

Rita Lavoie

From: Stephen J. MacGillivray <smacgillivray@PierceAtwood.com>
Sent: Friday, September 03, 2021 11:57 AM
To: Ronald Wolanski
Cc: marisa@desautelesq.com; Rita Lavoie; jlynch@mvllaw.com; Matthew H. Leys; girard galvinlawri.com
Subject: Horan/Howland Subdivision

Hi Ron –

We agree that Mr. Horan's request violates the policy of the Planning Board that materials be submitted at least a week before the hearing. As you noted, it also contradicts the express directions of Chairman Croce. Also, at the last hearing, the Applicant and his attorney each assured the Planning Board that new material would be submitted by September 1st or they would not proceed on September 8th. They again assured the attorneys for the objectors after the meeting of this. We have relied on these promises in modifying our own schedules.

We are not trying to be obstructionist, but there is simply no way we can now gather our experts together to adequately review the new materials with them and prepare for the hearing. At this point because of the holiday, we have less than two business days to do so. I hope the Chair and the remainder of the Planning Board realize that such a timeline is simply not fair to the objectors.

We would also respectfully ask the Chair and the Planning Board to note that the Zoning Board made clear in its decision on June 9th, that the applicant would need to supplement its conventional plan prior to any hearing before the Planning Board on remand. So, the Applicant has really had nearly three months to work on this supplement with his engineers. He provides no excuse for why he has not done this. In fact, he provides absolutely no excuse for failing to deliver the supplementation prior to September 1st as he had promised.

Finally, honoring his earlier agreement, Jay Lynch agreed to a continuance with you and previously with the objectors' attorneys. Unless Mr. Horan is going to proceed *pro se* from this point forward, under the law in Rhode Island he is bound by the representations and agreements made by his attorney.

For these reasons, we can only attend the hearing on September 8th for control purposes.

If you receive any guidance from the Chair on this scheduling issue prior to the hearing, could you please let the parties know?

Thanks for your time and efforts to coordinate this for the parties and the Board.

Best regards,
Steve

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