

PUBLIC HEARING of the Town Council held Wednesday, October 8, 2003 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: Council President Wallace F. Lees was excused.

- Relative to considering and acting upon proposed amendments to the Burrillville Zoning Ordinance and Map, to consider the reversion of the R-40*1 zoning district to its original F-2/R-20 zoning designation as defined by the Town of Burrillville Zoning Map adopted December 14, 1994; effective January 1, 1995 and further modified by the rezoning of November 13, 1996. Such zoning district is located on properties lying between South Main Street, Reservoir Road and George Eddy Drive in the Village of Pascoag

NOTE: The notice of meeting and description was advertised in the legal section of the Woonsocket Call on September 23, September 29 and October 7, 2003.

NOTE: Notice was sent to all abutting property owners by certified mail, as required by law.

Council President Pro Tem Jacqueline Zahn referred the hearing to Walter J. Kane, Town Solicitor. Mr. Kane stated that, as a result of the notice, Rhode Island Housing and Mortgage Finance Corporation, which owns the bulk of the land that would be affected by the reversion, had contacted the Town Administration. Rhode Island Housing indicated that they did not fully understand the reversion. Mr. Kane said that he had met with Rhode Island Housing, provided a copy of the zoning ordinances and explained the reversion. In their letter of October 7, 2003, Rhode Island Housing asked that the hearing scheduled for October 8, 2003 be postponed, to allow them time to review the proposed amendments.

Walter J. Kane, Town Solicitor, explained that under Rhode Island law, once the public hearing was opened both sides have a right to present their case. He suggested that the hearing should not be opened until both sides are present. Since Rhode Island Housing is the biggest affected party and they requested a continuance, Mr. Kane asked the Town Council to grant the continuance.

VOTED to continue to October 29, 2003 at 7:00 P.M. at the A.T. Levy School cafeteria.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Pro Tem Jacqueline Zahn, Councilors William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

CONTINUED PUBLIC HEARING of the Town Council to be held Wednesday, October 29, 2003 at 7:00 P.M. in the cafeteria, A.T. Levy School, 135 Harrisville Main Street, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees, Councilors William A. Andrews, Louis Bleiweis, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: Councilors Jacqueline Zahn and Edward F. Bonczek were excused.

Council President Wallace F. Lees called the continuation of the public hearing to order at 7:10 P.M.

- Relative to considering and acting upon proposed amendments to the Burrillville Zoning Ordinance and Map, to consider the reversion of the R-40*1 zoning district to its original F-2/R-20 zoning designation as defined by the Town of Burrillville Zoning Map adopted December 14, 1994; effective January 1, 1995 and further modified by the rezoning of November 13, 1996. Such zoning district is located on properties lying between South Main Street, Reservoir Road and George Eddy Drive in the Village of Pascoag.

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NOTE: Notice was sent to all abutting property owners by certified mail, as required by law.

NOTE: This public hearing, opened on Wednesday, October 8, 2003, was continued by unanimous vote of the Town Council.

Town Solicitor Walter J. Kane indicated that Attorney Richard Licht had indicated that he would request a continuance of the public hearing. Mr. Kane stated that the normal process is to allow the Town Planner to present his case. Under the circumstances, he suggested that Mr. Licht should go ahead, and state his request.

Richard Licht of Tillinghast, Licht, Perkins, Smith and Cohen located at 10 Weybosset St., Providence, addressed the Town Council, stating that he was present representing the property owner, Rhode Island Housing and Woonsocket Housing Development Corporation, who is the beneficiary through a form of land-banking. Mr. Licht requested a continuance to allow time for meetings with the Town Planning Department to discuss the potential impact of the change of the proposed use.

Mr. Licht stated that there had been extensive plans from the prior owner and that there had been zoning amendments in 1996. Mr. Licht said that, as recently as the Fall 2002, the prior owner had met with the Town Planner. He said that there was a preliminary major subdivision plan, the master plan review had been submitted, and a certificate of completeness indicated that everything was in order. The prior owner put the property on the market and Rhode Island Housing purchased it in the spring of 2003.

Mr. Licht further stated that additional well sites had been discovered within the past few days or weeks. These sites, he said, are of interest to the water district. Mr. Licht said that they wanted to meet and cooperate, to meet the Town's needs, as well as the development needs for the site.

Walter J. Kane, Town Solicitor, reviewed his discussions with Mr. Licht. Mr. Kane suggested that, should the Town Council vote to continue the matter, it should be with the stipulation that, during the period of time of the continuance, neither side should change their legal position. Mr. Kane suggested that this would not prevent Rhode Island Housing from doing some preliminary plans, nor would it prevent them from meeting with the town administration for informal discussions.

MOTION to continue the hearing for 90 days, as stipulated by the Town Solicitor.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea.

Discussion: Michael C. Wood, Town Manager, suggested that the Town Council should specify a date and location to allow the residents in attendance to return. There was a brief discussion of possible dates for the continuance.

VOTED to amend the motion to continue the public hearing to Tuesday, January 6, 2004 at 7:00 P.M. at the A.T. Levy School, subject to the stipulations specified by the Town Solicitor.

Amendment by Councilor William A. Andrews. Seconded by William E. Gonyea. The vote was unanimous by the five members in attendance. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Louis Bleiweis, Ronald E. Faford and William E. Gonyea. Councilors Jacqueline Zahn and Edward F. Bonczek were excused.

Further Discussion: Michael C. Wood, Town Manager, asked whether it would be possible to explain to the public the actions that have been taken.

Walter J. Kane, Town Solicitor, explained to those present that the petition before the Town Council came from the Town Planning Board. The proposed amendments would revert zoning to what it was before the 1996 amendments. This effort, he said, had been underway for some time.

Mr. Kane explained that Rhode Island Housing acquired the property to land-bank it, so that property would be available for affordable housing. He said that Rhode Island Housing had entered into an agreement with a firm in Woonsocket that builds affordable housing. The agreement would allow the firm to acquire the property over a period of time. Rhode Island Housing, he said, was under the impression that they could build approximately 120 houses, and based on that impression they spent a substantial amount of money on the property. Mr. Kane said that Rhode Island Housing became aware of the proposed zoning amendments when the public hearing was advertised.

According to Mr. Kane, the 1996 ordinance allowed building one house for every two buildable acres, which did not substantially change the density. The 1996 change provided for cluster-

zoning and required Town water and Town sewers. He said that under cluster zoning, individual home sites could be one-half acre.

Mr. Kane said that the amendments presently under consideration would not require public water or public sewers, would allow cluster under the F2 zone, meaning that individual home sites could be one acre. Theoretically, the same number of houses could be built. He said that under the present zoning, the cost of infrastructure would be substantially less.

Additionally, it was Mr. Kane's belief that the present owners would prefer not to go in under a Comprehensive Permit process. The Comprehensive Permit process, he said, would allow them to substantially ignore the present density, as well as other local requirements when building affordable houses. If the Town Council had voted to amend the zoning, then Rhode Island Housing could proceed to file an application for a Comprehensive Permit. He briefly explained the Comprehensive Permit process.

Mr. Kane explained that the Town Council action at the public hearing allowed the applicants approximately two months to develop concepts, ideas and detail of possible, economically-viable development they could do under the present zoning that they might not be able to do under the proposed zoning.

Joe Garlick of Woonsocket Housing Development, discussed types and number of homes proposed for the area, briefly addressing questions from the residents in attendance. He described other projects, and the quality and pricing of current developments in Woonsocket.

VOTED to adjourn at 7:40 P.M. until Tuesday, January 6, 2004 at 7:00 P.M. at the A.T. Levy School cafeteria.

Motion by Councilor Ronald E. Faford. Seconded by Louis Bleiweis. The vote was unanimous by the five members in attendance. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Louis Bleiweis, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn Edward F. Bonczek were excused.

CONTINUED PUBLIC HEARING of the Town Council held Tuesday, January 6, 2004 at 7:05 P.M. in the cafeteria, A.T. Levy School, 135 Harrisville Main Street, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

- Relative to considering and acting upon proposed amendments to the Burrillville Zoning Ordinance and Map, to consider the reversion of the R-40*1 zoning district to its original F-2/R-20 zoning designation as defined by the Town of Burrillville Zoning Map adopted December 14, 1994; effective January 1, 1995 and further modified by the rezoning of November 13, 1996. Such zoning district is located on properties lying between South Main Street, Reservoir Road and George Eddy Drive in the Village of Pascoag.

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NOTE: This public hearing, opened on Wednesday, October 8, 2003, was continued to October 29, 2003 and continued again to January 6, 2004, by vote of the Town Council.

1. Comments/Input/Recommendation from Thomas J. Kravitz, Director of Planning & Economic Development.

Thomas J. Kravitz, Director of Economic Development, read the following correspondence for the record. He indicated that the correspondence reflected the Planning Department and the Planning Board's position on the zoning reversion.

TOWN OF BURRILLVILLE

105 Harrisville Main Street
Harrisville, Rhode Island
02830 - 1499



TOWN BUILDING
HARRISVILLE, R.I.

Planning Department
Phone: (401) 568-4300
Ext. 130 & 131
Fax (401) 568-0490
E-mail: planning@burrillville.org

Memorandum:

To: Honorable Town Council
From: Thomas Kravitz, Planning & Economic Development Coordinator TK
Date: October 20, 2003
Cc:
Re: Zone Reversion of Property Designated R-40*1

Brief outline of history of rezoning property

1. November 1996, property rezoned to R-40*1 and contained a stipulated condition establishing total density, which allowed for one home for every two buildable acres under control.
2. Zoning was based on the premise that public water and sewer were available to serve the area. In fact, the change of zone is also conditioned on the availability of public water and sewers.
3. According to Burrillville Zoning Code Section 11-4.5, D, 3, the Town Council maintains the right to return the property back to its original zoning designation two years from date of amendment should the permitted use be abandoned or the land not be used for requested purpose.
4. The Burrillville Planning Board unanimously motioned to revert the property back to its original F-2/R-20 zone designations on January 7, 2002, recognizing that it has been roughly 8 years since the original amendment with no action having been taken. (Certified PB Minutes Submitted for Record).

Conditions within the Community have changed substantially since the rezoning:

1. MBTE has contaminated the public water system serving the area. There is no firm date when Pascoag Utility District will have a source of its own water supply to service its existing customer base.
2. The Town of Burrillville Waster Water Facilities Plan of July 2002, mandated by D.E.M., and approved by D.E.M. is now in effect. The plan recognizes the limited capacity of the Waste Water Treatment Facility and stresses the need to abate the direct discharges into the streams and rivers. The plan gives priority to servicing the eastern villages within the remaining capacity of the treatment plant. It stresses that ISDS conventional systems or innovative technologies be used for areas of lesser density.

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3. The planning board has not received additional plans (since 1996) sufficient for Master Plan Review, which is the first binding stage of plan review.
4. A review of the soil characteristics of land involved in the rezoning shows that it has large areas composed of Hydric Soils (severe constraints of 0-18 inches in depth) and bedrock and slope constraints (>15% slope) in addition to wetlands. Such areas are called out on the U.S.D.A. Soil Conservation Service Map as the Garvy Ledges and Malavary Swamp.

It is in the opinion of the Planning Department and Planning Board, that based on the natural conditions existing on the site, the limited finite capacity of Pascoag water, and the prioritization of public sewers as described in the Waste Water Treatment Plan, the current zoning conflicts with local policy and does not adequately protect general health, safety and welfare.

Reverting the current zoning back to F-2 / R-20 will effectively bring the Burrillville Zoning Map into conformance with the Town Comprehensive Plan, which takes a smart growth approach to steering higher density development towards existing village areas where substantial redevelopment opportunities exist. Below are several sections of the Town Comprehensive Plan with which this request is consistent:

Chapter I Introduction

- I.2.a.1 Implementation Actions – Higher density development should occur in and around the established villages.

Chapter V Housing

- V.1.f.2 Implementation Action – Continue to require two to five acre minimum lot requirements in outlying areas of the community, where services and amenities are not available or planned.
- V.2.a.2 Implementation Action – Support the reuse and rehabilitation of mill buildings for housing use in those locations where access, parking, environmental concerns etc., preclude continued industrial use.

Chapter IX Land Use

- IX.2.d.3 Implementation Action – Encourage investment by the public and private sectors that will stabilize and improve economic opportunities in the Town’s village centers including preservation and reuse of historic buildings.

The zone reversion complies with *State Statute Title 45 Chapter 24 Section 30 General purposes of zoning ordinances, Subsection(s)*

- 1 Promoting the public health, safety, and general welfare.
- 3 Providing for orderly growth and development which recognizes:
 - (a) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
 - (e) The availability and capacity of existing and planned public and/or private services and facilities;
 - (f) The need to shape and balance urban and rural development
- 5 Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas therein.

7 Providing for the protection of public investment in transportation, water stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

And;

12 Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.

Thomas J. Kravitz, Director of Economic Development, submitted a certified copy of the minutes of the Planning Board meeting held on July 7, 2003 for the record, as follows:

**MINUTES OF THE PLANNING BOARD MEETING OF JULY 7, 2003
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:00 p.m., Ray Levesque, Chairman, presiding.

Members Present: Ray Levesque, Jeff Partington, Leo Felice, Bruce Ferreira, Michael Lupis, Jim Libby, and Brian Lanoie.

Members Absent: Roland Audette.

Others Present: Joe Raymond, Building Official, Ron Faford, Town Council Liaison, Tom Kravitz, Town Planner and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that all members were present except for Mrs. Tramonti who had recently tendered her resignation from the Board due to relocation and Mr. Audette who was considered absent.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board workshop of May 19, 2003** were read. *A motion to approve the workshop minutes of May 19, 2003 as presented was made by Mr. Partington, received a second from Mr. Lanoie and carried unanimously by the Board.*

The **minutes of the Planning Board meeting of June 2, 2003** were read. *A motion to accept the minutes of June 2, 2003 as presented was made by Mr. Ferreira. The motion was seconded by Mr. Levesque and carried unanimously by the Board*

The **minutes of the Planning Board workshop of June 16, 2003** were read. *A motion to approve the workshop minutes of June 16, 2003 was made by Mr. Lupis, received a second from Mr. Partington and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Mrs. Tramonti's letter of resignation from the Board
- Several Notices of Insignificant Alterations Permits from RIDEM
- Public Participation Workshop sponsored by RI Water Resources

At this point, Mr. Levesque closed the regular meeting and opened the Public Hearing.

V. NEW BUSINESS

Public Hearing on Amendments to the Subdivision & Land Development Regulations: Mr. Levesque began by asking if any of the members had any questions or comments. Mr. Lanoie questioned whether there were any subdivisions in the planning process that would be affected by these changes. It was noted that only a couple of

submissions would continue with the old regulations, but the majority would follow the amended regulations.

Mr. Levesque then asked if anyone in the audience had comments. Mr. Lyndor Houle, of Pascoag, asked whether any of the amendments affected the Village Planned Development Ordinance, which the Board has been working on. Mr. Kravitz stated that the Village Planned Development is a separate design code ordinance within the Town's Zoning Ordinance and had nothing to do with the Subdivision & Land Development Regulations.

As there were no further questions, *Mr. Ferreira moved to approve the amendments to the Burrillville Subdivision & Land Developments Regulations, effective July 7, 2003. The motion received a second from Mr. Felice and carried unanimously by the Board.*

The Public Hearing was closed and the Regular meeting was reopened again at 7:11 p.m.

Preliminary Review of Hazard Mitigation Plan: Mr. Kravitz explained that the Planning Department last summer utilized the services of an intern from URI to draft the Hazard Mitigation Plan for the Town, which has been mandated by federal regulations. He stated that many other towns in Rhode Island are drafting these plans in order to become eligible for FEMA funding should the need arise for such funding. He added that Town residents would become eligible for discounts on their insurance premiums by having the adopted plan. Also, it serves to act as a maintenance schedule for the DPW – preventive measures such as tree trimming, etc. He further added that he would have to review the plan one more time to make sure the State's recently adopted new standards have been incorporated into the Plan.

The Board questioned, for example under Dams, whether all dams located in Burrillville would have to be listed in order to be eligible for emergency funding or list just one as an example. Mr. Kravitz said that the Pascoag Reservoir Upper Union Mill Pond dam had been chosen as an example because of its effect on the immediate populous of Pascoag but if the Board felt more comfortable including all the dams, he could change the listing. He added that he felt the Plan in general would cover all the dams.

As there were no further questions, *a motion to offer a favorable recommendation to the Town Council for their approval of the recently drafted Hazard Mitigation Plan for Burrillville was made by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

Discussion of Zoning District Classification (R-40*1) Reversion: *Map 228, Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9; Map 229, Lot 25; Map 246, 1 & 2; Map 192, Lots 13 & 69; Map 209, Lot 32; Map 210, Lots 12, 13, 15, 16, 19, 21, 23, 25 & 30; Map 211, Lots 43, 46, 47, 48 & 49; Map 227, Lots 55, 56, 57, 60, 61, 63, 64, 65, 66 & 67; Map 229, Lots 1, 21, 22, 24, 26, 27 & 28; Map 245, Lots 34 & 35:* Mr. Levesque began the discussion by stating that the properties involved in this zoning district have recently been sold. He asked the

Planner to address the recent transfer. Mr. Kravitz said that he had not be able to conduct the transfer research but that Joe Raymond had conducted some research on the transfer and asked Mr. Raymond to update the Board.

Mr. Raymond said that he had conducted research recently and discovered that Rhode Island Housing & Finance Mortgage Corp. had recently purchased all of the parcels under several corporations for Mr. David Sugarman, et als in the amount of approximately \$1,050,000. He noted vagueness in regards to the designated area of rezoning - "property under the control of the developer" - at the time when the rezoning was enacted. He also noted that public sewer and public water are required, but both the Burrillville Sewer Department and the Pascoag Water District have said they would provide service only if service is available. He pointed out that the property has been rezoned for almost 8 years and nothing has transpired during that period, which leads him to believe that the rezoning is not appropriate for the property and it would be in the Town's best interest to revert the zoning back to F-2.

Mr. Partington added that the Board had granted the previous owner a "grace period" for over a year in which the Board has entertained a possible new type of development for the property, and now the property has been sold. Stating that he felt the Board has given able time for development of the property under its current zoning designation, *he moved to forward to Town Council a recommendation that the R-40*1 zoning designation for Map 228, Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9; Map 229, Lot 25; Map 246, 1 & 2; Map 192, Lots 13 & 69; Map 209, Lot 32; Map 210, Lots 12, 13, 15, 16, 19, 21, 23, 25 & 30; Map 211, Lots 43, 46, 47, 48 & 49; Map 227, Lots 55, 56, 57, 60, 61, 63, 64, 65, 66 & 67; Map 229, Lots 1, 21, 22, 24, 26, 27 & 28; Map 245, Lots 34 & 35 be reverted back to its original F-2 zoning designation. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of June the following Certificates of Completeness were issued: **Louise Pearson, Chum's Boulevard, Harrisville** (Administrative-Boundary Survey); **Frederick & Rachel Waltz, Chapel Street, Harrisville** (Administrative-land swap); **Clear River Industrial Park, Locust Lane, Harrisville** (Final Land Development Plan-Lot 3); **Clear River Industrial Park, Locust Lane, Harrisville** (Final Land Development Plan-Lot 5); **John Mainville, East Wallum Lake Road, Pascoag** (Final Minor-two lots); . The following plans were rejected as incomplete: **Michael & Diane Young, Mowry Street, Harrisville** (Administrative-land swap) and **Ischia, Inc., Frank Neri, East Wallum Lake Road, Pascoag** (Conceptual-eight lots). He noted endorsement of **Louise Pearson, Chum's Boulevard, Harrisville** (Administrative-Boundary Survey); **John Mainville, East Wallum Lake Road, Pascoag** (Final Minor-two lots) and **Frederick and Rachel Waltz and Robert Rainone, Chapel Street, Harrisville** (Administrative-land swap).

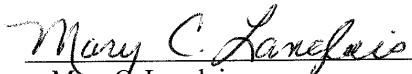
Planning Board Discussions:

Discussion of Proposed Lighting for Daniele Proscuitto's New Facility: Referencing material, for the proposed lighting, provided by the engineer working on the Daniele Proscuitto facility at the Burrillville Industrial Park, Mr. Levesque asked if there were any questions from the Board. Mr. Lanoie stated that he preferred the mercury vapor lighting, which emits a white lighting, as to the types provided, as they emit yellow/orange lighting. The Board had several questions – “is there an advantage to the type of lighting submitted by the developer?” – “is it a coverage factor?” Mr. Levesque noted that a representative from Proscuitto had been scheduled to appear this evening to offer explanations. The Board requested that the Town Planner obtain additional information from the developers.


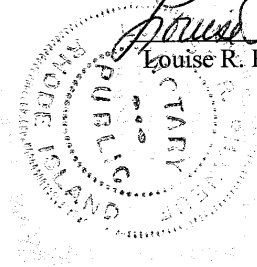
As there was no further business to discuss, *a motion to adjourn at 7:40 p.m. was then made by Mr. Lupis, seconded by Mr. Ferreira and carried unanimously by the Board.*

CERTIFICATION:

I, Mary C. Langlois, recording secretary to the Burrillville Planning Board, do certify that the above Planning Board minutes of July 7, 2003 is a true and accurate account, to the best of my knowledge.


Mary C. Langlois

NOTARY:


Louise R. Phaneuf

My Com Exp 8-25-2007

2. Comments/Input/Recommendations from the Ordinance Subcommittee

Councilor William A. Andrews, Chairman of the Ordinance Subcommittee, stated that the proposed zoning reversion had come before the Ordinance Subcommittee on several occasions. They received input from Town Manager Michael C. Wood, Town Solicitor Walter J. Kane and Director of Planning & Economic Development Thomas J. Kravitz. He stated that the Ordinance

Subcommittee supported the reversion of the R-40*1 zone. He asked the Ordinance Subcommittee members to add their comments. Councilor Ronald E. Faford concurred with Councilor Andrews' comments. He supported the reversion, stating that it would be the best procedure for the Town and for Town residents. Councilor Edward F. Bonczek supported the reversion, pointing out that there have been significant changes since the 1996 amendments. He stated that, due to the availability of water and sewer, this property could not be developed in compliance with the R-40*1 zoning.

3. Comments/Input/Recommendation by Administration (Town Solicitor Walter J. Kane, Town Manager Michael C. Wood)

Michael C. Wood, Town Manager, said that the Town has set forth appropriate solutions for affordable housing. He said that, while the application before the Zoning Board is a separate issue from the R-40*1 reversion under discussion, there is a connection between them. He said that developments in Town should comply with the Town's goals and objectives for affordable housing. He briefly described the Planning Board's action related to affordable housing, which will be considered by the Town Council.

Michael C. Wood, Town Manager, supported the recommendation to revert the R-40*1 zoning. He said that the reversion is the best thing for the neighborhood and the community, especially in light of the discussions relating to Town water and sewer.

Walter J. Kane, Town Solicitor, provided a background of the 1996 zoning amendments and the requirements of the R-40*1 zoning. According to the Solicitor, R-40*1 zoning requires both public water and public sewers, and provides for one building unit for each two buildable acres. Mr. Kane said that there was never a master plan submitted, from 1996 forward.

Mr. Kane said that in 2001 Thomas J. Kravitz, Director of Planning & Economic Development, felt that the 1996 zoning amendments were not in conformance with the Town's Comprehensive Plan. He described the action taken during that period, stating that documentation of the actions is a matter of public record.

Walter J. Kane, Town Solicitor, explained that the state housing agency believed they were acquiring property to land-bank, so that property would be available to build subsidized housing in the future. Mr. Kane acknowledged the good intent of the objective but questioned the approach, which excluded discussions with the Town and involved insufficient review of the property records.

According to Mr. Kane, when the Planning Board recommended the reversion in August 2003, the Planning Board was acting on a matter that had been before them since December 2001. Mr. Kane said that, after the notice of public hearing, he met with Rhode Island Housing to discuss the proposal and subsequently Rhode Island Housing asked the Town Council to continue the hearing, allowing them an opportunity to demonstrate what could be done on the property under R-40*1 zoning. Mr. Kane pointed out that, at the request of Rhode Island Housing, the public hearing had been continued from October 8th to October 29th, then from October 29th until January 6, 2004.

Walter J. Kane, Town Solicitor, stated that a plan was received on December 23, 2003, indicating a total of 127 units. Rhode Island Housing met with the Planner and Building Official, at which time Rhode Island Housing indicated they would probably file under the Comprehensive Permit process. The Comprehensive Permit application was filed on Monday, January 5, 2004; that application specifies 163 units.

Walter J. Kane, Town Solicitor, said that the Town has tried to be cooperative, trying to find a basis where Rhode Island Housing could use the site without harming its natural characteristics. Mr. Kane stated for the record that the Town of Burrillville realizes the need for affordable housing and described the Planning Board's ongoing work on the issue. He further discussed the Town's efforts, including working aggressively with The Community Builders and revising the Stillwater Master Plan, actions that will provide affordable housing.

4. Proponents:

Council President Wallace F. Lees opened the floor to proponents of the reversion. No one addressed the Council at that time.

5. Opponents:

Council President Wallace F. Lees opened the floor to opponents of the reversion.

Nancy Gilman of 24 Lapham Farm Road addressed the Town Council. She objected to the Rhode Island Housing plan. She voiced concerns about over-taxing the water and sewer systems.

Walter J. Kane, Town Solicitor, said that it appeared from her comments that Ms. Gilman supported reverting the R-40*1 zoning. Ms. Gilman said that she was a proponent of the reversion.

Proponents, continued.

Nancy Gilman, 24 Lapham Farm Road, concluded her comments, clarifying her position as a proponent. She repeated her concerns relative to the water and sewer systems, stating her belief that they cannot support a development as large as Rhode Island Housing is proposing.

Patricia Kellet, 215 South Main Street, spoke in support of the reversion. She said that she had viewed other Rhode Island Housing projects, as recommended during the December 29, 2003. While she believed the houses were nice, she was very concerned about the density. She suggested that any development should allow more space for each dwelling.

Brian Kellet, 215 South Main Street, spoke in support of the reversion. He raised concerns about the Pascoag Utility test well, suggesting that the proximity of the proposed development to the wells, run-off problems, and sewage leeching problems must be given serious consideration. Mr.

Kellet stated that Pascoag has had enough water problems and that a fresh resource should not be destroyed.

Christopher Toti, Chairman of the Water Subcommittee of the Pascoag Utility District said that the district was exploring well sites off George Eddy Road. He said that there is one bedrock well that has potential for 100,000 gallons per day. He described the required 200' set back from the well site.

Michael C. Wood, Town Manager, addressed those present to clarify the purpose of the public hearing. He restated that the hearing was not intended to discuss the proposed Rhode Island Housing development, which would be handled separately. Rather, the hearing was to consider changing the zoning for this property back to the correct use.

Mr. Wood said that the Town has advocated with the State to work together to fit the project in with the concepts that the Town believes appropriate for the land. He discussed that there might be some disagreement on these matters, that there would be a process through the Zoning Board and that residents should follow that process and provide their input. He repeated that the present hearing was not related to endorsing or not endorsing the Rhode Island Housing plan and that any advances with that plan would not be a result of changes to the R-40*1 zone adopted during the hearing.

Carl Toti, Main Street, spoke in favor of the reversion. He agreed with the comments of the Town Solicitor. Mr. Toti spoke in favor of allowing local people to decide what should be done within the Town.

Opponents, continued.

Richard Licht of Tillinghast, Licht, Perkins, Smith and Cohen located at 10 Weybosset St., Providence, addressed the Town Council, stating that he was present representing the property owner, Rhode Island Housing and Woonsocket Housing Development Corporation, who is the beneficiary through a form of land-banking. He said that his clients oppose the change in zoning.

Mr. Licht described the present status of the laws related to affordable housing, pointing out that the recent changes to the law applied to for-profit agencies. Rhode Island Housing, he said, is not-for-profit and therefore has been able to participate in this type of program for many years. Mr. Licht suggested that the zoning reversion would make it difficult for Rhode Island Housing to cooperate with the Town, address Town concerns and meet the objectives of Rhode Island Housing and Woonsocket Neighborhood Development. He acknowledged Town concerns about crossing a stream, density, open space and the number of units.

Mr. Licht discussed concerns related to water and well exploration on the property. He submitted for the record a copy of a letter from Rhode Island Housing to Pascoag Utility District, as follows. Mr. Licht stated that the Comprehensive Permit application included an increased number of units based on the information received from the Pascoag Utility District. Mr. Licht said that Rhode Island Housing is open to discussing the Town's concerns and to putting the Comprehensive Permit application on hold, while reserving their rights, and trying to work through the existing system. However, this would not be possible if the reversion were passed.



RHODE ISLAND HOUSING
AND MORTGAGE FINANCE CORPORATION

November 17, 2003

Theodore G. Garille
General Manager
Pascoag Utility District
253 Pascoag Main Street
Pascoag, RI 02859

RE: Conveyance of land for Pascoag Utility District
Plat 245, Lot 35
Proposed Development at South Main Street and Reservoir Road
Town of Burrillville, Rhode Island

Dear Mr. Garille:

As you know from your conversations with Joseph Garlick, the Executive Director of Woonsocket Neighborhood Development Corporation ("WNDC"), Rhode Island Housing and Mortgage Finance Corporation ("Rhode Island Housing") owns the property described above (the "Property"). We purchased the Property, along with significant portions of the surrounding property, with the intention of conveying the entire parcel to WNDC for construction of between 160 and 200 residential units on the site (the "Development Site"), similar in scope to the plans for this site originally proposed by a prior owner in 1996.

It is our understanding that the Pascoag Utility District (the "Pascoag District") has determined that a supply of water may exist on the Property and you have asked that Rhode Island Housing agree to convey, by deed or permanent easement, sufficient real property to allow the Pascoag District to maintain wells and all required appurtenances, along with sufficient area to comply with wellhead protection requirements. At the present time, we understand that land within a 200-foot radius around each well head is required.

Please consider this letter as formal notice of Rhode Island Housing's intention to enter into negotiations with the Pascoag District for the conveyance of a portion of the Property as described above. We will negotiate with the Pascoag District to develop an instrument of conveyance, containing such terms and conditions as will be mutually acceptable, including, without limitation, the following:

- Rhode Island Housing, WNDC and the Pascoag District will work to plan and coordinate the development and provision of water and electric service to the Development Site.

Mr. Theodore G. Garille
November 17, 2003

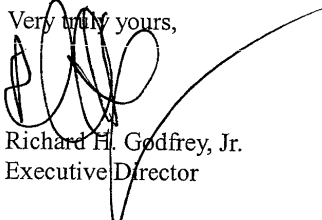
Page 2

- The Pascoag District will provide water and utility services to the Development Site for between 160 and 200 homes residences, at prevailing rates as published in the Pascoag Utility District's tariffs.
- The homes will be phased in over an eight-year period, with no more than 30 housing units being brought on-line in any one calendar year. WNDC will be responsible for all engineering, installation and materials costs to connect individual homes to the water and electric systems.

If this letter agrees with your understandings, please countersign in the appropriate place and return one copy to me.

We look forward to working with you and WNDC on this exciting development.

Very truly yours,

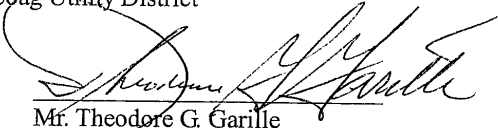


Richard H. Godfrey, Jr.
Executive Director

Agreed and Accepted:

Pascoag Utility District

BY:

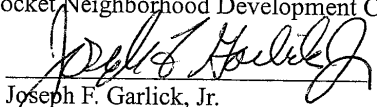


Mr. Theodore G. Garille
General Manager

Agreed and Accepted:

Woonsocket Neighborhood Development Corporation

By:



Joseph F. Garlick, Jr.
Executive Director

Richard Licht urged the Town Council not to pass the amendments to the zoning ordinance.

Joseph Raymond, Building Official, asked several questions related to the State law mentioned by Mr. Licht. This matter was discussed at some length.

The question of the difference in density between R-40*1 and F2 zoning was discussed and there was some debate as to whether the reversion would allow more or fewer units on the property.

There was considerable discussion of the location of the wells, when the well location was known, and the relative importance of this information as it related to the entire proposal.

Michael Melito, Rhode Island Housing General Counsel, 44 Washington Street, Providence, assured the Town Council that they are prepared to work with the Town. The plan was submitted, he said, in an effort to protect Rhode Island Housing rights to file under the Comprehensive Permit Application process.

Walter J. Kane, Town Solicitor, stated that the fact that the Town Council might change the zoning would not change the fact that the Town is willing to work with Rhode Island Housing and Woonsocket Neighborhood Development on a plan that works for all parties, whether the plan comes in under regular zoning or on a Comprehensive Permit Application. He said that the Town realizes that about forty percent of the residents of Burrillville would be eligible for this type of housing. He maintained that, while the Town is willing to cooperate on a mutually-acceptable plan, the Town could not work with an unreasonable proposal.

Patricia Kellet, 24 Lapham Farm Road, asked Mr. Licht why the proposal includes such a high number of units, if they are willing to work with the Town and the Town clearly does not want such high density. Mr. Licht responded that they thought the number was appropriate, but that they would work with the Town to discuss the number. He described the Comprehensive Permit Application as a process that would be subject to negotiation.

6. Town Council Members Comments/Input

Councilor Edward F. Bonczek took offense at the approach taken by those representing Rhode Island Housing. He suggested that affordable housing was not the issue, since the Burrillville Town Council has worked very hard to take that economic group into consideration, including committees, rezoning, commercial developments, prudent use of utilities and careful fiscal planning. He emphasized that Council policies are developed to benefit all residents.

7. **VOTED** to close the public hearing at 8:20 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

8. Consider and take action upon amendments to the ordinances of the Town of Burrillville, Chapter XI, entitled "Zoning": the reversion of the R-40*1 zoning district to its original F-2/R-20 zoning designation as defined by the Town of Burrillville Zoning Map adopted December 14, 1994; effective January 1, 1995 and further modified by the rezoning of November 13, 1996. Such zoning district is located on properties lying between South Main Street, Reservoir Road and George Eddy Drive in the Village of Pascoag.

VOTED passage of the following resolution:

***Burrillville Town Council
Resolution***

*That lots that had prior to November 13, 1996, been partially zoned R-20 and F-2 and were changed to a combination of R-20 and R40*1, specifically the following lots were included: Map 192, Lots 13 and 69; Map 209, Lot 32; Map 210, Lots 12, 13, 15, 16, 19, 21, 23, 25 and 30; Map 211, Lots 43, 46, 47, 48 and 49; Map 227, Lots 55, 56, 57, 60, 61, 63, 64, 65, 66 and 67; Map 229, Lots 1, 21, 22, 24, 26, 27 and 28; Map 245, Lots 34 and 35. Lots changed entirely from F-2 to R-40*1 include: Map 228, Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9; Map 229, Lot 29; and Map 246, Lots 1 and 2 be rezoned to the zoning designation that existed prior to the Town Council action of November 13, 1996, namely F-2/R-20 zoning designation as defined by the Town of Burrillville Zoning Map adopted December 14, 1994, which was effective January 1, 1995.*

The Town Council, based on the recommendation of the Planning Board, the Memorandum of the Town Planner to the Planning Board Members dated December 13, 2001, and the testimony of the Town Planner at the Public Hearing, find that the change of zone is in conformance with the Town's Comprehensive Plan, its goals, policy statement and the applicable purposes of zoning as set forth in R.I.G.L., 1956 as amended, Section 45-24-30 for the following reasons:

Conditions have changed since the rezoning:

- 1.) MBTE has contaminated the public water system serving the area. There is no firm date when Pascoag Utility District will have a source of its own water supply to service its existing consumer base.*
- 2.) The Town of Burrillville Waster Water Facilities Plan of July 2002, mandated by D.E.M., and approved by D.E.M. is now effect. The plan recognized the limited capacity of the Waste Water Treatment Facility and stresses the need to abate the direct discharges into the streams and rivers. The plan gives priority to servicing the eastern villages within the remaining capacity of the treatment plant. It stresses that ISDS conventional systems or innovative technologies be used for areas with lesser densities.*
- 3.) It is in the opinion of the Planning Board and the Town Planner that based on the changed conditions since the rezoning, the current zoning is not in conformance with the Burrillville state-approved Comprehensive Plan.*
- 4.) A review of the soil characteristics of land involved in the rezoning shows that it has large areas composed of Hydric Soils (severe constraints of 0-18 inches in depth) and bedrock and slope constraints (>15% slope) in addition to wetlands. Such areas are shown on the U.S.D.A. Soil Conservation Service map as the Garvy Ledges and Malavary Swamp.*

5.) *It is in the opinion of the Town Planner and Planning Board, that based on the natural conditions existing on the site, the limited finite capacity of Pascoag water system, and the prioritization of public sewers as described in the Waste Water Treatment Facility Plan, the current zoning conflicts with local policy and does not adequately protect general health, safety and welfare.*

Conformance with the Comprehensive Plan

The proposed zone change to F-2/R-20 will effectively bring the Burrillville Zoning Map into conformance with the Town Comprehensive Plan, which takes a smart growth approach to steering development towards existing village areas where substantial redevelopment opportunities exist. Sections of the Town Comprehensive Plan with which the zone amendment is consistent are:

Chapter I Introduction

I.2.a.1 Implementation Actions – higher density development should occur in and around the established villages.

Chapter IX Land Use

IX.2.d.3 Implementation Action – Encourage investment by the public and private sectors that will stabilize and improvement economic opportunities in the Town’s village centers including preservation and reuse of historic buildings.

Chapter V Housing

V.2.a. Policy – Encourage and support the optimum use of existing housing stock, existing neighborhoods and existing structures suitable for residential use, in meeting housing needs, including rehabilitation of historic buildings for housing.

V.2.a.2. Implementation Action – Support the reuse and rehabilitation of mill buildings for housing use in those locations where access, parking, environmental concerns, etc., preclude continued industrial use.

V.1.f.2. Implementation Action – Continue to require two to five acre minimum lot requirements in outlying areas of the community, where services and amenities are not available or planned.

The Zone reversion, further complies with State Statute Title 45 Chapter 24 Section 30 General purposes of zoning ordinances by:

1.) Promoting the public health, safety and general welfare.

2.) Providing for orderly growth and development which recognizes:

a.) The goals and patterns of land use contained in the Comprehensive Plan of the city of town adopted pursuant to R.I.G.L. Chapter 22.2;

- b.) The availability and capacity of existing and planned public and/or private services and facilities;*
- c.) The need to shape and balance urban and rural development.*
- 3.) Providing for the protection of the natural, historic, cultural and scenic character of the city or town or areas therein.*
- 4.) Providing for the protection of public investment in transportation, water stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.*
- 5.) Promoting implementation of the Comprehensive Plan of the city or town adopted pursuant to R.I.G.L. Chapter 22.2.*

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andres. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

10. **VOTED** to adjourn at 8:27 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

The meeting was taped. The tape is on file with the minutes.

Louise R. Phaneuf, Town Clerk