

PUBLIC HEARING of the Town Council held Wednesday, December 12, 2007 at 7:03 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

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

MEMBERS ABSENT: None

Relative to considering and acting on proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 Chapter 30 "Zoning" Sec. 30-203. Cluster development.

NOTE: The notice of meeting and full description was advertised in the Woonsocket Call on Wednesday, November 28, 2007 and a summary description was advertised in the Woonsocket Call on Tuesday, December 4 and Tuesday, December 11, 2007.

1. Comments/Input from Ordinance Subcommittee

Councilor Margaret L. Dudley reported that the proposal had come to the Ordinance Subcommittee from the Planning Board. Councilor Dudley referred to an earlier presentation to the Town Council relative to Conservation Development, noting that the Cluster Development proposed would be in keeping with the ideas presented.

Councilor Dudley said that, based on concerns raised by a resident, DEM had been contacted about the possibility that this type of development might be harmful to the aquifer and might encourage growth. The DEM response was read into the record:

October 30, 2007

As a follow up to our phone conversation, the Town of Burrillville would not be encouraging any water quality impacts to groundwater by adopting conservation or cluster development. As you know, a conservation subdivision will have smaller lots than a conventional subdivision. However, the overall density or number of dwelling units remains the same. Any potential contaminant loadings from onsite wastewater systems would therefore be the same for a conservation/cluster and conventional subdivision. Conservation subdivisions follow a site design process to guide development to the most appropriate locations on a given parcel to avoid creating lots in soils that are unsuitable for onsite wastewater systems. Moreover, since lot sizes, road lengths, lawns and land disturbance are significantly reduced, conservation subdivisions are documented to be more environmentally sound than a large lot conventional subdivision.

Another unsubstantiated concern is the potential for cluster development to stimulate growth. According to Randall Arredt, who is a national expert on this topic and has experience in many different states, conservation development does not stimulate growth.

Therefore, conservation development would be expected to contribute fewer contaminants to Burrillville's aquifers than conventional large lot development.

If you have any question or need additional information please contact me at (4001) 222-4700, ext. 4419

Scott Millar, Chief

Sustainable Watersheds

Councilor Margaret L. Dudley said that the Ordinance Subcommittee recommends passage.

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

Michael C. Wood, Town Manager, requested that Thomas J. Kravitz, Town Planner and Jeffrey Partington, Planning Board Chair, be allowed to address the Council. Mr. Kravitz concurred with the comments in Mr. Millar's letter. He briefly reviewed the changes to the Planning Board process, which he described as more deliberate.

In response to questions by Councilor Kevin M. Blais about whether adoption of the ordinance would eliminate concerns that residents have raised, Mr. Kravitz indicated the proposed ordinance would be a more sensitive approach to the land and would minimize excessive grading, would preserve forested areas scenic views, and open space. Jeffrey Partington, Chairman of the Planning Board, spoke in

support of the ordinance.

Michael C. Wood, Town Manager, pointed out that there is a cluster development ordinance in place; the current proposal would amend that ordinance. Mr. Wood discussed the purpose of cluster development, suggesting that the proposed changes improve the existing ordinance.

Councilor Kevin M. Blais asked whether there were provisions to permanently protect land. Mr. Kravitz discussed the Planning Board's authorization to require restricted land-use covenants.

3. Recommendation by the Planning Board

The October 1, 2007 recommendation of the Planning Board in support of the zone changes is on file with the record of the meeting. Jeffrey Partington, Chairman of the Planning Board, reiterated the Board's support and asked that the amendments be favorably considered.

4. Proponents: None

5. Opponents:

Albert Carlow, Steere Farm Road, raised a concern related to cluster developments of the aquifer. Thomas J. Kravitz, Town Planner, noted

that the ordinance would honor the density allowed by the aquifer zone. Jeffrey Partington, Chairman of the Planning Board, noted that roadways would be shorter the amount of disturbance would be less and greater open space maintained than in a standard development. Mr. Carlow restated his concerns that cluster development would weaken the aquifer zoning and encourage development.

There was discussion of the current cluster development ordinance. Mr. Carlow said that, under the current zoning ordinances, cluster development was not allowed in an aquifer zone.

William Guilbault, Steere Farm Road, said that he had contacted the water department, which had indicated that they would forward an opinion to the Town Council. Mr. Guilbault asked that action be delayed until the water department had submitted a recommendation.

Council President Binns noted that the public hearing had been advertised and that there was no representation from the water department present.

There was discussion of specific requirements of aquifer overlay districts, sewerage requirements, and the affect of cluster development. Mr. Partington reviewed the purpose of the proposed ordinance.

Note: There was a recess from 7:35 P.M. to 7:45 P.M., to allow the solicitor to review the zoning ordinance to respond to Mr. Carlow's comment that cluster development was not allowed in an aquifer

zone.

Timothy F. Kane, Town Solicitor, stated his opinion that cluster development is presently allowed under conventional cluster regulations. He pointed out that cluster development is not a zone but a technique that a developer can use. Cluster development, he said, can be used under the current zoning; however, increased density would be prohibited. The matter was discussed.

6. VOTED to close the public hearing.

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

7. Town Council Members Comments/Input/Deliberation:

Councilor Norman C. Mainville stated his belief that the proposal would strengthen the existing ordinance.

Council President Nancy F. Binns supported the proposal, which she suggested would help preserve the rural character of the community.

Councilor John M. Karmozyn, Jr. spoke in support, agreeing that the

proposed changes would improve the current ordinance.

Councilor Kevin M. Blais said that he supported the conservation measures. He suggested that the ordinance should contain specific language that addressed the aquifer overlay zone. Timothy F. Kane, Town Solicitor, noted that the proposed ordinance contains such language, which he quoted as follows: Where the Aquifer Overlay Zone exists, its minimum lot size requirements shall be used in the yield plan calculation to determine density only if development is proposed within that zone.

Councilor Blais asked whether Mr. Carlow's comment that cluster development was not allowed in an aquifer zone had been addressed.

Timothy F. Kane, Town Solicitor, repeated his opinion that cluster development is presently allowed under conventional cluster regulations.

Councilor Wallace F. Lees spoke in support of improving the ordinance and agreed that protection of the water is critical.

8. Consider and take action on proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 Chapter 30 "Zoning" Sec. 30-203. Cluster development.

VOTED to adopt, as follows:

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

Amendments to the Zoning Ordinance:

Sec. 30-203. Cluster development.

(a) Objectives. To enable the community to better protect natural resources by steering development away from features such as wetlands and jurisdictional buffers, steep slopes in excess of 15%, and rock and or ledge areas, encourage developers to use more creative approaches in the development of land, encourage a more efficient, aesthetic and desirable use of open space, encourage variety in site designs and development of the town and to enable more efficient and economical provision of community services and facilities particularly through minimization of road length.

(b) Definitions. "Cluster development" shall mean the division of land into lots used or available for use as building sites where said lots are clustered together into one or more groups of lots separated by intervening common open lands.

(1) "Environmentally Constrained Land" shall mean natural features, resources, or land characteristics that are sensitive to change and may require cluster techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. Such features include: rock outcroppings, ledge, hydric soils, wetlands and jurisdictional buffers, archeological sites, scenic meadow areas or slopes exceeding 15 percent in

steepness.

(c) Standards and requirements.

(1) Cluster development for residential, detached single-family uses, excluding mobile homes, shall be permitted in F-2, R-40, R-20 and R-12 districts provided the following requirements are met:

(a) The developer must follow the general site planning techniques of the Burrillville subdivision regulations.

(b) The maximum number of dwelling units shall not exceed that which a conventional yield plan would produce according to the underlying zone district minimum lot sizes. Where the Aquifer Overlay Zone exists, its minimum lot size requirements shall be used in the yield plan calculation to determine density only if development is proposed within that zone.

(c) Environmentally Constrained Land shall exclude land for rights-of-way, wetlands and jurisdictional buffer areas, hydric soils 0-18 inches to water table and seasonal high water table soils 19 to 36 inches, ledge areas, and steep slopes in excess of 15%. Additionally, in cases involving former farms where field areas still exist, development shall be steered away from field areas in order to protect natural views to the greatest extent possible.

(d) Open space shall be protected in perpetuity by restrictive covenants and deed restrictions. In situations where open space areas offer passive recreation, such as walking paths or congregation areas, a maintenance program shall be developed and recorded as part of a home owner's association document. Town ownership of open space shall be looked at on a case by case basis. Fifty percent

(50%) of the land area within Cluster applications shall be protected as open space, twenty five percent (25%) of which land area shall be considered useable upland and not Environmentally Constrained Land land as defined in Section B definitions above.

(e) All water supply sources must be consistent with the Rhode Island Department of Health Regulations. All onsite wastewater treatment systems shall be approved by RI DEM or in the case of sewer lines; the Burrillville Sewer Commission.

(2) The dimensional regulations for lot size for cluster development of single family, multi-family and mixed use building units may be reduced as follows:

TABLE INSET:

F-2

District R-40

District R-20

District R-12

District

Minimum lot area(square feet)	40,000	20,000	12,000	6,000
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Minimum lot width(feet)	100	75	50	50
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Minimum yards:

Front, (feet)	40	30	20	20
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Rear, (feet)	30	30	30	20
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Side, each side (feet)	20	20	10	10
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Maximum building coverage

(percentage) 15 15 20 30

(3) A cluster development which includes townhouses or multi-unit buildings shall be permitted provided no more than three units shall be allowed in any one building in the F-2 and R-40 zone districts.

Adopted this 12th day of December 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.

VOTED to adjourn at 7:55 P.M.

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

Louise R. Phaneuf, Town Clerk