

## **STATE HOUSING APPEALS BOARD**

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### **Minutes of the April 11, 2006 Board Meeting**

**The State Housing Appeals Board (“SHAB” or the “Board”), convened a public meeting on April 11, 2006. The meeting was held at the Town of West Greenwich Town Hall.**

#### **ATTENDANCE**

**The following Board members were in attendance: Chairwoman Mary Shekarchi, Charles Maynard, Cynthia Fagan, Donald Goodrich, William White and Isadore Ramos, Ph.D., Dr. Ramos participated in his role as the municipal alternative, given the absence of Theresa Santos. Steven M. Richard, legal counsel to the Board, was also present.**

**Chairwoman Shekarchi called the meeting to order at 2:00 p.m.**

## **AGENDA ITEMS**

### **1. Approval of Minutes of SHAB's February 28, 2006 Minutes**

**Mr. Goodrich moved for the approval of the minutes of SHAB's meeting held on February 28, 2006. Mr. Maynard seconded the motion. The motion passed unanimously.**

### **2. Docket Update By SHAB's Legal Counsel**

**Mr. Richard advised the Board of the Rhode Island Supreme Court's Opinion issued in New Harbor Village v. Town of New Shoreham Zoning Board of Review. He also informed the Board of the briefing schedules in the pending substantive appeals before SHAB.**

### **3. SWAP, Inc. v. Town of West Greenwich Zoning Board of Review, SHAB Appeal No. 2005-3**

**SHAB heard oral arguments regarding the appeal of SWAP, Inc. ("SWAP") challenging a Decision of the West Greenwich Zoning Board of Review ("Zoning Board") dated April 19, 2005, which denied SWAP's application for a comprehensive permit to construct housing on an approximately sixty-acre parcel located at 710 Victory Highway, West Greenwich, Rhode Island. Residents of Blueberry Heights Mobile Homes ("Blueberry Heights"), as abutting land owners, have participated in the appellate proceedings as intervenors. Prior to the**

**oral arguments, SHAB received detailed briefs from the parties regarding the merits of SWAP's appeal. The briefs are available for public inspection upon request.**

**The following counsel presented oral arguments to SHAB at the hearing: William Landry on behalf of SWAP, Andrew Teitz on behalf of the Zoning Board, and Robert Craven on behalf of Blueberry Heights. The oral arguments were transcribed by a stenographer. The transcript of the arguments is available for public inspection upon request.**

**Counsels' oral arguments centered on the following material issues: (1) the reasonableness of the Zoning Board's denial of the application after it had previously considered its approval with conditions, (2) the impact of the proposed development on the community's water supply, (3) pedestrian and vehicular access and circulation, (4) the consistency of the proposed project with the provisions of West Greenwich's Comprehensive Plan, (5) the impact of the proposed development on the environment and surrounding neighbors, and (6) the levels of affordable housing existing in West Greenwich.**

**During the oral arguments, SHAB and its counsel inquired of counsel whether SWAP was obligated to produce evidence before the Zoning Board that equated to a master plan level submission or whether the developer bore a higher burden of proof. Also, the Zoning Board argued to SHAB that if it was considering a reversal of the Zoning Board's Decision, SHAB should impose as part of its reversal the conditions that the Zoning Board rejected in its Decision. SHAB questioned whether it had statutory power under the prior version of**

**the Low and Moderate Income Housing Act (which applies to this appeal) to impose conditions in its reversal of a Zoning Board's denial. SHAB requested supplemental memoranda from the parties to assist in its deliberations. SHAB scheduled a further hearing in the appeal in order to review the parties' supplemental briefs prior to commencing its deliberations.**

#### **ADJOURNMENT**

**Mr. Goodrich moved for the adjournment of the meeting, which Ms. Shekarchi seconded. The motion passed unanimously, and the meeting adjourned at 4:41 p.m.**

**Respectfully submitted,**

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**Mary B. Shekarchi  
Chairwoman**