

MEMORANDUM

To: Mike Wood, Kevin Menard, Scott Gibbs, and Tom Kravitz
From: Timothy F. Kane
Date: February 19, 2002
Re: Selection of redevelopment areas

Per our prior discussions regarding a selection process for areas to be designated for redevelopment, I am suggesting the following process:

The BRA needs to make a positive finding that the various areas or parcels under consideration fall within one of the following statutory definitions of substandard and blighted areas:

“Arrested blighted area” means any area which, by reason of the existence of physical conditions including, but not by way of limitation, the existence of unsuitable soil conditions, the existence of dumping or other insanitary or unsafe conditions, the existence of ledge or rock, the necessity of unduly expensive excavation, fill or grading, or the necessity of undertaking unduly expensive measures for the drainage of the area or for the prevention of flooding or for making the area appropriate for sound development, or by reason of obsolete, inappropriate, or otherwise faulty platting or subdivision, deterioration of site improvements, inadequacy of utilities, diversity of ownership of plots, or tax delinquencies, or by reason of any combination of any of the foregoing conditions, is unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community.

“Deteriorated blighted area” means any area in which there exist buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of:

- (i) Dilapidation, deterioration, age, or obsolescence;
- (ii) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities;
- (iii) High density of population and overcrowding,
- (iv) Defective design or insanitary or unsafe character or conditions of physical construction;
- (v) Defective or inadequate street and lot layout; and

(vi) Mixed character, shifting, or deterioration of uses to which they are put, or any combination of these factors and characteristics, are conducive to the further deterioration and decline of the area to the point where it may become a slum blighted area as defined in subdivision (18), and are detrimental to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A deteriorated blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions exist and injuriously affect the entire area.

"Slum blighted area" means any area in which there is a predominance of buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of: (i) dilapidation, deterioration, age, or obsolescence; (ii) inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities; (iii) high density of population and overcrowding; (iv) defective design or unsanitary or unsafe character or condition of physical construction; (v) defective or inadequate street and lot layout; and (vi) mixed character or shifting of uses to which they are put, or any combination of these factors and characteristics, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; injuriously affect the entire area and constitute a menace to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A slum blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions predominate and injuriously affect the entire area.

These definitions are quite broad and it seems as though several of the areas under consideration fall within one of the above definitions when you consider the characteristics of these parcels and relate the same to the above referenced definitions. I do not think the BRA needs to employ a weighting or rating process to adopt a resolution which makes a finding that certain parcels fall within the above definitions of substandard or blighted areas. If you believe it is necessary, we can adopt terminology from the above referenced definitions and apply the same to our targeted areas on a case by case basis. For example, the BRA can make a finding that Stillwater Mill Complex is an "arrested blighted area" as defined by R.I. General Laws §45-31-8(2) because of "deterioration of site improvements, diversity of ownership of plots, and would be unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community."

2. Once several areas have been found to be substandard or blighted, as defined above, then a rating or weighting system can be employed by the BRA to prioritize these areas. This was discussed at the January meeting with Scott Gibbs and BRA

members suggested various factors that can be used in the rating process. I believe Kevin Menard is working on a matrix.

3. Once the rating process is completed, the BRA should have a list of several areas that are designated blighted and/or substandard per state law definitions and the list should be rated in order of priority based upon the weighting factors employed by the BRA. This list can then be forwarded to Town Planning Officials with a request that the Comprehensive Plan be amended to recognize these areas as blighted and/or substandard and in need of redevelopment. The Comprehensive Plan should also be amended to recognize the existence and function of the BRA as the same relates to redevelopment of these areas. Mike Wood has suggested at this point in the process we also should appear before the Town Council and inform them of our actions. This would be a good opportunity to educate the Council about the selection process employed by the BRA. Hopefully, Town Council support could be gained early in the process.
4. The Comprehensive Plan must be amended to recognize the existence of the BRA and to recognize specific areas that are blighted and/or substandard and in need of redevelopment.
5. Once the Comprehensive Plan is amended, then I believe the Council should be petitioned to enact a comprehensive ordinance and/or resolution granting the BRA full power and authority (ie: Condemnation power) to carry out its function as a redevelopment agency.
6. Once the BRA has the necessary powers to perform its full function then the BRA can work on developing an actual redevelopment plan for an area or areas.
7. Once the BRA formulates the redevelopment plan, it must be presented to the Council for approval.
8. Once the Town Council approves a specific redevelopment plan then the BRA can implement the plan by exercising its powers.

Please advise with any suggestions. If this makes sense then you may want to email this memo to all BRA members. I am sending you a separate email on the by-laws.