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**SECTION I. AUTHORITY AND INTENT**

**A. AUTHORITY.**

These subdivision and land development regulations are adopted pursuant to the authority contained in G.L. 1956, §§ 45-23-25--45-23-74, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and chapter 2 of the Narragansett Municipal Code of Ordinances.

**B. PURPOSE.**

The purpose of these regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the Narragansett Comprehensive Community Plan and the Narragansett Zoning Ordinance, accomplish the following:

1. Protect the public health, safety, and welfare of the community.
2. Provide for the orderly, thorough, and expeditious review and approval of subdivisions and land development projects.
3. Promote high quality, and appropriate design and construction of subdivisions and land development projects.
4. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments.
5. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure.
6. Provide for design and construction standards that are appropriate to the community.
7. Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered.
8. Direct the development of land consistent with state-of-the-art practices that promote and foster growth in a manner that protects the town's distinctive character while at the same time accommodating economic growth.
9. Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features.
10. Ensure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting.

**C. CONSTRUCTION AND INTENT.**

1. These regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the Town of Narragansett.
2. Sections I--III and V--XIV of these regulations are intended to provide general requirements applicable to all subdivisions. Section IV of these regulations, governing residential cluster developments, affordable housing comprehensive

permits, certain minor subdivisions, development plan review, unified development review and land development projects, is intended to provide regulations that are supplementary to the general requirements. In the event of a conflict between a general regulation and a regulation applicable to a specific type of subdivision, the more specific regulation shall be controlling.

3. These regulations are intended to be interpreted so as to be consistent with, and further the implementation of, the comprehensive community plan and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the comprehensive plan means in accordance with the goals, policies, procedures, maps, and other policy statements in the plan.
4. If any section or subsection of these regulations is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of these regulations.

**D. EFFECTIVE DATE.**

These regulations shall take effect upon passage and shall supersede all other subdivision regulations in effect at the time of such adoption.

**E. VESTED RIGHTS, CONTINUATION OF PRIOR REGULATIONS.**

Subdivisions which have been submitted to the planning board for approval under the provisions of the regulations in effect prior to December 6, 1995, may be continued to be reviewed by the planning board and approved under those regulations in accordance with the following:

1. *Final approvals.* Any subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the planning board, may initiate or construct any part of the development, or record said plans in accordance with the subdivision regulations in effect at the time final approval was granted. The planning board may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the regulations in effect at the time of final approval.
2. *Preliminary approvals.* Any subdivision which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the planning board, may continue to be reviewed by the planning board in accordance with the subdivision regulations in effect at the time preliminary approval was granted provided any one of the following conditions have been met:
  - a. The final plat, including all the material required in the final plat checklist, is filed with the planning department within one year from the date of preliminary approval; or
  - b. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Coastal Resources Management Council (CRMC) and the preliminary plans as approved by the planning board, have been filed with CRMC for an assent as required by the coastal resources management program; or

- c. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management and the preliminary plans as approved by the planning board have been filed with the Rhode Island Department of Environmental Management for approval as required by the Freshwater Wetlands Act; or
  - d. The applicant has expended significant monies in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and reapplication under the revised subdivision regulations were to be required, a significant economic hardship would result. The planning board shall determine what constitutes "significant economic hardship."
3. *Other status.* Any subdivision which, at the time of adoption of these regulations, has not received final or preliminary approval; or has been reviewed by the planning board for preliminary review but no approval therefor has been granted; or has received preliminary approval more than one year prior to the date of adoption of these regulations; or for which only preapplication conference(s) has (have) been conducted shall be required to be reviewed under the revisions to the Narragansett subdivision and land development regulations adopted on **December 13, 2023**, pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992 as amended. The planning board shall determine vested rights for subdivisions submitted for approval prior to **December 31, 2023**. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the **Narragansett platting board of review as herein provided**.

**SECTION II. DEFINITIONS**

- A. The following words or phrases, when used in these regulations, shall have the following meaning, unless otherwise specifically provided:
1. *Administrative officer.* The municipal official(s) designated by the local regulations to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The administrative officer may be a member of, or the chair, of the planning board, an employee of the municipal planning or zoning departments, or an appointed official of the municipality. See § 45-23-55.
  2. *Affordable housing.* Dwelling which is affordable to families having incomes no higher than 80 percent of the median family income for Washington County, with no more than 30 percent of income being committed to either contract rent or, for owner-occupied housing, the costs of mortgage principal and interest (assuming a five percent down payment), hazard insurance, and local property tax payments, as determined based upon administrative guidelines adopted and from time to time revised by the planning board. Such affordability shall be ensured for not less than ten years from the date of fee payment through deed restriction, repurchase agreement, or other device enforceable by the town, state, or federal government or by any agencies thereof, or by recognized nonprofit agencies engaged in the provision of affordable housing or in the sponsorship of housing assistance programs for the benefit of the general public, or by other legal instrument acceptable to the town solicitor.
  3. *Agricultural land.* Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farmland or additional farmland of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.
  4. *Applicant.* A person who applies to the planning board for subdivision approval.
  5. *Area of special flood hazard.* Areas designated on the FEMA flood insurance rate maps as being within a high flood danger (HFD) district; and areas designated on the FEMA flood insurance rate maps as being located within zones V1-V30, and zone A.
  6. *Board of appeal.* The local review authority for appeals of actions of the administrative officer and the planning board on matters of land development or subdivision, which shall be the local zoning board of review constituted as the board of appeal. See § 45-23-57.
  7. *Bond.* See improvement guarantee.
  8. *Buildable lot.* A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practicable by the planning board, considering the physical constraints to development of the site as well

as the requirements of the pertinent federal, state, and local regulations. See § 45-23-60(4).

9. *Certificate of completeness.* A notice issued by the administrative officer informing the applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the approval process.
10. *Concept plan.* A drawing with accompanying information showing the basic elements of a proposed subdivision or land development plan, as used for preapplication meetings and early discussions, and classification of the project within the approval process.
11. *Consistency with the comprehensive plan.* A requirement of all local land use regulations which mean that all these regulations and subsequent actions are in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality, as the comprehensive community plan as specified in § 45-22.2-3.
12. *Cul-de-sac.* The terminus of a street that has only one outlet, laid out to provide a circular or other type of turnaround for vehicles at the closed end. See section XIII.
13. *Dedication, fee in-lieu-of.* Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount are specified in section III.E of these regulations.
14. *Development plan review.* Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:
  - a. A change in use at the property where no extensive construction of improvements is sought;
  - b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
  - c. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
  - d. Development in a designated urban or growth center;
  - e. Institutional development ~~design review~~ for educational or hospital facilities; or
  - ~~f. Development in a historic district.~~
15. *Development regulation.* Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain

regulation, soil erosion control or any other governmental regulation of the use and development of land.

16. *Division of land.* A subdivision.
17. *Easement.* The right of a party to use all or part of the property of another for a specific purpose.
18. *Endorsement.* The signature of the administrative officer or planning board chairperson on an approved plat, permitting recording of the plat, or as further provided in section VI.
19. *Environmental constraints.* Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also physical constraints to development.
20. *Final plan.* The final stage of subdivision or land development review.
21. *Final plat.* The final drawing(s) of all or a portion of a subdivision or land development project, and any accompanying materials, to be recorded in the land evidence records after approval by the planning board.
22. *Floodplain or flood hazard area.* An area that has a one percent or greater chance of inundation in any given year, as delineated by the Federal Emergency [Management] Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 USC 4011 et seq.] on the Federal Emergency Management Agency's Flood Insurance Rate Maps for the Town of Narragansett.
23. *Floor area, gross.* See R.I. State Building Code.
24. *Governing body.* The body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.
25. *Hammerhead.* The terminus of a street, laid out to provide a turnaround area for vehicles. See section XIII.
26. *Improvement.* Any natural or built site, that becomes part of, is placed upon, or is affixed to real estate.
27. *Improvement guarantee.* A security instrument accepted by a municipality to ensure that all improvements, facilities, or work required by the land development and subdivision regulations or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. See § 45-23-46.
28. *Land-development project.* A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or development or cluster development for residential commercial, institutional, recreational, open space, or mixed

uses. The local regulations shall include all requirements, procedures, and standards necessary for proper review and approval of land development projects to ensure consistency with this chapter and the Rhode Island zoning enabling act.

- a. Minor land development project. A land development project involving any one the following:
  - i. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing, or industrial development; or less, or
  - ii. An expansion of up to fifty percent (50%) of existing floor area for commercial, manufacturing, or industrial structures; or
  - iii. Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or
  - iv. Multi-family residential or residential condominium development of nine (9) units or less; or
  - v. Change in use at the property where no extensive construction of improvements are sought;
  - vi. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
  - vii. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units; The process by which minor land development projects are reviewed by the local planning board, commission, technical review committee and/or administrative officer is set forth in § 45-23-38.
- b. Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in this section. The process by which major land development projects are reviewed by the local planning board, commission, technical review committee or administrative officer is set forth in § 45-23-39.

29. *Land disturbing activity.* Any physical land development activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources or similar activities.

30. *Land suitable for development.* The total land area, less land unsuitable for development.

31. *Land unsuitable for development.* See section III.D.

32. *Local regulations.* The land development and subdivision review regulations adopted under the provisions of RIGL 45-23. For purposes of clarification, where reference is made to local regulations, it is to be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to RIGL 45-23.
33. *Lot. Either:*
- a. The basic development unit for determination of lot area, depth, and other dimensional regulations; or
  - b. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
34. *Maintenance guarantee.* A security instrument accepted by the planning board to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will function as required for a specified period of time. See improvement guarantee.
35. *Master plan.* An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held. See § 45 23 40 45-23-39.
36. *Modification of Requirements.* See RIGL 45-23-62.
37. *Nonbuildable lot.* A parcel of land recorded in the land evidence records that is created or reserved for a purpose other than present or future construction of buildings or structures.
38. *Parcel.* A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a "tract."
39. *Parking area or lot.* All that portion of land development project that is used by vehicles, the total area used for vehicular access, circulation, parking, loading, and unloading.
40. *Permitting authority.* The local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.
41. *Phase.* A portion of a subdivision or land development to be developed, or sold as lots, at a particular time, as part of an effort to coordinate population growth with the availability of facilities and services.

42. *Phased development.* Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.
43. *Physical constraints to development.* Characteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site or would require extraordinary construction methods. See also environmental constraints.
44. *Planning board.* The official planning agency of the Town of Narragansett.
45. *Plat.* A drawing or drawings of a land development project of subdivision showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these regulations.
46. *Preapplication conference.* An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.
47. *Preliminary Plan.* A required stage of land development and subdivision review which generally requires detailed engineering drawings. See RIGL 45-23-39.
48. *Prime farmlands and farmlands of statewide importance.* Those lands which meet the applicable criteria, as established by the USDA, Soil Conservation Service. Specific map units are listed in the Soil Conservation Service fact sheet "Identification of Important Farmlands," issued 1980, as amended. See agricultural land.
49. *Public hearing.* A hearing before the planning board which is duly noticed in accordance with § 45-23-42 and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this chapter.
50. *Public improvement.* Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the Town of Narragansett or other governmental entity is presently responsible or will ultimately assume responsibility for maintenance and operation upon municipal acceptance.
51. *Residential development.* Development consisting entirely of single-family or multiple-family dwelling units. A dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.
52. *Right-of-way.* An easement for the purpose of passing through, or crossing, property belonging to another.
53. *Slope of land.* The grade, pitch, rise or incline of the topographic landform or surface of the ground.

54. *Stormwater detention.* A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.
55. *Stormwater retention.* A provision for storage of stormwater runoff.
56. *Street.* A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See street classification.
57. *Street, access to.* An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.
58. *Street, alley.* A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
59. *Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.
60. *Street, limited access highway.* A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.
61. *Street, private.* A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards. Driveways are excluded from this definition.
62. *Street, public.* All public property reserved or dedicated for street traffic.
63. *Street right-of-way.* The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.
64. *Street, stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.
65. *Street classification.* A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:
- a. *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
  - b. *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

- c. *Local.* Streets whose primary function is to provide access to abutting properties.
66. *Subdivider.* A person who:
- a. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who;
  - b. Directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit, or plat in a subdivision, or who;
  - c. Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision.
67. *Subdivision.* The division of a lot, tract, or parcel of land into two or more lots, tracts or parcels or any adjustment to existing lot lines is considered a subdivision.
- a. *Administrative subdivision.* Subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officer or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in § 45-23-37.
  - b. *Minor subdivision.* A subdivision creating nine (9) or fewer buildable lots. The process by which a municipal planning board, commission, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38.
  - c. *Major subdivision.* A subdivision creating ten (10) or more buildable lots. The process by which a municipal planning board or commission reviews any subdivision qualifying for this review under § 45-23-39.
68. *Technical review committee.* A committee or committees appointed by the municipality for the purpose of reviewing, commenting, approving and/or making recommendations to the planning board or administrative officer, as set forth in this chapter.
69. *Temporary improvement.* Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.
70. *Vested rights.* The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to completion of the project.
71. *Waiver of Requirements.* See RIGL 45-23-62.

**SECTION III. GENERAL REQUIREMENTS**

**A. CLASSIFICATION AND CERTIFICATION OF COMPLETENESS.**

1. Classification. The administrative officer shall advise the applicant as to which category of approval is required for a project. An applicant shall not be required to obtain both land development review and development plan review for the same project. The following categories of applications may be filed:
  - a. Subdivisions. Administrative subdivisions, minor subdivisions, or major subdivisions;
  - b. Land development projects. Minor land development or major land development; and
  - c. Development plan review.
2. Certification of a complete application. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer. Every certification of completeness required by this chapter shall be in writing. In the event the certification of the application is not made within the time specified in this chapter for the type of plan, the application is deemed complete for purposes of commencing the review period unless the application lacks information required for these applications as specified in the local regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.

**B. REQUIRED FINDINGS.**

The requirements listed below shall be applicable to all subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if planning board approval is required) the board shall make positive findings on all of the standards listed below, as part of the proposed project's record. If a negative finding for any of these standards is made, the planning board shall have grounds for denial of the project design.

1. Each subdivision shall be consistent with the requirements of the Narragansett comprehensive community plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform to the standards and provisions of the Narragansett zoning ordinance; provided, however, that lots being created not for the purpose of present or future development but for open space, a utility or a conservation purpose need not meet the area and other dimensional requirements of the zoning ordinance, provided that:
  - a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and
  - b. With the exception of utility lots, a conservation or preservation easement pursuant to G.L. 1956, § 34-39-1 et seq., is granted to the Town of Narragansett prohibiting any such present or future development or the lot has been deeded to a nonprofit organization,

the principal purpose of which is the conservation of open space, or conveyed to a corporation or trust owned or to be owned by the owners of lots or units within a development, or owners within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case where the land is not conveyed to the Town of Narragansett, a restriction enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway;

3. There will be no significant negative environmental impacts from the proposed development as determined by the planning board and as shown on the final plan, with all required conditions for approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See definition of "buildable lot." Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a town or state accepted or approved street. Lot frontage on a town or state accepted or approved street without physical access and lot frontage on an access right-of-way or private street shall not be considered compliance with this requirement without approval of the planning board;
6. Each subdivision shall provide for adequate and safe through and local circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the heritage and attractiveness of the community; and
7. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion.

**C. PHASING OF MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS.** (See Section V.C.1.d.4. for procedures)

1. When a major land development and major subdivision is submitted for master plan approval as provided in item section V.C.1.d.iii., the planning board shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the planning board determines that such improvements, services and facilities including, but not limited to, water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to

serve the residents of the subdivision or development at the time of recording of the plat, the planning board shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases.

2. When an application is submitted for master plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the master plan checklist for major land developments and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments in writing to the planning board. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the administrative officer by that date, it shall be assumed that the agency does not wish to comment.

If the public hearing on the master plan and the Planning Board review on the preliminary plan are combined as provided in section V.C.1.d.iv.(5), all comments from reviewing agencies shall be received prior to the date of the public hearing.

3. Each department or agency to which such a request for comments is made shall deliver to the administrative officer, in addition to the written correspondence, any supplementary material, which shall describe:
  - a. An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
  - b. Whether existing facilities and/or services are adequate to serve the subdivision's residents;
  - c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's capital improvement program or are otherwise planned; and
  - d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.
4. Based on the responses received from the various departments and agencies, the planning board shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such a growth rate plan, the planning board may require that improvements be installed, or lots sold, in two or more phases.
5. If phasing is required, the planning board shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the planning board in item C.4. of this section, above. In such review and approval, the board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two or

more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.

6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

**D. LAND UNSUITABLE FOR DEVELOPMENT.**

1. When calculating the number of residential building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the minimum building acreage of the parcel:
  - a. Coastal and freshwater wetlands, except that area of wetland buffer located outside the flagged edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by G.L. 1956, § 2-1-20 (1987), as amended.
  - b. Areas within a high velocity flood zone, as defined by the Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM), as amended.
  - c. Reserved.
2. Land described in items 1.a, b, and c, above, may be included as part of any lot in any subdivision or land development project; provided, however, that the planning board may determine the extent to which such land deemed unsuitable for development shall be included within the minimum lot size required for each zoning district in Town of Narragansett zoning ordinance.

**E. DEDICATION OF LAND FOR PUBLIC PURPOSES.**

1. *Subdivider must provide open space.* The planning board shall require all land developments and subdivisions, subject to the provisions of these regulations, to dedicate a portion of the land being subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The planning board may, in its discretion, require the payment of a fee in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.
2. *Relationship to comprehensive plan.* No dedication of land to the public or payments-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the town, i.e., the comprehensive community plan, the local recreation, conservation and open space plan, or the capital improvement program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be

based upon the policies and standards set forth in the above plans or in the CIP and shall reflect the character defined for the neighborhood or district in which the subdivision is located by the comprehensive community plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments-in-lieu-of-land dedication are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreational facilities.

3. *Amount of land to be dedicated.* The minimum amount of land to be dedicated shall be based upon the following formula:

Amount of Dedicated Land = (Acres)	Maximum No. of DU's in the Subdivision <sup>1</sup>	X	Persons per DU <sup>2</sup>	X	Land Need <sup>3</sup>
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*1-The maximum number of dwelling units in all phases of the land development project or subdivision.*

*2-Persons per dwelling unit. See item E.8. below.*

*3-Land need. See item E.7. below.*

4. *Ownership of land.* Land dedications required by this section may be made by transfer of fee simple ownership to any of the following as determined by the planning board:

- a. The Town of Narragansett;
- b. A private homeowner's association;
- c. A private nonprofit conservation or recreation group.

Notwithstanding, however, that all land dedications, regardless of fee simple ownership, shall be restricted to open space use, whether private or public, by a conservation/open space easement to the town for such purposes.

5. *Fees-in-lieu-of land dedication.* Where a fee is required by the planning board to be paid in-lieu-of land dedication, the amount of such fee shall be based on the fair market value of the amount of land which would otherwise be required to be dedicated under item E.3. hereof. The amount of such fee shall be determined by the following formula:

Fee in-lieu-of dedication =	Fair Market Value of Land <sup>1</sup>	X	Land Need <sup>2</sup>	X	Max. No. of DU's <sup>3</sup>	X	Persons per DU <sup>4</sup>
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*1-Fair market value of land in the parcel being subdivided after subdivision approval has been granted, and which is suitable for use as open space, conservation, park and recreation facilities. See item 6. below.*

*2-Land need shall mean the adopted town standards for open space and outdoor recreation area as provided in the comprehensive plan. See item 7. below.*

*3-The maximum number of dwelling units to be constructed in the subdivision.*

*4-The average number of persons expected to be living in the dwelling units to be constructed. See item 8. below.*

6. *Fair market value.* Fair market value of the land, assuming subdivision approval has been granted, shall be determined at the time of filing of the final plan in accordance with the following:
  - a. A review by the Narragansett tax assessor of the proposed lot and values of comparable vacant lots in the area in town assuming all subdivision improvements have been made and infrastructure is in place. The tax assessor shall provide the planning board with the results of such a review of evaluations and a determination of an appropriate value;
  - b. If the subdivider objects to such amount of evaluation, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal may be accepted by the planning board if found to be reasonable; or
  - c. The planning board and subdivider may agree as to the fair market value.
7. *Land need.* The actual need for open space, conservation and open space land as expressed in acres per 1,000 population in the plan for recreation, conservation and open space. The 1994 town-wide need is 24.9 acres per 1,000 people, depending on use.
8. *Persons per dwelling unit.* The applicant may provide an estimate of the projected number of persons per dwelling unit (DU) in the proposed land development project or subdivision and shall state the basis for such estimate. The planning board shall review and approve of such estimate. Otherwise, the figure of 2.6 persons per household from the 1990 census shall be used.

**F. ENVIRONMENTAL ANALYSIS.**

1. The planning board shall have the authority to require the applicant to prepare an environmental analysis (EA) to assess the potential short-term and long-term effects of the proposed subdivision or land development project under the following condition:
  - a. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project will have a significant negative environmental impact on natural systems located on the property that is the subject of the application, or upon nearby properties or natural systems.
  - b. Reserved.
2. The board shall make findings of fact in writing and shall identify the environmental resources it finds to be potentially threatened. The board's findings shall be made a part of the record of the application.

3. An EA required under this section shall include research and documentation describing and assessing short-term and long-term environmental impacts which may include, but not be limited to, impacts upon:

-freshwater wetlands	-traffic
-coastal features	-soils
-noise and air quality	-vegetation
-solid waste generation	-wildlife
- historic/archaeologic areas	-groundwater
-natural heritage areas	

4. If an EA is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the master plan stage for a major subdivision and shall be advised at that meeting as to the specific information that the EA must contain.
5. For any subdivision or land development project for which an EA is required, the board shall have the authority to impose conditions on approval that, based on the findings and analysis of the EA, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.
6. Environmental analyses may be referred to the conservation commission for their review and comment.

**SECTION IV. SPECIAL REQUIREMENTS**

**A. RESIDENTIAL CLUSTER DEVELOPMENTS.**

1. *Definition and purpose.* A residential cluster development is a parcel of land on which single-family dwellings are grouped or otherwise located on smaller lots and with lesser dimensional requirements as permitted in the Town of Narragansett zoning ordinance; provided, however, the overall density of dwelling units per acre for the parcel to be developed shall be no greater than that specified in the Town of Narragansett zoning ordinance. The undeveloped open space areas created by grouping dwellings on smaller lots shall be set aside for uses that preserve the character of the land such as recreation, conservation, agricultural uses and for the preservation of valuable or sensitive environmental and/or historic features or structures. The overall residential density on the parcel shall not exceed that permitted in the zoning district, unless otherwise specifically provided by the Town of Narragansett zoning ordinance. Residential cluster developments are intended to promote the health, safety and welfare of the residents of the Town of Narragansett by encouraging harmonious, efficient and convenient living environments; increasing housing opportunities by increasing variety in residential housing types, density and design; facilitating the economical and efficient provision of community services, recreational facilities and open space; preserving features and sites having natural, ecological, historical, agricultural, scenic or other values and encouraging innovative design.

Residential cluster developments are to be required for all minor and major subdivisions by the planning board unless a subdivider can demonstrate to the board, at the preapplication meeting that a conventional development would be a better use of the land and more appropriate to the community than a cluster subdivision designed under these regulations. To this end the planning board shall require that the subdivider provide a “yield” plan for developing the parcel as a conventional subdivision as well as a cluster subdivision layout and supply such other documents and studies as may be deemed necessary by the board. Plans shall be schematic in nature. As part of the preapplication process, the planning board may determine that the cluster design is inappropriate and require that the applicant proceed with a conventional design for the parcel, or the board may require that the applicant proceed with a cluster design based upon the board's design suggestions.

2. *Uses, lot area and dimensional regulations.* The permitted uses, minimum lots sizes and dimensional regulations applicable to residential cluster developments under this section shall be those provided in the Town of Narragansett zoning ordinance.
3. *Density calculation.* The maximum number of dwelling units in a residential cluster development shall be determined by the following method:

- a. Land unsuitable for development as defined in section III.D. of these regulations, and an additional 15 percent of the total land area of the property (as an allowance for streets and easements) shall be subtracted from the total acreage of the parcel.
  - b. The remaining acreage of the parcel shall be divided by the square feet of the minimum lot size within the zoning district in which the residential cluster will be located, as provided in the Town of Narragansett zoning ordinance.
  - c. The resulting figure is the maximum number of dwelling units permitted. Fractions shall be rounded downward to the next whole number. In no case will more dwelling units be permitted than would otherwise be permitted in a conventional subdivision of the same parcel.
4. *General requirements for residential cluster developments.*
- a. Arrangement of building lots: The arrangement of residential lots, improvements and open space shall conform to the policies of the Narragansett comprehensive plan and the natural characteristics of the parcel; the location of any existing features or structures on the parcel that have ecological, historic, scenic, or cultural value; and the characteristics and uses of adjacent parcels.
  - b. Location of lots: Housing lots shall be located on portions of the property where soils and other natural features of the land are suitable for construction of septic systems and/or wells.
  - c. Open space and open space use: The open space shall be established as a lot or lots separate and distinct from residential lots or lots for accessory uses and street rights-of-way. The minimum required open space area shall be 25 percent of the gross area of the residential cluster development parcel. A minimum of 50 percent of the open space shall be lands other than those deemed unsuitable for development. (See section III.D.) Open space areas established under this section may at the discretion of the Planning Board be considered appropriate locations for drainage facilities required for a residential cluster development based upon findings of a resource analysis of the open space areas. The use of open space on the parcel shall be compatible with the natural characteristics of the parcel and the uses of property in the surrounding area or district. When assessing the appropriateness of the proposed use of the open space, the planning board shall consider the following factors:
    - i. The anticipated impact upon the natural environment;
    - ii. The impact the use could reasonably be expected to have on surrounding areas including, but not limited to, traffic generation;

- iii. Existing unique ecological and/or historical features of the land proposed for the open space; and
- iv. The extent of proposed alterations to the natural environment, including the existing topography of the open space.

The planning board may deny a project design for open space if it should find that such project use of the open space will have a negative impact upon any of the factors listed above.

- d. Open space ownership: The open space provided within a residential cluster development shall either be conveyed to the Town of Narragansett and accepted by the town as a natural resources area, park, open space, agricultural, or other specified use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is conservation of open space, or be conveyed to a corporation or trust owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case where land is not conveyed to the town, a restriction enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway.
- e. Perimeter buffers: The planning board may require a buffer area between development within the parcel and adjoining property or uses. Such perimeter buffer area shall be no smaller than the appropriate setback requirements required for zoning district in which the residential cluster is located.
- f. To preserve farmland and encourage the continuation of agricultural uses, any parcel of land in use as farmland, whether as an active woodlot, farm field, or classified by the Rhode Island Soil Conservation Services as prime farmland or farmland of statewide importance shall be included in the design of a residential cluster development in such a way as to preserve such land to the maximum extent possible. Such preservation shall include providing for agricultural parcels to be retained as farmable units of contiguous acreage.
- g. The planning board shall specifically authorize plans for the use of all open space areas within a residential cluster development. Areas proposed to fulfill the minimum open space requirement within a residential cluster development shall not be excavated or regraded, nor shall any disturbance be made to the natural contours of the land, nor shall any existing natural vegetation be removed or any natural or manmade features altered in any way except as is needed for

recreation or conservation purposes or for forestry or wildlife habitat as specifically authorized by the planning board.

- h. Utilities, streets, circulation systems including sidewalks, walkways, bike paths, trails and bridle paths, if appropriate, shall be constructed according to applicable specifications approved by the planning board and/or contained in section XIII of these regulations.
- i. Drainage facilities shall be designed in accord with section XIII of these regulations. Such facilities shall be located in areas other than those meeting the minimum open space requirements.
- j. All streets, pathways, utilities, and drainage systems may be bonded pursuant to section XIII of these regulations.

**B. COMPREHENSIVE PERMIT APPLICATIONS FOR AFFORDABLE HOUSING**

Any applicant proposing to build low- or moderate-income housing may submit to the town a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure, as authorized in Section 7.A of the Narragansett Zoning ordinance, is only available for proposals in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing.

The procedure for approval of a comprehensive permit shall consist of pre-application, preliminary plan and final plan. The application and review process for a comprehensive permit shall be as follows:

- 1. Pre-application conference. Applicants proposing a project under this section must have a pre-application conference with the planning board. In advance of the pre-application conference, the applicant shall submit a short description of the project in writing including the number of units, type of housing, density analysis, preliminary list of adjustments needed, as well as a location map and conceptual site plan. The purpose of the pre-application conference shall be to review a concept plan of the proposed development and to elicit feedback from the reviewing person or board. Upon receipt of a request by an applicant for a pre-application conference, the municipality shall have thirty (30) days to schedule and hold the pre-application conference, unless a different timeframe is agreed to by the applicant in writing. If thirty (30) days has elapsed from the filing of the pre-application submission and no pre-application conference has taken place, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for preliminary plan review for a comprehensive permit.
- 2. Preliminary plan review.
  - a. Submission requirements. Applications for preliminary plan review of a comprehensive permit meeting the definition as set forth shall include:
    - i. A letter of eligibility issued by the Rhode Island housing and mortgage finance corporation, or in the case of projects

- primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agencies, an award letter indicating the subsidy, or application in such form as may be prescribed for a municipal government subsidy; and
- ii. A letter signed by the authorized representative of the applicant, setting forth the specific sections and provisions of applicable local ordinances and regulations from which the applicant is seeking adjustments; and
  - iii. A proposed timetable for the commencement of construction and completion of the project; and
  - iv. Those items required under Narragansett Subdivision and Land Development Regulations 1995 as amended with the exception of evidence of state or federal permits; and included in the checklist for the preliminary plan review; and
  - v. Notwithstanding the submission requirements set forth above, the planning board may request additional, reasonable documentation throughout the public hearing, including, but not limited to, opinions of experts, credible evidence of application for necessary federal and/or state permits, statements and advice from other local boards and officials.
- b. Certification of completeness. The preliminary plan application must be certified complete or incomplete by the administrative officer according to the provisions of RIGL § 45-23-36; provided, however, that the certificate shall be granted within twenty-five (25) days of submission of the application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- c. Review of applications. An application filed in accordance with this chapter shall be reviewed in accordance with the following provisions:
- i. Public hearing. A public hearing shall be noticed and held as soon as practicable after the issuance of a certificate of completeness.
  - ii. Notice. Public notice for the public hearing will be the same

notice required under local regulations for a public hearing for a preliminary plan promulgated in accordance with § 45-23-42. The cost of notice shall be paid by the applicant.

- iii. Timeframe for review. The planning board shall render a decision on the preliminary plan application within ninety (90) days of the date the application is certified complete, or within a further amount of time that may be consented to by the applicant through the submission of a written consent.
- iv. Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant. Further, if the public hearing is not convened or a decision is not rendered within the time allowed in subsection B2ciii of this section, the application is deemed to have been allowed and the preliminary plan approval shall be issued immediately.
- v. Required findings for approval. In approving an application, the planning board shall make positive findings, supported by legally competent evidence on the record that discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:
  - (1) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
  - (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.
  - (3) All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

- (4) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
  - (5) All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street in accordance with the requirements of RIGL § 45-23-60(5).
  - (6) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.
- vi. Required findings for denial. In reviewing the comprehensive permit request, the planning board may deny the request for any of the following reasons:
- (1) If the city or town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the planning board also finds that the municipality has made significant progress in implementing that housing plan;
  - (2) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
  - (3) The proposal is not in conformance with the comprehensive plan;
  - (4) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units provided that, the planning board also finds that the community has achieved or has made significant progress towards meeting the goals required by this section; or

- (5) Concerns for the environment and the health and safety of current residents have not been adequately addressed.
    - vii. Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all ordinance provisions and regulations at the time of the approval, general and specific conditions shown on the approved preliminary plan drawings and supporting material.
3. Final plan review. The second and final stage of review for the comprehensive permit project shall be done administratively, unless an applicant has requested and been granted any waivers from the submission of checklist items for preliminary plan review, and then, at the planning board's discretion, it may vote to require the applicant to return for final plan review and approval.
  - a. Submission requirements. Applications for final plan review under this section shall include:
    - i. All required state and federal permits must be obtained prior to the final plan approval or the issuance of a building permit; and
    - ii. A draft monitoring agreement which identifies an approved entity that will monitor the long-term affordability of the low- and moderate-income units pursuant to RIGL § 45-53-3.2; and
    - iii. A sample land lease or deed restriction with affordability liens that will restrict use as low- and moderate-income housing in conformance with the guidelines of the agency providing the subsidy for the low- and moderate-income housing, for a period of up to 99 years, but for a period of not less than thirty (30) years; and
    - iv. Those items required by the checklist for final plan review including, but not limited to:
      - (1) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees; and
      - (2) Certification by the tax collector that all property taxes are current; and

- (3) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.
- b. Certification of completeness. The final plan application must be certified complete or incomplete by the administrative officer according to the provisions of RIGL § 45-23-36; provided however, that, the certificate shall be granted within twenty-five (25) days of submission of the application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- c. Review of applications.
  - i. Timeframe for review. The administrative officer or planning board as appropriate shall render a decision on the final plan application within forty-five (45) days of the date the application is certified complete.
  - ii. Modifications and changes to plans:
    - (1) Minor changes to the plans approved at preliminary plan may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change.

Minor changes that may be approved administratively are:

      - a. Relocation of lot lines which do not result in need for an adjustment.
      - b. Re-configuration of lots that does not result in additional units, driveways, or reduction in

- area of any lot that would require an adjustment.
  - c. Re-orientation of roadway or driveway alignment that does not result in need for an adjustment of any lot or unit.
  - d. Re-configuration of open space, landscaping, buffering lighting, signage, or other ancillary features that does not result in need for an adjustment of any lot or unit or reduce buffering to neighboring properties.
  - e. Reconfiguration of drainage facilities that does not reduce their capacity or result in location in closer proximity to neighboring developed lots.
  - f. Relocation of easements for installation of water or sewer or other utility lines or related facilities that does not require a reduction in perimeter landscaping or buffering to neighboring developed properties.
- (2) Major changes to the plans approved at preliminary plan may be approved only by the planning board and must follow the same review and public hearing process required for approval of preliminary plans as described in subsection 2. of this section. Major changes shall be defined as any change that does not qualify as a minor change as defined in Subsection B.3.c.ii.1. above.
- (3) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer is referring the application to the local review board under this subsection.
- iii. Decision on final plan. An application filed in accordance with this Section shall be approved by the administrative officer unless such application does not satisfy conditions set forth in the preliminary plan approval decision or such application does not have the requisite state and/or federal approvals or other required submissions, does not post the required improvement bonds, or such application is a major modification of the plans approved at preliminary plan.
  - iv. Failure to act. Failure of the reviewing authority to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure

to act within the required time and the resulting approval shall be issued on request of the applicant.

- v. Vesting. The approved final plan is vested for a period of two (2) years with the right to extend for one one-year extension upon written request by the applicant, who must appear before the planning board for the extension request. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board.
- d. Infeasibility of conditions of approval. The burden is on the applicant to show, by competent evidence before the planning board, that proposed conditions of approval are infeasible, as defined in RIGL § 45-53-3. Upon request, the applicant shall be provided a reasonable opportunity to respond to such proposed conditions prior to a final vote on the application.
- e. Fees. The town may impose fees on comprehensive permit applications that are consistent with but do not exceed fees that would otherwise be assessed for a project of the same scope and type, but not proceeding under this Section; provided, however, the imposition of such fees shall not preclude a showing by an applicant that the fees make the project financially infeasible. Application fees shall be as required in Section XI below; provided however, that the administrative officer shall be authorized to waive said fees if the development proposal (or the residential component of a mixed-use development) will result in the majority of residential units being deed restricted for sale or rental to low- or moderate-income households at 80% of area median income or below.
- f. Recording of written decisions. All written decisions on applications under this Section shall be recorded in the land evidence records within twenty (20) days after the planning board's vote or the administrative officer's decision, as applicable. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the administrative officer.
- g. Planning board powers. The planning board has the same power to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including, but not limited to, the power to attach to the permit or approval, conditions, and requirements with respect to height, site plan, size or shape, or building materials, as are consistent with the terms of this section.
- h. Majority vote required. All local review board decisions on comprehensive permits shall be by majority vote of the members present at the proceeding; provided that, there is at least a quorum

of the local review board present and voting at the proceeding.

- i. Construction timetable. A comprehensive permit shall expire unless construction is started within twelve (12) months and completed within sixty (60) months of the recording of the final plan approval unless a longer and/or phased period for development is agreed to by the planning board and the applicant. Low- and moderate-income housing units shall be built and occupied prior to, or simultaneous with the construction and occupancy of market rate units.
- j. For-profit developers -- Limits. The town, by council action, can limit the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of one percent (1%) of the total number of year-round housing units in the town, as recognized in the affordable housing plan and notwithstanding the timetables set forth elsewhere in this section, the planning board has the authority to consider comprehensive permit applications from for-profit developers, which are made pursuant to this paragraph, sequentially in the order in which they are submitted.
- k. Remanded applications. Notwithstanding the provisions of RIGL § 45-53-4 in effect on February 13, 2004, a planning board shall commence hearings within thirty (30) days of receiving an application remanded by the state housing appeals board or superior court, as applicable. In the event of more than one remanded application, applications may be scheduled for hearing in the order in which they were received, and may be taken up sequentially, with the thirty-day (30) requirement for the initiation of hearings, commencing upon the decision of the earlier filed application.

**C. MINOR SUBDIVISION INVOLVING NO STREET CREATION OR EXTENSION.**

Any subdivision of a parcel of land into at least two, but no more than nine (9) lots for the purpose of development, all of which have frontage on an improved public street, which meet all applicable area and dimensional requirements of the zoning ordinance, but which do not require the extension or creation of a street, shall be considered to be a minor subdivision and shall be reviewed according to the applicable provisions of section VC1CD., and subsections C.1 or C.2. of this section below. Subdivisions described above which create more than nine (9) lots for the purpose of development shall be considered to be a major subdivision and shall be reviewed according to the provisions of section V.C.1d.

1. *Minor subdivisions involving the creation of two lots.* Minor subdivisions described above involving the creation of no more than two lots (one original lot plus one new lot) shall first be reviewed by the administrative officer in accordance with the procedure established in section V.C.1.c. The applicant shall be required to submit to the administrative officer all plans and supporting materials as required by the preliminary plat checklist for minor subdivisions (see section XV). If the administrative officer

determines that the parcel being subdivided has the potential under the existing applicable zoning regulations to be developed for no more than two lots (one original lot plus one new lot) the application shall be forwarded to the planning board with a recommendation for preliminary approval without further review as provided in section V.C.1.c.; provided, however, that the administrative officer, in forwarding the application to the planning board, may also recommend conditions for approval as provided in item C.b. of this section entitled "Lot Development Standards," below. Any further subdivision of either of the two lots created hereunder at any time after the effective date of these regulations, whether immediate or future, shall be considered to be a minor subdivision of one or more lots or a major subdivision; and shall be reviewed under the applicable provisions of these regulations.

- a. *Criteria for review.* The following criteria shall be used by the planning board in their review of any two-lot minor subdivision:
  - i. *Potential for further subdivision.* The planning board shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the planning board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the lot development standards provided in item C1b below as necessary to mitigate such impacts.
  - ii. *Adequacy of the street on which the proposed lots front.*
    - (1) The lots must be provided with access to a public street which is adequate for access for vehicular traffic; and
  - iii. *Adequacy of the access from the lots onto the street.*
    - (1) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and
    - (2) Unless otherwise approved by the planning board, the lots must be physically accessible from the street upon which it fronts i.e.; they cannot be isolated by topographic or natural features which prevent adequate physical access from the street.
  - iv. *Relationship to scenic highways.* Adequate provision shall be made to preserve scenic values along the road frontage of state and locally designated scenic highways in accordance with standards adopted by the state scenic highway board pursuant to G.L. 1956, § 24-15-9.

- v. *Conformity to zoning.* The proposed lots must be in conformity with all applicable zoning ordinance requirements.
  - vi. *Conformity with the comprehensive plan.* The proposed lots shall be in conformity with the town's comprehensive community plan with regard to:
    - (1) Discouraging the development of residential lots having direct frontage on major streets;
    - (2) Establishing a functional classification of roads which encourages residences to take access from local roads; and
    - (3) Preserving visual quality and rural character along streets.
  - vii. *Relationship to adjacent or nearby uses.* The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.
- b. *Lot development standards.* Standards which may be imposed by the planning board on any two-lot minor subdivision as a condition of approval may include the following:
- i. The location of the proposed access driveway along the road frontage may be modified or relocated;
  - ii. The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
  - iii. Driveways of adjacent lots, or groups of contiguous lots, may be combined, and the use of common driveways may be required, where feasible;
  - iv. Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;
  - v. Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or
  - vi. Provisions may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.
2. *Minor subdivisions involving the creation of three to nine (9), lots.* Minor subdivisions described in item C. above involving the creation of 3, to 9 lots for the purpose of development shall first be reviewed by the administrative officer in accordance with the procedure established in section V.C.1.c. The applicant shall be required to submit to the administrative officer all plans

and supporting materials as required by the preliminary plat checklist for minor subdivisions (see section XV). Any further subdivision of any lot(s) at any time after the effective date of these regulations, whether immediate or future, so as to create a total of ten (10) lots or more from the original lot, after the effective date of adoption of these regulations, shall be considered to be a major subdivision and shall be reviewed under the provision of section V.C.1.d.4.

- a. *Criteria for review.* In their review of any three-to-nine (9) lot minor subdivision, the planning board shall use the same criteria for review of a two-lot minor subdivision involving no street creation or extension, as provided in item 1.a., entitled "Criteria for Review," above. In addition, the planning board may also consider the following:
  - i. *Preservation of agricultural land.* The preservation of land in agricultural uses which contains prime farmland or farmland of statewide importance soils shall be maximized wherever possible by means of clustering lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.
  - ii. *Feasibility of internal access streets.* Wherever possible and practical, the lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector street. In such cases, the planning board shall require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as a three-to-nine (9) lot minor subdivision with an internal street, a residential cluster development or a conventional subdivision. If the planning board determines that such development is feasible and practical, the creation of frontage lots shall be prohibited, and the applicant shall be required to develop the property in an alternative fashion.
- b. *Lot development standards.* If the creation of three to nine frontage lots is not prohibited under the provisions of 2.a. above, the planning board shall review the proposed frontage lots as a three- to nine -lot minor subdivision. Standards which may be imposed by the planning board as a condition of approval of any three- to-nine-lot minor subdivision involving no street creation or extension may include the following:
  - i. Any of the standards for the development of a two-lot minor subdivision as provided in item 1.b.i.-vi. above, plus any of the following:

- ii. Improvements to the street on which the proposed lot(s) front(s) may be required in order to provide safe vehicular access; provided, however, that the standards for construction or upgrading of any such access street(s) shall not exceed those standards required by section XIII of these subdivision regulations for construction of streets in minor subdivisions.
- iii. Provisions shall be made for construction of a private street to provide vehicular access to multiple frontage lots from a common access point (or points) onto the public street on which the lots front. Minimum standards for the design and construction of such private street may be imposed by the planning board in order to provide safe vehicular access; provided, however, that such standards shall not exceed those standards required by section XIII of these regulations for construction of streets in minor subdivisions.
- iv. Easements may be required to be granted to the town to prohibit individual driveway access from lots onto frontage streets, if adequate provision is made for access from individual lots to service roads required in item iii. above.
- v. Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the planning board. Such provisions may include the following:
  - (1) Preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;
  - (2) Reservation of land or easements to provide for future access from access streets to contiguous land; and/or
  - (3) Temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future streets in subdivision of contiguous land.

**D. MINOR SUBDIVISIONS INVOLVING STREET CREATION OR EXTENSION.**

Any subdivision of a parcel of land into at least two, but no more than nine, lots for the purpose of development, and which requires the creation or extension of a public or private street, shall be considered a minor subdivision and shall be reviewed by the planning board in accordance with the procedures set forth in section V.C.c. Standards for the design and required improvements of such minor subdivisions shall be as follows:

- 1. *Creation or extension of a public street.* Any minor subdivision which proposes the creation or extension of a public street shall be required to meet

the design improvement standards for public streets as provided in section XIII.

2. *Creation or extension of a private street.*
  - a. Minor subdivisions which create private streets shall be permitted in all zoning districts. The planning board shall determine whether or not to allow the creation of private streets on a case-by-case basis.
  - b. Reserved.
  - c. Land being subdivided pursuant to this subsection D.2. shall have frontage on a street which has been officially accepted for ownership and maintenance by the Town of Narragansett or the State of Rhode Island.
  - d. Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of the zoning ordinance. The area of the private street shall not be included in the calculation of the minimum required area of any lot.
  - e. As a condition of final approval, the subdivider shall be required to record a covenant, binding on his successors and assigns, that the Town of Narragansett shall not be asked or required to accept or maintain any private street, unless the owners, at their own expense, improve said private street according to town design standards in force at the time. If accepted and maintained by the town, such private street shall become a public street.
  - f. The option of land dedication in lieu of fees, as provided by section III, item E. of these regulations shall not be available to minor subdivisions created pursuant to this subsection D.2. The subdivider shall be required to pay a fee in lieu of land dedication.
  - g. Street design and improvement standards shall be as provided in section XIII for local streets in minor subdivisions. Where common driveways are required for two-lot minor subdivisions, there are no minimum improvement standards for the driveway established in these regulations; provided, however, that the planning board may prohibit individual driveway access onto the public street and require that a 20-foot wide right-of-way or access easement for a common driveway be created. The planning board shall require, however, documentation that access and maintenance shall be provided.

In minor subdivisions of three to nine lots, the board may require a street right-of-way width of up to 50 feet if it is determined by the board that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

**E. Land development projects. (Reserved.)**

**F. DEVELOPMENT PLAN REVIEW**

1. *Applicability.* The following categories of projects shall be subject to the provisions of this chapter:
  - a. A change in use at the property where no extensive construction of improvements is sought.
  - b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
  - c. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
  - d. Development in a designated urban or growth center.
  - e. Institutional development design review for educational or hospital facilities.
  - f. Development in a historic district.
2. *Permitting authority.* The administrative officer shall approve administrative projects submitted, and the planning board shall approve formal projects as described herein.
3. *Development plan review consists of two review processes, administrative and formal.*
  - a. *Administrative development plan review consists of one stage of review and the authorized permitting authority is the administrative officer. Administrative DPR does not qualify for unified development review. The following activities are subject to administrative development plan review:*
    - i. A change in use at the property where no extensive construction of improvements is sought which is allowed under the current use zoning for that site.
    - ii. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought and is limited to a single use or category of uses allowed under current use zoning for that site.
    - iii. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units and associated accessory uses allowed under current use zoning for that site.
    - iv. Development in a designated urban or growth center which is allowed under the current use zoning for that site.
    - v. Institutional development design review for educational or hospital facilities which is allowed under the current use zoning for that site..

- vi. Development in a historic district which is allowed under the current use zoning for that site.
- b. Formal development plan review consists of the preliminary stage and final stage of review. The authorized permitting authority is the planning board. The following activities are subject to formal development plan review:
- i. A change in use at the property where no extensive construction of improvements is sought, and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.
  - ii. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.
  - iii. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.
  - iv. Development in a designated urban or growth center and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.
  - v. Institutional development design review for educational or hospital facilities and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.
  - vi. Development in a historic district and involves a mixture of uses which may or may not be allowed under current use zoning for that site. In cases where zoning relief is required

the planning board shall review the request under Unified Development Review regulations as regulated in sub-section G of this chapter.

- c. The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer.
- d. Waivers
  - i. Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
  - ii. The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.
  - iii. The permitting authority may grant waivers of design standards. Waivers may include:
    - (1) Waiver of drainage calculations and mitigation plan where it can be shown that impervious surfaces of the site will not increase, and existing drainage conditions are compliant with town regulations.
    - (2) Waiver of traffic analysis or parking analysis where it can be shown that the proposed development will generate no more average daily traffic, traffic at peak hour and not increase parking demand above the previous use.
    - (3) Waiver of professional landscaping plan submittal where little alteration of natural or existing vegetation will occur and/or where a generalized plan will suffice.
    - (4) Waiver of signage, lighting, and fencing/buffering plan where no alteration is proposed or required by the new development.

4. Application requesting relief from the zoning ordinance.

- a. Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a

request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in Section 11.7 of the Narragansett Zoning Ordinance, such application shall proceed under unified development review and be reviewed by the planning board.

b. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development review, and a request for review shall accompany the preliminary plan application.

i. Submission requirements.

(1) Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officer the items required by the checklist for Development Plan Review and an application signed by the property owner with appropriate application fee.

(2) Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits or use variances related to projects qualifying for development plan review shall be submitted and reviewed under unified development review.

ii. Certification.

(1) The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.

(2) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

- (3) If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- iii. Application review and decision
  - (1) Administrative development plan review. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.
  - (2) Formal development plan review.
    - a) Preliminary plan. Unless the application is reviewed under unified development review, the planning board will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
    - b) Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the planning board at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- iv. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
- v. Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative

officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

vi. Modifications and changes to plans.

(1) Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without an additional planning board meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the [permitting authority]. Minor changes shall include:

- a) Relocation of structures that do not affect the circulation pattern, drainage facilities landscaping and buffering treatments.
- b) Re-design of structures that does not increase the number or residential dwelling units or increase the commercial gross floor area by more than 1,000 square feet/structure.
- c) Redesign of structures that changes architectural features but does not increase height, footprint, or gross floor area.
- d) Re-design of circulation pattern or parking facilities that does not reduce the number of spaces or introduce any new traffic regulatory devices such as signals or stop signs.
- e) Relocation or redesign of loading zones to an area as far or further from residential areas (onsite or offsite) or that enhances the visual buffering from those areas.

(2) Denial of the proposed minor change(s) shall be referred to the planning board for review as a major change.

(3) Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. Major changes shall include:

- a) Any site design change that does not qualify as a minor change.
- (4) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.
- vii. Appeal. A decision under this section shall be considered an appealable decision.
- viii. Design Standards. Standards for design of development for applications subject to development plan review are provided in Section 17.3 of the Narragansett Zoning Ordinance

**G. UNIFIED DEVELOPMENT REVIEW**

- 1. An applicant shall apply for UDR by filing with the Planning Board's administrative officer an application for a dimensional variance along with an application for a minor land-development or minor subdivision project or development plan review as part of the application materials for the preliminary plan stage of review. The administrative officer shall review the UDR application for completeness and for compliance with this section. The time period for the administrative officer to certify as complete or incomplete a UDR application shall be the same as the time period for certifying the accompanying application for a minor land development/subdivision project. The administrative officer's decision on a UDR application is appealable in the same manner as an appeal from any other decision of the administrative officer application.
  - a. Review of projects submitted under this section shall adhere to the procedures, timeframes, and standards of the underlying category of the project as listed in Section III but shall also include the following procedures:
    - i. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meet the requirements of subsection v. of this section shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary

plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.

- ii. Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development plan review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection v. of this section shall be held prior to consideration of the preliminary plan by the planning board; see RIGL §45-23-50(d)(1)(ii). The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.
- iii. Major subdivisions and land-development projects.
  - (1) Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection v. of this section, shall be held prior to consideration of the master plan by the [planning board]. The planning board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
  - (2) Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request

alteration of any variance(s) and/or special-use permit(s) granted by the planning board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection v. of this section, shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by Section V.C.1.d.v.5. so that additional information can be provided and reviewed by the planning board.

- iv. Decision. The time periods by which the planning board must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.
- v. Unless otherwise provided in this chapter all development plan review applications, and subdivision or land development applications that include requests for variances and/or special use permits shall require a single public hearing, The public hearing must meet the following requirements:

- (1) Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
  - (2) The notice area for notice of the public hearing shall be 500 feet and notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if:
    - (1) the notice area extends into the adjacent municipality; or
    - (2) the development site extends into the adjacent municipality; or
    - (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
  - (3) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
  - (4) The cost of all public notice is to be borne by the applicant.
- vi. The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the [planning board] must make a decision on the applicable review stage of the underlying type of project under review.
  - vii. The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
  - viii. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the planning board may be appealed pursuant to RIGL §45-23-71.

**SECTION V. PROCEDURE FOR REVIEW AND APPROVAL OF PLATS AND PLANS**

**A. GENERAL REQUIREMENTS.**

1. The planning board shall consider each application for subdivision approval according to the procedure set forth in this section, unless otherwise specifically provided.
2. An applicant for subdivision approval who wishes the planning board to take some official action on his or her application shall submit all of the materials required by the applicable item of section XV of these regulations (checklists) to the administrative officer. If the requested action is not applicable under any of the checklists provided in section XV, such as a request for an extension of an approval, the applicant shall submit a written request to the administrative officer describing the requested action to be taken by the planning board. The matter will be placed on the next available agenda of the planning board only if the administrative officer determines that all of the required material has been submitted and only after a certificate of completeness has been issued in accordance with the applicable provisions of these regulations.
3. Any submission of materials to the administrative officer shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. Upon receipt of any materials, the administrative officer shall stamp the date of receipt upon them.
4. If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a written notarized statement from the owner authorizing such application.

**B. CERTIFICATION OF A COMPLETE APPLICATION.**

1. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer. Certification of a complete application shall be made in writing by the administrative officer upon a form entitled "Certificate of Completeness." A copy of said certificate shall be provided to the applicant. In the event such certification of the application is not made within the time specified in these regulations for the type of plan being proposed, the application shall be deemed complete for purposes of commencing the review period, unless the application lacks information required for such applications as specified in section XV (checklists), and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.
2. Notwithstanding the paragraph above, the planning board may subsequently require the applicant to correct any information found to be in error and/or to submit additional information specified in the regulations but not

required by the administrative officer prior to certification, as is necessary to make an informed decision.

3. Where review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the planning board determines that the required application information is complete.
4. For the purposes of calculating mandatory review periods, as provided in these regulations, all days shall be considered to be calendar days.

**C. PROCEDURE FOR APPROVAL.**

1. The planning board shall consider applications for subdivision approval according to the following procedures:
  - a. *Preapplication meetings and concept review.*
    - i. An applicant wishing to obtain subdivision approval shall first contact the administrative officer to arrange a meeting with the department of community development and other town staff. At the staff meeting, the applicant and planning staff shall determine if a preapplication meeting with the planning board is required by these regulations or is desired by either the applicant or the town.
    - ii. If a preapplication meeting is required or requested, the applicant shall submit all the information required by the checklist for preapplication meetings and concept review in section XV. The planning staff will review and comment on the checklist information and, if determined to be complete, will schedule the application to appear before the planning board.
    - iii. If no preapplication meeting is required or requested, the applicant will be advised by the administrative officer as to the requirements of the subdivision regulations and the procedure to be followed by the applicant for subdivision approval.
    - iv. One or more preapplication meetings shall be held before the planning board for all major land development or subdivision applications. Preapplication meetings may be held for administrative subdivisions and minor land development and minor subdivision applications, upon request of either the town, acting through the planning department, or the applicant.

Preapplication meetings shall allow the applicant to meet with the planning board for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commission, planning staff and state

agencies shall be notified of the preapplication meetings and invited to provide comments on the proposed subdivision or land development plan.

- v. At the preapplication stage of an application, the applicant may request the planning board for an informal concept plan review for a development. The purpose of the concept plan review is also to provide the applicant with planning board input in the formative stages of subdivision and land development concept design.
- vi. Preapplication meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Preapplication meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the planning board regarding what form of land development may be appropriate to meet the goals and policies of the comprehensive plan with regard to preserving the character of the land, the natural environment and the ability of the town to provide essential services. Preapplication discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the planning board at the preapplication meeting.

b. *Administrative subdivision.*

- i. Any applicant requesting approval of a proposed administrative subdivision as herein defined shall submit to the administrative officer the items required by the checklist for administrative subdivisions in section XV.
- ii. The application shall be certified as complete or incomplete by the administrative officer within a 15-day period from the date of its submission according to the provisions of item B. of this section.
- iii. Within 15 days of certification of completeness, the administrative officer shall review the application and approve, deny, or refer it to the planning board with recommendations. The officer shall report its actions to the planning board at its next regular meeting, to be made part of the record. If no action is taken by the administrative officer within the 15-day mandatory review period, the application shall be placed on the agenda of the next regular planning board meeting.

- iv. If referred to the planning board, the board shall consider the application and the recommendations of the administrative officer and shall either approve, approve with conditions, or deny the application within 65 days of the certification of completeness. Failure of the planning board to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.
  - v. Denial of an application by the administrative officer shall not be appealable and shall require the plan to be submitted as a minor subdivision application.
  - vi. Approval of an administrative subdivision shall expire 90 days from the date of approval unless within such period of time a plat in conformity with such approval is submitted for signature and recording, as provided in section VI.
- c. *Minor land development and minor subdivision.*

Application types and review stages.

- i. Applications requesting relief from the zoning ordinance.
  - (1) Applications under this section which require relief which qualifies only as a modification under § 45-24-46 and local ordinances shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development plan review pursuant to § 45-23-50.1.
  - (2) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to § 45-23-50.1, and a request for review shall accompany the preliminary plan application.
  - (3) Any application involving a street creation or extension shall be reviewed by the planning board and require a public hearing.
- ii. Other applications.

The administrative officer shall review and grant, grant with conditions or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officer is authorized to grant the following waivers as part of the review:

- (1) Sidewalk requirement
- (2) Street Tree requirement
- (3) Street Lighting requirement
- (4) Open space or fee in lieu requirement
- (5) Monumentation requirement
- (6) Curbing requirement
- (7) Landscaping requirement.

iii. Review stages.

- (1) Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted, pursuant to the regulation's unified development review provisions, a public hearing is required before the planning board. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.
- (2) Submission requirements. Any applicant requesting approval of a proposed, minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the minor subdivision /land development plan checklist. Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special use permits related to minor subdivisions and/or minor land development projects that are submitted under a zoning ordinance's unified development review provisions shall be included as part of the preliminary plan application, pursuant to § 45 23 50.1(b).
- (3) Certification. The For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days or within fifteen (15)

days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. Such certification shall be made in accordance with the provisions of § 45-23-36(b). If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days according to the provisions of §45-23-36(b). The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

a) *Site visit.* Before the preliminary plan is approved, the planning board may schedule a site visit to the property proposed for development. In order to facilitate the site visit, the planning board may request identification, generally, of proposed roads, improvements, and site features.

(4) Decision on preliminary plan. If no street creation or extension is required, the planning board will approve, deny, or approve with conditions, the preliminary plan within sixty- five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the board, according to the requirements of §§ 45-23-60 and 45-23-63. If a street extension or creation is required, or the application is reviewed under the unified development plan review, the planning board will hold a public hearing prior to approval according to the requirements in § 45-23-42 and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board, according to the requirements of RIGL §§ 45-23-60 and 45-23-63.

- (5) Failure to act. Failure of the planning board or administrative officer to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval will be issued on request of the application.
- (6) Re-assignment to major review. The planning board may re-assign a proposed minor project to major review only when the planning board is unable to make the positive findings required in § 45-23-60.
- (7) Final plan. Final plans shall be reviewed and approved by the administrative officer. The officer will report its actions, in writing to the planning board at its next regular meeting, to be made part of the record. The administrative officer shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
- (8) Modifications and changes to plans.
  - a) Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.

Minor changes that may be approved administratively are:

- 1. Relocation of lot lines which do not result in need for an adjustment.
- 2. Re-configuration of lots that does not result in additional units, driveways, or reduction in area of any lot that would require an adjustment.

3. Re-orientation of roadway or driveway alignment that does not result in need for an adjustment of any lot or unit.
  4. Re-configuration of open space, landscaping, buffering lighting, signage, or other ancillary features that does not result in need for an adjustment of any lot or unit or reduce buffering to neighboring properties.
  5. Reconfiguration of drainage facilities that does not reduce their capacity or result in location in closer proximity to neighboring developed lots.
  6. Relocation of easements for installation of water or sewer or other utility lines or related facilities that does not require a reduction in perimeter landscaping or buffering to neighboring developed properties.
- b) Major changes to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes shall be defined as any change that does not qualify as a minor change as defined above.
  - c) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change.
  - d) Appeal. Decisions under this section shall be considered an appealable decision pursuant to § 45-23-71.
  - e) Expiration of approvals. Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature, and

recording as specified in Section VI below. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the planning board.

d. *Major land development and major subdivision.*

- i. *Preapplication.* Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these regulations, shall first submit to the administrative officer the plans and supporting materials provided in the preapplication checklist for major land development and major subdivision as provided in section XV. The procedure and criteria for preapplication meetings and concept review, as provided in item C.1.a. of this section, shall apply. At the conclusion of the preapplication meeting(s), the applicant may proceed to the master plan stage of review.
- ii. Stages of review. Major land development and major subdivision review consists of three stages of review, master plan, preliminary plan and final plan, following the pre-application meeting(s). Also required is a public hearing at the master plan stage of review or, if combined at the first stage of review.
- iii. The administrative officer may combine review stages and to modify, but only the planning board may waive submission requirements as specified in Section VIII [see § 45-23-62]. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the planning board has waived any submission requirements not included by the applicant.
- iv. Master plan review.
  - (1) Submission requirements.
    - a) The applicant shall first submit to the administrative officer the items required by the checklist for master plans.
    - b) Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the

freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the checklist.

(2) Initial comments will be solicited from:

- a) Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the conservation and recreation commissions;
- b) Adjacent communities;
- c) State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and
- d) Federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

(3) Applications requesting relief from the zoning ordinance.

- a) Applications under this chapter which require relief which qualifies only as a modification under Section 11.7 of the Zoning ordinance; [see § 45-24-46] shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in Section 11.7.3 (d) of the Zoning ordinance, such application shall proceed under unified development plan review pursuant to Section IV G. above.
- b) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning

board under unified development plan review pursuant to Section IV (G) above.

- (4) Certification. The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission, according to the provisions of RIGL § 45-23-36(b), so long as a completed checklist of requirements are provided with the submission. 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 administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- (5) Public hearing.
  - a) A public hearing shall be held prior to the planning board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.
  - b) Notice for the public hearing. Where a public hearing is required pursuant to the Regulations, the following requirements shall apply.
  - c) Notice requirements. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation within the municipality following the municipality's usual and customary practices for this kind of advertising. The same notice shall be posted in the town clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail of the time and place of the hearing not less than ten (10) days prior

to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.

- d) Notice area.
    - 1. The distance(s) for notice of the public hearing shall be 500 feet from project site.
    - 2. Watersheds. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
    - 3. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.
    - 4. Notice cost. The cost of all newspaper and mailing notices shall be borne by the applicant.
  - e) At the public hearing, the applicant will present the proposed development project. The planning [board or commission] must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.
- (6) Decision. The planning board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written

waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of RIGL §§ 45-23-60 and 45-23-63.

(7) Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval will be issued on request of the applicant.

(8) Vesting.

a) The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning [board or commission] for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the planning [board or commission]. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.

b) The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.

v. Preliminary plan review.

(1) Submission requirements.

a) The applicant shall first submit to the administrative officer the items required by the major plan or plat checklist for preliminary plans as [See Section XV below].

b) Requirements for the preliminary plan and supporting materials for this phase of the review include but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a

perimeter survey, as included on the checklist.

- c) At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the town engineer, the town solicitor, other local government departments, commissions, or authorities as appropriate.
  - d) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements, and rights-of-way.
  - e) Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.
  - f) If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to RIGL § 45-23-50.1.
- (2) Certification. The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. 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 administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

- (3) Public notice. Prior to the first planning board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.
- (4) Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at preliminary plan approval.
- (5) Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied, in accordance with the requirements of RIGL §§ 45-23-60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.
- (6) Failure to act. Failure of the [planning board] to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning [board or commission] to act within the required time and the resulting approval shall be issued on request of the applicant.
- (7) Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning [board or commission] for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the [planning board]. The vesting for the preliminary

plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

vi. Final plan.

(1) Submission requirements.

- a) The applicant shall submit to the administrative officer the items required by the checklist for the final plan, as well as all material required by the planning board when the application was given preliminary approval.
- b) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- c) Certification by the tax collector that all property taxes are current.
- d) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(2) Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the planning [board or commission], the final plan shall be considered approved.

- (3) Decision. The administrative officer, or, if referred to it, the planning [board or commission], shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve or deny the final plan as submitted.
- (4) Failure to act. Failure of the administrative officer or, if referred to it, the [planning board]<sup>1</sup> to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure of the to act within the required time and the resulting approval shall be issued on request of the applicant.
- (5) Expiration of approval. The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the [planning board] for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording. Thereafter, the [planning board] may, for good cause shown, extend the period for recording.
- (6) Acceptance of public improvements. Signature and recording constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the Town accepts the completed public improvements as constructed in compliance with the final plans.
- (7) Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved, or a new plan is approved by the [planning board].
- (8) Modifications and changes to plans.

- a) Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change. Minor changes include the following:
1. Relocation of lot lines which do not result in need for an adjustment.
  2. Re-configuration of lots that does not result in additional units, driveways, or reduction in area of any lot that would require an adjustment.
  3. Re-orientation of roadway or driveway alignment that does not result in need for an adjustment of any lot or unit.
  4. Re-configuration of open space, landscaping, buffering lighting, signage, or other ancillary features that does not result in need for an adjustment of any lot or unit or reduce buffering to neighboring properties.
  5. Reconfiguration of drainage facilities that does not reduce their capacity or result in location in closer proximity to neighboring developed lots.
  6. Relocation of easements for installation of water or sewer or other utility lines or related facilities that does not require a reduction in perimeter landscaping or buffering to neighboring developed properties.
- b) Major changes to the plans approved at any stage may be approved only by the [planning

board] and must include a public hearing. Major changes include the following:

1. All changes not listed as a minor change above.

(9) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.

(10) Appeal. Decisions under this section shall be considered an appealable decision pursuant to RIGL § 45-23-71].

**D. PRECEDENCE OF APPROVALS BETWEEN PLANNING BOARD AND OTHER LOCAL PERMITTING AUTHORITIES.**

1. *Applications that do not qualify for Unified Development Review.*
  - a. Where an applicant requires both a variance from the zoning ordinance and planning board approval, and Unified Development Review is not authorized, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional zoning board relief, and then return to the planning board for subsequent required approval(s).
  - b. Where an applicant requires both a special use permit under the zoning ordinance and planning board approval, and Unified Development Review is not authorized the applicant shall first obtain an advisory recommendation from the planning board as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special use permit from the zoning board, and then return to the planning board for subsequent required approval(s).
2. *Town council.* Where an applicant requires both planning board approval and town council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the town council, and then return to the planning board for subsequent required approval(s).
3. *Applications that qualify for Unified Development Review.* Developments that qualify for unified development review shall not be required to the procedure in Sections 1a or 1b above. Qualifying projects shall be regulated by Section IV.G. herein.

**SECTION VI. RECORDING OF PLATS AND PLANS****A. SIGNING AND RECORDING OF PLATS AND PLANS.**

1. *Endorsement.* All approved final plans and plats for land development and subdivision projects shall be endorsed (signed) by the appropriate planning board or town official as an indication of final approval. Plats and plans for major land developments and major subdivisions, and for minor land developments and minor subdivisions shall be signed by the planning board chairperson, or in the absence of the chairperson, by the secretary of the planning board. Plats and plans for administrative subdivisions shall be signed by the administrative officer or his/her designee. All endorsements shall include the date of such endorsement. No endorsement of plans and plats shall be made until (a) the administrative officer has certified in writing that all of the required improvements have been made, or (b) the finance director has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of section VII.
2. *Recording.* Upon endorsement, all plans and plats shall be submitted to the administrative officer prior to recording and filing in the land evidence records of the town. The material to be recorded shall include all plat drawings and other pertinent information as indicated on the appropriate final plat checklist in section XV. A copy of the written decision of the board, signed by the appropriate planning board or town official, including all conditions of approval, shall also be recorded. No plans, plats or supporting materials shall be recorded until the administrative officer has certified, in writing, that all required fees have been paid. Other parts of the application record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, environmental impact statements, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the town departments responsible for implementation and enforcement. One copy shall be kept on file by the planning department. Construction drawings need not be recorded. However, a complete blue line or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval shall be filed with the administrative officer prior to recording of the plat. One copy of all construction drawings shall be kept by the department of public works. The administrative officer shall notify the local and statewide 911 emergency authorities and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

**B. CHANGES TO RECORDED PLATS AND PLANS.**

1. *General.* For all changes to the approved plans of land development projects or subdivisions subject to these regulations, an amendment of the final development plans shall be required prior to the issuance of any building permits for construction upon the subject property. Any changes approved to the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats and plans as provided in item A. of this section, above.
2. *Minor changes.* Minor changes to a land development or subdivision plan shall be approved administratively by the administrative officer. The administrative officer may, at his/her discretion, authorize such changes without review and approval of the planning board and without a public hearing thereon. All such changes shall be made a part of the permanent record of the project application. This provision shall not prohibit the administrative officer from requesting a recommendation from the planning board. Denial of the proposed change(s) by the administrative officer shall be referred to the planning board for review as a major change according to the procedure provided in section VI.B.3., below. Upon written authorization of the approval of a minor change by the administrative officer, the building official may issue a building permit for any proposed construction upon the subject property. For the purpose of these regulations, the term "minor changes" shall mean any change which, in the opinion of the administrative officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to, the following:
  - a. Amendments to utility plans which are acceptable to the town engineer or to the appropriate utility company;
  - b. Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of section V.C.1.b.;
  - c. Amendments to grading plans or drainage plans which acceptable to the town engineer and which do not require approval of any state or federal reviewing authorities;
  - d. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
  - e. Modifications to any construction plans for off-site improvements which are acceptable to the town engineer; or
  - f. Modifications which are required by outside permitting agencies such as, but not limited to, the RI Department of the Environment, the RI Coastal Resources Management Council, and the RI Department of Transportation.
3. *Major changes.* Major changes to a land development or subdivision plan may be approved only by the planning board. The procedure for approval

of any such major changes shall follow the same review and public hearing process as required for both preliminary approval to a major land development and major subdivision as provided in section V.C.1.d.iv.(5) and for final approvals as provided in this section. For the purpose of these regulations, the term "major changes" shall mean changes which, in the opinion of the administrative officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to, the following:

- a.** Changes which would have the effect of creating additional lots or dwelling units for development;
- b.** Changes which would be contrary to any applicable provision of the zoning ordinance or which require a variance or special use permit from the zoning board of review; or
- c.** Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.

**SECTION VII. GUARANTEES OF PUBLIC IMPROVEMENTS**

**A. DEFINITION AND PURPOSE.**

1. An improvement guarantee is a security instrument accepted by the town to ensure that all improvements, facilities, or work required by these regulations or as a condition of approval of a subdivision plan by the planning board will be completed in compliance with the approved plans and specifications.
2. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other nonstructural conditions of final plat approval (if any). The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the subdivider.

**B. GENERAL PROCEDURES.**

1. Before any land development or subdivision plan is endorsed by the planning board, and before the recording of any subdivision plats, the planning board shall be required to approve agreements for the completion of all required improvements. Such agreements may, at the option of the subdivider, take the form of:
  - a. completion of actual construction of all improvements;
  - b. improvement guarantees, or
  - c. a combination thereof.
2. At the preliminary plat review stage, the subdivider shall submit either of the following:
  - a. a letter to the planning board indicating his/her intent to complete the required improvements prior to the planning board's endorsement of the final plat; or
  - b. a letter requesting that security sufficient to cover the cost of required improvements be established by the board.
    - i. If improvements are to be constructed without a financial guarantee, all work shall be completed prior to endorsement and recording. Inspections shall be made by the town engineer at all required stages of construction as specified in section XIII. All construction shall be completed according to the procedures in section XIII. Upon completion of all required improvements, the administrative officer shall certify in writing of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate planning board or town official, and the plat shall be recorded as provided in section

VI, at which time the lots within the subdivision may be transferred or sold.

- ii. If improvements are to be guaranteed, the provisions of item C. of this section, below, shall apply.
- iii. Required improvements which are proposed to be privately owned and maintained, such as, but not limited to, streets, utilities, and drainage systems, shall be covered by an improvement guarantee if requested by the subdivider.

#### C. PROCEDURES FOR FINANCIAL GUARANTEES.

1. *Amount.* Improvement guarantees shall be in an amount and with all necessary conditions to secure for the town the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in section V. The amount shall be based upon actual cost estimates which would be required for the town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the town engineer and submitted to the administrative officer, who shall review the estimates, if requested, with the subdivider. If the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The planning board shall review and approve the final amount. The board may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed 120 percent of the estimated cost of improvements as recommended by the town engineer.

At the expiration of the final plan approval period, if all required improvements are not complete, the planning board shall review the status of improvements and may (1) require the subdivider to extend the duration of the entire improvement guarantee; (2) reduce the amount of the improvement guarantee to cover the estimated costs of remaining improvements; or (3) authorize the administrative officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds. If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the planning board not to be in compliance with the approved plans, the board may, after proper notification to the subdivider, authorize the use of improvement guarantee funds to insure proper compliance.

2. *Required form.* The security shall be in the form of a financial instrument acceptable to the finance director and the town solicitor and shall enable the town to gain timely access to the secured funds, for cause. Performance and maintenance guarantees may be provided by a variety of means including, but not limited to, the following:

- a. Reserved.
  - b. Letter of credit. The subdivider may provide an irrevocable letter of credit from a bank or other reputable institution.
  - c. Escrow account. The subdivider may deposit cash, or other instruments readily convertible into cash at face value, either with the town or in escrow with a bank.
  - d. In all cases, the form the security is to take will be the sole determination of the Town of Narragansett.
3. *Releases.* At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider. Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantees shall be made to the administrative officer, who shall refer such request to the town engineer. After inspection of all required improvements, the town engineer shall recommend that the planning board (a) authorize the finance director to return all improvement guarantees to the subdivider, (b) that the amount of the guarantee being held by the town be reduced to cover the estimated cost of remaining improvements; or (c) that no releases or reductions be made. The planning board shall act on all such releases or reductions of improvement guarantees.
4. *Phased subdivisions.* In the case of land development projects or subdivisions which are approved and constructed in phases, the planning board shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.
5. *Maintenance guarantees.* The planning board shall require that a maintenance guarantee be provided by the subdivider for all improvements. The amount of the maintenance guarantee shall be ten percent of the original guarantee amount. In the absence of such a guarantee, ten percent of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be one year. At the end of the one-year maintenance period, the town engineer shall inspect all improvements subject to the guarantee and shall certify in writing to the administrative officer as to their condition. If found to be unacceptable, the administrative officer shall recommend an extension of the guarantee period to the finance director, and the original funds shall not be returned to the subdivider. If the improvements are in good condition to the satisfaction of the town engineer, the maintenance guarantee shall be returned to the subdivider. In cases where the planning board finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer

maintenance period, and the nature of the extenuating circumstances shall be made a part of the record.

6. *Acceptance of improvements.* Upon completion of all required improvements, the subdivider shall convey all public improvements to the town for ownership and maintenance. Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the town. The applicant shall first request the town engineer to conduct a final inspection as provided in section XIII.J. The town engineer shall certify to the administrative officer in writing that all required improvements have been satisfactorily completed. The applicant shall also request, in writing to the administrative officer, that public improvements, streets, land, easements or other facilities be accepted by the town. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the town and describing any special conditions or other requirements. Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the administrative officer shall place the request for acceptance upon the next available agenda of the town council. Upon their acceptance by the town council, all improvements shall be permanently owned and maintained by the town as part of the municipal system and the subdivider shall be no longer responsible for their care, repair, or maintenance.

**SECTION VIII. WAIVERS AND MODIFICATIONS**

**A. RESERVED.**

**B. WAIVER OR MODIFICATION OF REGULATIONS.**

1. Subdivisions and Land Developments. The planning board shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these regulations if the planning board finds that:
  - a. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and
  - b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive community plan and the zoning ordinance.
2. *Development Plan Review.* Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
  - a. The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.
  - b. The permitting authority may grant waivers of design standards. Waivers may include:
    - i. Waiver of drainage professional analysis of drainage conditions and/or drainage improvements where deemed unnecessary
    - ii. Waiver of traffic analysis and/or professionally designed circulation plan
    - iii. Waiver of professionally drawn landscape and buffering plan.
    - iv. Waiver of professionally drawn lighting plan.
3. *Application requesting relief from the zoning ordinance.*
  - a. Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the zoning enforcement officer. If such

modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in Section 11.c.4. and 11.7.d. of the Zoning Ordinance, such application shall proceed under unified development review and be reviewed by the planning board.

- b. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development review, and a request for review shall accompany the preliminary plan application.

**C. REINSTATEMENT OF APPLICATIONS.**

1. When an applicant has exceeded a deadline established for any stage by these regulations for submission of material for a subdivision or land development, thereby rendering a previously granted approval invalid, the application may be reinstated by the planning board under the following conditions:
  - a. The subdivision is consistent with the comprehensive community plan;
  - b. The subdivision regulations are substantially the same as they were at the time of original approval;
  - c. The zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
  - d. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and
  - e. Any applicable state or federal regulations are substantially the same as they were at the time of original approval.
2. Application for reinstatement of a previously approved subdivision shall be made to the planning board in writing by the subdivider. The planning board, in approving or denying the request for an extension, shall make findings of fact which shall be made part of the record.

**SECTION IX. ENFORCEMENT AND PENALTIES**

**A. VIOLATIONS.**

1. Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the planning board or the administrative officer shall be in violation of these regulations.
2. Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the planning board and recorded in the land evidence records shall be in violation of these regulations.
3. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received approval from the planning board or the administrative officer, shall be in violation of these regulations.

**B. PENALTIES FOR VIOLATIONS.**

1. Any person adjudged in violation of these regulations shall be liable for penalties not to exceed \$500.00 per day, and each violation in each day of existence shall be deemed a separate offense.

**C. INJUNCTIVE RELIEF.**

1. The Town of Narragansett shall have the authority to bring suit in Washington County Superior Court to restrain the violation of, or compel compliance with, the provisions of these regulations.
2. An action for injunctive relief brought by the Town of Narragansett in the superior court may be consolidated with an action seeking penalties for violations of these regulations.

**SECTION X. ADOPTION AND AMENDMENT OF REGULATIONS**

**A. PROCEDURE.**

The planning board shall adopt and amend these subdivision and land development regulations according to the following procedure:

1. Notice of a public hearing on any proposed adoption or amendment shall be published in a newspaper of general circulation within the town at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news sections. The advertisement shall:
  - a. Specify the date, time and place of the public hearing;
  - b. Indicate that adoption, amendment or repeal of the Narragansett subdivision and land development regulations is under consideration;
  - c. Contain a statement of the proposed amendment that may be printed once in its entirety, or may summarize or describe the matter under consideration;
  - d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
  - e. State that the proposed amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, provided that any such alteration or amendment must be presented for comment in the course of the public hearing.
2. Notice of the public hearing shall be sent to the following:
  - a. The associate director of the division of planning of the Rhode Island Department of Administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two weeks prior to the public hearing.
  - b. The city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of Narragansett's boundaries. Said notice shall be sent by first class mail.
  - c. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or a surface watershed that is used or is suitable for use as a public water source located within Narragansett or within 2,000 feet of Narragansett's boundaries, provided that the governing body of the state or

municipal water department or agency, special water district, or private water company has filed with the Narragansett building inspector a map survey showing the areas of surface water resources and/or watersheds, and parcels of land within 2,000 feet of the areas of surface water resources and/or watersheds, pursuant to G.L. 1956, § 45-24-53(E).

3. The planning board shall conduct a public hearing at the date, time and place specified in the newspaper advertisement and notices. At the hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.

**B. AVAILABILITY OF COPIES OF SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.**

Printed copies of these regulations, including all appendices, shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies. Upon publication of any adoption or amendment, copies shall be sent to the planning division of the Rhode Island Department of Administration, and to the state law library.

**SECTION XI. ADMINISTRATION OF THE REGULATIONS AND AMENDMENTS\*** \*Cross references: Administration, ch. 2.

**A. THE ADMINISTRATIVE OFFICER.**

1. *Administration.* Administration of these subdivision and land development regulations shall be under the direction of the administrative officer, who shall report to the planning board. The Director of Community Development of the Town of Narragansett is hereby designated as the administrative officer.
2. *Appointment.* Appointment of the Director of Community Development shall be the responsibility of the town manager.
3. *Duties and Responsibilities.* The duties and responsibilities of the administrative officer shall include, but shall not be limited to:
  - a. Coordination of the review, approval, recording, and enforcement provisions of these regulations;
  - b. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the planning board;
  - c. Enforcement of these regulations as provided in section IX of these regulations.
4. *Qualifications.* The qualifications of the administrative officer shall be determined by the town manager as provided in the official job description for the Director of Community Development.

**B. ADMINISTRATIVE FEES.**

The following administrative fees are required to be paid by an applicant for approval of any subdivision and land development project, for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon :

1. Administrative subdivision or development plan review : (\$200.00)
2. Minor land development and minor subdivision or development plan review:
  - a. Preapplication meeting and concept review: (\$0.00)
  - b. Preliminary: (\$400.00 + \$40.00 per unit)\*
  - c. Final: (\$200.00 + \$40.00 per unit)\*
3. Major land development and major subdivision or development plan review:
  - a. Preapplication meeting and concept review: (\$0.00)
  - b. Master plan: (\$400.00 + \$40.00 per unit)\*

- c. Preliminary: (\$400.00 + \$40.00 per unit)\*
- d. Final: (\$200.00 + \$40.00 per unit)\*

\* For developments including unified development review the base fee is increased by \$150.00

- 4. Recording of subdivision plan: As provided in G.L. 1956, § 34-13-1 et seq.
- 5. Inspection fees: Two percent of the total estimated cost of all required improvements as estimated in accordance with the procedure established in section VII. Inspection fees shall be paid in full before construction begins of any improvements requiring inspection.
- 6. Extension of Time or Reinstatement fee: \$400.00 and \$40.00 per dwelling unit.
- 7. Appeals: As provided for in the Town of Narragansett zoning ordinance for appeals.

The planning board may waive all required administrative fees for subdivisions designed solely to convey tracts of dedicated open space (reserved in perpetuity) to the town or a bona fide nonprofit conservation organization.

**C. MEETINGS, VOTES, DECISIONS, AND RECORDS.**

- 1. All records of the planning board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the planning board shall also be available for public review.
- 2. Participation in a planning board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
- 3. All final written comments to the planning board from the administrative officer, municipal departments, state and federal agencies, and local boards of commissions shall be part of the permanent record of the development application.
- 4. All votes of the planning board shall be made part of the permanent record and shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require a vote for approval by a majority of the current planning board members in attendance.

**SECTION XII. APPEALS****A. APPEALS FROM DECISION OF ADMINISTRATIVE OFFICER**

1. Decisions by the administrative officer approving or denying projects under Section IV, subsection C, D or F or Section V, Subsection C.c. of these regulations shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71.
  - a. An appeal to the board of appeal from a decision or action of the administrative officer may be taken by an aggrieved party to the extent provided in RIGL §45-23-66. The appeal must be taken within twenty (20) days after the decision has been recorded in the Narragansett land evidence records and posted in the office of the Narragansett Town Clerk.
  - b. The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The town clerk shall accept delivery of an appeal on behalf of the board of appeal, if the local regulations governing land development and subdivision review so provide.
  - c. Upon receipt of an appeal, the board of appeal shall require the administrative officer to immediately transmit to the board of appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
2. Stay. An appeal stays all proceedings in furtherance of the action being appealed.
3. Hearing
  - a. The board of appeal shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.
  - b. The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.
  - c. The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes as required by RIGL §45-23-70(d) shall be maintained by the board of appeal.
4. Standards of Review.

- a. As established by this chapter, in instances of a board of appeal's review of an administrative officer's decision on matters subject to this chapter, the board of appeal shall not substitute its own judgment for that of the administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeal shall not reverse a decision of the administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- b. The concurring vote of three (3) of the five (5) members of the board of appeal sitting at a hearing, is necessary to reverse any decision of the administrative officer.
- c. In the instance where the board of appeal overturns a decision of the administrative officer, the proposed project application is remanded to the administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the administrative officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.
- d. The board of appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include in the written record the reasons for each decision.

#### **B. APPEALS TO THE SUPERIOR COURT**

1. An aggrieved party may appeal a decision of the board of appeal, a decision of an administrative officer made pursuant to Section IV, subsection C, D or F or Section V, Subsection C.3. where authorized to approve or deny an application, or a decision of the planning board to the superior court for Washington County by filing a complaint stating the reasons of for the appeal within twenty (20) days after the decision has been recorded and posted in the office of the town clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the [planning board] shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.
2. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the

decision reached by the planning board at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.

3. The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the planning board and, if it appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.
4. The court shall not substitute its judgment for that of the planning board as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:
  - a. In violation of constitutional, statutory, ordinance or [planning board] regulations provisions;
  - b. In excess of the authority granted to the [planning board] by statute or ordinance;
  - c. Made upon unlawful procedure;
  - d. Affected by other error of law;
  - e. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
  - f. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

**SECTION XIII. DESIGN AND PUBLIC IMPROVEMENT STANDARDS\***

\*Cross references: Streets, sidewalks and other public places, ch. 66; utilities, ch. 78.

**A. GENERAL.**

The subdivider, at his own expense, shall construct all improvements where required by the planning board in granting approval for any subdivision or land development project, subject to these regulations.

**B. STREET DESIGN STANDARDS.**

The following design standards shall be followed where applicable in the design and construction of any subdivision:

1. *Frontage on improved streets.* The area to be subdivided shall have frontage on an existing improved public street. If such an existing street has not been improved to the standards and specifications as required by these regulations, the board shall require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board. See item H. of this section. For purposes of these regulations, streets platted, but not improved or accepted for maintenance by the town, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the subdivision regulation standards.
2. *Street classification.* Street design within a proposed subdivision shall conform to a street hierarchy system as established herein. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to street function. Street classification shall be determined by the planning board. The following references are used in making the determinations:
  - a. Technical Paper Number 130 Highway Functional Classification System For the State of Rhode Island 1995-2005 (Adopted May 1988) October 1988. Division of Planning, Rhode Island Department of Administration, 265 Melrose Street, Providence, RI 02907.
  - b. A Policy on Geometric Design of Highways and Streets 1990. American Association of State Highway and Transportation Officials.
  - c. Recommended Guidelines for Subdivision, Streets. Institute of Transportation Engineers, Washington, DC: ITE, 1984.
  - d. Trip Generation. 1987 edition, Washington, DC. Institute of Transportation Engineers.

The following major categories of street classification are established:

- e. Arterial: A major public street that serves as an avenue for the circulation of traffic into, out of, or around the town and carries high volumes of traffic and provides for high levels of mobility.
  - f. Collector: A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. These streets provide a balance between land access and mobility.
  - g. Local public: Public streets whose primary function is to provide access to abutting properties.
  - h. Local private: Private streets whose primary function is to provide access to abutting properties. Streets within minor residential subdivisions serving up to five residential dwellings on a private street also fall within this classification.
3. *Street rights-of-way.* Street rights-of-way shall conform to the widths shown in Table 1 below and as illustrated in Figures 1, 2, and 3. Figure 1 illustrates a typical cross section of a collector street. Specific design criteria will be determined by the board on a case-by-case basis. Figures 2 and 3 are typical cross sections of local streets proposed for acceptance and maintenance by the town. Where the subdivider proposes the use of grass swales in lieu of a continuous piped stormwater drainage system, any of the alternative cross sections shown in Figure 4 may be used, subject to the approval of the planning board. Refer to item D. of this section entitled "Drainage" for more specific design criteria. Street and road right-of-way width, pavement width, and pavement type vary depending upon the number of lots, the potential for future access and slope.

**Table 1**

Street Type	Right-of-Way Width (feet)	Figure No.
Arterial	75	
Collector	60	1
Local town accepted streets	50	2, 3
Local private streets		
Minor subdivision 2 lots	30	
Minor subdivision 3-5 lots <sup>1</sup>	30	
Minor subdivision 3-5 lots <sup>2</sup>	40	

<sup>1</sup> No further development potential (see section IV.D.2.g.).

<sup>2</sup> Further development potential (see section IV.D.2.g.).

**SECTION XIII. DESIGN AND PUBLIC IMPROVEMENT STANDARDS**

4. *Geometric data.* Table 2 below shall be used as a guide in designing streets within a subdivision.

**Table 2**

	Local (Public)	Streets	Land Dev. Project (Private)	Minor Subdivision (Private)
R.O.W. Width	50 feet		30--40 feet	20--40 feet
Pavement width (includes berms)	Varies, see Table # 3 below		15--20 feet	15--20 feet
Maximum grades				
-centerline	9 percent		10 percent	10 percent
-within 150 feet of centerline intersections	2.5 percent		N/A	N/A
Minimum grades				
-centerline	1 percent		0.5 percent	0.5 percent
Minimum length for vertical curves	100 feet*		As determined by engineering	
Minimum radius of centerline curve	150 feet and a min. of 100 feet tangent between curves		100 feet	100 feet
Minimum sight distance Cul-de-sac	200 feet		100 feet	100 feet
Turnaround				
-R.O.W. diameter	120 feet		100 feet	100 feet
-Pavement diameter**	50 feet		80 feet	80 feet
-Max. grade	4.5 percent		N/A	N/A
-Min. grade	2.0 percent		N/A	N/A
Intersection Fillet curve				
-R.O.W. Min. Radius	15 feet		15 feet	10-15 feet
-Pavement Min. Radius	25 feet		25 feet	25 feet
Pavement crown	5 inches		3 inches	3 inches
Minimum design speed (mph)	25 mph		15 mph	15 mph

\* Less than 30 feet for each 1 percent algebraic difference in grade.

\*\* The planning board may approve alternative street end designs on a case-by-case basis. Such alternatives may include hammerhead, P-loop, squares or one-way oval designs, or variations thereof. See Figure 5.

**Table 3  
Pavement Width**

# of units served:	<5	5-15	15-50	>50
Pavement width:	18 feet	20 feet	24 feet	26 feet

5. *Street layout and arrangement.* The arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet the needs of the present and future population to be served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape. Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in major subdivisions, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required by the planning board, in major subdivisions when determined by the board to be feasible. Proposed streets within a major subdivision shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.
6. *Private streets.* Private streets shall not be permitted except for minor subdivisions as authorized in section IV of these regulations.
7. *Street intersections.* Street intersections shall either coincide precisely with, or be offset by at least 200 feet from other intersections. Intersections shall be at 90 degree angles. Lesser angles between 75 degrees and 90 degrees may be approved by the town engineer.
8. *Dead-end streets (cul-de-sacs).* All dead-end streets shall end in a cul-de-sac turnaround or similar street end approved by the planning board and constructed according to the table of geometric data above, and shall be clearly marked at their entrances. The planning board may limit the length of the dead end street (cul-de-sac) where necessary, to ensure the adequate and safe circulation of vehicular traffic.
9. *Street names.* An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the Town of Narragansett and approved by the planning board.
10. *Access to adjoining property.* When considered desirable by the planning board to provide access to adjoining property, proposed streets shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The planning board may

require provision of a temporary turnaround until such time as the adjacent tract is developed. A surety may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable period of time. Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the planning board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

11. *Street signs.* Street name and traffic signs, of the type and style approved by the planning board, town engineer and the highway and facilities maintenance division, shall be installed by the developer at the developer's expense, prior to final acceptance of said street(s).
12. *Street lighting.* In all new subdivisions where utilities are being installed underground, provisions shall be made for street lighting connections only where required by the town engineer.
13. *Street trees.* Where natural tree growth is determined by the planning board to be insufficient, the planning board shall require the subdivider to plant street trees appropriate for the terrain, soil and climatic conditions encountered in the subdivision, and in accordance with the following standards:
  - a. *Location.* Street trees shall be located as shown in Figures 1, 2, and 3 or on the portion of building lots within ten feet of the street right-of-way line, if assurance can be given by the subdivider that the trees will not be disturbed by building activities. In either case, no street trees shall be located so as to interfere with overhead or underground utility lines. Trees shall be spaced approximately 30 feet to 50 feet on center, depending on anticipated ultimate size.
  - b. *Type.* The species selected are to be suitable for zone 6 hardiness and may include, but not be limited to, the following types: Deciduous medium to large trees such as thornless Honey Locust, Pin Oak, London Plane, Ginkgo, Zelkova, Bradford Pear and Katsura. Small deciduous trees such as some Crab and Cherry varieties with 15-foot ultimate height. Conifers such as Pine, Hemlock, Spruce may be used only within the ten-foot area within the R.O.W.
  - c. *Size.* Minimum sizes for species listed above are 1 1/2 to two inches caliper, measured one foot from ground level in place, and six feet to eight feet of height in place.
  - d. *Quality.* Street trees shall be balled and burlapped with good root development and branching characteristics. Bare root handling for dormant trees up to 2 1/2 inches caliper may only be allowed during

the spring season. All trees shall be of licensed nursery stock; however, native trees may be used if inspected and approved by the town tree warden before planting.

- e. *Planting.* Street trees shall be planted in holes at least six inches deeper and 1 1/2 times as wide as the root ball. Larger excavation may be required in gravel or sand areas. Trees shall be planted at their previous depth in good quality topsoil or soil conditioned to the quality with sufficient organic matter such as peat moss and a balanced fertilizer. Trees shall be securely double-staked with sturdy stakes of a minimum size of two inches X two inches X six feet.
- f. *Screening.* Where a proposed residential development abuts an existing or proposed commercial or industrial area, a dense evergreen buffer at least ten feet in depth, shall be planted along the common boundary between the residential development and such commercial or industrial development.
- g. *Inspection.* The town tree warden shall determine the suitability of the street trees being proposed and certify proper planting techniques and maintenance have been followed.

14. *Landscaping standards.*

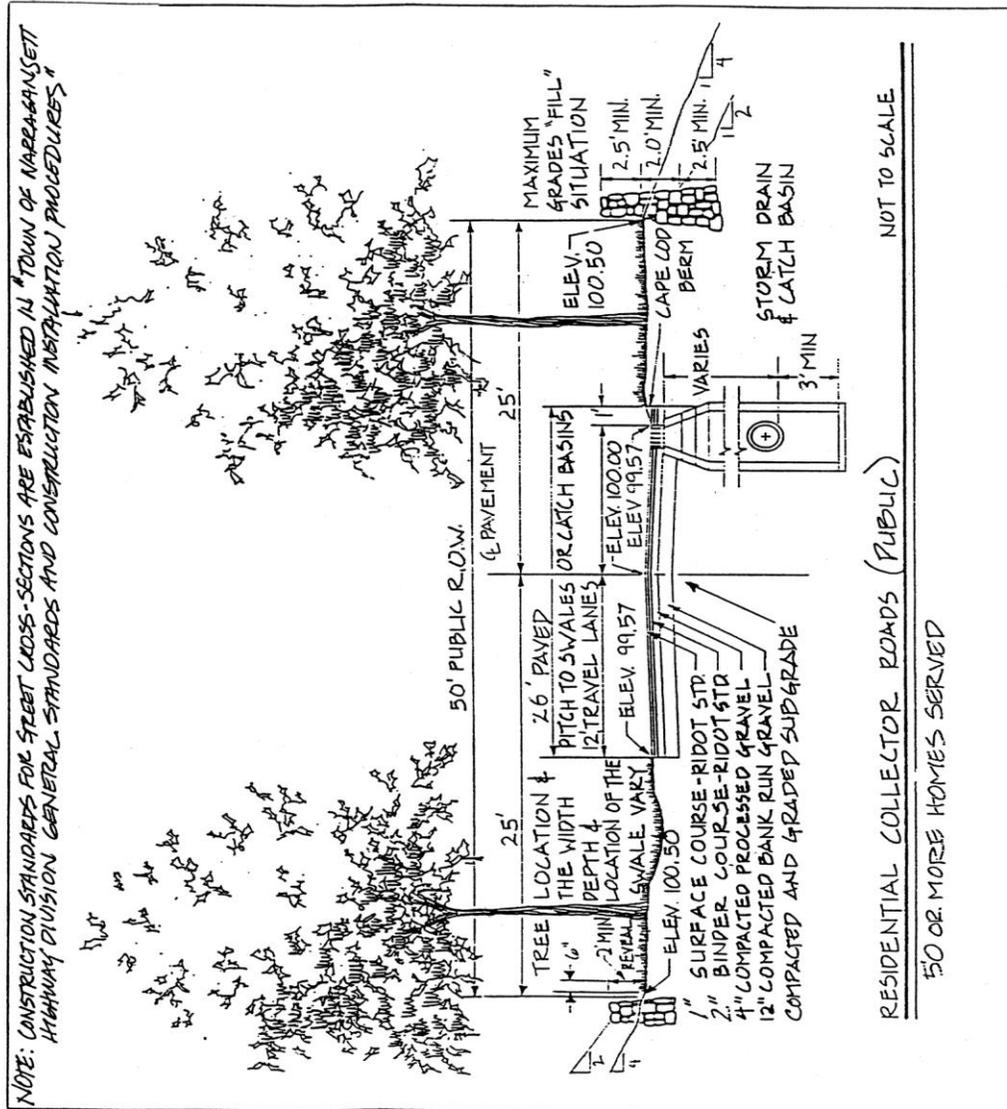
- a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.
- b. Landscaping may include plant materials such as trees, shrubs, ground covers, grass, flowers, etc., but may also include other materials such as rocks, wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to, the following:
  - i. Drainage facilities, such as retention/detention basins, or drainage swales;
  - ii. Entrance features;
  - iii. Open space areas;
  - iv. Proposed recreation facilities;
  - v. Buffer areas;
  - vi. Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;

- vii. Areas subject to regrading or stabilization for soil erosion and sediment control purposes.
  - c. Landscape plan: A landscape plan prepared by a registered landscape architect shall be submitted to the planning board when the board determines that (a) existing landscaping is insufficient; (b) the site of the proposed subdivision has been or will be disturbed so as to require significant new vegetation; or (c) additional landscaping is necessary to protect, preserve, or enhance significant visual characteristics of the site. If a landscape plan is required by the board, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision, and at the master plan stage of a major subdivision. The plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as stone walls and rock outcroppings; manmade elements such as retaining walls, fences, signs, planters, etc.; proposed grading at two-foot contour intervals; lighting; specifications for loaming, fertilizing and seeding; and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.
15. *Monuments.* Monuments (concrete boundary markers) shall be of the type specified and/or furnished by the town and paid for by the developer and placed by a registered land surveyor on the street line at the beginning and end of all horizontal curves on both sides of each subdivision (public) street and shall not be more than 500 feet apart. Monuments shall be set four inches above finished grade of the center of the street.
16. *Sidewalks.* Sidewalks may be required to be installed on one side of all proposed new public streets in subdivisions located in the R-10, R-10A, and R-20 zoning districts, and in all residential cluster developments or multifamily developments except for short cul-de-sac streets serving five or fewer lots or dwellings. Sidewalks may be required to be installed along new streets in other areas if the planning board finds any of the following:
- a. The subdivision is located within an area within one mile of a public or private school; or
  - b. The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc., where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or
  - c. The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger

to pedestrians. Sidewalks may be required to be installed as off-site improvements in accordance with the provisions of section H. of this section.

17. *Bicycle paths.* Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path; to intersect with proposed state bicycle facilities; to connect adjacent subdivision where vehicular connections would be impractical; or where adjacent or nearby public or private school, recreation areas or other similar facilities would be likely to generate significant bicycle traffic.
18. *Curbing at intersection fillet curves.* Slope faced precast concrete curbing meeting RI DOT Standard 7-21 shall be installed at all intersection fillet curves in lieu of extruded Cape Cod curbing as illustrated in Figure 3. Precast concrete wheelchair ramp curbs meeting RI DOT Standard 7.19 shall be installed where required by the director of public works.
19. *Engineering and land survey.* Wherever it is mandated by these regulations that certain tasks associated with subdivision plans and improvements be performed by registered professional engineers and/or registered land surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Land Surveyors.

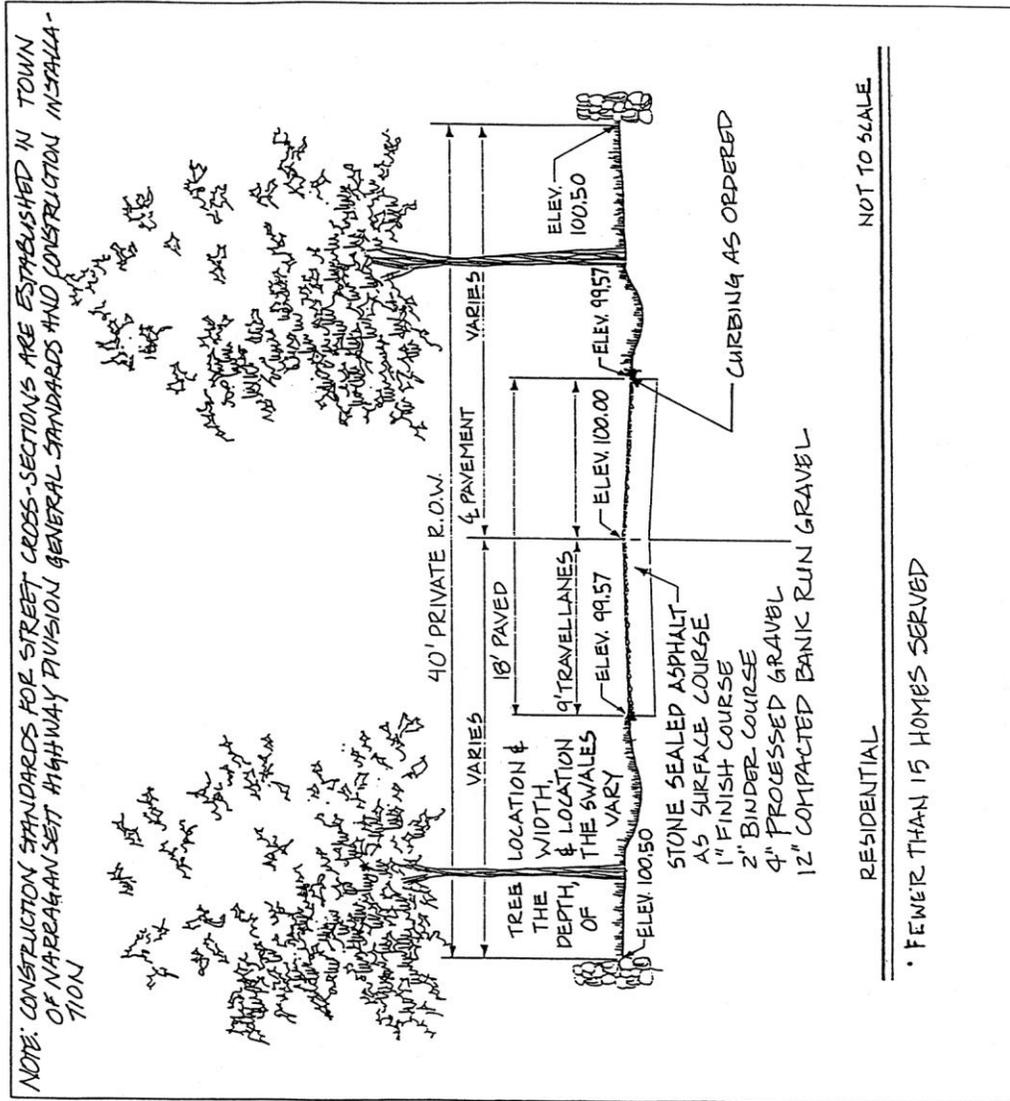
Figure 1: Recommended Street Design Standard: Residential Collector Roads



Residential Collector Roads

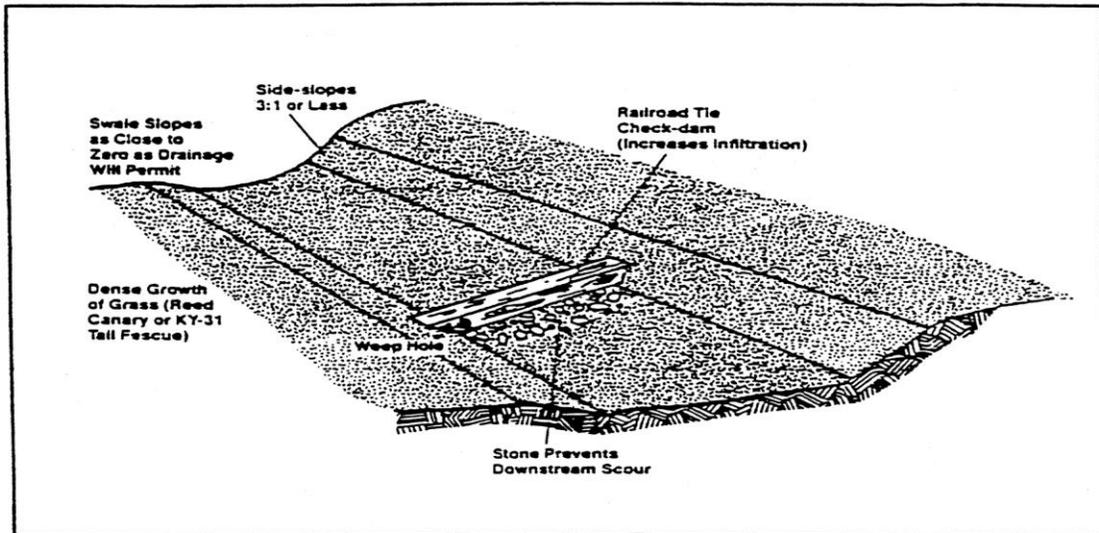


Figure 3: Recommended Street Design Standard: Residential



Residential

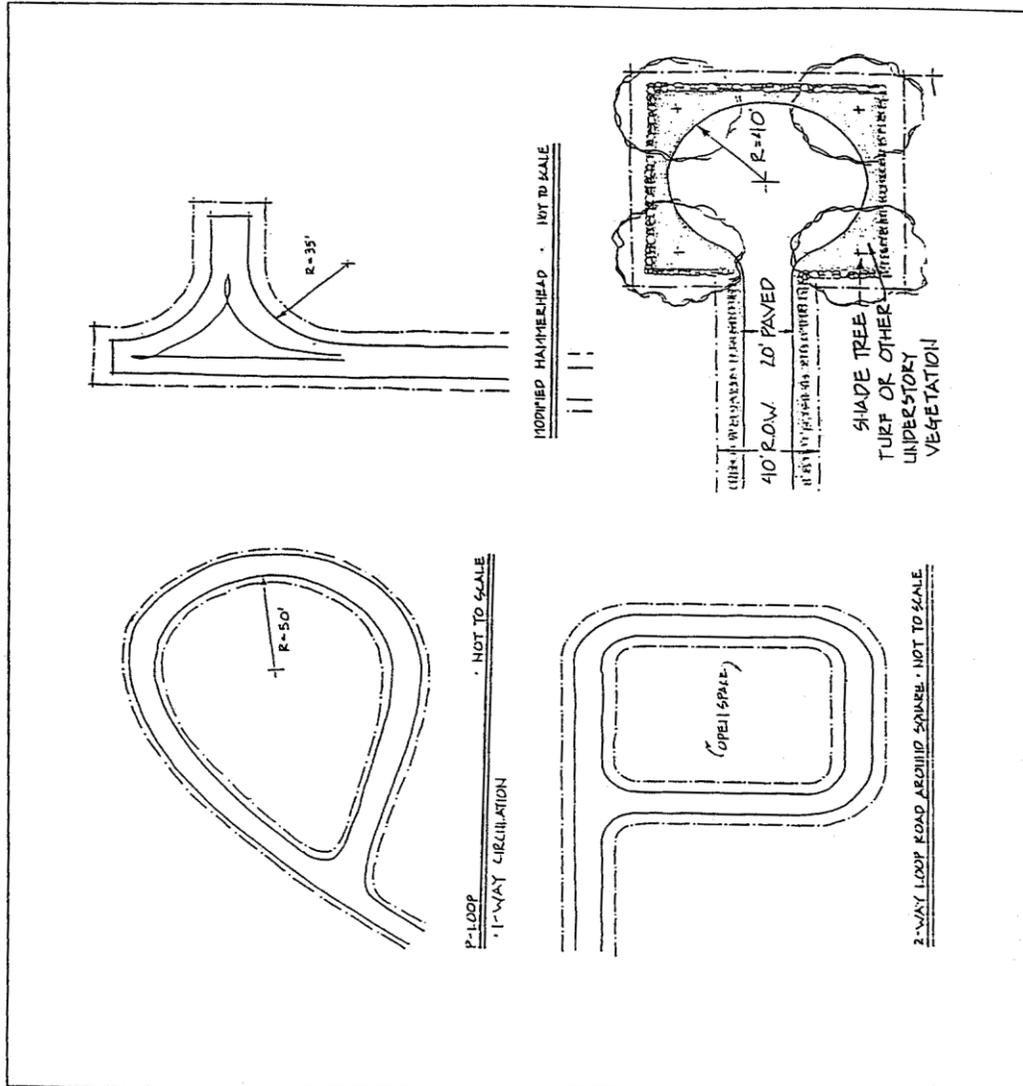
Figure 4. Schematic of a Grassed Swale.



Source:  
State of Rhode Island Stormwater Design and Installation Standards Manual

Stormwater Design

FIGURE 5  
Recommended Street Ends: Loop Road (P-Loop), Square, Modified Hammerhead



Loop Road (P-Loop)

**C. LOT DESIGN STANDARDS.**

1. *Side lot lines.* Side lot lines shall be at right angles to street lines or radial to curved street lines unless the planning board determines that a variation from this rule will provide a better street or lot plan. Whenever possible lot lines shall follow stonewalls or tree lines to preserve these features.
2. *Developable land area.* All lots shall be designed so as to contain the minimum land area required by the zoning ordinance exclusive of land unsuitable for development as defined and provided for in section III.D.
3. *Easements.* Easements may be required by the planning board where necessary for the proper location and placement of improvements on private land as described below. The board may, in its own discretion, require the dedication of land to the town in lieu of easements if such dedication would provide greater control over and access to the intended use.
  - a. *Watercourses.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and of such width as will be adequate for the purpose.
  - b. *Sanitary sewers.* Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The planning board may require permanent easements of such width as recommended by the town engineer, plus temporary construction easements if necessary. The nominal width for a permanent sewer easement shall be 20 feet.
  - c. *Drainage easements.* Easements to install and maintain underground drainage facilities on private land shall be dedicated to the town where required. The nominal width for such a drainage easement shall be 20 feet. Where aboveground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the town over the area and at a location adequate for the intended purpose. Easements into and upon aboveground drainage facilities such as stormwater detention or retention basins shall be granted to the town wherever stormwater from town-owned streets or other improvements is intended to be directed to such basins, and where the town will be responsible for the maintenance of said aboveground facilities.
  - d. *Grading easements.* The planning board may require the dedication of an easement to the town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

- e. *Sight distance easements.* Where deemed necessary by the planning board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the town may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.
  - f. *Bicycle or pedestrian access easements.* Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the town or on an easement having a minimum width of 15 feet.
  - g. *Other easements.* All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet and contain at least one concrete bound.
4. *Lot configurations.* The planning board shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in creating residential lots. Unusual shapes, angles, and dimensions shall be avoided in lot layout and design. The board may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these regulations.

**D. DRAINAGE.**

1. The drainage system may be comprised of natural and manmade elements. These include grass swales, retention and detention basins, curbs, catch basins, culverts, and stormwater pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (i.e. grass swales, wet basins) not only collect and transport stormwater, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat. The applicant shall follow the design guidelines and best management practices set forth within the Rhode Island Stormwater Design and Installation Standards Manual, RI Department of the Environment, 1993 (as amended); the Rhode Island Community Nonpoint Source Pollution Management: Guide (as amended), RI Department of the Environment; and the Rhode Island Soil Erosion and Sediment: Control Handbook (as amended), RI Department of the Environment, to the extent practicable.
2. Where a drainage plan and drainage calculations are required by the appropriate plat checklist in section XV, the plan and calculations shall be prepared by a registered professional engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

- a.** The Rational Method: This method is the preferred method for small systems of three acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.
  - i.** TR-55: This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development between one acre and 2,000 acres.
  - ii.** TR-20: This is for large complex watersheds and systems beyond the scope of TR-55.
- b.** The drainage plan and drainage calculations shall contain the following information:
  - i.** An estimate of the quantity of stormwater surface runoff presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of a 25-year frequency rainfall.
  - ii.** An estimate of the quantity of stormwater surface runoff entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a 25-year frequency rainfall.
  - iii.** An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the runoff as calculated under 1 and 2 above, and proposals to handle such surface runoff. Design criteria for drainage improvements shall conform to the state specifications cited above as modified by the Town of Narragansett. Culvert and storm sewers shall be designed for a 25-year frequency rainfall, with a minimum pipe size of 15 inches, and a minimum pipe gradient of one percent.
  - iv.** Proposals for disposal of surface runoff, downstream from the subdivision without damage to land and improvements and to the receiving waterbody.
  - v.** The drainage plan shall further indicate how the following specific requirements will be met:
    - (1)** That each lot will be adequately drained;
    - (2)** That natural drainage patterns will be maintained whenever possible;
    - (3)** That all existing watercourses will be left open, unless approval to enclose is granted by the planning board;

- (4) That all new open watercourses will be seeded, sodded or paved, depending on grades and soil types;
  - (5) That a continuous drainage system will be installed and connected to a natural or manmade watercourse or to an existing piped storm drainage system. Whenever feasible, such drainage system shall be designed as a nonstructural system consisting of swales, sheet flow and open drainage which attenuates nonpoint pollution and regulates the rate of flow. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the planning board determines that such ultimate destination is impractical, the board shall require the construction of a retention area capable of accommodating proposed stormwater volumes based on a two-year, 25-year and 100-year frequency rainfall;
  - (6) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the planning board and town engineering department will be provided;
  - (7) That all necessary easements to off-street watercourses will be obtained by the subdivider; and
  - (8) Where volume velocity of the surface runoff is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders, or other applicable devices, best management practices, and/or techniques recommended in the Rhode Island Stormwater Design and Installation Standards Manual, the Rhode Island Community Nonpoint Source Pollution Management Guide and the Rhode Island Soil Erosion and Sediment Control Handbook;
  - (9) The siting of stormwater management structures including dry and/or wet ponds and swales shall be incorporated into the natural landscape to enhance functional values of the structures and provide visual amenity to the site;
  - (10) How the existing storm drainage system will be protected during construction.
- c. The proposed drainage system shall be designed to accommodate stormwater such that post construction conditions do not result in

peak runoff increases in rate or volume from preconstruction conditions.

- d. The plan should include an assessment of structural integrity to withstand discharge from a two-year, 25-year and 100-year storm.
- e. The plan should include an assessment of the ability of the drainage system to comply the water quality standards set forth by the RI Coastal Resources Management Council (CRMC) and RI Department of the Environment, including the established minimum 80 percent removal rate (over an annual basis) of total suspended solids contained in stormwater runoff.

#### E. UTILITIES.

1. *Sanitary sewers.* Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is required in accordance with the procedures and standards set forth in chapter 78 of the Narragansett Code of Ordinances entitled "Utilities," and/or is allowed under the sewer policy current at the time of application.
2. *Water lines.* When a public water system is available, water lines shall be installed and water stops shall be provided for each lot in accordance with the rules and regulations of the appropriate water utility company (United Water of Rhode Island) or with the procedures and standards set forth in chapter 78 of the Narragansett Code of Ordinances entitled "Utilities," as appropriate. Water lines shall be generally located on the southerly or westerly side of the street, wherever possible, or as required by the planning board.
3. *Gas lines.* Natural gas lines may be installed in any subdivision or land development project at the discretion of the subdivider. If proposed, gas lines shall be located on the northerly or easterly side of the street, wherever possible, or as required by the planning board.
4. *Communication lines (electric, telephone, and cable TV).* All electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be installed underground. In cases where underground installation is not feasible due to physical conditions of the site or other limitation, an alternative location for these utility lines shall be approved by the planning board, if prior approval thereof has been obtained by the utility company involved. Communication lines are not required to be placed underground for (i) residential compounds; or (2) for minor subdivisions where no street creation is required; or (3) for minor subdivisions where a private street is required and the town will not be requested accept the street for ownership and maintenance.
5. *Fire alarm.* Provision for connection to the fire alarm system of the Town of Narragansett shall be required for all land development projects and subdivisions having streets proposed for dedication to the town for ownership and maintenance. Fire alarm systems in subdivisions proposing

privately owned streets may be installed at the discretion of the subdivider. Standards for fire alarm systems shall meet the minimum requirements of the International Municipal Signal Association. Fire alarm boxes shall be located within the street right-of-way at a maximum separation of 1,000 feet between boxes or as directed by the fire department of the town.

6. *Fire hydrants.* Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location, and spacing shall meet the minimum requirements of the National Fire Protection Association, or as directed by the fire department and/or town engineering department.

#### **F. EROSION AND SEDIMENT CONTROL.**

All major land developments and major subdivisions shall submit a soil erosion and sediment control plan as required herein. Minor land developments, minor subdivisions and administrative subdivisions may not be required to submit a soil and sediment control plan unless such a plan has been determined by the planning board to be necessary. In making such a determination, the planning board shall consider site characteristics such as the topography and slope, soil conditions, the proposed grading and drainage system, the degree of proposed site disturbance and proximity to waterbodies and wetlands. A soil and sediment control plan may be required if the planning board determines that the proposed development may cause soil erosion and sedimentation impacts if uncontrolled.

1. *Plan preparation.* The erosion and sediment control plan shall be prepared by a registered engineer, a registered landscape architect, a soil and water conservation society certified erosion and sediment control specialist, or a certified professional soil scientist.
2. *Plan contents.* The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to ensure compliance with all applicable requirements of these regulations. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current Rhode Island Soil Erosion and Sediment Control Handbook, prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of the Environment, R.I. Conservation Committee, and at a minimum, shall contain:
  - a. A narrative describing the proposed land disturbing activity and the soil erosion and sediment control measures and stormwater management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site conditions, and soil maps shall be provided as required by the planning board.
  - b. Construction drawings illustrating in detail all land disturbing activity including existing and proposed contours, cuts and fills, drainage features, and vegetation; limits of clearing and grading, the





environment or would be inappropriate for the character of the surrounding neighborhood. Such a site analysis shall include written and/or graphic analysis of the following characteristics of the development site: site context; geology and soil; agricultural lands; wetlands; coastal features; topography; climate; ecology; existing vegetation, structures, and road networks; visual features; and past and present use of the site.

**3. *Subdivision and site design.***

- a.** Design of the development shall take into consideration all existing town and regional plans for the surrounding community.
- b.** Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.
- c.** The following specific areas shall be preserved as undeveloped open space or lot area, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or town regulations:
  - i.** Unique and/or fragile areas, including freshwater wetlands and coastal features;
  - ii.** Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
  - iii.** Lands in the floodplain, as defined in section II;
  - iv.** Steep slopes in excess of 20 percent as measured over a ten-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;
  - v.** Habitats of endangered wildlife, as identified on applicable federal or state lists;
  - vi.** Historically significant structures and sites including, but not limited to, archaeological sites as listed on federal or state lists of historic places; and
  - vii.** Agricultural lands as defined herein.
- d.** The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage, and utilities on neighboring properties.

4. *Residential development design.*
  - a. The planning board may vary street locations, lot shapes and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the lots' areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the zoning ordinance, and provided that such standards shall be appropriate to the type of development permitted.
  - b. Residential lots shall front on local streets wherever possible.
  - c. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.
  - d. The placement of dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values.
  - e. Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets.
  - f. Vegetated buffer areas shall be required where necessary to avoid adverse impacts from adjacent uses.
5. *Commercial and industrial development design.* Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.
6. *Circulation system design.*
  - a. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
  - b. In residential subdivision, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
  - c. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, as shown in the typical street cross sections in section XIII.B, with exceptions permitted to preserve natural features or to provide visual interest. In residential cluster developments and land development projects, walks may be placed away from the road system with permission of the planning board.

7. *Landscape design.*

- a. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with type of development.
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

**H. OFF-SITE IMPROVEMENTS.**

- 1. *Purpose.* This section is intended to ensure that subdividers provide off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to new development. Such improvements may be required by the planning board if the board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to, improvements to the following:
  - a. Sanitary sewers;
  - b. Water supply systems;
  - c. Roadways;
  - d. Sidewalks;
  - e. Bicycle paths;
  - f. Drainage systems.
- 2. *Definition and principles.* As a condition of final approval, the planning board may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. Necessary improvements are those clearly and substantially related to the subdivision or land development being proposed. The planning board shall provide in its resolution of final approval the basis for requiring such off-site improvements. In its resolution, the board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for that neighborhood or district by the comprehensive community plan.

**I. AREAS OF SPECIAL FLOOD HAZARD.**

The planning board shall examine each proposed subdivision to ensure that:

1. If any part of the proposed subdivision is located within an area of special flood hazard as identified in section II, it is consistent with the need to minimize flood damage.
2. It provides for adequate protection against flood damage with respect to materials, design, and methods of construction.
3. All public utilities and facilities such as sewers, gas, electrical and water systems are elevated and/or constructed to minimize or eliminate damage from flooding.
4. Adequate drainage is provided so as to reduce exposure to flood hazards.

**J. GENERAL CONSTRUCTION PROCEDURES.**

The following procedures shall be followed by the subdivider and by contractors under the direction of the subdivider in the construction of any subdivision or related improvement:

1. *Preconstruction meeting.* A preconstruction meeting shall be held with the town engineer at least seven days prior to the start of any subdivision improvements. The subdivider (or his duly authorized representative) and the on-site project manager shall attend this meeting.
2. *Notification.* No step in the construction of required improvements shall commence until the town engineer has been notified at least 24 hours in advance of the phases of construction listed in 3, below.
3. *Inspection of improvements.* Inspection and approval by the town engineer shall be required for the following phases of subdivision improvements:
  - a. During and following installation of all underground drainage structures, systems and utilities prior to backfilling;
  - b. During and following the preparations of the road subgrade and shoulders;
  - c. During and following the spreading and compaction of the subbase course;
  - d. During and following the spreading and compaction of the base course prior to the application of the asphalt binder course;
  - e. Immediately prior to and during the application and compaction of the asphalt surface course on the roadway and, if required, sidewalks; and
  - f. Following completion of all improvements and installation of bounds;
  - g. At periodic intervals as required to ensure compliance with the approved erosion and sediment control plan.

The town engineer may require inspection at such other intervals as he may deem necessary to ensure proper construction of improvements.

4. *Request for inspection.* Whenever an inspection is required the developer shall request the town engineer to make such inspection. The town engineer or his representative shall, within 48 hours exclusive of Saturday, Sunday and holidays, make such inspection and give to the developer written approval or disapproval of the improvements inspected by him. No subsequent step or phase shall commence until an inspection has been made and approval granted.
5. *As-built drawings.* Upon completion of construction of all required improvements, and before the performance surety is released and the maintenance surety is accepted, the developer shall furnish two sets of transparent mylar and one paper set of as-built drawings of required improvements to the administrative officer.
6. *Inspection fees.* Inspection fees shall be paid in the amount established in section XI, and shall be paid in full before construction begins of any improvements requiring inspection.

## SECTION XIV. CONSTRUCTION METHODS AND SPECIFICATIONS\*

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### SECTION XIV. CONSTRUCTION METHODS AND SPECIFICATIONS\*

\*Cross references: Buildings and building regulations, ch. 10.

#### A. SPECIFICATIONS.

Construction of streets shall be in accordance with the typical cross section of a street contained herein and the Standard Specifications for Road and Bridge Construction 1971 edition, published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, unless otherwise noted. Construction of streets shall be in accordance with the "General Specifications and Construction Installation Procedures" (as amended), established by the Town of Narragansett. Drainage systems shall be constructed in accordance with the "Standard Specification for Miscellaneous Drainage Systems," as adopted by the Town of Narragansett. Sidewalks shall be constructed in accordance with the "Specifications for the Installation of Concrete Sidewalks and Curbs for the Town of Narragansett," as adopted by the Town of Narragansett. Public water distribution systems shall be constructed in accordance with the technical standards of the water company providing service and the Town of Narragansett's "Water Distribution System General Specifications and Construction Installation Procedures." Public sewerage systems shall be constructed in accordance with Town of Narragansett specifications.

The above technical manuals and their amendments are adopted as an appendix to these regulations. A copy of each is available from the administrative officer and/or the town engineer.

#### B. SOIL EROSION AND SEDIMENT CONTROL.

All soil erosion and sediment control measures required by these regulations shall be constructed in accordance with the standards and procedures set forth in the Rhode Island Soil Erosion and Sediment Control Handbook, prepared by the U. S. Department of Agriculture Soil Conservation Service, the RI Department of the Environment and the RI State Conservation Committee, 1989, and any amendments thereto. Said handbook is adopted as an appendix to these regulations and is available for review from the administrative officer.

**SECTION XV. APPLICATION CHECKLISTS**

Application checklist on file with the Community Development Department.

**SECTION XV. APPLICATION CHECKLISTS**

**DEVELOPMENT PLAN REVIEW CHECKLIST**

Name of proposed subdivision/development: \_\_\_\_\_

Preparer: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Plat and Lot Number(s) of the land being subdivided/developed: \_\_\_\_\_

Date Received / Initials
--------------------------

**[A COPY OF ALL PLANS AND SUPPORTING DOCUMENTS SHALL BE SUBMITTED IN DIGITAL FORM (PDF). APPLICATIONS WILL NOT BE CONSIDERED SUBMITTED FOR REVIEW OF COMPLETENESS UNTIL BOTH DIGITAL AND PAPER SUBMISSIONS ARE RECEIVED.]**

**INSTRUCTIONS**

[Please refer to the submission requirements for Major Subdivision/Land Development project for additional information in completing your application.] All plans required by this checklist shall show the following information (as applicable). The shaded boxes within the checklist indicate an item is **not** required at a particular stage of review. If any checklist items are marked as not applicable (NA) please provide an explanation as to why the item is not applicable in the space provided at the end of each section of the checklist.

For the LOCATION column please provide the location of the specific checklist item. This can be a plan sheet number or the name of the supporting document/page.

For items required at the pre-application and master plan stage of review, conceptual design and approximate locations of required checklist items is acceptable. For items required at the preliminary and final stage of review, engineered design and proposed final locations of required checklist items shall be provided, with certification by registered Professional Engineer where required. The [Administrative Officer] can provide further guidance on specific checklist items.

*Review Codes are for administrative use only and are to be entered by the Administrative Officer:*  
**Item Confirmed – Yes, No, Partial, or NA**

**Please check the applicable stage of review for the submission**

Project Type: <input type="checkbox"/> Administrative DPR <input type="checkbox"/> Formal DPR	Stage of Review: <input type="checkbox"/> Administrative (AD) <input type="checkbox"/> Preliminary (PR) <input type="checkbox"/> Final (F)
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**SECTION XV. APPLICATION CHECKLISTS**

**FORMS AND DOCUMENTS**

A	AD	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE	
1.				Project Review Application Cover Sheet __ [#] Copies		
2.				Project Team Form __ [#] Copies		
3.				A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent		
4.				Purpose statement		
5.				Application Cover Sheet		
				<i>[Insert any other locally required elements]</i>		
Checklist Item #		Applicant Comments on Required Forms/Documents:				
Checklist Item #		Reviewer Comments on Required Forms/Documents:				

**GENERAL INFORMATION (\*to be provided on plan sheets)**

B	AD	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.				*Name of the proposed project		
2.				*Plat and lot number(s) of land being developed		
3.				*Address/Location of the proposed development		
4.				Name and address of the applicant(s)		
5.				Name and address of property owner(s)		
6.				*Name, address, phone, and stamp(s) of the RI Registered Engineer and/or RI Registered Land Surveyor responsible for the plans		
7.				*Date of plan preparation and all revision date(s), if any		
8.				*True north arrow and graphic scale		
9.				Site plan legend (all items displayed on site plans shall be symbolized in a legend)		
10.				*Relevant references to deeds and recorded plans		
11.				*List of sheets contained within the plan set		
12.				*Notation of any permits and/or agreements obtained from or made with State and Federal agencies, including permit number if applicable		
13.				Names, addresses and Plat/Lot identified of abutting property owners and property within 200' of the parcel(s)		
14.				FEMA Flood Plain Map, show the entire parcel		
15.				Site and/or environmental analysis [INSERT LOCAL SECTION REFERENCE]		
16.				<i>[Insert any other locally required elements]</i>		

**SECTION XV. APPLICATION CHECKLISTS**

<b>B</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
17.						
18.						

**EXISTING CONDITIONS PLAN(S)**

<b>C</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
1.				A general location map showing the relationship of the development parcel(s) of the area within a half-mile radius		
2.				Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
3.				Location of known existing easements and rights-of-way within or adjacent to the subdivision/development parcel(s)		
4.				Location of any existing street, driveways, farm roads, woods roads, and/or trails that have been in public use (pedestrian, equestrian, bicycle, etc.) within and adjacent to the subdivision/development parcel(s)		
5.				Zoning district(s) of the land being developed, with zoning boundary lines shown if there is more than one district		
6.				District Dimensional Regulations of the subdivision/development parcel(s)		
7.				Existing contours at intervals at a minimum of five (5) feet		
8.				Base flood elevation data; use the North American Vertical Datum of 1988 (NAVD 88)		
9.				Location of soil contaminants present on the subject parcel		
10.				Location of wetlands, watercourses or coastal features within and adjacent to the parcel(s), including buffer areas as defined by RIDEM for wetlands		
11.				Location of wooded areas and areas of active agricultural use		
12.				Boundaries of applicable watersheds for the parcel(s)		
13.				Location, size, and use/type of all existing buildings or significant above-ground structures, including stone walls		
14.				Location and size of existing buildings or significant above-ground structures, including stone walls, on parcels immediately adjacent to the subdivision/development parcel(s)		
15.				Location, size, and type of all known, existing above and below ground utilities, including sewer, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be present on the site or within the right of way along the property frontage		
16.				Location of any significant natural or cultural features, include historic cemeteries and access, within or adjacent to the parcel(s)		
17.				Notation indicating that the subdivision/development parcel(s) (or existing structures) are located or not located within the following areas of special concern:		

**SECTION XV. APPLICATION CHECKLISTS**

<b>C</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
				a. Natural Heritage Areas, as defined by RIDEM b. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC c. A Groundwater Protection Overlay District d. A Wellhead Protection Area e. Groundwater Recharge Area f. Areas within a TMDL watershed, as identified by RIDEM g. OWTS Critical Resource Area, as defined by RIDEM h. A Drinking Water Supply Watershed, as defined by RIDEM i. National Register of Historic Places		
				<i>[Insert any other locally required elements]</i>		

**PROPOSED CONDITIONS PLAN(S)**

<b>D</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
1.				Boundaries and total area of any land classified as “unsuitable for development”		
2.				Proposed structure(s) and other site improvements with dimensions or area indicated for a multi-family, commercial or industrial subdivision/development and total lot coverage		
3.				Proposed streets, if any, with accurate areas and dimensions		
4.				Any proposed on- and/or off-site improvements including streets, access drives, loading areas, parking areas, sidewalks, pedestrian areas, and bicycle parking and/or paths		
5.				Final traffic plan; include vehicular access sites showing the dimensions and location of roads, driveways, curb cuts, radii, parking as well as other off-site traffic improvements		
6.				Designated trash collection area(s)		
7.				Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
8.				Proposed location, size, and type of all above ground and underground utilities servicing the property, including wastewater, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be required for site development		
9.				Proposals, if any, for connection with existing sanitary sewer systems, or a notation that OWTS is proposed		
10.				Designs of proposed stormwater management infrastructure, including type, location, and configuration, prepared by a Registered Professional Engineer for final plans		
11.				Proposed phasing, including depiction of which structures and on- and off-site improvements are to be installed in which phase, if applicable		

**SECTION XV. APPLICATION CHECKLISTS**

<b>D</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
12.				Limits of disturbance/work relative to on-and off-site improvements and infrastructure installation		
13.				Proposed grading plan(s) to show contours at sufficient detail (2-foot intervals) for all on and off-site street construction, drainage facilities, and individual house lots, stamped by a licensed Professional Engineer for final plans		
14.				Landscape plan(s), to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation, landscaping on street rights-of-way, and within common areas, and landscape installation details and related notations		
15.				Notation of any special conditions as required by the Preliminary Plan approval		
16.				Proposed measures to minimize impacts to the natural topography of the site using the Low Impact subdivision (LID) Site Planning & Design Guidance Manual		
				<i>[Insert any other locally required elements]</i>		

**E. SUPPORTING MATERIALS**

<b>E</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
1.				Copies of an aerial photograph or satellite image vicinity map drawn to a measurable scale as necessary to show the relationship of the subdivision/development parcel(s) to the area within a half-mile radius, identifying the locations of all streets, zoning district boundaries, schools, parks, fire stations, and other significant public facilities		
2.				Renderings, elevations or photographs as may be needed to illustrate the visual impact of a proposed multi-family, commercial or industrial subdivision/development		
3.				A narrative report or written statement including: <ul style="list-style-type: none"> <li>a. A general description of the existing physical environment and existing use(s) of the property;</li> <li>b. A general description of the use(s) and type(s) of development proposed;</li> <li>c. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed development, including consideration of existing conditions and significant site features;</li> <li>d. A general analysis of soil types and suitability for the development proposed; and</li> <li>e. A general viewshed analysis, showing the location and extent of significant views both from and within the proposed development parcel(s), as well as anticipated views into the property from adjacent public or private streets and properties.</li> </ul>		

**SECTION XV. APPLICATION CHECKLISTS**

E	AD	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
4.				A written, signed statement indicating the specific sections of the Regulations from which waiver and/or modification is requested; or a written signed statement indicating that no waivers and/or modifications are being requested		
5.				For developments with freshwater wetlands present on the subdivision parcel(s), copies of either: a. An RIDEM wetlands permit, if required pursuant to RIDEM rules and regulations; or b. A letter of non-jurisdiction from RIDEM		
6.				If no freshwater wetlands and/or wetland buffers are depicted within the plan set, copies of an affidavit signed by a qualified professional stating that there are no freshwater wetlands and/or buffer areas within the subdivision/development parcel(s)		
7.				Either, copies of: a. An affidavit signed by a qualified professional stating that there are no coastal features and/or buffer areas adjacent to or within the subdivision/development parcel(s); or b. A Preliminary Determination, including coastal feature verification, from the Coastal Resources Management Council		
8.				For developments proposing service by public water, copies of a written statement from the appropriate water company or district that the proposed plan, with plan revision date indicated, has been reviewed and which provides: a. Confirmation that water service is available; b. Approval of connection to the existing water main as depicted on the plan; and, If extension is proposed, approval from the company or district of the extension of the water main as depicted on the plan		
9.				For subdivisions/developments proposing service by public sewer, copies of a written statement from the [CITY/TOWN DPW Department] that the proposed plan, with plan revision date indicated, has been reviewed and which provides: a. Approval of connection to the existing sewer main as depicted on the plan; and b. If extension is proposed, approval of extension of the sewer main as depicted on the plan		
10.				For developments proposing service by OWTS(s), copies of a permit issued by RIDEM.		
11.				Written comments on the Plans, by the following as required (provided by Admin. Officer): ____ Building/Zoning Official                      Date _____ ____ Planning Commission                              Date _____ ____ Technical Review Committee                      Date _____ ____ Director of Public Works                              Date _____ ____ Department of Health                              Date _____		

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>AD</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
				_____ Fire Department                      Date _____ _____ Conservation Commission                      Date _____ _____ Police Department                      Date _____ _____ School Department                      Date _____ Other (specify below) _____ Date _____ Adjacent Communities _____ Date _____		
12.				Copies of drainage calculations, associated explanatory narrative, and all supporting documentation, including an Operations and Maintenance manual for the system		
13.				A traffic study, if required, prepared by a traffic engineer regarding the potential impact of the proposed development on neighboring properties and roads; include all means of vehicular access to and from the site onto public streets showing driveways, curb cuts, radii, parking as well as other offsite traffic improvements necessary to ensure public safety and convenience, if required.		
14.				Copies of any RIDEM stormwater or other general construction permits that are required, or an affidavit, signed by a qualified professional, stating that no RIDEM stormwater or construction permits are required		
15.				“Tax Certificate” from the Tax Collector showing that all taxes due on the parcel being subdivided have been paid to date and there are no outstanding municipal liens of the parcel		
16.				Written confirmation and/or permits from any additional required federal, state, or local agencies		
17.				Determination letter from the Building Official or designee if a Soil Erosion Sediment Control Plan is required		
18.				Written report of Phase I Environmental Site Assessment and Phase II, if indicated		
19.				Written report and approval from RIDEM of an Environmental Site Assessment Phase III (Remediation Plan) if required		
20.				Final copies of an irrevocable offer to convey to the [CITY/TOWN] all public streets and/or other public improvements, accompanied by a metes and bounds description		
21.				For developments proposing new physical access to a State right-of-way a letter evidencing the issuance of such a permit upon the submission of a bond and insurance <sup>1</sup>		
22.				Location, type, intensity and direction of illumination of all outdoor lighting fixtures.		

<sup>1</sup> RIGL §45-23-39(d)(1)(v) states that for a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

**SECTION XV. APPLICATION CHECKLISTS**

E	AD	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
23.				Floor plans and building elevations showing exterior building design, materials, colors and height.		
24.				Location, type and density of land uses that will be in the development.		
25.				Renderings as needed to illustrate the visual impact on abutting properties.		
26.				Signage including location, size, design and illumination.		

**F. DESIGN REQUIREMENTS**

A	AD	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE	
6.				Project Review Application Cover Sheet __ [#] Copies		
7.				Project Team Form __ [#] Copies		
8.				A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent		
9.				Purpose statement		
10.				Application Cover Sheet		
				<i>[Insert any other locally required elements]</i>		
Checklist Item #		Applicant Comments on Required Forms/Documents:				
Checklist Item #		Reviewer Comments on Required Forms/Documents:				

**G. FEES**

F	AD	PR	F	REVIEW CODE
1.				Filing fee: \$ ___
2.				Escrow, if required: \$ ___
3.				

Signature of Applicant: \_\_\_\_\_

Signature of Professional Land Surveyor /Engineer: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Signature of reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

**SECTION XV. APPLICATION CHECKLISTS**

**MAJOR SUBDIVISION OR MAJOR LAND DEVELOPMENT CHECKLIST**

Name of proposed subdivision/development: \_\_\_\_\_

Preparer: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Plat and Lot Number(s) of the land being subdivided/developed: \_\_\_\_\_

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Date Received / Initials
--

**[A COPY OF ALL PLANS AND SUPPORTING DOCUMENTS SHALL BE SUBMITTED IN DIGITAL FORM (PDF). APPLICATIONS WILL NOT BE CONSIDERED SUBMITTED FOR REVIEW OF COMPLETENESS UNTIL BOTH DIGITAL AND PAPER SUBMISSIONS ARE RECEIVED.]**

**INSTRUCTIONS**

[Please refer to the submission requirements for Major Subdivision/Land Development project for additional information in completing your application.] All plans required by this checklist shall show the following information (as applicable). The shaded boxes within the checklist indicate an item is **not** required at a particular stage of review. If any checklist items are marked as not applicable (NA) please provide an explanation as to why the item is not applicable in the space provided at the end of each section of the checklist.

For the LOCATION column please provide the location of the specific checklist item. This can be a plan sheet number or the name of the supporting document/page.

For items required at the pre-application and master plan stage of review, conceptual design and approximate locations of required checklist items is acceptable. For items required at the preliminary and final stage of review, engineered design and proposed final locations of required checklist items shall be provided, with certification by registered Professional Engineer where required. The [Administrative Officer] can provide further guidance on specific checklist items.

*Review Codes are for administrative use only and are to be entered by the Administrative Officer:*  
**Item Confirmed – Yes, No, Partial, or NA**

**Please check the applicable stage of review for the submission**

Project Type: <input type="checkbox"/> Major Subdivision <input type="checkbox"/> Major Land Development	Stage of Review: <input type="checkbox"/> Pre-Application (PA) <input type="checkbox"/> Master Plan (M) <input type="checkbox"/> Preliminary Plan (PR) <input type="checkbox"/> Final Plan (F)
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**SECTION XV. APPLICATION CHECKLISTS**

**FORMS AND DOCUMENTS**

A	PA	M	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE	
11.					Project Review Application Cover Sheet __ [#] Copies		
12.					Project Team Form __ [#] Copies		
13.					A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent		
14.					Purpose statement		
15.					Application Cover Sheet		
					<i>[Insert any other locally required elements]</i>		
Checklist Item #		Applicant Comments on Required Forms/Documents:					
Checklist Item #		Reviewer Comments on Required Forms/Documents:					

**GENERAL INFORMATION (\*to be provided on plan sheets)**

B	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
19.					*Name of the proposed subdivision/land development project		
20.					*Plat and lot number(s) of land being subdivided/developed		
21.					*Address/Location of Subdivision or Development		
22.					Name and address of the applicant(s)		
23.					Name and address of property owner(s)		
24.					*Name, address, phone, and stamp(s) of the RI Registered Engineer and/or RI Registered Land Surveyor responsible for the plans		
25.					*Date of plan preparation and all revision date(s), if any		
26.					*True north arrow and graphic scale		
27.					Site plan legend (all items displayed on site plans shall be symbolized in a legend)		
28.					*Relevant references to deeds and recorded plans		
29.					*List of sheets contained within the plan set		
30.					*Notation of any permits and/or agreements obtained from or made with State and Federal agencies, including permit number if applicable		
31.					Names, addresses and Plat/Lot identified of abutting property owners and property within 200' of the parcel(s)		
32.					FEMA Flood Plain Map, show the entire parcel		

**SECTION XV. APPLICATION CHECKLISTS**

B	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
33.					Site and/or environmental analysis [INSERT LOCAL SECTION REFERENCE]		
34.					<i>[Insert any other locally required elements]</i>		
35.							
36.							

**EXISTING CONDITIONS PLAN(S)**

C	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
18.					A general location map showing the relationship of the subdivision/development parcel(s) of the area within a half-mile radius		
19.					Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
20.					Location of known existing easements and rights-of-way within or adjacent to the subdivision/development parcel(s)		
21.					Location of any existing street, driveways, farm roads, woods roads, and/or trails that have been in public use (pedestrian, equestrian, bicycle, etc.) within and adjacent to the subdivision/development parcel(s)		
22.					Zoning district(s) of the land being subdivided/developed, with zoning boundary lines shown if there is more than one district		
23.					District Dimensional Regulations of the subdivision/development parcel(s)		
24.					Density calculations based upon the exclusion of unsuitable land from the total land area of the subdivision/development parcel(s), include the total acreage, the acreage of unsuitable land and the resulting total number of units allowed by right		
25.					Dimensions and total area of the subdivision/development parcel(s), and location and dimensions of existing property lines, type of easements and rights-of-way within or adjacent to the subdivision/development parcel(s)		
26.					Existing contours at intervals at a minimum of five (5) feet		
27.					Existing contours at intervals at a minimum of two (2) feet		
28.					Base flood elevation data; use the North American Vertical Datum of 1988 (NAVD 88)		
29.					Boundaries and notation of the soil types classifications for the entire area of the subdivision parcel(s)		
30.					Location of soil contaminants present on the subject parcel		
31.					Identification of areas containing prime agricultural soils and farmland soils of statewide importance, or if no such soils are present on the site, a notation indicating such		

**SECTION XV. APPLICATION CHECKLISTS**

<b>C</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
32.					Identification of any geologic formations on the proposed parcel(s), including rock outcroppings, cliffs, coastal features, etc.		
33.					Location of wetlands, watercourses or coastal features within and adjacent to the parcel(s), including buffer areas as defined by RIDEM for wetlands		
34.					Location of wooded areas and areas of active agricultural use		
35.					Boundaries of applicable watersheds for the parcel(s)		
36.					Location, size, and use/type of all existing buildings or significant above-ground structures, including stone walls		
37.					Location and size of existing buildings or significant above-ground structures, including stone walls, on parcels immediately adjacent to the subdivision/development parcel(s)		
38.					Location, size, and type of all known, existing above and below ground utilities, including sewer, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be present on the site or within the right of way along the property frontage		
39.					Location of any significant natural or cultural features, include historic cemeteries and access, within or adjacent to the parcel(s)		
40.					<p>Notation indicating that the subdivision/development parcel(s) (or existing structures) are located or not located within the following areas of special concern:</p> <ul style="list-style-type: none"> <li>j. Natural Heritage Areas, as defined by RIDEM</li> <li>k. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC</li> <li>l. A Groundwater Protection Overlay District</li> <li>m. A Wellhead Protection Area</li> <li>n. Groundwater Recharge Area</li> <li>o. Areas within a TMDL watershed, as identified by RIDEM</li> <li>p. OWTS Critical Resource Area, as defined by RIDEM</li> <li>q. A Drinking Water Supply Watershed, as defined by RIDEM</li> <li>r. National Register of Historic Places</li> </ul>		
41.					Location and size of trees with a caliper of fifteen inches or greater that are within the area proposed for disturbance or alteration		
					<i>[Insert any other locally required elements]</i>		
Checklist Item #		Applicant Comments on Required Items:					
Checklist Item #		Reviewer Comments on Required Items:					

**SECTION XV. APPLICATION CHECKLISTS**

**PROPOSED CONDITIONS PLAN(S)**

<b>D</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
17.					Boundaries and total area of any land classified as “unsuitable for development”		
18.					Proposed number of buildable lots		
19.					Proposed easements and rights-of-way within the subdivision parcel(s)		
20.					Proposed lot lines, with accurate dimensions and lot areas, drawn so as to distinguish them from existing property lines		
21.					Proposed structures and all accessory structures with dimensions or area indicated for a residential subdivision and total lot coverage, including proposed number of residential units per building, if applicable		
22.					Proposed structure(s) and other site improvements with dimensions or area indicated for a multi-family, commercial or industrial subdivision/development and total lot coverage		
23.					Proposed streets, if any, with accurate areas and dimensions		
24.					Any proposed on- and/or off-site improvements including streets, access drives, loading areas, parking areas, sidewalks, pedestrian areas, and bicycle parking and/or paths		
25.					Final traffic plan; include vehicular access sites showing the dimensions and location of roads, driveways, curb cuts, radii, parking as well as other off-site traffic improvements		
26.					If proposed, notation as to whether the proposed street extension or creation is to be private or public		
27.					Designated trash collection area(s)		
28.					Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
29.					Location and dimensions of proposed easements and rights-of-way within the subdivision/development parcel(s), or those to be acquired adjacent to the subdivision/development parcel(s) as maybe necessary		
30.					Proposed location, size, and type of all above ground and underground utilities servicing the property, including wastewater, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be required for site development		
31.					Proposals, if any, for connection with existing sanitary sewer systems, or a notation that OWTS is proposed		
32.					The locations and design details of any OWTS proposed for use within the subdivision/development		
33.					If future subdivision/development is to be serviced by an OWTS, soil evaluations in the relative location where each		

**SECTION XV. APPLICATION CHECKLISTS**

<b>D</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
					system is proposed, which have been performed by a licensed RI soil evaluator and witnessed by RIDEM		
34.					Proposals, if any, for connection with existing water supply systems, or if future subdivision/development is to be serviced by on-site wells, notation of such		
35.					Designs of proposed stormwater management infrastructure, including type, location, and configuration, prepared by a Registered Professional Engineer for final plans		
36.					Proposed phasing, including depiction of which structures and on- and off-site improvements are to be installed in which phase, if applicable		
37.					Location, dimensions, types, and area of any land proposed to be set aside as open space or to be conveyed to the [CITY/TOWN] for public purposes		
38.					Locations and types of proposed survey and open space monumentation, if any		
39.					Limits of disturbance/work relative to on-and off-site improvements and infrastructure installation		
40.					Proposed grading plan(s) to show contours at sufficient detail (2-foot intervals) for all on and off-site street construction, drainage facilities, and individual house lots, stamped by a licensed Professional Engineer for final plans		
41.					Landscape plan(s), to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation, landscaping on street rights-of-way, and within common areas, and landscape installation details and related notations		
42.					Notation of any special conditions as required by the Preliminary Plan approval		
43.					Proposed measures to minimize impacts to the natural topography of the site using the Low Impact subdivision (LID) Site Planning & Design Guidance Manual		
44.					Final construction plans including plans and any additional improvements as required as a condition of preliminary plan		
45.					For phased projects, as-built drawings for the previous phase		
					<i>[Insert any other locally required elements]</i>		
Checklist Item #		Applicant Comments on Required Items:					
Checklist Item #		Reviewer Comments on Required Items:					

**F. SUPPORTING MATERIALS**

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
27.					Copies of an aerial photograph or satellite image vicinity map drawn to a measurable scale as necessary to show the relationship of the subdivision/development parcel(s) to the area within a half-mile radius, identifying the locations of all streets, zoning district boundaries, schools, parks, fire stations, and other significant public facilities		
28.					Renderings, elevations or photographs as may be needed to illustrate the visual impact of a proposed multi-family, commercial or industrial subdivision/development		
29.					A narrative report or written statement including: f. A general description of the existing physical environment and existing use(s) of the property; g. A general description of the use(s) and type(s) of subdivision/development proposed; h. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features; i. An estimate of the approximate population of the proposed subdivision/development, if any j. An estimate of the number of school-aged children to be housed in the proposed subdivision/development, if any. k. A general analysis of soil types and suitability for the development proposed; l. A general viewshed analysis, showing the location and extent of significant views both from and within the proposed subdivision/development parcel(s), as well as anticipated views into the property from adjacent public or private streets and properties; m. A statement of the potential fiscal impacts of the subdivision/development on [CITY/TOWN] expenses and revenues		
30.					A written, signed statement indicating the specific sections of the Regulations from which waiver and/or modification is requested; or a written signed statement indicating that no waivers and/or modifications are being requested		
31.					For subdivisions with freshwater wetlands present on the subdivision parcel(s), copies of either: c. An RIDEM wetlands permit, if required pursuant to RIDEM rules and regulations; or d. A letter of non-jurisdiction from RIDEM		
32.					If no freshwater wetlands and/or wetland buffers are depicted within the plan set, copies of an affidavit signed by a		

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
					qualified professional stating that there are no freshwater wetlands and/or buffer areas within the subdivision/development parcel(s)		
33.					Either, copies of: c. An affidavit signed by a qualified professional stating that there are no coastal features and/or buffer areas adjacent to or within the subdivision/development parcel(s); or d. A Preliminary Determination, including coastal feature verification, from the Coastal Resources Management Council		
34.					For subdivisions/developments proposing service by public water, copies of a written statement from the appropriate water company or district that the proposed plan, with plan revision date indicated, has been reviewed and which provides: c. Confirmation that water service is available; d. Approval of connection to the existing water main as depicted on the plan; and, If extension is proposed, approval from the company or district of the extension of the water main as depicted on the plan		
35.					For subdivisions/developments proposing service by public sewer, copies of a written statement from the [CITY/TOWN DPW Department] that the proposed plan, with plan revision date indicated, has been reviewed and which provides: c. Approval of connection to the existing sewer main as depicted on the plan; and d. If extension is proposed, approval of extension of the sewer main as depicted on the plan		
36.					For subdivisions/developments proposing service by OWTS(s), copies of a permit issued by RIDEM.		
37.					Written comments on the Plans, by the following as required (provided by Admin. Officer): ___ Building/Zoning Official                      Date _____ ___ Planning Commission                              Date _____ ___ Technical Review Committee                      Date _____ ___ Director of Public Works                              Date _____ ___ Department of Health                              Date _____ ___ Fire Department                                      Date _____ ___ Conservation Commission                              Date _____ ___ Police Department                                      Date _____ ___ School Department                                      Date _____ Other (specify below) _____ Date _____		

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
					Adjacent Communities _____ Date _____		
38.					Copies of drainage calculations, associated explanatory narrative, and all supporting documentation, including an Operations and Maintenance manual for the system		
39.					A traffic study, if required, prepared by a traffic engineer regarding the potential impact of the proposed subdivision/development on neighboring properties and roads; include all means of vehicular access to and from the site onto public streets showing driveways, curb cuts, radii, parking as well as other offsite traffic improvements necessary to ensure public safety and convenience		
40.					Copies of any RIDEM stormwater or other general construction permits that are required, or an affidavit, signed by a qualified professional, stating that no RIDEM stormwater or construction permits are required		
41.					"Tax Certificate" from the Tax Collector showing that all taxes due on the parcel being subdivided have been paid to date and there are no outstanding municipal liens of the parcel		
42.					Written confirmation and/or permits from any additional required federal, state, or local agencies		
43.					Written decision from the Zoning Board of Review if relief is required and noted on the plan		
44.					Determination letter from the Building Official or designee if a Soil Erosion Sediment Control Plan is required		
45.					Written report of Phase I Environmental Site Assessment and Phase II, if indicated		
46.					Written report and approval from RIDEM of an Environmental Site Assessment Phase III (Remediation Plan) if required		
47.					Draft or final copies of all legal documents; legal description of property, proposed easement and rights-of-way, dedications, restrictions or other required legal documents including but not limited to covenants or Homeowners Association, Stormwater Management Plan, Landscaping Maintenance Plan, a deed conveying open space or offer of street dedication		
48.					Final copies of an irrevocable offer to convey to the [CITY/TOWN] all public streets and/or other public improvements, accompanied by a metes and bounds description		

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
49.					For subdivisions/developments proposing new physical access to a State right-of-way a letter evidencing the issuance of such a permit upon the submission of a bond and insurance <sup>1</sup>		
50.					Location, type, intensity and direction of illumination of all outdoor lighting fixtures.		
51.					Location, type and density of land uses that will be in the development.		
52.					Renderings as needed to illustrate the visual impact on abutting properties.		
53.					Signage including location, size, design and illumination.		

**H. FEES**

<b>F</b>	<b>PA</b>	<b>M</b>	<b>PR</b>	<b>F</b>	<b>REVIEW CODE</b>
1.				Filing fee: \$ ____	
2.				Escrow, if required: \$ ____	
3.					

Signature of Applicant: \_\_\_\_\_

Signature of Professional Land Surveyor /Engineer: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Signature of reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

<sup>1</sup> RIGL §45-23-39(d)(1)(v) states that for a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

**SECTION XV. APPLICATION CHECKLISTS**

**MINOR SUBDIVISION OR LAND DEVELOPMENT CHECKLIST**

Name of proposed subdivision/development: \_\_\_\_\_

Preparer: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Plat and Lot Number(s) of the land being subdivided/developed: \_\_\_\_\_

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Date Received / Initials
--

**[A COPY OF ALL PLANS AND SUPPORTING DOCUMENTS SHALL BE SUBMITTED IN DIGITAL FORM (PDF). APPLICATIONS WILL NOT BE CONSIDERED SUBMITTED FOR REVIEW OF COMPLETENESS UNTIL BOTH DIGITAL AND PAPER SUBMISSIONS ARE RECEIVED.]**

**INSTRUCTIONS**

[Please refer to the submission requirements for Minor Subdivision/Land Development project for additional information in completing your application.] All plans required by this checklist shall show the following information (as applicable). The shaded boxes within the checklist indicate an item is **not** required at a particular stage of review. If any checklist items are marked as not applicable (NA) please provide an explanation as to why the item is not applicable in the space provided at the end of each section of the checklist.

For the LOCATION column please provide the location of the specific checklist item. This can be a plan sheet number or the name of the supporting document and page.

For items required at the pre-application stage of review, conceptual design and approximate locations of required checklist items is generally acceptable. For items required at the preliminary and final stage of review, engineered design and proposed final locations of required checklist items shall be provided, with certification by registered Professional Engineer where required. The [Administrative Officer] can provide further guidance on specific checklist items.

*Review Codes are for administrative use only and are to be entered by the Administrative Officer:  
Item Confirmed – Yes, No, Partial, or NA*

**Please check the applicable stage of review for the submission**

Project Type: <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Minor Land Development	Stage of Review: <input type="checkbox"/> Pre-Application (PA) <input type="checkbox"/> Preliminary Plan (PR) <input type="checkbox"/> Final Plan (F)
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**SECTION XV. APPLICATION CHECKLISTS**

**A. FORMS AND DOCUMENTS**

A	PA	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE
16.				Project Review Application Cover Sheet __ [#] Copies	
17.				Project Team Form __ [#] Copies	
18.				A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent	
19.				Purpose statement	
20.				Application Cover Sheet	
				<i>[Insert any other locally required elements]</i>	
Checklist Item #		Applicant Comments on Required Forms/Documents:			
Checklist Item #		Reviewer Comments on Required Forms/Documents:			

**B. GENERAL INFORMATION (\*to be provided on plan sheets)**

B	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
37.				*Name of the proposed subdivision/land development project		
38.				*Plat and lot number(s) of land being subdivided/developed		
39.				*Address/Location of Subdivision or Development		
40.				Name and address of the applicant(s)		
41.				Name and address of property owner(s)		
42.				*Name, address, phone, and stamp(s) of the RI Registered Engineer and/or RI Registered Land Surveyor responsible for the plans		
43.				*Date of plan preparation and all revision date(s), if any		
44.				*True north arrow and graphic scale		
45.				Site plan legend (all items displayed on site plans shall be symbolized in a legend)		
46.				*Relevant references to deeds and recorded plans		
47.				*List of sheets contained within the plan set		
48.				*Notation of any permits and/or agreements obtained from or made with State and Federal agencies, including permit number if applicable		
49.				Names, addresses and Plat/Lot identified of abutting property owners and property within 200' of the parcel(s)		
50.				Names and addresses of adjoining communities or agencies requiring notification under these regulations		

**SECTION XV. APPLICATION CHECKLISTS**

<b>B</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
51.				FEMA Flood Plain Map, show the entire parcel		
52.				Site and/or environmental analysis [INSERT LOCAL SECTION REFERENCE]		
53.				<i>[Insert any other locally required elements]</i>		
54.						
55.						

**EXISTING CONDITIONS PLAN(S)**

<b>C</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
42.				A general location map showing the relationship of the parcel to the area within a half-mile radius, provide an aerial photograph or satellite image clearly depicting the subject parcel		
43.				Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
44.				District Dimensional Regulations of the subject parcel		
45.				Density calculations based upon the exclusion of unsuitable land from the total land area of the subject parcel, include the total acreage, the acreage of unsuitable land and the resulting total number of units allowed by right		
46.				Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, type of easements and rights-of-way within or adjacent to the subject parcel		
47.				Existing contours at intervals at intervals of ten (10) feet		
48.				Existing contours at intervals at a minimum of two (2) feet		
49.				Base flood elevation data; use the North American Vertical Datum of 1988 (NAVD 88)		
50.				Plat and lot numbers of all abutting property and property within 200' of the subject parcel		
51.				Boundaries and notation of the soil types classifications for the entire area of the subdivision parcel(s)		
52.				Location of soil contaminants present on the subject parcel		
53.				Location of Phase III Remediation Plan area, if required by RIDEM		
54.				Location of wetlands, watercourses or coastal features within and adjacent to the parcel(s), including buffer areas as defined by RIDEM for wetlands		
55.				If no wetlands or coastal features are depicted within the plan set, an affidavit signed by a qualified professional stating that there are no freshwater wetlands and/or buffer areas within the subdivision/development parcel(s)		

**SECTION XV. APPLICATION CHECKLISTS**

<b>C</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
56.				Notation of existing ground cover with approximate location of wooded areas and areas of active agricultural use		
57.				Identification of areas containing prime agricultural soils and farmland soils of statewide importance, or if no such soils are present on the site, a notation indicating such		
58.				Determination if the proposed development or subdivision lies within any area designated by the town or state for purposes of environmental protection or natural or cultural resource protection, such as: a. Natural Heritage Areas, as defined by RIDEM b. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC c. A Groundwater Protection Overlay District d. Wellhead Protection Area e. Groundwater Recharge Area f. Areas within a TMDL watershed, as identified by RIDEM g. An OWTS Critical Resource Area, as defined by RIDEM h. A Drinking Water Supply Watershed, as defined by RIDEM i. National Register of Historic Places		
22.				Location of known existing easements and rights-of-way within or adjacent to the subdivision/development parcel(s), including streets, driveways, farm roads, woods roads, and/or trails that have been in public use		
59.				Location, width, classification, and names of existing public, private, and paper streets within and adjacent to the subdivision/development parcel(s)		
60.				Location, size, and use/type of all existing buildings or significant above-ground structures, including stone walls, on the subdivision/development parcel(s)		
61.				Location and size of existing buildings or significant above-ground structures on parcels immediately adjacent to the subdivision/development parcel(s)		
62.				Location, size, and type of all known, existing above and below ground utilities, including sewer, OWTS, wells, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be present on the site or within the right of way along the property frontage		
63.				Location of any unique and/or historic features within or adjacent to the subdivision/development parcel(s), including stone walls, historic cemeteries and access, or, if none, a notation indicating such		
64.				Accurate location of any unique natural features present on the site, including but not limited to significant specimen trees, or if none, a notation indicating such		
33.				Relevant references to deeds and recorded plans		
Checklist Item #				Applicant Comments on Required Items:		

**SECTION XV. APPLICATION CHECKLISTS**

C	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
Checklist Item #				Reviewer Comments on Required Items:		

**D. PROPOSED CONDITIONS PLAN(S)**

D	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.				Location, size, and use/type of proposed buildings and structures, including proposed number of residential units per building, if applicable, and include all accessory structures and total lot coverage		
2.				Proposed buildings and other site improvements for a commercial or industrial development, include building setback lines and lot coverage		
3.				Proposed lots with dimensions and areas indicated, include all interior lot lines, building setback lines and street lines with dimensions indicated and drawn so as to distinguish them from existing lot line		
4.				Boundaries and total area of any land classified as “unsuitable for development”		
5.				Proposed connection with existing public water supply and sewer system or on-site wells and sewage disposal		
6.				If proposed, plan and profile design information for any extension of public or private utility infrastructure		
7.				Concept measures to minimize impacts to the natural topography of the site using the Low Impact Development (LID) Site Planning & Design Guidance Manual		
8.				Any proposed on- and /or off-site improvements including streets, access drives, loading areas, parking areas, sidewalks, and bicycle paths, include profiles and typical cross-sections		
9.				Proposed location, size, and type of all above ground and underground utilities servicing the property, including wastewater, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be required for site development		
10.				If future development is to be serviced by an On-Site Wastewater Treatment System(s), soil evaluations in the relative location where each system is proposed, which have been performed by a licensed RI soil evaluator and witnessed by RIDEM		
11.				Location and dimensions of proposed easements and rights-of-way within the development parcel(s), or those to be acquired adjacent to the development parcel(s) as maybe necessary		
12.				Location, dimension, monumentation, and proposed use of any area(s) proposed to be set aside as open space, if any		

**SECTION XV. APPLICATION CHECKLISTS**

<b>D</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
3.				Proposed phasing, including depiction of which structures and on- and off-site improvements are to be installed in which phase, if applicable		
4.				Limits of disturbance/work relative to on- and off-site improvements and infrastructure installation		
5.				Grading plan(s) to show contours at sufficient detail (2-foot intervals) for all on and off-site street construction, drainage facilities, and individual house lots, certified by a RI registered Professional Engineer for final plans		
6.				Stormwater management plan(s), to show accurate designs and details of proposed stormwater management infrastructure, including type, location, drainage calculations, extension of existing lines, and configuration, prepared by a Registered Professional Engineer		
7.				Landscape plan(s), maintenance plan and tree preservation plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation, landscaping on street rights-of-way, and within common areas, and landscape installation details and related notations, signed by a licensed Landscape Architect for final plans		
8.				Certification by a RI Registered Professional Engineer that the Proposed Conditions Plan is correct		
9.				Any revisions to the proposed conditions required by the Preliminary Plan approval		
10.				Notation of any special conditions/documents received as required by the Preliminary Plan approval		
11.						
				<b>Checklist Item #</b>	<b>Applicant Comments on Required Items:</b>	
				<b>Checklist Item #</b>	<b>Reviewer Comments on Required Items:</b>	

**E. PROJECTS WITH STREETS/ROADWAYS**

If your project proposes to extend or create a roadway, please complete this section. If your project does not propose to extend or create a roadway, you may skip this section.

**SECTION XV. APPLICATION CHECKLISTS**

<b>E</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
1.				Roadway design plan(s) and profile(s), including existing and proposed elevations and locations of proposed utility infrastructure, and proposed street names		
2.				Roadway design plan(s) and profile(s), including existing and proposed elevations and typical cross-sections and paved (impervious) areas delineated on the appropriate plans, including all pedestrian facilities		
3.				Notation as to whether the proposed street extension or creation is to be private or public		
4.						
Checklist Item #				Applicant Comments on Required Items:		
Checklist Item #				Reviewer Comments on Required Items:		

**F. SUPPORTING MATERIALS**

<b>F</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
1.				Renderings, elevations or photographs as may be requested to illustrate the visual impact of the proposal for subdivision/development		
2.				Copies of an aerial photograph or satellite image vicinity map drawn to a measurable scale as necessary to show the relationship of the subject parcel(s) to the area within a half-mile radius, identifying the locations of all streets, zoning district boundaries, schools, parks, fire stations, and other significant public facilities		
3.				Proposed zoning relief or waiver required /requested, if requesting a zoning waiver		
4.				Determination letter from the Building/Zoning Official		
5.				Copy of the Deed/Title to the subject parcel, if requested		
6.				Written confirmation from the RIDEM Office of Water Resources that the stormwater management plans of the proposed subdivision/development including any required off-site construction, have been reviewed and approved for site alteration		
7.				Written report of Phase I Environmental Site Assessment		
8.				Phase II Environmental Site Assessment, written report if indicated		
9.				For subdivisions/developments proposing service by OWTS(s), copies of an On-Site Wastewater Treatment System permit issued by RIDEM confirming soil suitability or OWTS permits for individual lots.		

**SECTION XV. APPLICATION CHECKLISTS**

<b>F</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>																		
10.				Written report and approval from RIDEM of an Environmental Site Assessment Phase III (Remediation Plan) if required																				
11.				Copies of a narrative report or written statement including: <ol style="list-style-type: none"> <li>a. A general description of the existing physical environment and existing use(s) of the property;</li> <li>b. A general description of the use(s) and type(s) of subdivision/development proposed;</li> <li>c. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features;</li> <li>d. An estimate of the approximate population of the proposed subdivision/development, if any;</li> <li>e. An estimate of the number of school-aged children to be housed in the proposed subdivision/development, if any.</li> <li>f. A general analysis of soil types and suitability for the subdivision/development proposed;</li> <li>g. A statement of the potential fiscal impacts of the subdivision/development on Town expenses and revenues;</li> <li>h. A description of proposed phasing, if any.</li> </ol>																				
12.				Either, copies of: <ol style="list-style-type: none"> <li>a. An affidavit signed by a qualified professional stating that there are no coastal features and/or buffer areas adjacent to or within the subdivision/development parcel(s); or</li> <li>b. A Preliminary Determination, including coastal feature verification, from the Coastal Resources Management Council</li> </ol>																				
13.				Copies of drainage calculations, associated explanatory narrative, and all supporting documentation, including an Operations and Maintenance manual for the system																				
14.				Written comments on the Plans, by the following as required (provided by Admin. Officer): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">___ Building/Zoning Official</td> <td style="width: 50%;">Date _____</td> </tr> <tr> <td>___ Planning Commission</td> <td>Date _____</td> </tr> <tr> <td>___ Technical Review Committee</td> <td>Date _____</td> </tr> <tr> <td>___ Director of Public Works</td> <td>Date _____</td> </tr> <tr> <td>___ Department of Health</td> <td>Date _____</td> </tr> <tr> <td>___ Fire Department</td> <td>Date _____</td> </tr> <tr> <td>___ Conservation Commission</td> <td>Date _____</td> </tr> <tr> <td>___ Police Department</td> <td>Date _____</td> </tr> <tr> <td>___ School Department</td> <td>Date _____</td> </tr> </table> Other (specify below)	___ Building/Zoning Official	Date _____	___ Planning Commission	Date _____	___ Technical Review Committee	Date _____	___ Director of Public Works	Date _____	___ Department of Health	Date _____	___ Fire Department	Date _____	___ Conservation Commission	Date _____	___ Police Department	Date _____	___ School Department	Date _____		
___ Building/Zoning Official	Date _____																							
___ Planning Commission	Date _____																							
___ Technical Review Committee	Date _____																							
___ Director of Public Works	Date _____																							
___ Department of Health	Date _____																							
___ Fire Department	Date _____																							
___ Conservation Commission	Date _____																							
___ Police Department	Date _____																							
___ School Department	Date _____																							

**SECTION XV. APPLICATION CHECKLISTS**

<b>F</b>	<b>PA</b>	<b>PR</b>	<b>F</b>	<b>ELEMENT REQUIRED</b>	<b>LOCATION (PAGE #)</b>	<b>REVIEW CODE</b>
				_____ Date _____ Adjacent Communities _____ Date _____		
15.				Copies of all legal documents; legal description of property, proposed easement and rights-of-way, dedications, restrictions or other required legal documents including but not limited to covenants or Homeowners Association, Stormwater Management Plan, Landscaping Maintenance Plan, a deed conveying open space or offer of street dedication		
16.				Written confirmation and/or permits from any additional required federal, state or local agencies		
17.				Final utilities plan stamped by a licensed Professional Engineer; include the extension and location of gas, electric, water/wells, sewer/OWTS, signage or other proposed utilities as applicable		
18.				"Tax Certificate" from the Tax Collector showing that all taxes due on the parcel being developed have been paid to date and there are no outstanding municipal liens on the parcel		
19.				Soil Erosion and Sediment Control Plan		
20.				Draft copies of the metes and bounds description(s) and warranty deed(s) for all proposed public roadways and/or lands proposed to be dedicated to the Town for open space purposes, if any, in a form acceptable to the Administrative Officer and reflective of any conditions of the Preliminary Plan approval		
21.				Copies of an estimate of the cost of installation of all on- and off-site improvements, including landscaping, prepared by a Registered Professional Engineer		
22.				Written approval (assent agreement) from the RI Coastal Resources Management Council of the proposed development or subdivision if the subject parcel has coastal shoreline, including any required off-site construction		
23.				For subdivisions/developments with freshwater wetlands present on the parcel(s), copies of either: a. An RIDEM wetlands permit, if required pursuant to RIDEM rules and regulations; or b. A letter of non-jurisdiction from RIDEM		
24.				For subdivisions/developments proposing service by public water, copies of a written statement from the appropriate water company or district that the proposed plan, with plan revision date indicated, has been reviewed and which provides: e. Confirmation that water service is available; f. Approval of connection to the existing water main as depicted on the plan; and, If extension is proposed, approval from the company or district of the extension of the water main as depicted on the plan		

**SECTION XV. APPLICATION CHECKLISTS**

F	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
25.				For subdivisions/developments proposing service by public sewer, copies of a written statement from the Department of Public Services that the proposed plan, with plan revision date indicated, has been reviewed and which provides: a. Confirmation that sewer service is available; b. Approval of connection to the existing sewer main as depicted on the plan; and If extension is proposed, approval of extension of the sewer main as depicted on the plan		
26.				For subdivisions/developments proposing new physical access to a State right-of-way a letter evidencing the issuance of such a permit upon the submission of a bond and insurance <sup>1</sup>		
27.				Traffic study performed by a RI Licensed Engineer (as applicable)		
28.				Location, type, intensity and direction of illumination of all outdoor lighting fixtures.		
29.				Signage including location, size, design and illumination.		
30.				Floor plans and building elevations showing exterior building design, materials, colors and height.		
31.				Location, type and density of land uses that will be in the development.		
Checklist Item #				Applicant Comments on Required Items:		
Checklist Item #				Reviewer Comments on Required Items:		

**F. FEES**

	PA	PR	F		Received?
1.				Filing fee: \$___	
2.				Escrow, if required: \$ ___	
3.					

Signature of Applicant: \_\_\_\_\_

Signature of Professional Land Surveyor /Engineer: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Signature of reviewer: \_\_\_\_\_

Date of Review: \_\_\_\_\_

<sup>1</sup> RIGL §45-23-39(d)(1)(v) states that for a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

