

# **SIGNED MINUTES AVAILABLE AT THE STATE HOUSING APPEALS BOARD**

## **STATE HOUSING APPEALS BOARD**

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## **Minutes of the April 1, 2013 Board Meeting**

**The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on April 1, 2013 at Nixon Peabody, One Citizens Plaza, Suite 500, Providence, RI.**

## **ATTENDANCE**

**The following members were in attendance: Joseph Caffey (Acting Chair), Brenda Clement, James Grundy, Robert Cuttle and June Sager Speakman. Chairwoman Kelley Morris recused herself. Also present were Steven M. Richard, legal counsel to the SHAB, Anthony DeSisto, legal counsel for the Developer, Michael Horan, legal counsel for the Town of Cumberland, and Christine DaRocha, administrative staff to the SHAB.**

## **ITEMS**

### **Call to Order**

**Acting Chair, Joseph Caffey, called the meeting to order at 5:48 p.m.**

**Hearing in Pesaturo and Gemma v. Town of Cumberland, SHAB  
Appeal No. 2010-02**

**SHAB's legal counsel Mr. Richard noted that this meeting constituted a continuation of SHAB's review of this appeal. Counsel argued the case on February 14, 2013 and subsequently submitted a set of stipulated facts.**

**Ms. Speakman moved and Mr. Caffey seconded the motion to enter the stipulation into the record. The Board voted unanimously (5-0) to enter it into the record.**

**Mr. Richard noted that the Board, in making its determination, must look at standards delineated in RIGL 45-53-6. Both parties stipulated the Town of Cumberland has not yet reached the mandatory 10% requirement and that another 538 affordable units are needed to meet the state requirement.**

**Ms. Clement stated that land owner provided a traffic study showing that the development would not impact traffic as to any major extent.**

**Mr. Grundy added that the availability of water, sewer and other services was another important consideration. Further, at least one Planning Board member, who voted against the project, stated that the application would have been approved if the developers requested 12 units instead of 16 units. Mr. Grundy stated that this indicated to him that the key issue is density and that the Planning Board should not have denied the project outright.**

**Ms. Clement moved that, applying standards of 45-53-6, particularly as it relates to consistency with the Town of Cumberland's approved Affordable Housing Plan, SHAB should vacate the Planning Board's denial of the Developers' application for a comprehensive permit. Mr. Caffey seconded the motion.**

**The Board voted unanimously (5-0) to vacate the Town of Cumberland's determination.**

**Discussion of Board's Collective Recommendation to Expand Ability of Municipal Alternate Member to Sit for Any Absent Member**

**Mr. Richard stated that he would be in touch with Rhode Island Housing to discuss legislation to allow SHAB's alternate member to sit in for all absent members and not just absent municipal members.**

**Adjournment**

**The meeting adjourned at 6:03 p.m.**

**Respectfully submitted,**

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**Joseph Caffey, Acting Chairman**

**The hearing was fully transcribed and SHAB has a complete transcript in its records available upon request.**