STATE OF RHODE ISLAND

WASHINGTON, SC. **SUPERIOR COURT**

(FILED: January 6, 2025)

MARK HUGHES and TONYA HUGHES	:	
Appellants,	:	
	:	
v.	:	**C.A. No. WC-2024-0058**
	:	
TOWN OF EXETER ZONING BOARD OF REVIEW; RICHARD BOOTH, THOMAS MCMILLAN, TIMOTHY ROBERTSON, RICHARD QUATTROMANI, LOREN ANDREWS, STEPHEN SOVET, and SUSAN FRANCO-TOWELL in their official Capacities as Members of the Town of Exeter Zoning Board of Review	:	
***Appellees*.**	:	

DECISION

LANPHEAR, J. Before this Court is Mark and Tonya Hughes' appeal from a decision of the Exeter Zoning Board of Review, which required the Hugheses to apply for a special-use permit in order for them to use their property as a short-term rental. Jurisdiction is pursuant to G.L. 1956 § 45-24-69. For the reasons set forth herein, Appellants' appeal is denied, and the Board's decision is affirmed.

I

Facts and Travel

Mark and Tonya Hughes own a single-family dwelling located at 48 West Shore Drive in Exeter, Rhode Island which they use for a short-term rental. The Hugheses registered their property as a short-term rental with the State of Rhode Island, and they utilize an internet hosting platform to rent to visitors.

On September 2, 2023, Exeter's Zoning Inspector issued a notice to the Hugheses stating that the Town requires a special-use permit for "B&Bs" and short-term rentals, and the Hugheses should submit a special-use permit application with the town Zoning Clerk by September 19, 2023 for a hearing on November 9, 2023.[1] On September 11, 2023, the Zoning Inspector issued a Zoning Certificate to the Hugheses stating that the Hugheses' property does not conform with the Town's Zoning Ordinance, Appendix A § 2.4.1.42, which requires a special-use permit for bed and breakfasts in the zone the Hugheses' property is located.

On September 20, 2023, the Hugheses filed an appeal with the Town Clerk alleging that the property did not function as a bed and breakfast and no special-use permit was necessary. The Zoning Inspector responded on October 5, 2023 stating that the Exeter Code requires a special-use permit for any use specified in the Town's Zoning Ordinance, Appendix A § 2.4.1.42 and if a use, such as a short-term rental, was not listed, then the use was "specifically prohibited." The Zoning Inspector's notice served as a Notice of Violation and an "Order to Cease and Desist" (NOV) all short-term rental uses at the property, and the NOV stated that failure to comply after October 20, 2023 would result in a fine of $500 per day for every day that the property was used as a short-term rental.

On October 18, 2023, the Hugheses appealed the NOV to the Town of Exeter Zoning Board of Review arguing that the Town could not prohibit owners who have properties used for tourists and offered through hosting platforms from using their units for this purpose under G.L. 1956 § 42-63.1-14.

[1] "B&B" is a reference to a bed and breakfast rental.

On October 25, 2023, the Zoning Inspector issued a Zoning Certificate to the Hugheses stating that the property is a "pre-existing non-conforming lot of record" and that the property does not conform.

On December 14, 2023, the Zoning Board held a public hearing and comment period where it heard the Hugheses' appeal. The Zoning Board heard from (1) the Town's Zoning Enforcement Officer regarding issuance of the NOV; (2) Tonya Hughes about why the Hugheses were appealing the NOV; and (3) various community members who offered testimony on the appeal. (Certified Zoning Board R. Part 1, 51-53.) The Zoning Board unanimously denied the Hugheses' appeal affirming the Zoning Inspector's determinations. The Zoning Board issued a decision on January 5, 2024 stating its findings.

On January 29, 2024, the Hugheses appealed the Zoning Board decision to the Superior Court. In appealing, the Hugheses ask this Court to reverse the Zoning Board's decision, overturn the Zoning Inspector's NOV, instruct the Zoning Board that the Hugheses have a right to use the property as a short-term rental without a special-use permit, and award the Hugheses attorneys' fees and expenses pursuant to the Equal Access to Justice for Small Businesses and Individuals Act (EAJA), G.L. 1956 chapter 92 of title 42.

II

Standard of Review

Section 45-24-69(a) grants the Superior Court jurisdiction to review decisions of local zoning boards. Such review is governed by § 45-24-69(d), which provides:

> "The court shall not substitute its judgment for that of the zoning board of review as to the weight of the evidence on questions of fact. The court may affirm the decision of the zoning board of review or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the [Hugheses] have

> been prejudiced because of findings, inferences, conclusions, or decisions which are:
> "(1) In violation of constitutional, statutory, or ordinance provisions;
> "(2) In excess of the authority granted to the zoning board of review 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." Section 45-24-69(d).

In other words, this Court "reviews the decisions of a plan commission or board of review under the 'traditional judicial review' standard applicable to administrative agency actions." *Restivo v. Lynch*, 707 A.2d 663, 665 (R.I. 1998) (internal quotation omitted). The Court is "limited to a search of the record to determine if there is *any competent evidence* upon which the agency's decision rests. If there is such evidence, the decision will stand." *E. Grossman & Sons, Inc. v. Rocha*, 118 R.I. 276, 285-86, 373 A.2d 496, 501 (1977) (emphasis added). The Court may not substitute its judgment for that of the zoning board's with respect to the weight of the evidence, questions of fact, or credibility of the witnesses. *Lett v. Caromile*, 510 A.2d 958, 960 (R.I. 1986). However, this Court conducts a *de novo* review of questions of law. *Tanner v. Town Council of Town of East Greenwich*, 880 A.2d 784, 791 (R.I. 2005). The burden is on the applicant "seeking relief . . . to prove the existence of the conditions precedent to a grant of relief." *DiIorio v. Zoning Board of Review of City of East Providence*, 105 R.I. 357, 362, 252 A.2d 350, 353 (1969).

The Court must consider '"the entire record to determine whether 'substantial' evidence exists to support the board's findings."' *Salve Regina College v. Zoning Board of Review of City of Newport*, 594 A.2d 878, 880 (R.I. 1991) (quoting *DeStefano v. Zoning Board of Review of*

City of Warwick, 122 R.I. 241, 245, 405 A.2d 1167, 1170 (1979)). "Substantial evidence" is defined as "such relevant evidence that a reasonable mind might accept as adequate to support a conclusion, and means [an] amount more than a scintilla but less than a preponderance." *Caswell v. George Sherman Sand & Gravel Company, Inc.*, 424 A.2d 646, 647 (R.I. 1981).

III

Analysis

A

Whether the Hugheses' Appeal Is Premature or Unripe

As a preliminary matter, the Zoning Board claims the Hugheses needed to apply for a special-use permit, and because they have not done so, this appeal is premature, unripe, and should be denied for failure to exhaust administrative remedies. The Hugheses counter that they have standing to bring this action as an aggrieved party to a zoning board of review decision.

Rhode Island law affords aggrieved parties the opportunity to "appeal a decision of the zoning board of review to the superior court[.]" Section 45-24-69(a). However, the rule requires that an applicant must first exhaust administrative remedies prior to seeking relief from this Court. *Richardson v. Rhode Island Department of Education*, 947 A.2d 253, 259 (R.I. 2008).

This Court finds the Hugheses exhausted their administrative remedies for this appeal. The Hugheses are appealing the Zoning Board's decision affirming the Town's actions which denied the Hugheses the ability to operate their short-term rental without a special-use permit. The Hugheses have appealed the Town's NOV to the Zoning Board, and the Zoning Board heard the matter on December 14, 2023 and issued a decision on January 5, 2024. As aggrieved parties, the Hugheses properly appealed the Zoning Board's decision to this Court. Therefore, the appeal is appropriate.

B

Whether State Statute Preempts the Town from Regulating Short-Term Rentals

The Hugheses argue that Rhode Island state law does not allow a town to have a "blanket prohibition on short-term rental[s]" because § 42-63.1-14(a) provides that a municipality shall not prohibit tourist rental properties on hosting platforms that collect applicable taxes. Further, the Hugheses, in essence, contend that the Town Zoning Ordinance directly and materially conflicts with state law, and the Hugheses should be allowed to operate their short-term rental without a special-use permit. The Zoning Board counters that the Rhode Island Superior Court has already rejected the Hugheses' preemption argument because § 42-63.1-14 does not prohibit Rhode Island cities and towns from regulating short-term rentals; rather, § 42-63.1-14 merely constrains municipal power over advertising short-term rentals.

"[Preemption] works as a limitation on the exercise of inherent police powers by a governmental body when the purported regulation relates to subject matter on which superior governmental authority exists." *Town of East Greenwich v. O'Neil*, 617 A.2d 104, 109 (R.I. 1992). "'[M]unicipal ordinances are inferior in status and subordinate to the laws of the state.'" *Id.* (quoting *Wood v. Peckham*, 80 R.I. 479, 482, 98 A.2d 669, 670 (1953)). "[A]n ordinance inconsistent with a state law of general character and state-wide application is invalid." *Id.* (internal quotation omitted). The existence or lack of such conflict "'depends on what the Legislature intended when it enacted the statute.'" *State ex rel. City of Providence v. Auger*, 44 A.3d 1218, 1229 (R.I. 2012) (quoting *Town of Glocester v. R.I. Solid Waste Management Corp.*, 120 R.I. 606, 607, 390 A.2d 348, 349 (1978)).

"A local ordinance or regulation may be preempted in two ways." *Town of Warren v. Thornton-Whitehouse*, 740 A.2d 1255, 1261 (R.I. 1999). "First, a municipal ordinance is

preempted if it conflicts with a state statute on the same subject." *Id.* (citing *State v. Pascale*, 86 R.I. 182, 186–87, 134 A.2d 149, 152 (1957)). "Second, a municipal ordinance is preempted if the Legislature intended that its statutory scheme completely occupy the field of regulation on a particular subject." *Id.*; *see generally* 1A Norman J. Singer & J.D. Shambie Singer, *Sutherland Statutes and Statutory Construction* § 30:1 at 658 (7th ed., Nov. 2023 Update).

This Court finds that § 42-63.1-14 does not preempt the Town from regulating short-term rentals through the Town's Zoning Ordinance.

Section 42-63.1-14(a) provides as follows:

> "For any rental property offered for tourist or transient use on a hosting platform that collects and remits applicable sales and hotel taxes in compliance with §§ 44-18-7.3(b)(4)(i), 44-18-18, and 44-18-36.1, cities, towns, or municipalities shall not prohibit the owner from offering the unit for tourist or transient use through such hosting platform, or prohibit such hosting platform from providing a person or entity the means to rent, pay for, or otherwise reserve a residential unit for tourist or transient use." Section 42-63.1-14(a).

The Rhode Island Zoning Enabling Act of 1991 explicitly enables cities and towns to regulate land use. "The zoning ordinance shall provide a listing of all land uses and/or performance standards for uses that are permitted within the zoning use districts of the municipality." Section 45-24-37(a).[2]

Both parties reference recent Superior Court cases that have addressed § 42-63.1-14 and whether certain city and local ordinances directly and materially conflict with that statute.

[2] Section 45-24-42(b)(1) provides that, when a land use "is not specifically listed," the "proposed use may be considered to be a use requiring a special-use permit" and the city or town ordinance "shall provide for a procedure under which a proposed land use that is not specifically listed may be presented by the property owner to the zoning board of review or to a local official or agency charged with administration and enforcement of the ordinance for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity[.]"

In *Narragansett 2100, Inc. v. Town of Narragansett*, No. WC-2024-0372, 2024 WL 4440938, at *1 (R.I. Super. Oct. 2, 2024), plaintiffs sought a declaratory judgment to hold a newly-enacted short-term rental ordinance unconstitutional and in direct conflict with § 42-63.1-14. *Narragansett 2100, Inc.*, 2024 WL 4440938, at *1. The ordinance sought to limit the term of certain rentals and advertising for the rentals without a town permit. This court concluded that while the General Assembly "did not intend to occupy the field" of regulating the entire field of short-term housing, the advertising laws conflict and the state law preempts. *Id.* at *9-10.

The present action is clearly distinguished from *Narragansett 2100, Inc.* because the Town of Narragansett statute directly conflicted with § 42-63.1-14, whereas, here, there is no ordinance limiting a property owner's ability to offer a short-term rental on a hosting site when the owner has a valid special-use permit. Additionally, this court in *Narragansett 2100, Inc.* found that § 42-63.1-14 was not meant to occupy the entire field.

In *City of Newport v. McGown*, No. N3-2023-0290A, 2024 WL 401591, at *3 (R.I. Super. Jan. 26, 2024) and *City of Newport v. Chubby Hospitality, LLC*, No. N3-2023-0287A, 2024 WL 401592, *3 (R.I. Super. Jan. 26, 2024), the parties challenged a short-term rental ordinance restricting "transient guest facilities" in residential-zoned areas. In *McGown*, this court determined that the restriction was a valid exercise of the city's authority through the Zoning Enabling Act. *McGown*, 2024 WL 401591, at *4. This court reasoned that there was "no direct material conflict" between the two laws and a party could comply with both laws. *Id.* at *5-6.

In *Chubby Hospitality*, the court found that the restriction on transient guest houses in residentially zoned areas was a valid and constitutional exercise of the Zoning Enabling Act. *Chubby Hospitality, LLC*, 2024 WL 401592, at *3. The court reasoned that "§ 42-63.1-14(b) should not be interpreted as preempting municipalities to impose additional registration requirements[,]" and instead, "the absence of a complex regulatory scheme within the statute supports the notion that the General Assembly did not intend to implicitly govern short-term rental registration, and, in turn, left room for municipalities to enact supplementary registration requirements." *Id.* at *8.

Similarly, Exeter permissibly restricts short-term rentals in residential zones, but the Town also has allowed for short-term rental use by applying for a special-use permit. Though the Hugheses contend that the present action involves a complete ban on all short-term rentals, this Court does not agree. The Town has allowed short-term rentals with special-use permits and has granted special-use permits in the past for short-term rentals.

Lastly, the Hugheses reference *Rhode Island School of Design v. Begin*, No. PC-2020-06584, 2021 WL 5492870 (R.I. Super. Nov. 12, 2021) (*RISD*) to assert that the court held that the way the zoning board was trying to regulate short-term rentals without there being a specific ordinance addressing short-term rentals was arbitrary. In *RISD*, the court found that the Zoning Board demonstrated no rational basis for applying a definition for "households" that was inapplicable to "short-term rentals," which are defined by length of time. *Id.* at * 14. While this court found the household definitions arbitrary, it held there was no preemption issue between the Barrington Zoning Ordinance and § 42-63.1-14 because an owner could comply with both § 42-63.1-14 and the Barrington Zoning Ordinance. *Id.* at *10. This Court does not find the Hugheses' argument persuasive.

Additionally, the Hugheses aver that "the Town is attempting to bully the Hughes[es]" into applying for a special-use permit to "shoehorn" their short-term rental into a bed and breakfast. (Appellants' Mem. at 15.) The Court views the situation quite differently. Municipalities have the authority to regulate zoning based on land uses. Section 45-24-37. Exeter does not permit short-term rentals. Instead of forbidding the Hugheses from using their property as a short-term rental, the Town sought to accommodate the Hugheses and other property owners by allowing the owners to apply for a use that is similar in nature but would be allowed with a special-use permit. Far from "bullying," the Court views the actions of the Town Inspector as reasonable and accommodating based on the Town's Zoning Ordinance.

Section 42-63.1-14 does not preempt the Town's ability to regulate short-term rentals through the Town's Zoning Ordinance because the Town's Zoning Ordinance does not directly conflict with that of § 42-63.1-14. A property owner could operate a rental under § 42-63.1-14 with a valid special-use permit and § 42-63.1-14 was not intended to occupy the field on all short-term rentals. Section 42-63.1-14 applies to "any rental property offered for tourist or transient use on a hosting platform" and not short-term rental properties that are not advertised on third-party hosting platforms. Section 42-63.1-14 does not preempt Exeter from regulating short-term rentals through the zoning ordinance.

C

Whether Zoning Board's Decision Was Supported by Substantial Evidence

The Hugheses argue that the Zoning Board's decision "was clearly erroneous, in view of the Town's Zoning Ordinance as well as Rhode Island law, and constituted clear error and lacked support by the weight of the evidence of the Board's record." (First Am. Compl. ¶ 40.) The Hugheses enumerate various arguments highlighting how the Zoning Board erred in its decision,

including (1) the Zoning Board erred by misclassifying the property as a bed and breakfast and by enforcing an inapplicable special-use permit requirement; (2) it is improper to force the Hugheses to apply for a special-use permit where there is no mechanism for the Hugheses to apply for a special-use permit as a bed and breakfast; and (3) the decision violates the Rhode Island Building Code. The Zoning Board counters that the Zoning Inspector was correct to instruct the Hugheses to apply for a special-use permit because when a use is not specifically listed in the zoning ordinance use table, then the zoning official has authority to determine whether there is a use listed that is of a similar type, character, and intensity as a listed use requiring a special-use permit.

Pursuant to § 45-24-69(d)(5), a court may reverse or modify a zoning board's decision if the substantial rights of an appellant have been prejudiced because of findings, inferences, conclusions, or decisions which are "[c]learly erroneous in view of the reliable, probative, and substantial evidence of the whole record[.]" A zoning board decision is supported by "substantial evidence" if, considering the record as a whole, the board's decision was reasonable. *SNET Cellular, Inc. v. Angell*, 99 F. Supp. 2d 190 (D.R.I. 2000). "Substantial evidence," as required to support a trial court's decision reviewing the order of a municipal zoning board, "is defined as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion, and means an amount more than a scintilla but less than a preponderance." *New Castle Realty Company v. Dreczko*, 248 A.3d 638, 643 (R.I. 2021) (internal quotations omitted).

There was substantial evidence on the record to support the Zoning Board's decision. As described above, the Town had the authority to regulate land uses under § 45-24-37. Under the Town's Zoning Ordinance, short-term rentals were not permitted. The Town allowed bed and breakfasts with a special-use permit. Exeter Zoning Ordinance § 2.4. The Hugheses never

applied for the special-use permit. The Hugheses are in violation of Town Zoning Ordinance because they were operating a short-term rental and they do not have any permit allowing them to do so. There was substantial evidence from the Zoning Inspector, as well as Tonya Hughes's own testimony, that the Hugheses did not apply for a special-use permit, which supports the conclusion that the Hugheses were in violation of the Town Zoning Ordinance.

The Hugheses bring forth various definitions and standards from Rhode Island Building Code, Life Safety Code, and other statutes, each promulgated for different specific purposes. Zoning ordinances are meant for regulating use on the city and town level. While some definitions and standards may overlap, zoning ordinances are not dictated by other codes regulating purposes other than land use. Hence, the Court need not expand its review beyond the record. *See E. Grossman & Sons, Inc.*, 118 R.I. at 285-86, 373 A.2d at 501. The competent evidence in the record supports the Zoning Board's decision.

The Hugheses also argue that they are not a bed and breakfast and, therefore, should not have to apply for a special-use permit. The Court reminds the Hugheses that they would be in violation of the Town Zoning Ordinance if their operation is not a bed and breakfast because that would make their use not permitted at all.

Accordingly, the Zoning Board's conclusions were supported by substantial evidence and were consistent with law and fact.

D

Other Arguments

1

Unlawful Procedure

The Hugheses argue that the Zoning Board was not an impartial adjudicator because the Zoning Board Chairperson (1) "began the hearing by accusing the Hughes[es] of having scienter for not seeking an inapplicable permit," (2) "repeatedly attempted to curtail the Hughes[es]' testimony to a point where a nonparty witness felt compelled to defend the Hughes[es]"; and (3) "showcased his bias against short-term rentals." (Appellants' Mem. at 18.)

Under § 45-24-69(d)(3), a court may reverse or modify a zoning board's decision if the substantial rights of an appellant have been prejudiced because of findings, inferences, conclusions, or decisions which are "[m]ade upon unlawful procedure."

Zoning boards are vested with substantial quasi-judicial power to hear and decide a variety of land use issues. These powers are vested in local agencies and appointees are not always attorneys, nor may they be familiar with the need to ensure fair hearings. As this Court said in *Sculco v. Town of Hopkinton Zoning Board of Review, et. al,* No. WC-2022-0243, Apr. 18, 2024, Lanphear, J.:

> "When an administrative agency carries out a quasi-judicial function, it has an obligation of impartiality on par with that of judges." *Champlin's Realty Associates v. Tikoian,* 989 A.2d 427, 443 (R.I. 2010) (citing *Town of Richmond v. Wawaloam Reservation, Inc.*, 850 A.2d 924, 933 (R.I. 2004)). "Under the Due Process Clause of the Fourteenth Amendment of the United States Constitution, administrative tribunals must not be 'biased or otherwise indisposed from rendering a fair and impartial decision.'" *Green Development, LLC v. Town of Exeter Zoning Board of Review,* No. WC-2018-0519, 2020 WL 1983047, at *13 (R.I. Super. April 20, 2020) (quoting *Champlin's Realty Associates*, 989 A.2d at 443); *see also Marshall v. Jerrico,*

> *Inc.*, 446 U.S. 238, 242 (1980) (holding that the Due Process Clause entitles a person to an impartial and disinterested tribunal).
>
> "At the same time, . . . adjudicators in administrative agencies enjoy a 'presumption of honesty and integrity.'" *Champlin's Realty Associates*, 989 A.2d at 443 (quoting *Davis v. Wood*, 444 A.2d 190, 192 (R.I. 1982)). "This presumption may be overcome through evidence that 'the same person(s) involved in building one party's adversarial case is also adjudicating the determinative issues' or if 'other special circumstances render the risk of unfairness intolerably high.'" Id. (quoting *Kent County Water Authority v. State (Department of Health)*, 723 A.2d 1132, 1137 (R.I. 1999)). "Significantly, an agency adjudicator must not become an 'advocate or participant.'" *Id.* (quoting *Davis v. Wood*, 427 A.2d 332, 337 (R.I. 1981)). "To maintain public confidence in the fairness of the agency's decision making, an agency adjudicator also must not prejudge a matter before the agency." *Id.* (citing *Barbara Realty Co. v. Zoning Board of Review of Cranston*, 85 R.I. 152, 156, 128 A.2d 342, 344 (1957)).

Here, the tone of the questions may have been curt, as the Zoning Board Members continued to seek answers to questions they had posed. While the tenor may have been less than desired, bias was not established.

Accordingly, this Court rejects the Hugheses' argument that the Zoning Board was biased or partial during the hearing and in reaching a decision. The Court does not find issue with the procedure or actions taken by the Zoning Board. Ms. Hughes was given ample time to be heard at the December 14, 2023 public meeting, and Board Members appropriately asked questions and made comments to express concerns and seek clarification.

2

Arbitrary and Capricious

The Hugheses argue that "the manner in which the Town attempts to restrict and regulate" short-term rentals is arbitrary, capricious, and discriminatory because the Town imposed a $500 a day fine for Appellants but other short-term rentals received a $250 a day fine.

The Town only provided the Hugheses with two weeks to submit a special-use permit but other properties were given six months.

Under § 45-24-69(d)(6), a court may reverse or modify a zoning board's decision if the substantial rights of an appellant have been prejudiced because of findings, inferences, conclusions, or decisions which are "[a]rbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion."

This appeal focused on whether the Hugheses needed a special-use permit to operate the short-term rental. The issue with differing fee amounts was not mentioned at the December 14, 2023 meeting, including in Tonya Hughes' own testimony. *See* Certified Zoning Board R. Part 2, 1-85.

This Court's review is limited to reviewing the Zoning Board's actions and whether the Zoning Board's actions were arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *See* § 45-24-69(d). Here, the issue of whether the Town imposed an arbitrary fine was not at issue in the Zoning Board decision and is not at issue in this administrative appeal. Accordingly, this Court does not find that the Zoning Board's decision was arbitrary or capricious.

E

Equal Access to Justice Act

Finally, the Hugheses are not the prevailing party in this case and are therefore not entitled to attorneys' fees and litigation costs under the EAJA. *See* § 42-92-3(a).

IV

Conclusion

Cities and towns are empowered to regulate land uses within the bounds of state law. Section 42-63.1-14, which governs the advertisement of certain short-term rentals, does not impair the authorities of the localities to set permitted uses. Therefore, the Hugheses' appeal is denied, and the Zoning Board's decision is affirmed. Counsel shall submit an appropriate order for entry.

RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

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COURT:	**Washington County Superior Court**
DATE DECISION FILED:	**January 6, 2025**
JUSTICE/MAGISTRATE:	**Lanphear, J.**
ATTORNEYS:	
For Plaintiff:	**M. Hamza Chaudary, Esq.** **Michael A. D'Ippolito, III, Esq.**
For Defendant:	**Stephen J. Sypole, Esq.** **Kenneth J. Sylvia, Esq.**