

Bond Case Briefs

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Town of Exeter by and through Marusak v. State

Supreme Court of Rhode Island - April 29, 2020 - A.3d - 2020 WL 2050779

Towns filed separate actions for declaratory and injunctive relief regarding proposed Rhode Island Department of Environmental Management (DEM) construction project which included offices, laboratory space, and visitor center, alleging that project was required to comply with town zoning ordinances.

After consolidation, the Superior Court granted state's motion for summary judgment, and towns appealed.

The Supreme Court held that:

- Comprehensive Planning and Land Use Regulation Act did not confer immunity on the state from application of towns' zoning ordinances, and
- State was required to bring issue of project's compliance with town's comprehensive plan to the State Planning Council for review.