

**12-11-12 MINUTES APPROVED AT THE 1/29/2013 BOARD MEETING
SIGNED ORIGINAL ON FILE AT THE STATE HOUSING APPEALS
BOARD**

STATE HOUSING APPEALS BOARD

44 Washington Street

Providence, Rhode Island 02903

Phone (401) 450-1355

Fax (401) 450-1364

cdarocha@rhodeislandhousing.org

Minutes of the December 11, 2012 Board Meeting

The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on December 11, 2012 at Warwick City Hall.

ATTENDANCE

The following members attended the meeting: Chairwoman Kelly Morris, Joseph Caffey, Brenda Clement, James Grundy, Robert Cuttle and June Sager Speakman. Municipal alternate member Steven Stycos was not required to attend with full complement of municipal members. Also present were Steven M. Richard, legal counsel to the SHAB, and Christine DaRocha, administrative staff to the SHAB.

AGENDA ITEMS

1. Call to Order

Chairwoman Morris called the meeting to order at 9:04 a.m.

2. Review of Minutes from 11/26/12 Meeting

Ms. Clement moved and Mr. Caffey seconded the motion to approve the minutes of the November 26, 2012 Board meeting. The motion was approved unanimously with all Board Members voting in the affirmative.

3. Hearing in Brushy Brook (LR-6A Owner, LLC) v. Town of Hopkinton Local Review Board, SHAB Appeal No. 2010-03

SHAB's legal counsel noted that the developer contends that the planning board's decision constitutes a denial of the comprehensive permit application, while the Town characterizes the municipal ruling as an approval with conditions. Attorney Richard stated that, under the Low and Moderate Income Housing Act, SHAB must review the consistency of the municipal decision with the Hopkinton Affordable Housing Plan.

William Landry, Attorney for Brushy Brook, focused the appellant's position that the municipal decision is inconsistent with local needs

and the Affordable Housing Plan. Mr. Landry argued in support of the density that the developer seeks to build. He reviewed his client's expert testimony in support of the application. Mr. Landry contended that the Town's infrastructure should be able to support the project as proposed by the developer.

Scott Levesque, Attorney for Hopkinton, argued that the Planning Board struck a proper balance in allowing the project with a density bonus. He contended that the Town's infrastructure cannot support the project as proposed by the developer. Attorney Levesque argued that the Planning Board's decision is consistent with the Affordable Housing Plan and therefore should be affirmed.

Given the volume of the materials in the record and to allow sufficient time to consider counsel's arguments, SHAB determined that it would be best to deliberate at another session to be held as promptly as possible. SHAB allowed the parties to submit post-hearing memoranda.

The arguments and hearing were fully transcribed, and SHAB has a complete transcript in its records available upon request.

4. Adjournment

The meeting adjourned at 12:44 p.m.

Respectfully submitted,

Kelley Morris, Esq., Chairwoman