

**TOWN OF TIVERTON  
PLANNING BOARD OF REVIEW  
DENIAL OF REQUEST FOR EXTENSION OF TIME**

DOC: 00002692  
Bk: 1795 Pg: 315

**APPLICANT:** Northborough Realty Holdings, LLC & Northborough Recovery Services, LLC

**PROPERTY OWNER:** Northborough Realty Holdings, LLC

**PROPERTY:** 994 & 1000 Main Road to be known as Bayview Condominiums

**PLAT MAP** 119 LOT: 121 & 122

**PRESENT ZONING:** R-60

**PRESENT USE:** Commercial

**RELIEF REQUESTED:** Relief from Town of Tiverton Planning Board's decision denying extension to timeclock of Final Plan approval

The applicant seeks relief from a decision of the Town of Tiverton Planning Board (the "PB"), dated June 11, 2020, denying the applicant's request for a six-month extension to the timeclock for Final Plan approval for a Major Land Development proposed at Plat 119 Lots 121 and 122. The PB heard the applicant's extension request on June 2, 2020 and the timeclock deadline was June 30, 2020. As foundation for the relief requested, the applicant complains that the PB "committed prejudicial procedural error in denying the request."

Planning Board of Review ("PBR") members present: Madam Chairperson Lise Gescheidt, Vice Chair David Collins, George S. Alzaibak, John R. Jackson, Wendy Taylor Humphrey, 1<sup>st</sup> Alternate Jennifer Hilton and 2<sup>nd</sup> alternate Joel Bishop. Also present on behalf of the PBR was Assistant Solicitor, Travis J. DeCosta, Esq.

**OPINION:**


Based on the testimony and the submissions, the PBR finds that the PB's decision to deny the Applicant's request for extension to the timeclock for final plan approval was in error because there was sufficient, and good cause to have granted the Applicant's request at the PB hearing on June 2, 2020. On June 2, 2020, the Applicant indicated that he needed an extension because he had been waiting for the RIDEM to approve the required RIPDES permit. The Applicant testified that the Permit was going to issue shortly and in fact, now in hindsight, we can see that the Permit was issued merely fourteen (14) days later, on June 16, 2020.

Furthermore, the PBR finds it a compelling argument that the Applicant attempted to seek relief from the PB much earlier than June 2, 2020. The Applicant's initial request to be placed on the PB's agenda for the relief sought was made on March 26, 2020. However, due to the Covid-19 pandemic, the Applicant was not heard for two (2) months thereafter. In theory, if the Applicant knew that the PB was not going to grant its extension in April, 2020, the Applicant may have had the ability to take alternate action and/or request some expediency from RIDEM to obtain the RIPDES Permit quicker.

While the PBR understands that the PB denied the Applicant's request because it had provided the Applicant with many extensions before the June 2, 2020 hearing, given the circumstances in this case, the PBR finds that there was good cause to grant this most recent extension to the Applicant.

Therefore, the PBR so finds and holds that the Applicant's request to extend the timeclock for Final Plan approval for this major Land Development is hereby GRANTED. The

Decision Approved and Accepted this 21<sup>st</sup> of August, 2020.

  
Lise Gescheidt, Chairperson  
4842-0990-6887.1 2

CERTIFICATION

I, Julie Barrett, certify that I sent a true copy of the within decision, by regular mail, postage prepaid, to the applicant, on this the 27<sup>th</sup> day of August 2020.

  
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RECEIVED FOR RECORD  
Tiverton, R.I.  
NANCY L. MELLO TOWN CLERK  
Aug 27, 2020 11:14A