell, and Christine DaRocha, administrative staff to the Board. With six members present, Judge Erickson declared a quorum.**

### **Status of Board Written Decisions**

**Mr. Richard said that he is drafting the written decisions for Appeal No. 2004-07, Agostinelli vs. the Town of Narragansett Zoning Board of**

**Review, and Appeal No.**

**2004-18, Spectrum Properties vs. the Town of Coventry Zoning Board of Review.**

### **Substantial Completeness Reviews**

**The Board began its review of the substantial completeness of the applications on its agenda. The transcript of the hearing is the record of the proceedings and available for public review upon request.**

**Appeal No. 2004-06 EFC Construction Company vs. the Town of Charlestown Zoning Board of Review**

**Representing the parties were William Landry, Esq. for EFC Construction Company and Christopher Zangari, Esq. for the Town of Charlestown Zoning Board of Review. The Town argued that the application is not substantially complete; the developer argued that the application is complete.**

**Mr. Zangari distributed Rhode Island's Salt Pond Region: A Special Area Management Plan (Maschaug to Point Judith Ponds) dated April 12, 1999 to Board members. The lack of CRMC permitting is an issue in this appeal. Judge Erickson noted that the General Assembly did not say that permits were necessary in order for the application to be complete. Mr. Goodrich and Mr. O'Brien both said that their understanding of the CRMC process is that a developer cannot go to**

**the CRMC unless the project passes local review. Mr. Landry said that this project is not a subdivision and therefore, raises the question of how the CRMC would deal with a condominium project.**

**Judge Erickson noted that a Town may have a complete application without having all the needed information.**

**Mr. Zangari reserved the right to challenge the jurisdiction of the Board over this appeal. Judge Erickson noted that the General Assembly gave the SHAB a mandate to take on these cases.**

**Appeal No. 2004-21 EFC Construction vs. the Town of Scituate Zoning Board of Review**

**Representing the parties were William Landry, Esq. for EFC Construction Company and Dianne Izzo, Esq. for the Town of Scituate Zoning Board of Review. The Town argued that the application is not substantially complete; counsel for the developer argued that the application is complete.**

**Ms. Izzo distributed a map of Scituate indicating the watershed area.**

**Judge Erickson noted that the Towns should not be arguing the substance or worthiness of the proposal, but rather identifying where required information was not submitted.**

**The Board took a break at 3:40 PM.**

**Appeal No. 2004-23 Dry Bridge Development, LLC vs. the Town of North Kingstown Zoning Board of Review**

**Representing the parties were William Landry, Esq. for Dry Bridge Development, LLC and Lauriston Parks, Esq. for the Town of North Kingstown Zoning Board of Review. The Town argued that the application is not substantially complete; counsel for the developer argued that the application is complete.**

**Judge Erickson noted that an intermediate ground for a substantial completeness determination is still not being addressed by the towns in making a vested rights analysis. Mr. Parks said that North Kingstown's standard for the establishment of vested rights is that all of the items in the 2004 legislation be submitted. Judge Erickson responded that there has to be a "yellow light" standard – some ground between complete and not complete.**

**Appeal No. 2004-24 Pinnacle Partners vs. the Town of North Kingstown Zoning Board of Review**

**Representing the parties were William Landry, Esq. for Pinnacle Partners and Lauriston Parks, Esq. for the Town of North Kingstown Zoning Board of Review. The Town argued that the application is not substantially complete; counsel for the developer argued that the**

**application is complete.**

**Mr. Landry said that there was a wholly revised submission of this development proposal to the Zoning Board.**

**Judge Erickson asked Mr. Parks that since the hearing was opened, did the Town consider the application to be complete? Mr. Parks said that the Town reserved the issue of the application not being complete in order to begin the hearing. He said that the parties agreed in a letter to open the hearing without the application being complete and to add information as the hearings went forward.**

**The meeting was adjourned at 4:50 PM.**

**Respectfully submitted,**

**Judge Stephen P. Erickson, Chair**