

# **Bond Case Briefs**

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## **ZONING & PLANNING - RHODE ISLAND**

### **Thompson v. Town of North Kingstown Zoning Board of Appeals**

**Supreme Court of Rhode Island - May 7, 2024 - A.3d - 2024 WL 2003053**

Neighbor brought action for declaratory judgment after unsuccessfully appealing planning commission's approval of golf course development application pursuant to consent judgment in federal court litigation between developers and town.

The Superior Court granted town's and developers' motion for summary judgment, and neighbor appealed.

The Supreme Court held that:

- Neighbor lacked standing or grounds for successful collateral attack against consent judgment;
- Town had authority to enter into consent judgment; and
- Consent judgment did not illegally amend the town's zoning ordinance.

Neighbor lacked standing or grounds for successful collateral attack, through state court declaratory judgment action, against consent judgment in federal court litigation between town and developers regarding development of golf course property; neighbor was not a party to the consent judgment, and, as a nonparty, lacked the requisite standing to challenge the agreement and was thus barred from making a collateral attack on what was a valid, final judgment in federal court.

Town had authority to enter into agreement with developer regarding development of golf course property, and consent judgment did not illegally constrain town planning commission's authority; town council approved the consent judgment, and the planning commission approved the developers' application for a preliminary plan, the proceedings were open to the public and did not occur behind closed doors or without a formal vote, and the town had authority to enter into the consent judgment pursuant to the town charter.

Consent judgment between town and developer regarding project to develop golf course property did not illegally amend the town's zoning ordinance; pursuant to the consent judgment, the developers were entitled to up to 26,000 square feet of nonresidential commercial space, which was consistent with the zoning ordinance at the relevant time, and the developers previously had obtained master plan approval for commercial space between 24,000 square feet and 40,000 square feet and had certain vested rights and preexisting approvals in the project when the town council revised the ordinances, which after amendment were inconsistent with the approvals that the developers had previously obtained.