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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND

Introduced By: Senator Michael J. McCaffrey

Date Introduced: April 04, 2019

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-63 of the General Laws in Chapter 45-23 entitled
2 "Subdivision of Land" is hereby amended to read as follows:

3 **45-23-63. Procedure -- Meetings -- Votes -- Decisions and records.**

4 (a) All records of the planning board proceedings and decisions shall be written and kept
5 permanently available for public review. Completed applications for proposed land development
6 and subdivisions projects under review by the planning board shall be available for public review.

7 (b) Participation in a planning board meeting or other proceedings by any party is not a
8 cause for civil action or liability except for acts not in good faith, intentional misconduct,
9 knowing violation of law, transactions where there is an improper personal benefit, or malicious,
10 wanton, or willful misconduct.

11 (c) All final written comments to the planning board from the administrative officer,
12 municipal departments, the technical review committee, state and federal agencies, and local
13 commissions are part of the permanent record of the development application.

14 (d) Votes. All votes of the planning board shall be made part of the permanent record and
15 show the members present and their votes. A decision by the planning board to approve any land
16 development or subdivision application requires a vote for approval by a majority of planning
17 board members present at the time of the vote ~~the current planning board membership~~. A decision
18 by the planning board to approve a variance or special-use permit pursuant to any adopted unified
19 development review regulations requires a vote for approval by a majority of the planning board

1 members that were present at the public hearing at which the request was heard. A board member
2 who was absent at any hearing on a matter may, upon the consent of the applicant, vote on such
3 matter if the member certifies on the record at the hearing that the member has reviewed any
4 plans or materials submitted and the transcript or recording of the hearing(s) of such matter at
5 which the member was absent and is fully prepared to consider the matter and all the evidence
6 and testimony presented at all of the hearings on the application or request.

7 (e) All written decisions of the planning board shall be recorded in the land evidence
8 records within twenty (20) days after the planning board vote. A copy of the recorded decision
9 shall be mailed within one business day of recording, by any method that provides confirmation
10 of receipt, to the applicant and to any objector who has filed a written request for notice with the
11 administrative officer.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND

1 This act would provide that planning board votes for approval require a majority of the
2 members present at the time of the vote, and that members absent at any hearing on a matter may,
3 upon the consent of the applicant, vote on such matter provided the member certified on the
4 record that the member has reviewed the any plans or materials submitted and the transcript or
5 recording of any hearing absent and is prepared to consider the matter.

6 This act would take effect upon passage.

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