

TOWN OF BURRILLVILLE

Office of Town Clerk

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

The Revised General Ordinances, Town of Burrillville, Rhode Island, 2004 as amended, is hereby amended as follows:

Chapter 10.5 - COMMUNITY DEVELOPMENT

ARTICLE II. - AFFORDABLE HOUSING

Sec. 10.5-32. – Filing Procedure

(c) Projects are eligible if sponsored by an eligible entity and they:

- (1) Are eligible for a subsidy from the state or federal government under any program to assist the construction or rehabilitation of low or moderate income housing; and;
- (2) Have at least the minimum number of units reserved for low or moderate income housing as defined by the program providing the subsidy or ~~20~~ 25 percent of the total number of units reserved for low or moderate income housing, whichever is greater.

Adding:

(d) Certification of completeness. The application must be certified complete or incomplete by the zoning board of review, or the planning board, as the case may be, within 25 days. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the zoning board of review, or the planning board, as the case may be, and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the zoning board of review, or the planning board, as the case may be, be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the zoning board of review, or the planning board, as the case may be, certifies the application as incomplete, it shall set forth in writing with specificity the missing or incomplete items.

Sec. 10.5-35. – Decisions

(a) The zoning board of review or the planning board, as the case may be, shall render a decision by majority vote of the members present at the proceeding ~~membership of the board~~ within 40 days after the official termination of the public hearing; provided that there is at least a quorum of the board present and voting at the proceeding. However, in no instance shall such decision be made more than 90 days from the issuance of the certification of completeness, or within such further amount of time as may be agreed to by the zoning board of review or the planning board, as the case may be, and the applicant.

(3) Deny a comprehensive permit for any of the following reasons:

- a. If the proposal is inconsistent with local needs, including but not limited to, the needs identified in the housing chapter of the comprehensive plan; provided that the zoning board of review

or the planning board, as the case may be, also finds that the Town has made significant progress in implementing the housing strategies of the comprehensive plan; or

- b. If the proposal will not be in conformance with the comprehensive plan; or;
- c. If the Town of Burrillville has met, or has a plan approved by the Rhode Island Department of Administration, Division of Statewide Planning, to meet the standard of ten percent of its housing units being low and moderate income housing; provided that the zoning board of review or the planning board, as the case may be, also finds that the Town has achieved or has made significant progress towards meeting the goals required by RIGL 45-53; or

Sec. 10.5-37. - Procedure for filing appeal with state housing appeals board.

- (c) Within ~~ten~~ 30 days of the receipt of such notice, the zoning board of review or the planning board, as the case may be, shall transmit to the state housing appeals board, the complete board record, including a transcript describing its decision, the reason for the decision, who was present and a record of their vote, and findings of facts as required herein. The chair of the state housing appeals board may waive submission for good cause.

Chapter 30 – ZONING

Sec. 30-34. – Zoning board of review.

(a) *Creation.* A zoning board of review, hereinafter called the board, is hereby created. The board shall have a membership, organization and powers as provided below.

(1) *Membership.* The board shall be appointed by the town council and shall consist of five regular members and two alternate members. Each regular member shall be appointed for a term of five years; the original appointments shall be made for terms of one, two, three, four and five years, respectively. The alternate members shall be appointed for a term of one year. If a vacancy occurs in the board, the town council shall appoint a new member for the unexpired term. All members of the board shall be legal residents of the town and no member shall be an elected official or salaried employee of the town. The alternate members shall be designated as the first and second alternate members. These alternates shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall vote if two members of the board are unable to serve at a hearing. A minimum of four members, which may include alternates, shall form a duly constituted quorum.

(4) *Organization.* Once each year, the board shall organize by electing from its membership a chair, a vice-chair and a secretary. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chair, or in his/her absence the vice-chair, may administer oaths and compel the attendance of witnesses and the submission of data by the issuance of subpoenas.

- a. All meetings of the board shall be open to the public;
- b. ~~Five~~ Four active members, which may include alternates, shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself and shall not sit as an active member, nor take part in the conduct of the hearing. ~~Only~~ A maximum of five active members, which may include alternates, shall be entitled to vote on any issue;
- c. The concurring vote of ~~three of the five~~ a majority of members of the zoning board of review sitting at a hearing shall be necessary to reverse any order, requirement, decision, or determination of any administrative officer or agency from whom an appeal was taken;

d. The concurring vote of ~~four of the five~~ majority of members of the zoning board of review sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this chapter, including variances and special use permits.

(g) *Procedures for appeals, special use permits or variances.*

(6) The board shall ~~fix a reasonable time for the hearing of~~ an appeal or an application for a special use permit or variance within 65 days of the date of the filing of the application or appeal.

a. It shall publish notice of the hearing at least two weeks prior to the date of such hearing in a newspaper of general circulation in the town, and shall give notice to the planning board.

b. In addition, notice shall be sent by first class mail to the applicant and to all persons owning real property described in subsection (3) above.

(7) The board shall render a decision on the application within ~~30-15~~ days of said hearing. Any party may appear at the hearing in person, by agent, or by attorney.

Sec. 30-153. – Lots containing wetlands.

Per P.L. 2015, ch. 218, § 3, R.I. Gen. Laws § 45-24-30(c), 250-RICR-150-15-3, the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (the "DEM Wetlands Regulations"), Rhode Island cities and towns are prohibited from applying requirements pertaining to wetland buffers and onsite wastewater treatment system setbacks to development applications submitted to a municipality after July 1, 2022, the effective date of said state regulations. Applications made on or after this date shall comply with the DEM Regulations, as amended. Applications made prior to this date remain subject to the standards of this Sec. 30-153.

For any lot which has been determined by the Rhode Island Department of Environmental Management to contain a wetland, if the wetland area, including wetland buffer, is greater than 40 percent of the total area, the following restrictions shall apply:

- (1) Only single-family housing will be allowed in all residential zones;
- (2) All commercial and manufacturing uses must be sewered;
- (3) Each lot shall have a minimum buildable area of 12,000 square feet excluding wetland and wetland buffer zone as defined by the Wetland Act of the State of Rhode Island;
- (4) No individual sewage disposal system (ISDS) shall be located:
 - a. Within 200 horizontal feet of a "fresh water wetland" as defined in G.L. 1956, § 2-1-20, as amended.
 - b. Within 200 horizontal feet of a "river" as defined in said G.L. 1956, § 2-1-20, as amended.

These amendments shall take effect upon passage.

Adopted this 22nd day of March, 2023.



Donald A. Fox, President
Burrillville Town Council

ATTEST: 

Vicki T. Martin, Town Clerk

