

STATE HOUSING APPEALS BOARD

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Minutes of the June 26, 2014 Board Meeting

The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on June 26, 2014 at Warwick City Hall, 3275 Post Road, Warwick, Rhode Island.

ATTENDANCE

The following members were present: Chairwoman Kelley Morris, James Grundy, Luis Torrado and Joseph Caffey. Also present were Steven M. Richard, legal counsel to the SHAB, Christine DaRocha, administrative staff to the SHAB, Andrew Teitz, representing the Town of Barrington, and William Landry representing the Developer. Several interested members of the public also attended.

Call to Order

Chairwoman Morris called the meeting to order at 2:21 p.m.

Approval of 4/9/2014 Minutes

The Board unanimously approved the 4/9/2014 minutes.

Update from SHAB's legal counsel regarding status of docket

Mr. Richard stated that the only matter on SHAB's docket is North End Holdings Company, LLC vs. the Town of Barrington.

Regarding NEMA vs. Town of Westerly, this appeal remains in settlement negotiations.

Regarding LR-6A LLC vs. the Town of Hopkinton in which SHAB affirmed the Town's denial of the application, it is in the briefing process before the Superior Court.

Regarding Pesaturo Gemma vs. Town of West Greenwich in which SHAB reversed the Town's decision; SHAB's decision was upheld by the Superior Court.

Continuation of North End Holdings Company, LLC v. Town of Barrington ("The Residence at the Preserve"), SHAB Appeal No. 2012-01

Chairwoman Morris stated that SHAB noticed this meeting to discuss

and adopt SHAB's written decision, which documents its deliberations and determination to (1) reverse the Barrington Planning Board's decision to deny North End Holding's comprehensive permit application and (2) grant master plan approval to the developer's application, as amended. Chairwoman Morris stated that the draft written decision articulates the positions of both sides and the public and accurately reflects the SHAB's deliberations.

The Chair asked if any SHAB members or counsel to the Town and Developer had any questions.

Mr. Grundy wanted confirmation that the written decision references a portion of the Town's comprehensive plan addressing the Four Town area. Attorney Richard noted that there is such language within the decision.

Attorney Teitz asked for confirmation as to which members participated in this appeal and which members would be voting on the adoption of the written decision. Attorney Richard responded that six members heard the oral arguments in December 2013. Five of those members deliberated in April 2014. One of those five members, Brenda Clement, was unable to attend this meeting. Mr. Richard stated that with four members present, who participated in all phases of the appeal, a quorum was present for SHAB to proceed. Attorney Teitz reserved the Town's rights to raise any concerns or issues regarding the composition of the membership who participated in the appeal and voted on the adoption of the written

decision.

Attorney Teitz indicated that he was not prepared to address the written decision because he had just received it and required more time to review it. Mr. Landry reviewed the draft decision and did not see anything that appeared to be out of order.

Chairwoman Morris made a motion to adopt the written decision. Mr. Grundy seconded the motion. The Board voted unanimously (4-0) to adopt the written decision. Attorney Richard noted that he would send an electronic copy to Attorneys Teitz and Landry and interested members of the public.

Adjournment

The meeting adjourned at 2:34 p.m.

Respectfully submitted,

Kelley Morris, Esq., Chairwoman