STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, SC. **SUPERIOR COURT**

[Filed: April 5, 2018]

JAMES J. McINNIS, as Trustee of the Tiverton Associates Trust, *Appellant,*	:	
v.	:	**C.A. No. NC-2017-0056**
TOWN OF TIVERTON ZONING BOARD SITTING AS THE BOARD OF APPEALS, and Lise J. Gescheidt, David Collins, George S. Alzaibak, John R. Jackson, and Wendy Taylor Humphrey in their official capacities as Members thereof, *Appellees.*	:	

DECISION

VAN COUYGHEN, J. James J. McInnis, Trustee of the Tiverton Associates Trust, appeals from a decision of the Town of Tiverton Zoning Board sitting as the Board of Appeals. The Board of Appeals affirmed the decision of the Administrative Officer of the Tiverton Planning Board who found that an application for a major land development was not complete due to the lack of a "pre-application meeting." For the reasons stated herein, this Court affirms the Board of Appeals' decision. Jurisdiction is pursuant to G.L. 1956 § 45-23-71.

I

Facts and Travel

The matter before the Court involves the denial of a major land development application for forty-four acres of land owned by James J. McInnis, as Trustee of the Tiverton Associates Trust (Mr. McInnis), in Tiverton, Rhode Island, identified as Plat 110, Lot 102 (the Property).[1]

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[1] The land formerly identified as Map 1-2, 2-11, Block 92, Lot 9, is bordered by Souza Road, Fish Road, Route 24 and Main Road.

On March 24, 2008, Mr. McInnis filed a Master Plan Application for a Major Land Development Proposal with the Administrative Officer of the Town of Tiverton Planning Board (Administrative Officer) to develop a project on the Property called Tiverton Crossings (the 2008 Application). Tiverton Crossings was to be a mixed-use development with retail, restaurants, office space, a senior center, and space for municipal buildings. On the "Planning Board Application Cover Sheet," Mr. McInnis checked the following boxes: "Major Land Development/Major Subdivision," "Informal Concept Plan Review," and "Master Plan."

On the same day that Mr. McInnis filed his application, the Town of Tiverton (the Town) was in the final stages of amending its zoning map in order to comply with the Town's Comprehensive Community Plan. The proposed amendment of the zoning map changed the zoning designation of the Property from Highway Commercial, a zone that allows commercial development, to Residential 40, a zone that does not allow commercial development and limits development to residential properties with minimum lot sizes of 40,000 square feet. The Town Council held a public hearing on the same evening that the 2008 Application was filed to discuss the proposed changes to the zoning map and voted to pass the amendment, changing the zoning designation of the Property to Residential 40.

The Administrative Officer reviewed the 2008 Application submitted by Mr. McInnis to determine whether it satisfied the standards set forth in the Town's Subdivision Regulations and the Rhode Island General Laws. The Administrative Officer preliminarily concluded that the 2008 Application was complete; however, he sought the advice of the Town Solicitors before making a final determination. Based upon the advice of the Town Solicitors, the Administrative Officer informed Mr. McInnis on May 6, 2008 that the application was rejected due to the lack of a "pre-application meeting" pursuant to § 45-23-35, as well as Sec. 23-26(b) of the Tiverton

Regulations. This determination is significant because if the application was not complete at the time of filing, the application would not be considered under the previous zoning ordinance designating the Property as Highway Commercial.

Mr. McInnis filed an appeal to the Town of Tiverton Zoning Board sitting as the Board of Appeals (the Board of Appeals) on June 4, 2008, arguing that by checking the boxes for both "Informal Concept Plan Review" and "Master Plan," he had concurrently filed for each part of the review process. At the hearing, the Board of Appeals refused to hear evidence because there was no record below since the Administrative Officer rejected the 2008 Application. On October 21, 2008, the Board of Appeals issued a written decision unanimously upholding the Administrative Officer's rejection of the application.[2]

Mr. McInnis appealed to the Rhode Island Superior Court on November 6, 2008, and argued that the Board of Appeals improperly refused to take evidence during the hearing and that the Administrative Officer improperly rejected the application. The Court reserved its judgment on the propriety of the Administrative Officer's actions until the creation of a developed record and "remand[ed] th[e] matter to the Board of Appeals for a new hearing in which it accepts evidence from both parties." *McInnis v. Tiverton Bd. of Appeal*, No. NC 08-0629, 2011 WL 1980403, at *3 (R.I. Super. May 16, 2011) (Nugent, J.).

Mr. McInnis did not immediately proceed with a remand hearing because a new developer, Carpionato Properties, Inc. (Carpionato), filed a different major land development application for a commercial retail use on the Property. The Carpionato application was contingent on the Town Council passing a zoning change and comprehensive plan amendment for the Property. However, the Town Council ultimately voted not to amend the zoning ordinance and, accordingly, the Carpionato application failed. Mr. McInnis subsequently

[2] The Decision is recorded at Book 1617, Page 1, of the Tiverton Land Evidence Records.

revived the remand hearing, which took place on October 5, 2016. At the hearing, he introduced a plethora of evidence, including memoranda submitted by him and the Town Solicitor's Office, deposition transcripts from multiple parties involved in the matter, certified copies of the Town Council and Planning Board minutes from the 2008 zoning amendment proceeding, and live testimony from Tiverton residents and Mr. McInnis' real estate agent.[3] The Board of Appeals issued a decision on January 5, 2017 denying Mr. McInnis' appeal and upholding the Administrative Officer's May 6, 2008 denial. On February 2, 2017, Mr. McInnis filed the instant appeal.

Additional facts will be supplied throughout the decision as needed.

II

Standard of Review

Rhode Island state law dictates that when a board of appeals reviews a decision of an administrative officer:

> [T]he board of appeal shall not substitute its own judgment for that of . . . the administrative officer but must consider the issue upon the findings and record of the . . . administrative officer. The board of appeal shall not reverse a decision of the . . . administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. Sec. 45-23-70(a).

The board of appeal is responsible for keeping "complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing." Additionally, "[t]he board of appeal shall include in the written record the reasons for each decision." Sec. 45-23-70(d). The Rhode Island Supreme Court has stated that when a municipal board is "acting in a

[3] All of the materials submitted to the Board of Appeals are public records, publicly available, and are part of the certified record.

quasi-judicial capacity, [it] must set forth in its decision findings of fact and reasons for the action taken." *Sciacca v. Caruso*, 769 A.2d 578, 585 (R.I. 2001) (citation omitted).

"Under § 45–23–71, an aggrieved party in an application for the subdivision of land may appeal the decision of the board of appeals to the Superior Court." *West v. McDonald*, 18 A.3d 526, 531 (R.I. 2011). Subsection (c) of § 45–23–71 describes the standard of review that is employed:

> The court shall not substitute its judgment for that of the planning board[[4]] as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:
> (1) In violation of constitutional, statutory, ordinance or planning board regulations provisions;
> (2) In excess of the authority granted to the planning board by statute or ordinance;
> (3) Made upon unlawful procedure;
> (4) Affected by other error of law;
> (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
> (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Thus, this Court is not permitted to conduct a *de novo* review of a decision of a town's board of appeals. *See Munroe v. Town of E. Greenwich*, 733 A.2d 703, 705 (R.I. 1999). This Court must "not consider the credibility of witnesses, weigh the evidence, or make its own findings of fact." *Id.* Instead, this Court must limit its review to "'a search of the record to ascertain whether the board's decision rests upon 'competent evidence' or is affected by an error

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[4] Section 45-23-71 is the applicable standard of review in this case because the administrative officer reports its findings regarding an application for a major land subdivision to the planning board and the planning board, in turn, considers the decision of the administrative officer. *See* Tiverton Reg. Secs. 23-18, 23-34. Specifically, the Town of Tiverton Planning Board Bylaws provide, "The Planning Board's Administrative Officer shall report to the Planning Board and is responsible for reviewing and certifying all applications to ensure they conform to the Land Use and Subdivision Regulations of the Town." (Tiverton Planning Board Bylaws IIIG(2)(a)).

of law.'" *Id.* (quoting *Kirby v. Planning Bd. of Review of Town of Middletown*, 634 A.2d 285, 290 (R.I. 1993)). Thus, just as this Court's review of the board of appeals' decision is highly circumscribed, so too is the board of appeals required to afford deference to decisions made by the town's administrative officer. *See Mill Realty Assocs. v. Crowe*, 841 A.2d 668, 672 (R.I. 2004).

Competent evidence is functionally equivalent to the term "substantial evidence." *Town of Burrillville v. R.I. State Labor Relations Bd.*, 921 A.2d 113, 118 (R.I. 2007). Substantial evidence is relevant evidence that a reasonable person would accept as adequate to support the board of appeals' conclusion and amounts to '"more than a scintilla but less than a preponderance."' *Pawtucket Transfer Operations, LLC v. City of Pawtucket*, 944 A.2d 855, 859 (R.I. 2008) (quoting *Caswell v. George Sherman Sand & Gravel Co.*, 424 A.2d 646, 647 (R.I. 1981)). In short, a reviewing court may not substitute its judgment for that of the board of appeals if it '"can conscientiously find that the board's decision was supported by substantial evidence in the whole record."' *Mill Realty Assocs.*, 841 A.2d at 672 (quoting *Apostolou v. Genovesi*, 120 R.I. 501, 509, 388 A.2d 821, 825 (1978)). While the appellate court must defer to an administrative agency's determination of the facts, its resolution of a question of law is reviewed *de novo*. *See Johnston Ambulatory Surgical Assocs., Ltd. v. Nolan*, 755 A.2d 799, 805 (R.I. 2000).

III

Analysis

Mr. McInnis raises several issues on appeal. First, he contends that a "pre-application meeting" and an "informal concept review" are one in the same and since he requested a date for an "initial informal concept plan review," he satisfied the requirements under Tiverton Code Sec.

23-26 and § 45-23-35. He next asserts that a "pre-application meeting" was not required prior to filing the 2008 Application because the Town did not require one in the past. Mr. McInnis then avers that but for the interference of the Town Solicitors, the Administrative Officer would have determined that the 2008 Application was complete. Finally, Mr. McInnis claims that the 2008 Application did not require a "pre-application meeting" because that requirement was satisfied during the previous 2004 application process involving the same property and, he argues, for "virtually the same development." This Court will address each argument in turn.

A

The Pre-Application Requirement

Mr. McInnis first argues that the Board of Appeals erred in upholding the Administrative Officer's May 6, 2008 letter denying his application since he did, in fact, request a "pre-application meeting" when he requested a date for an "initial informal concept plan review**.**" He argues that the "pre-application meeting" and "initial informal concept plan review" are one in the same. In his memorandum, Mr. McInnis claims that the decision of the Board of Appeals that upheld the Administrative Officer's "rejection of the 2008 Application was improper, prejudicial procedural error, clear error, and lacked support by the weight of the evidence in the record." [Appellant's Mem. 5.] His argument lacks merit.

Pursuant to § 45-23-35(a), "[o]ne or more pre-application meetings *shall be held* for all major land development or subdivision applications." (emphasis added); *see Castelli v. Carcieri*, 961 A.2d 277, 284 (R.I. 2008) (holding that the use of the word "shall" contemplates something mandatory or the "imposition of a duty"). Further, § 45-23-35(b) provides "[a]t the pre-application stage the applicant *may* request the planning board or the technical review committee for an *informal concept plan review* for a development." (emphasis added); *see Castelli*, 961

A.2d at 284 (“The use of the word ‘shall’ is readily distinguishable from the use of the word ‘may,’ which implies an allowance of discretion.”).

Contrary to Mr. McInnis’ contention, the two forms of review are distinct and the purpose of a pre-application conference is not to conduct an informal concept plan review. A “Pre-application conference” is “[a]n initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.” Sec. 45-23-32(34). Alternatively, an “informal concept plan review” is “to provide [the] planning board or [the] technical review committee [with] input in the formative stages of major subdivision and land development concept design.”[5] Sec. 45-23-35(b). The “pre-application conference” is conducted with the town staff and the “informal concept plan review” is conducted with the planning board or the technical review committee.[6] The statute further explains that either after the “pre-application meeting,” or after sixty days has elapsed from the filing of the pre-application submission, “nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project . . . .” Sec. 45-23-35(d). Moreover, pursuant to § 45-23-39(b), “major [land development] plan review consists of three stages of review, master plan, preliminary plan and final plan, *following the pre-application meeting(s) specified in § 45-23-35*.” Sec 45-23-39(b) (emphasis added). The “informal concept plan review” is part of the preliminary stages of a major land subdivision development, but it is not the same as a “pre-application meeting.” Finally, the crux of satisfying § 45-23-35(a) is not the request for a “pre-application meeting,” as urged by Mr. McInnis, but is

[5] However, concept review and other pre-application “discussions . . . are not considered approval of a project or its elements.” Sec. 45-23-35(d).
[6] The technical review committee aids the planning board by “review[ing] the development, site and architectural plans of certain industrial, commercial or multi-unit residential projects.” Tiverton Reg. App. A, Article XX, Sec. 1.

actually conducting one. The meeting of the municipal representatives and the applicant(s) to discuss the proposed land development application prior to submission allows those involved to streamline the application process to ensure compliance with all applicable regulations and ordinances. The pre-application meeting prevents a needless waste of time and resources for all parties involved.

Moreover, Sec. 23-13 of the Tiverton Regulations states, "A pre-application conference may be one or a series of informal meetings at which an informal concept plan review is conducted." Tiverton Reg. Sec. 23-13(a). Thus, the pre-application process affords the applicant the ability to involve the planning board after the initial "pre-application conference" with the staff. Section 45-23-35 and Sec. 23-13 are almost identical. Under the Rhode Island Land Development and Subdivision Review Enabling Act, the purpose of conducting a pre-application meeting is to "[p]rovid[e] for the orderly, thorough and expeditious review and approval of land developments and subdivisions" and to "[e]ncourag[e] the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction." Sec. 45-23-30(1) and (8). The purpose of a "pre-application meeting" under the Tiverton Regulations "is to facilitate the subsequent review of a proposed development or subdivision," and to "receive advice as to the required steps in the approval process, and the pertinent local plans, ordinances, regulations, procedures, and standards that may be applicable to the proposed development."[7] Sec. 23-13(a)-(b).

[7] In addition, Mr. McInnis' contention that the requirement for a "pre-application meeting" can be fulfilled simply by the applicant picking up a form from the Town is not substantiated by any evidence in the record. As defined above, a "Pre-application Conference" is "[a]n initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others." Sec. 45-23-32(34). This requirement was not satisfied when Mr. McInnis obtained an updated fee schedule and traffic information from the Town officials, as he contends in his memorandum.

Pursuant to the above regulations and statutes, the Administrative Officer concluded on May 6, 2008 that the application submitted by Mr. McInnis for the major land development was premature due to the lack of a "pre-application meeting" for the proposal. The Board of Appeals affirmed the Administrative Officer's conclusion and found that the pre-application meeting "is required by law." [Appellee's Mem. Ex. 2, at 24.] Therefore, the Court finds that the Board of Appeals' decision affirming the Administrative Officer's determination that the "pre-application meeting" was a necessary prerequisite to filing the application accurately stated the pertinent law and was not a mistake of law, "made upon unlawful procedure" or "clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record." *See* Sec. 45–23–71(3), (5); *see also Bucci v. Lehman Bros. Bank, FSB*, 68 A.3d 1069, 1078 (R.I. 2013) (explaining that when confronted with a clear and unambiguous statute, the task is straightforward: the court is "bound to ascribe the plain and ordinary meaning of the words of the statute and [its] inquiry is at an end.").

B

Consideration of the Town's Past Practice

Mr. McInnis next contends the Board of Appeals' determination to uphold the Administrative Officer's decision to reject the 2008 Application was "clear error" because "[i]t was established procedure in the Town [ ] for applicants to file a concurrent Information Concept Review and Master Plan Application, and then have the Town schedule a Pre-Application/Informal Concept Plan Review Meeting." [Appellant's Mem. 7, 12.] As a basis for his argument, Mr. McInnis recounts the filing of an application in September 2004 (the 2004 Application). Just like the 2008 Application, the 2004 Application had the boxes for both "Informal Concept Plan Review" and "Master Plan" checked off, with a cover letter attached

requesting that the Administrative Officer "contact [Mr. McInnis] to discuss the appropriate schedule for review." [*Id.*] Subsequently, the Administrative Officer sent a letter to Mr. McInnis advising him that the 2004 Application was "still under review for completeness" and that the Administrative Officer needed to schedule a review of the Concept Plan and Master Plan. One month later, the 2004 Application was deemed complete and an Informal Concept Plan Review was scheduled for, and held, in December 2004. The 2004 Application was subsequently denied.

The record is devoid of any evidence demonstrating that Mr. McInnis satisfied the "pre-application meeting" requirement for the 2004 application; however, this absence does not lead the Court to conclude that a "pre-application meeting" was not required by the Town.[8] Moreover, even if this were the case, past practice may not form the basis to prevent the enforcement of a state statute. The major subdivision and land development application process in Rhode Island requires that "[o]ne or more pre-application meetings" be held. Sec. 45-23-35(a); *see also* Tiverton Regulations Sec. 23-13(a) ("At least one pre-application conference/informal concept plan review shall be held for all major land development or subdivision projects. An applicant may request an informal concept plan review for those projects where it is not required."). This is a clear mandate that a major land development application may not be considered without the satisfaction of the pre-application meeting requirement, and it is not just a "mere procedural exercise." *See Johnston v. Pezza*, 723 A.2d 278, 283 (R.I. 1999) ("No matter how many times the building official may have ignored this requirement in the past, the law remained unchanged when the [plaintiffs] applied for [the]

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[8] Mr. McInnis submitted as supporting exhibits the 2004 Application, correspondence from the Administrative Officer at the time of the filing of the 2004 Application, the Certificate of Completeness for the 2004 Application and the December 2004 Meeting Minutes of the Informal Concept Plan Review of the Tiverton Planning Board.

permit . . . ."). Even if the Town's former Administrative Officer ignored this aspect of the application process in 2004, the Administrative Officer who denied the 2008 Application due to its lack of a "pre-application meeting" is ensuring the Town's compliance with the Enabling Act. *See id.* ("[A] muscular rule of law depends on regular procedural exercise for its continued vitality.").

Further, in its decision upholding the Administrative Officer's denial of the 2008 Application, the Board of Appeals concluded that no such past practice existed. In support of its conclusion, the Board of Appeals credited the testimony of two past Administrative Officers who testified that "before even filing an application for Informal Concept Plan Review, the first step would be the pre-application meeting," and that they did not recall any applications "that had not received [a] pre-application review." [Appellant's Mem. Ex. N, at 41; Appellant's Mem. Ex. D, at 12.] Therefore, this Court finds that the Board of Appeals' decision that there was no past practice of waiving the "pre-application meeting" was supported by the record and was not "clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record." *See* Sec. 45–23–71(5).

C

Interference of the Town Solicitors

The third argument raised by Mr. McInnis accuses the Town Solicitors of coercing the Administrative Officer into improperly rejecting the 2008 Application. Mr. McInnis maintains that the Town Solicitors interfered with the Administrative Officer's decision because they "instructed him to reject [the application] or lose his job."[9] [Appellant's Mem. 13.] The record

[9] To the extent that Mr. McInnis argues that the Town Solicitors threatened the Administrative Officer's job, the Administrative Officer testified that the Town Solicitors did not say that he was going to get fired if he did not do what they told him to do, nor did they threaten him or his job in any way. [Appellant's Mem. Ex. L, at 84.]

does not support Mr. McInnis' assertion. In fact, the Administrative Officer's deposition testimony establishes that this argument is without a basis in fact.

Section 45-23-36(b) states, "An application [for a major subdivision plan] shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer." Thus, the Administrative Officer's determination of an application's completeness is dispositive. However, such a determination does not preclude the Administrative Officer from seeking the legal advice of the Town Solicitor to aid in making this determination, specifically because the duties of a Town Solicitor include providing legal advice to all boards, commissions and agencies of the Town. *See* Tiverton Reg. Sec. 803. Therefore, the testimony from the Administrative Officer that the Town Solicitors, as the result of requesting legal advice, "directed [him] to reject the Application as incomplete" does not establish coercion or interference on their part. Moreover, even though the Administrative Officer continued to conclude that the 2008 Application was complete, he acted at the advice of legal counsel for the Town, who were ensuring the Town's compliance with § 45-23-35 in concluding that the "pre-application meeting" requirement had not been satisfied. [Appellant's Mem. 13.] Accordingly, this Court finds that the record reflects substantial evidence to support the Board of Appeals finding that the Administrative Officer's rejection of the 2008 Application was not a result of coercion or interference on the part of the Town Solicitors. *See Sullivan v. Faria*, 112 R.I. 132, 138, 308 A.2d 473, 477 (1973) (quotation omitted) ("Courts will not second-guess a municipal agency in matters involving discretion in the absence of proof of such factors as fraud, collusion, bad faith, or abuse of power."). Furthermore**,** this Court has determined that the Town Solicitors', and ultimately the Administrative Officer's, interpretation

of the law relating to the pre-application conference was correct thus making Mr. McInnis' argument of this issue moot.

D

The 2004 Major Land Development Application

Mr. McInnis maintains that the "pre-application meeting" requirement was satisfied when an Informal Concept Plan Review Meeting was held for the 2004 Application. He argues that the 2004 Application includes "the same Property, with the same owner, for virtually the same development" as the 2008 Application, and thus, a second "Pre-Application/Informal Concept Plan Review [is] not required." [Appellant's Mem. 17.] His argument is not supported by the record.

With respect to the Town's past practices, Mr. McInnis acknowledges that a "pre-application meeting" did not occur for the 2004 Application. Next, in Part III.A, *supra*, the Court concluded that the informal concept plan review can be part of the pre-application process, but it is not the same as a "pre-application meeting." Finally, the 2004 Application and the 2008 Application are separate and distinct. The 2004 Application proposed to develop a 335,000 square foot shopping center on the property, including retail business, office and a consumer service complex, with nineteen buildings, including one 120,000 square foot building and one 40,000 square foot building. The 2004 Application was modified with a revised development plan, smaller in size, with municipal uses and was not to exceed 275,000 square feet. Mr. McInnis contends that the 2008 Application is a modification of the 2004 Application; however**,** the 2004 Application was rejected by the Planning Board, which was affirmed by our Supreme Court in *New England Dev., LLC v. Berg*, 913 A.2d 363, 373 (R.I. 2007). Thus, any type of modification to a rejected major land development application would be irrelevant, as the

applicant would need to resubmit a new application and adhere to the statutory requirements, including the conducting of a "pre-application meeting."

Furthermore, the 2008 Application proposes to develop the Property in a substantially different way than was proposed in the 2004 Application. Specifically, the 2008 Application entailed the construction of a 247,050 square foot mixed-use development, which would not include supermarkets, department stores, discount centers, furniture stores or other retail outlets, including shopping centers. Instead, the 2008 Application indicated that the development would consist of restaurants, retail space, a municipal office building, a senior center and potential amphitheater. [Appellant's Mem. Ex. B.]

As a result, this Court finds that the Board of Appeals' decision that there was no "pre-application submission, [and so,] the March 24, 2008 application was premature and was properly rejected for that reason" is not based upon prejudicial procedural error, was not clear error, and does not lack support by the weight of the evidence in the record and, in fact, is consistent with the applicable law.

IV

Conclusion

In conclusion, this Court finds that the decision of the Board of Appeals upholding the Administrative Officer's rejection of the 2008 Application due to the lack of a "pre-application meeting" was not a mistake of law or clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record. Accordingly, the decision of the Board of Appeals is sustained.

Counsel shall confer and submit the appropriate order for entry.

RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE:	James J. McInnis, as Trustee of the Tiverton Associates Trust v. Town of Tiverton Zoning Board, et al.
CASE NO:	NC-2017-0056
COURT:	Newport County Superior Court
DATE DECISION FILED:	April 5, 2018
JUSTICE/MAGISTRATE:	Van Couyghen, J.
ATTORNEYS:	
For Plaintiff:	Stephen Izzi, Esq.
For Defendant:	Peter F. Skwirz, Esq.