

PUBLIC HEARING of the Town Council held Wednesday, September 12, 2007 at 7:20 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe

MEMBERS ABSENT: Councilor Margaret L. Dudley and Wallace F. Lees were excused.

Relative to considering and acting on the following proposed changes to the Revised General Ordinances of the Town of Burrillville:

The Town Council of the Town of Burrillville hereby ordains as follows:

Chapter 10.5, Community Development, Article II, Affordable Housing is hereby amended by adding the following to §10.5-32. Filing procedure:

(a) There shall be a limit on the annual calendar-year total number of dwelling units in Comprehensive Permit applications from for-profit developers to an aggregate of one percent (1%) of the total number of year-round housing units in the Town, as recognized in the Town's Affordable Housing Plan. The zoning board of review or the planning

board, as the case may be, shall not act upon applications which exceed the stated limit. Notwithstanding the time tables set forth in R.I.G.L. §45-53-4, the zoning board of review or the planning board, as the case may be, shall consider Comprehensive Permit applications from for-profit developers sequentially in the order in which they are submitted.

NOTE: The notice of hearing was advertised in the legal section of the Woonsocket Call on Friday, September 7, 2007.

1. Comments/Input/Recommendation from the Ordinance Subcommittee

Councilor Cynthia L. Roe reported that the Ordinance Subcommittee had considered a limitation on Comprehensive Permit applications at the request of legal counsel. Councilor Roe said that the Subcommittee recommended passage and referred to Solicitor Kane for an explanation.

2. Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)

Timothy F. Kane, Town Solicitor, discussed the excess of Comprehensive Permits filed by for-profit developers, which would have resulted in several hundred units of housing. Mr. Kane indicated that those applications were pending in the Rhode Island

Supreme Court, at an expense to the Town. Mr. Kane said that the proposed ordinance would provide some control by limiting the number of housing units that the Planning Board could act on in any calendar year.

Michael C. Wood, Town Manager, summarized the three-year old changes to State law that amended the Comprehensive Permit application process. He noted that state law now allows a private developer to file application, disregarding the Town's Zoning laws, and effectively allowing construction of housing units in areas where they were prohibited or limited. Mr. Wood spoke of the intent of the law, as well as the negative impact on the towns planning/growth management.

Michael C. Wood, Town Manager, suggested that the current proposal would help minimize the impact of the process. Mr. Wood noted that the Town recognizes it's affordable housing obligation, discussed the Town's Affordable Housing Plan, and supported the proposed ordinance as a mechanism of control.

Thomas J Kravitz, Director of Planning and Economic Development, said the proposed ordinance is based on what is recognized in the Affordable Housing Plan.

3. Proponents: None

4. Opponents: None

5. VOTED to close the public hearing.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present.

Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

6. Town Council Members Comments/Input/Deliberation

Councilor Kevin M. Blais raised a concern about the limitation, citing a development with more than the one percent included in the proposed ordinance. Timothy F. Kane, Town Solicitor, explained that the developer of the proposal to which Mr. Blais referred had not filed a Comprehensive Permit application. This proposed ordinance, according to Mr. Kane, pertained only to Comprehensive Permits, which allow developers to override local Zoning Laws, especially density requirements. Mr. Kane and Mr. Wood reviewed the requirements and impact of Comprehensive Permits.

Councilor Kevin M. Blais raised a concern that a for-profit developer might file a Comprehensive Permit application for a project that might meet the needs of the Town, such as senior housing. Timothy F.

Kane Town Solicitor suggested that for-profit developers generally do not propose such housing; but that if they did, they would be limited to the one percent set forth in the ordinance.

Councilor Kevin M. Blais raised questions about the number of units that might be proposed by one developer and whether one developer could monopolize that one percent from year-to-year by filing a many-unit application and implementing it in phases over a multi-year period. Mr. Kane suggested that might happen. Councilor Kevin M. Blais voiced concerns that the proposed ordinance was not fair and equitable to for-profit developers.

Timothy F. Kane, Town Solicitor, discussed the Town's efforts to meet the affordable housing requirement, the Affordable Housing Plan that is in place, and suggested that the current proposal would serve as an effective control tool. He said the ordinance is intended to discourage for-profit developers from trying to override local Zoning controls. Michael C. Wood, Town Manager, cautioned against confusing Comprehensive Permits with the normal application process through which projects that meet Town requirements are proposed and developed..

Councilor Blais suggested that the proposal be amended to prohibit one developer from proposing a large number of units, carrying the project from year-to-year, thereby excluding other developers. Council President Nancy F. Binns suggested that the language of the

ordinance provides that developers would have to reapply annually. Mr. Kane granted that the developer could be informed that the board could act on the one percent and inform the developer that reapplication would be necessary. Mr. Kane cautioned against amending the language, which mirrors State law.

7. VOTED to adopt proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 Chapter 10.5, Community Development, Article II, Affordable Housing, as follows:

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submitted.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present.

Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

8. VOTED to adjourn at 7:37 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

The hearing was taped. The tape is on file with the record of the hearing.

Louise R. Phaneuf, Town Clerk