

SECTION 2
Definitions

2-A. Definitions.

Where words or phrases used in these Regulations are previously defined in the definition section of either the "Rhode Island Comprehensive Planning and Land Use Regulations Act," (Section 45-22.2-4), or the "Zoning Enabling Act of 1991," (Section 45-24-31), they shall have the meanings stated therein. Additional words and phrases used in these Regulations shall have the following meanings:

ABUTTER — Owner of land within 200 feet of the subdivision as determined from the most recent public records. Land separated from proposed subdivisions by a street right-of-way or easement is considered as abutting land.

ADMINISTRATIVE OFFICER — The municipal official 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 Director of the Department of Planning and Community Development and the Town Planner shall serve as the Administrative Officer(s).

ADMINISTRATIVE SUBDIVISION — ~~Re-subdivision~~ Subdivision of existing lots which yield no new or additional lots for development and involve no creation or extension of streets. ~~Such re-subdivision shall~~ This subdivision only involves divisions, mergers, mergers and division, or adjustments, ~~or reconfirmation~~ of boundaries of existing lots.

BOARD OF APPEALS — 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 Cumberland Zoning Board of Review constituted as the Board of Appeals.

BOND — See improvement guarantee.

BUILDABLE LOT — A lot where construction for the use(s) permitted on the site under the local Zoning Ordinance is considered practical 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.

CERTIFICATE OF COMPLETENESS — A notice issued by the Administrative Officer informing the applicant that the application submitted to the officer by applicant is complete and meets the requirements of the Town's Regulations, and that the applicant may proceed with the ~~approval~~ review process. Does not indicate project approval status.

CONCEPT PLAN — A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.

1 CONSISTENCY WITH THE COMPREHENSIVE PLAN — A requirement of
 2 all land use regulations which mean that all regulations and subsequent actions
 3 shall be in accordance with the public policies arrived at through detailed study and
 4 analysis and adopted by the Town as the Cumberland Comprehensive Community
 5 Plan 1991-2010, as amended.

6 DEDICATION, FEE-IN-LIEU OF — Payments of cash which are authorized when
 7 requirements for mandatory dedication of land are not met because of physical
 8 conditions of the site or other reasons.

9 DEVELOPER — A person or entity, who is the principal representative for the project
 10 proposal at the time of recording, who posts the improvement guarantee and is
 11 responsible for constructing the infrastructure in accordance with the approved
 12 plans. The developer may be the owner of the property or the project applicant.

13 DEVELOPMENT PLAN REVIEW — Design or site plan review of a development of a
 14 permitted use. The process whereby the Planning Board is authorized to review site
 15 plans, maps, and other documentation of a development to determine the
 16 compliance with the stated purposes and standards of the Zoning Ordinance and
 17 these Regulations. The Planning Board may utilize the review under limited
 18 circumstances to encourage development to comply with design and/or
 19 performance standards of the community under specific and objective guidelines,
 20 for developments including, but not limited to:

21 a. A change in use at the property where no extensive construction of
 22 improvements is sought;

23 b. An adaptive reuse project located in a commercial zone where no extensive
 24 exterior construction of improvements is sought;

25 c. An adaptive reuse project located in a residential zone which results in less
 26 than nine (9) residential units;

27 d. Development in a designated urban or growth center;

28 e. Institutional development design review for educational or hospital facilities;
 29 or

30 f. Development in a historic district.

31 DEVELOPMENT REGULATION — Zoning, subdivision, land development plan,
 32 Development Plan Review, historic district, official map, flood plain regulation, soil
 33 erosion, Holding Pond Ordinance, or any other governmental regulation of the use
 34 and development of land.

35 DIVISION OF LAND — A subdivision.

36 ENVIRONMENTAL CONSTRAINTS — Natural features, resources, or land
 37 characteristics that are sensitive to change and may require conservation measures
 38 or the application of special development techniques to prevent degradation of the
 39 site, or may require limited development, or in certain instances, may preclude
 40 development. See also "physical constraints to development".

41 FINAL PLAN — The final stage of land development and subdivision review.

42 FINAL PLAT — The final drawing(s) of all or a portion of a subdivision to be recorded

- 1 after approval by the Planning Board and any accompanying materials as described
2 in these Regulations.
- 3 FLOOD HAZARD — Those areas delineated by the Flood Hazard Zones section.
- 4 FLOOR AREA, GROSS — See Rhode Island State Building Code.
- 5 GOVERNING BODY — The body of local government having the power to adopt
6 ordinances, accept public improvements and dedication, release public
7 improvement guarantees, and collect fees. The Cumberland Town Council is the
8 governing body in the Town of Cumberland.
- 9 IMPROVEMENTS — Any natural or built item, which becomes part of, is placed
10 upon, or is affixed to, real estate.
- 11 IMPROVEMENT GUARANTEE — A security instrument accepted by the Town to
12 ensure that all improvements, facilities, or work required by the Land Development
13 and Subdivision Regulations, or required by the Town as a condition of approval, will
14 be completed in compliance with the approved plan and specifications of a
15 development.
- 16 LAND DEVELOPMENT PROJECT — A project in which one or more lots, tracts, or
17 parcels of land or a portion thereof are to be developed or redeveloped as a
18 coordinated site for a complex of uses, units, or structures, including, but not
19 limited to: planned development, conservation development ~~and~~ or cluster
20 development for residential, commercial, institutional, recreational, open space,
21 ~~and/or~~ mixed uses as may be provided for in the Zoning Ordinance.
- 22 LOCAL REGULATIONS — The Land Development and Subdivision Regulations
23 adopted by the Cumberland Planning Board pursuant to Rhode Island General Laws,
24 § 45-23.
- 25 LOT DEPTH — The greatest lineal distance of a lot lying between and generally
26 measured perpendicular to a street right-of-way and a rear lot line.
- 27 LOT WIDTH — The lineal distance of a lot lying between and generally measured
28 perpendicular to side lot lines at its most narrow point from the minimum frontage
29 line.
- 30 MAINTENANCE GUARANTEE — Any security instrument which may be required
31 and accepted by the Town to ensure that necessary improvements will function as
32 required for a specific period of time.
- 33 MAJOR CHANGES — Any change to a plan, which in the opinion of the
34 Administrative Officer, substantially impacts the project and/or is inconsistent with
35 the intent of the original approval. Major changes shall include, but are not limited
36 to the following:
- 37 a. Changes that have the effect of creating additional lots or units;
- 38 b. Changes to any dimension contained in the plan exceeding 20%;
- 39 c. Changes that would require a waiver from these Regulations or a variance
40 or special use permit from the ~~Zoning Board~~ permitting authority;
- 41 d. Changes that may have significant negative impacts on abutting

1 property or property in the vicinity of the project;

2 e. Significant realignment of streets or entrance changes.

3 f. Exceeding the limits of disturbance as specified in the Final Plan.

4
5 MAJOR LAND DEVELOPMENT— ~~Any land development not classified as a Minor~~
6 ~~Land Development Plan.~~ development project which exceeds the thresholds for a
7 minor land development project as set forth in this section.

8 MAJOR SUBDIVISION — ~~Any subdivision not classified as either an~~
9 ~~Administrative Subdivision or a Minor Subdivision.~~ A subdivision creating ten (10)
10 or more buildable lots.

11 MASTER PLAN — An overall plan for a proposed project site outlining general,
12 rather than detailed, development intentions. It describes the basic parameters of a
13 Major Development proposal, rather than giving full engineering details. Required
14 in Major Land Development or Major Subdivision review only. It is the first formal
15 review step of the major land development or major subdivision process and the step in
16 the process in which the public hearing is held (see §45-23-39).

17 MINOR CHANGES — Any change to a plan, which, in the opinion of the
18 Administrative Officer, does not substantially impact the project, is consistent with
19 the intent of the original approval, and is not a major change.

20 MINOR LAND DEVELOPMENT PLAN PROJECT — ~~A development plan for a~~
21 ~~residential project consisting of 10 or fewer units provided that such development~~
22 ~~does not require waivers or modifications as specified in these Regulations. All~~
23 ~~proposed nonresidential and development projects shall be considered as Major~~
24 ~~Land Development plans.~~

25 A land development project involving any one of the following:

26 a. Seven thousand five hundred (7,500) gross square feet of floor area of new
27 commercial, manufacturing or industrial development; or less, or

28 b. An expansion of up to fifty percent (50%) of existing floor area or up to ten
29 thousand (10,000) square feet for commercial, manufacturing, or industrial
30 structures; or

31 c. Mixed-use development consisting of up to six (6) dwelling units and two
32 thousand five hundred (2,500) gross square feet of commercial space or less.

33 d. Multi-family residential or residential condominium development of nine (9) units
34 or less.

35 e. Change in use at the property where no extensive construction of improvements
36 are sought.

37 f. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of
38 gross floor area located in a commercial zone where no extensive exterior
39 construction of improvements is sought.

40 g. An adaptive reuse project located in a residential zone which results in less than
41 nine (9) residential units.

- 1 MINOR SUBDIVISION — ~~A plan for a residential subdivision of land consisting of~~
2 ~~five or fewer lots, provided that such subdivision does not require waivers or~~
3 ~~modifications as specified in these Regulations. A subdivision of land creating nine~~
4 ~~(9) or fewer buildable lots.~~
- 5 MODIFICATION OF REQUIREMENTS — The Planning Board shall have the power to
6 grant such waivers and/or modifications from the requirements for land
7 development and subdivision approval as may be reasonable and within the general
8 purpose and intent of the Regulations; a waiver.
- 9 NOTICE AREA — Two hundred feet from the perimeter of the entire property under
10 consideration.
- 11 PARCEL — A lot, or contiguous group of lots in single ownership or under single
12 control, and usually considered a unit for purposes of development. Also referred to
13 as a tract.
- 14 PARKING AREA OR LOT — All that portion of a development that is used by vehicles,
15 the total area used for vehicular access, circulation, parking, loading and unloading.
- 16 PERMITTING AUTHORITY — The local agency of government, meaning any board,
17 commission or administrative officer specifically empowered by state enabling law
18 and local regulation or ordinance to hear and decide on specific matters pertaining to
19 local land use.
- 20 PHASED DEVELOPMENT — Development, usually for large scale projects, where
21 construction of public and/or private improvements proceeds by section(s)
22 subsequent to approval of a Master Plan for the entire site.
- 23 PHYSICAL CONSTRAINTS TO DEVELOPMENT — Characteristics of a site or area,
24 either natural or manmade, which present significant difficulties to construction of
25 the uses permitted on that site, or would require extraordinary construction
26 methods. See also environmental constraints.
- 27 PLANNING BOARD — The Planning Board of the Town of Cumberland, Rhode
28 Island.
- 29 PLAT — A drawing or drawing of a land development or subdivision plan showing
30 the location, boundaries, and lot lines of individual properties, as well as other
31 necessary information as specified in these Regulations. Also referred to as a Plan.
- 32 PRE-APPLICATION CONFERENCE — An initial meeting between developers and
33 municipal representatives which affords developers the opportunity to present their
34 proposal informally and to receive comments and directions from the municipal
35 officials and others.
- 36 PRELIMINARY PLAN — ~~The~~ A required stage of land development and subdivision
37 review which ~~shall generally~~ requires detailed engineered drawings ~~and all required~~
38 ~~state and federal permits.~~
- 39 PUBLIC IMPROVEMENT — Any street or other roadway, sidewalk, pedestrian way,
40 tree, lawn, off-street parking area, drainage feature, or other facility for which the
41 local government or other governmental entity either is presently responsible or will
42 ultimately assume the responsibility for maintenance and operation upon municipal
43 acceptance.

- 1 PUBLIC INFORMATIONAL MEETING — A meeting of the Planning Board preceded
2 by a notice, open to the public and at which the public shall be heard.
- 3 RE-SUBDIVISION — Any change of an approved or recorded subdivision plat or in
4 a lot recorded in the municipal land evidence records, or that affects the lot lines of
5 any areas reserved for public use, or that affects any map or plan legally recorded
6 prior to the adoption of the local Development and Subdivision Regulations. For the
7 purposes of these Regulations such action shall constitute a subdivision.
- 8 STORM WATER DETENTION — A provision for storage of storm water runoff and
9 the controlled release of such runoff during and after a flood or storm.
- 10 STORM WATER RETENTION — A provision for the storage of storm water runoff.
- 11 STREET — A public or private thoroughfare used, or intended to be used, for
12 passage or travel by motor vehicles. Streets are further classified by the function
13 they perform. See street classification.
- 14 STREET, ACCESS TO — An adequate and permanent way of entering a lot. All lots
15 of record shall have access to a public street for all vehicles normally associated with
16 the uses permitted for that lot.
- 17 STREET, ALLEY — A public or private thoroughfare primarily designed to serve as
18 secondary access to the side or rear of those properties whose principal frontage is
19 on some other street.
- 20 STREET, CUL-DE-SAC — A local street with only one outlet and having an
21 appropriate vehicle turnaround, either temporary or permanent, at the closed end.
- 22 STREET, LIMITED ACCESS HIGHWAY — A freeway or expressway providing for
23 through traffic. Owners or occupants of abutting property on lands and other
24 persons have no legal right to access, except as such points and in such manner as
25 may be determined by the public authority having jurisdiction over the highway.
- 26 STREET, PRIVATE — A thoroughfare established as a separate tract for the benefit
27 of multiple, adjacent properties and meeting specific municipal improvement
28 standards. This definition shall not apply to driveways.
- 29 STREET, PUBLIC — All public property reserved or dedicated for street traffic.
- 30 STREET, STUB — A portion of a street reserved to provide access to future
31 development, which may provide for utility connections.
- 32 STREET CLASSIFICATION — A method of roadway organization which identifies a
33 street hierarchy according to functions within a road system, that is, types of
34 vehicles served and anticipated volumes of traffic, for the purpose of promoting
35 safety, efficient land use and the design character of neighborhoods and districts.
36 Local classifications shall use the following as major categories.
- 37 a. ARTERIAL — A major street that serves as an avenue for the circulation of
38 traffic into, out of, or around the municipality and carries high volumes of
39 traffic.
- 40 b. COLLECTOR — A street whose principal function is to carry traffic between
41 local streets and arterial streets but that may also provide direct access to
42 abutting properties.

1 c. LOCAL — Streets whose primary function is to provide access to abutting
2 properties.

3 SUBDIVIDER — Any person who (1) having an interest in land, causes it, directly
4 or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells,
5 leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or
6 develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3)
7 engages directly or through an agent in the business of selling, leasing, developing,
8 or offering for sale, lease, or development a subdivision or any interest, lot, parcel,
9 site, unit, or plat in a subdivision.

10 SUBDIVISION — The division ~~or re-division~~ of a lot, tract, or parcel of land into two
11 or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded
12 lot by any means shall be considered a subdivision. ~~All re-subdivision activity~~
13 ~~shall be considered a subdivision.~~ The division of property for purposes of financing
14 constitutes a subdivision.

15 TECHNICAL REVIEW COMMITTEE — A committee of not fewer than three (3)
16 members, appointed by the Planning Board Town of Cumberland for the purpose of
17 ~~reviewing, commenting, and making recommendations to the Planning Board with~~
18 ~~respect to approval of development applications~~ to conduct technical reviews of
19 applications subject to their jurisdiction.

20 TEMPORARY IMPROVEMENTS — Improvements built and maintained by a
21 developer during construction of a development project prior to a release of the
22 improvement guarantee, but not intended to be permanent.

23 VESTED RIGHTS — The right to initiate or continue the development of an
24 approved project for a specific period of time, under the regulations that were in
25 effect at the time of approval, even if, after the approval, the Regulations change
26 prior to the completion of the project.

27 WAIVER OF REQUIREMENTS — See modifications of requirements

SECTION 3

Administration of These Regulations

3-A. The administrative officer.

The Administrative Officer shall be responsible for the administration of these Subdivision and Land Development Regulations, and shall report to the Planning Board. The duties and responsibilities of the Administrative Officer are as follows:

- (1) Oversight and coordination of the review, approval, recording and enforcement provisions of these Regulations;
- (2) Coordination of the review and approval procedures for subdivision and land development projects with adjacent municipalities, local governing boards and commissions, state and federal permitting agencies, abutters and as directed by these Regulations and/or the Planning Board; and
- (3) Enforcement of these Regulations and coordination of enforcement efforts with other Town staff.
- (4) Review and issue decisions on applications as authorized in these Regulations;
- (5) Serve as chair of the Technical Review Committee.

3-B. Regulations amendment process.

- (1) Regulations pertaining to the Land Development and Subdivision Review process may be adopted, repealed, or amended only after a public hearing has been held upon the question before the Planning Board. The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of ~~general~~ local circulation within the Town of Cumberland at least once each week for three consecutive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The same notice shall be posted in the Town Clerk’s office and one other municipal building. The Town shall make the notice accessible on the municipal home page of the website for at least fourteen (14) days prior to the date of the hearing. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed Regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two weeks prior to the hearing.
- (2) ~~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 articles, and shall:~~
 - a. Specify the place of said hearing and the date and time of its commencement;

- 1 b. Indicate that adoption, amendment or repeal of local regulations is under
2 consideration;
- 3 c. Contain a statement of the proposed amendments to the regulations that
4 may be printed once in its entirety, or may summarize or describe the
5 matter under consideration;
- 6 d. Advise those interested where and when a copy of the matter under
7 consideration may be obtained or examined and copied; and
- 8 e. State that the proposals shown therein may be altered or amended prior
9 to the close of the public hearing without further advertising, as a result
10 of further study or because of the views expressed at the public hearing.
11 Any such alteration or amendment must be presented for comment in the
12 course of said hearing.
- 13 (3) Notice of the public hearing shall be sent by first class mail to the city or Town
14 Planning Boards of any municipality where there is a public or quasi-public
15 water source, or private water source that is used or is suitable for use as a
16 public water source, located within 2,000 feet of the Town of Cumberland.
- 17 (4) Notice of a public hearing shall be sent to the governing body of any state or
18 municipal water department or agency, special water district, or private water
19 company that has riparian rights to a surface water resource and/or surface
20 watershed that is used or is suitable for use as a public water source located
21 within either the Town of Cumberland or 2,000 feet of the Town, provided,
22 however, that a map survey has been filed with the Building Official as specified
23 in RIGL § 45-24-53(E).
- 24 (5) No defect in the form of any notice under this section shall render any
25 Regulations invalid, unless such defect is found to be intentional or misleading.
- 26 (6) The above requirements are to be construed as minimum requirements.
- 27 (7) The cost of the newspaper notice and mailings shall be borne by the applicant.

28 **3-F Required findings.**

- 29 (1) Prior to approval of any subdivision, development plan review, or land
30 development project, the ~~Board~~ permitting authority shall make positive findings
31 on all of the standards listed below and address the general purposes stated in §
32 1.C of these Regulations.
- 33 a. The proposed development is consistent with the Cumberland
34 Comprehensive Community Plan, as amended, and/or has satisfactorily
35 addressed the issues where there may be inconsistencies;
- 36 b. The proposed development is in compliance with the standards and
37 provisions of Cumberland's Zoning Ordinance;
- 38 c. There will be no significant negative environmental impacts from the
39 proposed development as shown on the final plan, with all required

1 conditions of approval.

2 d. Subdivisions, as proposed, will not result in the creation of individual lots
3 with such physical constraints to development that building on those lots
4 according to pertinent regulations and building standards would be
5 impracticable. Lots with such physical constraints to development may be
6 created only if identified as permanent open space or permanently reserved
7 for a public purpose on the approved, recorded plans; and

8 e. All land developments and all subdivision lots shall have adequate and
9 permanent physical access to a public street. Lot frontage on a public
10 street without physical access shall not be considered compliance with this
11 requirement.

12 ~~(2) In approving a project subject to Development Plan Review, the Planning Board,~~
13 ~~or the Zoning Board (depending on which Board is the permitting authority), shall~~
14 ~~make the positive findings required in the Zoning Ordinance.~~

15 ~~(3)~~(2) Except for Administrative Subdivisions, findings of fact must be supported by
16 legally competent evidence on the record which discloses the nature and
17 character of the observation upon which the fact finders acted.
18

19 **3-G. Unified Development Review and Precedence of approval**
20 **between the Planning Board and other local permitting authorities.**

21 (1) Zoning Board Unified development review. Review of projects submitted under
22 this section shall adhere to the procedures, timeframes, and standards of the
23 underlying category of the project as determined by these Regulations.

24 a. Where an applicant requires both a variance from the Zoning Ordinance
25 and Planning Board approval, the applicant shall first obtain an advisory
26 recommendation from the Planning Board, as well as conditional
27 Planning Board approval for the first approval stage for the proposed
28 project, which may be simultaneous, then obtain conditional Zoning
29 Board relief, and then return to the Planning Board for subsequent
30 required approval(s) Minor subdivisions and land-development projects.
31 Except for dimensional relief granted by modification, requests for
32 variances and/or for the issuance of special-use permits related to minor
33 subdivisions and land-development projects shall be submitted as part of
34 the application materials for the preliminary plan stage of review or if
35 combined, for the first stage of reviews. A public hearing on the
36 application, including any variance and special-use permit requests that
37 meets the requirements of subsection (e) of this section shall be held prior
38 to consideration of the preliminary plan by the
39 Planning Board. The Planning Board shall conditionally approve or deny
40 the request(s) for the variance(s) and/or special-use permit(s) before
41 considering the preliminary plan application for the minor subdivision or
42 land-development project. Approval of the variance(s) and/or special-use
43 permit(s) shall be conditioned on approval of the final plan of the minor
44 subdivision or land-development project.

1 b. ~~Where an applicant requires both a special-use permit under the Zoning~~
2 ~~Ordinance and Planning Board approval, the applicant shall first obtain an~~
3 ~~advisory recommendation from the Planning Board, as well as conditional~~
4 ~~Planning Board approval for the first approval stage for the proposed~~
5 ~~project, which may be simultaneous, then obtain a conditional special-use~~
6 ~~permit from the Zoning Board, and then return to the Planning Board for~~
7 ~~subsequent required approvals~~ Development plan review. Except for
8 dimensional relief granted by modification, requests for relief from the literal
9 requirements of the zoning ordinance and/or for the issuance of special-use
10 permits related to development plan review projects shall be submitted as
11 part of the application materials for first stage of review. A public hearing on
12 the application, including any variance and special-use permit requests that
13 meets the requirements of subsection e of this section shall be held prior to
14 consideration of the preliminary plan by the Planning Board. The Planning
15 Board shall conditionally approve or deny the request(s) for the variance(s)
16 and/or special-use permit(s) before considering the preliminary plan
17 application for the development plan review project. Approval of the
18 variance(s) and/or special-use permit(s) shall be conditioned on approval of
19 the final stage of review of the development plan review project.

20 c. Major subdivisions and land development projects.

21 1. Master plan. Except for dimensional relief granted by modification,
22 requests for variances for relief from the literal requirements of the zoning
23 ordinance and/or for the issuance of a special-use permit related to major
24 subdivisions and land-development projects shall be submitted as part of
25 the application materials for the master plan stage of review, or if
26 combined, the first stage of review. A public hearing on the application,
27 including any variance and special-use permit requests that meets the
28 requirements of subsection (e) of this section, shall be held prior to
29 consideration of the master plan by the Planning Board. The Planning
30 Board shall conditionally approve or deny the requests for the variance(s)
31 and/or special-use permit(s) before considering the master plan
32 application for the major subdivision or land-development project.
33 Approval of the variance(s) and/or special-use permit(s) shall be
34 conditioned on approval of the final plan of the major subdivision or land-
35 development project.

36 2. Preliminary plan. During the preliminary plan stage of review, applicants
37 shall have the ability to request alteration of any variance(s) and/or
38 special-use permit(s) granted by the Planning Board during the master
39 plan stage of review, and/or to request new variance(s) and/or special-use
40 permit(s), based on the outcomes of the more detailed planning and design
41 necessary for the preliminary plan. If necessary, the applicant shall submit
42 such requests and all supporting documentation along with the
43 preliminary plan application materials. If the applicant requests new or
44 additional zoning relief at this stage a public hearing on the application,
45 that meets the requirements of subsection (e) of this section, shall be held
46 prior to consideration of the preliminary plan by the Planning Board. The

1 Planning Board shall conditionally approve, amend, or deny the requests
2 for alteration(s), new variance(s) and/or new special-use permit(s), before
3 considering the preliminary plan application for the major subdivision or
4 land-development project. Approval of the alteration(s), new variance(s),
5 and/or new special-use permit(s) shall be conditioned on approval of the
6 final plan of the major subdivision or land-development project. If the
7 Planning Board denies the request for alteration(s), new variance(s),
8 and/or new special-use permit(s), the Planning Board shall have the
9 option of remanding the application back to the master plan stage of
10 review. Alternatively, if the Planning Board denies the request for
11 alteration(s), new variance(s), and/or new special-use permit(s), the
12 applicant may consent to an extension of the decision period mandated by
13 Section 5.H.2.f of these regulations so that additional information can be
14 provided and reviewed by the Planning Board.

15 d. Decision. The time periods by which the Planning Board must approve or
16 deny applications for variances and special-use permits under the unified
17 development review provisions of the local regulations shall be the same as
18 the time periods by which the Board must make a decision on the applicable
19 review stage of the category of project under review.

20 e. Unless otherwise provided in this chapter, all applications under this section
21 shall require a single public hearing. The public hearing must meet the
22 following requirements:

23 1. Public hearing notice shall adhere to the requirements of section 5.D of
24 these regulations.

25 2. The notice area for the public hearing shall be two hundred (200) feet from
26 the property line(s) of the proposed development and notice of the public
27 hearing shall be sent by the Administrative Officer to the Administrative
28 Officer of an adjacent municipality if: (1) the notice area extends into the
29 adjacent municipality; or (2) the development site extends into the
30 adjacent municipality; or (3) there is a potential for significant negative
31 impact on the adjacent municipality. Additional notice within watersheds
32 shall also be sent as required in R.I.G.L §45-23-53(b) and (c).

33 3. Public notice shall indicate that dimensional variance(s), use variance(s),
34 and/or special use permit(s) are to be considered for the subdivision
35 and/or land development project.

36 4. The cost of all public notice is to be borne by the applicant.

37 f. The time periods by which the permitting authority must approve with
38 conditions or deny requests for variances and special use permits under the
39 unified development review provisions of a zoning ordinance shall be the
40 same as the time periods by which the Planning Board must make a decision
41 on the applicable review stage of the underlying type of project under review.

42 g. The expiration period of an approval of a variance or special use permit

1 granted under this section shall be the same as those set forth in the statute
 2 for the underlying type of project under review.

3 h. Decisions under this section, including requests for variances and/or special
 4 use permits that are denied by the Planning Board may be appealed pursuant
 5 to R.I.G.L §45-23-71.

- 6 (2) Town Council. Where an applicant requires both Planning Board approval and
 7 Town Council approval for a zoning ordinance or zoning map change, the
 8 applicant shall first obtain an advisory recommendation on the zoning change
 9 from the Planning Board, as well as conditional Planning Board approval for the
 10 first approval stage for the proposed project, which may be simultaneous, then
 11 obtain a conditional zoning change from the Council, and then return to the
 12 Planning Board for subsequent required approvals.
 13

14 **3-H. Waivers and modifications**

15 ~~(1) Waiver of Development Plan Approval. The Planning Board may waive~~
 16 ~~requirements for development plan approval when there is a change in use or~~
 17 ~~occupancy and no extensive construction of improvements is sought. The~~
 18 ~~waiver may be granted only by a decision by the Planning Board finding that the~~
 19 ~~use will not affect existing drainage, circulation, relationship of buildings to each~~
 20 ~~other, landscaping, buffering, lighting and other considerations of development~~
 21 ~~plan approval, and that the existing facilities do not require upgraded or~~
 22 ~~additional site improvements. The application for a waiver of development plan~~
 23 ~~approval review shall include documentation, as required by the Planning~~
 24 ~~Board, on prior use of the site, the proposed use, and its impact.~~

- 25 (2) Waiver and/or Modification of Requirements. The Planning Board may grant
 26 waivers and/or modifications from the requirements for land development and
 27 subdivision projects as may be reasonable and within the general purposes and
 28 intents of the provisions of these Regulations. The only grounds for such waivers
 29 and/or modifications shall be where the literal enforcement of one or more
 30 provisions of the Regulations is impracticable and will exact undue hardship
 31 because of peculiar conditions pertaining to the land in question or where such
 32 waiver and/ or modification is in the best interest of good planning practices
 33 and/or design as evidenced by consistency with the Cumberland
 34 Comprehensive Community Plan and the Cumberland Zoning Ordinance.

- 35 (3) The Planning Board shall approve, approve with conditions, or deny the request
 36 for either a waiver or modification, according to the requirements of Section J
 37 hereinbelow.

38 **3-I. Reinstatement of plans. [no changes]**

39 **3-J. Meetings, votes, decisions and records. [no changes]**

1 **3-K. Signing and recording of plats and plans.**

2 Approved Final Plans and plats for development projects and subdivisions shall be
 3 signed by the appropriate Planning Board official with the date of approval. Plans
 4 and plats for Major and Minor Land Development projects and Subdivisions shall be
 5 signed by the Planning Board Chair-person or the Secretary of the Planning Board
 6 attesting to the approval by the Planning Board.

7 Upon signature, all plans and plats shall be submitted to the Administrative Officer
 8 prior to recording and filing in the Town Clerks' land evidence records. The materials
 9 to be recorded for all plats and plans shall include all pertinent plans with notes
 10 thereon concerning all the essential aspects of the approved project design, the
 11 implementation schedule, special conditions placed on the development by the
 12 Planning Board, permits and agreements with state and federal reviewing agencies,
 13 and other information as required by the Planning Board.

14 Other parts of the application record, including all meeting records, approved
 15 Master Plan and Preliminary Plans, site analysis, impact analyses,
 16 all legal agreements, records of the public hearings and the entire final approval set
 17 of drawings shall be kept permanently by the Department of Planning and
 18 Community Development.

19 The Administrative Officer shall notify the statewide "911" emergency authority and
 20 the Town Police Department and appropriate Fire Department servicing the new plat
 21 with the information required by each of the authorities.

22

23 **3-L. Changes to recorded plats and plans Modifications and changes to**
 24 **approved or recorded plans.**

25 A modification or change to an approved plan can be made at any stage in
 26 accordance with this section. For all modifications or changes to the approved plans
 27 subject to these Regulations, an amendment ~~of the Final Plans~~ is required prior to
 28 the issuance of any building permits. Any modifications or changes approved ~~in~~ to the
 29 recorded Final Plan shall be recorded as amendments of the Final Plan in accordance
 30 with the standard procedures established for recording plats.

31 (1) Minor Changes. Minor changes, as defined in the these Regulations, to a Final
 32 Plan may be approved administratively by the Administrative Officer,
 33 whereupon a permit may be issued. Such changes may be authorized without
 34 additional public hearings, at the discretion of the Administrative Officer. All
 35 such changes shall be made part of the permanent record of the project
 36 application. This provision shall not prohibit the Administrative Officer from
 37 requesting a recommendation from the Planning Board. Denial of the proposed
 38 change(s) shall be referred to the Planning Board for review as a major change.

39 (2) Major Changes. Major changes, as defined in these Regulations, to a Final Plan
 40 may be approved, only by the Planning Board and must follow the same review
 41 and public hearing process required for approval of Preliminary Plans as
 42 described herein.

1 (3) The Administrative Officer shall notify the applicant in writing within fourteen (14)
2 days of submission of the application if the administrative officer determines the
3 change to be a major change.

4 (3) (4) Rescission Procedure. The Planning Board, only upon application by all
5 landowners of the plat to be affected, may determine that the application for
6 plat rescission is not consistent with the Cumberland Comprehensive Plan, as
7 amended, and is not in compliance with the standards and provisions of the
8 Cumberland Zoning Ordinance and/or these Regulations and shall hold a public
9 hearing which adheres to the same notice requirements as a Major Subdivision
10 or Development project. The Planning Board shall approve, approve with
11 conditions or modifications, or deny the application for rescission of the plat. If
12 it is necessary to abandon any street covered under Chapter 6 of Title 24 of the
13 RI General Laws, the Planning Board shall submit to the Town Council the
14 documents necessary for the abandonment process. Once the required process
15 for rescission or for the rescission and abandonment has been completed, the
16 revised plat shall be signed and recorded as specified in these Regulations.

17 **3-M. Right of appeal Appeals from decision of the Administrative Officer.**

18 ~~An appeal to the Board of Appeals from a decision or action of the Planning Board~~
19 ~~or Administrative Officer may be taken by an aggrieved party to the extent provided~~
20 ~~herein. The Board of Appeals. The Zoning Board of Review of the Town of~~
21 ~~Cumberland shall serve as the Board of Appeals to hear appeals of decisions of the~~
22 ~~Administrative Officer as set forth in this section.~~

23 (1) ~~The Board of Appeals. The Zoning Board of Review of the Town of Cumberland~~
24 ~~shall serve as the Board of Appeals to hear appeals of decisions of the Planning~~
25 ~~Board or the Administrative Officer on matters of review and approval of land~~
26 ~~development projects, subdivisions, and projects subject to Development Plan~~
27 ~~Review. Decisions by the Administrative Officer approving or denying projects~~
28 ~~shall not be subject to this section and shall proceed directly to superior court~~
29 ~~as set forth in R.I.G.L §45-23-71.~~

30 (2) Process of Appeals. An appeal of an action or decision of the Administrative
31 Officer must be taken within 20 days after the decision has been recorded and
32 posted in the Office of the Town Clerk. Appeals shall be in writing and shall state
33 clearly and unambiguously the issue of or decision which is being appealed, the
34 reason for the appeal, and the relief sought. The appeal shall either be sent by
35 certified mail, with a return receipt requested, or shall be hand-delivered to the
36 Town Clerk who shall accept delivery on behalf of the Board of Appeals.

37 Upon receipt of an appeal, the Board of Appeals shall require the ~~Planning Board~~
38 ~~or~~ Administrative Officer to transmit forthwith to the Board of Appeals, all
39 papers, documents and plans, or a certified copy thereof, constituting the record
40 of the action which is being appealed.

41 An appeal, when duly received, shall stay all proceedings in furtherance of the
42 action being appealed.

43 (3) Public Hearing. The Board of Appeals shall hold a public hearing on the appeal

1 within 45 days of receipt of the appeal, give public notice thereof, as well as due
 2 notice to the parties of interest. At the hearing any party may appear in person,
 3 or may be represented by an agent or attorney. The Board shall render a decision
 4 within 10 days of the close of the public hearing. The cost of any notice required
 5 for the hearing shall be borne by the appellant.

6 The Board of Appeals shall only hear appeals of the actions of the ~~Planning~~
 7 ~~Board or~~ Administrative Officer at a meeting called especially for the purpose of
 8 hearing such appeals and which has been so advertised.

9 The hearing, which may be held on the same date and at the same place as a
 10 meeting of the Zoning Board of Review, must be held as a separate meeting from
 11 any Zoning Board of Review meeting. Separate minutes and records of votes
 12 shall be maintained by the Board of Appeals.

13 (4) Standards of Review. In instances of a Board of Appeals review of a ~~Planning~~
 14 ~~Board or~~ Administrative Officer's decision on matters subject to these
 15 Regulations, the Board of Review shall not substitute its own judgment for that
 16 of the ~~Planning Board or the~~ Administrative Officer, but rather, must consider
 17 the issue upon the findings and record of the ~~Planning Board or~~ Administrative
 18 Officer. The Board of Appeals shall not reverse a decision of the ~~Planning Board~~
 19 ~~or~~ Administrative Officer except of findings of prejudicial procedural error, clear
 20 error, or lack of support by the weight of evidence in the record. ~~Appeals from~~
 21 ~~a decision granting or denying approval of a Final Plan shall be limited to~~
 22 ~~elements of the approval or denial not contained in the decision reached by the~~
 23 ~~Planning Board at the Preliminary stage providing that a public hearing has~~
 24 ~~been held on the Plan.~~

25 The concurring vote of three of the five members of the Board of Appeals sitting
 26 at a hearing, shall be necessary to reverse any decision of the ~~Planning Board~~
 27 ~~or~~ Administrative Officer.

28 In the instance where the Board of Appeals overturns a decision of the ~~Planning~~
 29 ~~Board or~~ Administrative Officer, the proposed project application shall be
 30 remanded to the ~~Planning Board or~~ Administrative Officer, at the stage of
 31 processing from which the appeal was taken, for further proceedings before the
 32 ~~Planning Board or~~ Administrative Officer and/or for the final disposition, which
 33 shall be consistent with the Board of Appeals decision.

34 The Board of Appeals shall keep complete records of all proceedings including
 35 a record of all votes taken, and shall put all decisions on appeals in writing. The
 36 Board of Appeals shall include in the written record the reasons for each
 37 decision.

38 **3-N. Appeals to the Superior Court.**

39 An aggrieved party may appeal a decision of the Board of Appeals, a decision of an
 40 administrative officer made pursuant to §§ 45-23-38 or §45-23-50 where authorized
 41 to approve or deny an application, or a decision of the Planning Board, to the
 42 Superior Court of Providence County by filing a complaint setting forth the reasons
 43 of for the appeal within 20 days after the decision has been recorded and posted in

1 the Office of the Town Clerk. Recommendations by any public body or officer
 2 under this chapter are not appealable under this section. ~~The Board of Appeals~~
 3 authorized permitting authority shall file the original documents acted upon by it
 4 and constituting the record of the case appealed from, or certified copies thereof,
 5 together with such other facts as may be pertinent, with the clerk of the Court within
 6 30 days after being served with a copy of the complaint. When the complaint is filed
 7 by someone other ~~that~~ than the original applicant or appellant, such original
 8 applicant or appellant and the ~~members of the~~ Planning Board shall be made parties
 9 to the proceedings. No responsive pleading is required for an appeal filed pursuant
 10 to this section. The appeal ~~shall~~ does not stay proceedings upon the decision
 11 appealed from, but the Court may, in its discretion, grant a stay on appropriate
 12 terms and make such other orders as it deems necessary from an equitable
 13 disposition of the appeal.

14 Appeals from a decision granting or denying approval of a final plan shall be limited to
 15 elements of the approval or disapproval not contained in the decision reached by the
 16 Planning Board at the preliminary stage; providing that, a public hearing has been held
 17 on the plan, if required pursuant to this chapter.

18 The review shall be conducted by the Superior Court without a jury. The Court shall
 19 consider the record of the hearing before the Planning Board and, if it shall appear
 20 to the Court that additional evidence is necessary for the proper disposition of the
 21 matter, it may allow any party to such appeal to present such evidence in open court,
 22 which evidence, along with the report, shall constitute the record upon which the
 23 determination of the Court shall be made.

24 The Court shall not substitute its judgment for that of the Planning Board as to the
 25 weight of the evidence on questions of fact. The Court may affirm the decision of
 26 the Board of Appeals or remand the case for further proceedings, or may reverse
 27 or modify the decision if substantial rights of the appellant have been prejudiced
 28 because of findings, inferences, conclusions or decisions which are:

- 29 (1) In violation of constitutional, statutory, ordinance or Planning Board
 30 Regulations or provisions;
- 31 (2) In excess of the authority granted to the Planning Board by statute or ordinance;
- 32 (3) Made upon unlawful procedure;
- 33 (4) Affected by other error of law;
- 34 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence
 35 of the whole record; or
- 36 (6) Arbitrary or capricious or characterized by abuse of discretion or clearly
 37 unwarranted exercise of discretion.

38 SECTION 5

39 **Review and Approval of Plans and Plats**

40 **5-A. Types of submissions.**

1 The Administrative Officer shall advise the applicant as to which approvals are
 2 required and the appropriate board for hearing an application for a subdivision or
 3 development project. Fees normally collected at each stage of the review process will
 4 not be waived. The following types of applications may be filed.

- 5 (1) Administrative Subdivision. The Administrative Subdivision consists of a single
 6 stage of review conducted by the Administrative Officer, to determine that the
 7 proposed subdivision conforms to applicable zoning and subdivision
 8 requirements. Property boundary surveys and lot mergers will be reviewed in
 9 the same manner as an Administrative Subdivision.

10 If the proposed subdivision does not conform to applicable Zoning and
 11 Subdivision Regulations, ~~the subdivision must be referred to the Planning~~
 12 ~~Board for review and approval~~ the applicant must apply for a dimensional
 13 modification or unified development review.

- 14 (2) Minor Subdivision or Minor Land Development Plan. Minor Subdivision/Minor Land
 15 Development shall consist of two stages, Preliminary and Final. The ~~Planning Board~~
 16 ~~Administrative Officer~~ may, at ~~its~~ their discretion, combine the approval stages,
 17 providing that all of the requirements of all stages being combined have been
 18 met. If a street extension or creation is required, then a Public Hearing shall be
 19 held.

- 20 (3) Major Subdivision or Major Land Development Plan. A Major Subdivision/Major
 21 Land Development shall consist of the following submissions:

- 22 a. Pre-Application or Concept Plan Meeting;
 23 b. Master Plan;
 24 c. Preliminary Plan; and
 25 d. Final Plan.

26 ~~A public informational meeting will coincide with the Board's review~~
 27 ~~of the Master Plan.~~ A public hearing will coincide with the Board's
 28 review of the Preliminary Master Plan. The ~~Planning Board~~
 29 ~~Administrative Officer~~ may, at ~~its~~ their discretion, combine the
 30 approval stages, providing that the requirements of all those stages
 31 being combined have been met.
 32

- 33 (4) Development Plan Review. As specified in ~~the Zoning Ordinance~~ these
 34 Regulations, ~~the~~ Administrative Development Plan Review consists of one stage
 35 and Formal Development Plan Review will be subject to a review process similar
 36 to that of a Minor Subdivision or Minor Land Development project consists of
 37 two stages of review, preliminary and final. The administrative officer may
 38 combine the approval stages, providing the requirements for both stages are
 39 met by the applicant to the satisfaction of the administrative officer. The
 40 application shall comply with design and performance standards as are
 41 included in these Regulations.

42 **5-B. Certification of a complete application.**

1 An application shall be complete for purposes of commencing the applicable time
2 period for action when so certified by the Administrative Officer so long as a
3 completed checklist of the requirements for submission are provided as part of the
4 submission. In the event such certification of the application is not made within
5 the time specified in these Regulations for the type of plan, the application shall
6 be deemed complete for purposes of commencing the review period unless the
7 application lacks information required for such applications as specified in the local
8 Regulations and the Administrative Officer has notified the applicant, in writing, of
9 the deficiencies in the application.

10 The Planning Board may subsequently require correction of any information found
11 to be in error and submission of additional information specified in the
12 Regulations but not required by the Administrative Officer prior to certification, as
13 is necessary to make an informed decision.

14 ~~Where the review is postponed with the consent of the applicant, pending further~~
15 ~~information or revision of information, an application is certified as incomplete the~~
16 time period for review shall be stayed and shall resume when the Administrative
17 Officer or the Planning Board determines that the required application information
18 is complete. Under no circumstances shall the Administrative Officer have less than
19 ten (10) days to recertify an application after the resubmission of corrected materials.

20 For the purposes of calculating the mandatory review periods as provided in these
21 Regulations, all days shall be considered calendar days.

22 **5-C. Requirements common to all submissions.**

23 **5-D. Public hearing and notice**

24 1. Where a public hearing is required pursuant to the Regulations, the following
25 requirements shall apply unless otherwise stated herein;

26 2. Notice requirements. Public notice of the hearing shall be given at least
27 fourteen (14) days prior to the date of the hearing in a newspaper of local
28 circulation within the municipality following the municipality's usual and
29 customary practices for this kind of advertising. The same notice shall be
30 posted in the Town Clerk's office and one other municipal building in the
31 municipality and the notice will be made accessible on the town's home page
32 of the website at least fourteen (14) days prior to the hearing. Notice shall be
33 sent to the applicant and to each owner within the notice area, by first class
34 mail, of the time and place of the hearing not less than ten (10) days prior to
35 the date of the hearing. Notice shall also be sent to any individual or entity
36 holding a recorded conservation or preservation restriction on the property
37 that is the subject of the application at least fourteen (14) days prior to the
38 hearing. The notice shall also include the street address of the subject
39 property, or if no street address is available, the distance from the nearest
40 existing intersection in tenths (1/10's) of a mile.

41 3. Notice area.

42 a. The distance(s) for notice of the public hearing shall be 200 feet from

1 the perimeter of the project site's property boundary.

2 b. Watersheds. Additional notice within watersheds shall also be sent as
3 required in RIGL §45-23-53(b) and (c).

4 c. Adjacent municipalities. Notice of the public hearing shall be sent by
5 the Administrative Officer to the Administrative Officer of an adjacent
6 municipality if (1) the notice area extends into the adjacent
7 municipality, or (2) the development site extends into the adjacent
8 municipality, or (3) there is a potential for significant negative impact
9 on the adjacent municipality.

10 d. Notice cost. The cost of all newspaper and mailing notices shall be
11 borne by the applicant.

12 **5-DE. Pre-application meetings and concept review.**

13 One or more pre-application meetings shall be held for all Major Land Development
14 or Subdivision applications. Pre-application meetings may be held for
15 Administrative, Minor, and Development Plan Review applications, upon request of
16 ~~either~~ the Planning Board, Administrative Officer, or the applicant. Preapplication
17 meetings shall allow the applicant to meet with appropriate officials, boards and/or
18 commissions, planning staff, and, where appropriate, state agencies, for advice as to
19 the required steps in the approvals process, the pertinent local plans, ordinances,
20 regulations, rules and procedures and standards which may bear upon the
21 proposed development project. Pre-application meetings aim to encourage
22 information sharing and discussion of project concepts among the participants.
23 Pre-application discussions are intended for the guidance of the applicant and
24 shall not be considered approval of a project or its elements. At the Pre-application
25 stage the applicant may request that the ~~Planning Board~~ permitting authority
26 informally review a development concept. The purpose of the concept plan review
27 is also to provide Planning Board input in the formative stages of Major
28 Subdivisions and developments.

29 Review process. Applicants seeking a Preapplication meeting or an informal concept
30 review shall submit the Pre-Application checklist materials ~~outlined in Appendix C~~
31 ~~in advance of the meeting(s). The Administrative Officer shall have 15 days to certify~~
32 ~~that a Pre-application Submission is complete or incomplete. Within 45 days after~~
33 ~~the submission has been certified as complete, the pre-application meeting will be~~
34 ~~held.~~

35 Provided that at least one pre-application meeting has been held for a Major Land
36 Development or Subdivision application or 60 days has elapsed from the filing of the
37 Pre-application Submission and no pre-application meeting has been scheduled to
38 occur within those 60 days, nothing shall be deemed to preclude an applicant from
39 thereafter filing and proceeding with an application for a land development or
40 subdivision project in accordance with § 45-23-36 of the Enabling Act.

41 **5-EF Administrative Subdivision.**

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~~5-FG. Minor land development and subdivision, minor subdivision & development plan review.~~

(a) Review stages. Minor Land Development and Subdivision Plan review ~~and Development Plan Review~~ shall consist of two stages, Preliminary and Final, provided, that if a street creation or extension is involved, a public hearing is required. The ~~Planning Board~~ Administrative Officer may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the ~~Planning Board~~ Administrative Officer. Construction of previously platted streets shall not be considered creation or extension of streets.

(b) Applications requesting relief from the zoning ordinance.

(1) Applications under this section which require relief which qualifies only as a modification 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, such application shall proceed under unified development review.

(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 review, 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.

~~(b)~~ (c) Submission requirements. Any applicant requesting approval of a Minor Subdivision, or Minor Land Development project, ~~or development plan pursuant to Development Plan Review~~ shall submit to the Administrative Officer the items identified in the Checklist ~~hereinafter in Appendix C.~~

~~(e)~~ (d) Certification. For each applicable stage of review, the application shall be certified complete or incomplete by the Administrative Officer within 25 days or within 15 days if no street creation or extension is required so long as a completed checklist of the requirements for submission are provided as part of the submission. The running of the time period set forth in this section 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

1 shall the Administrative Officer be required to certify a corrected submission
2 as complete or incomplete less than 14 10 days after its resubmission.

3 ~~(d)~~ (e) Notice.

4 a. Notice of a public ~~meeting~~ hearing required for street creation or extension
5 or unified development review as part of a Minor Land Development, ~~or~~
6 ~~Minor Subdivision, or Development Plan Review shall be mailed to~~
7 ~~property owners within the notice area as defined in § 2 by first class mail,~~
8 ~~postage prepaid. Such notice shall contain the name of the proposed~~
9 ~~subdivider or developer; the location of the property by assessor's plat and~~
10 ~~lot, and street address if available, and the date, time and place of the~~
11 ~~public meeting on such matter before the Planning Board~~ comply with the
12 provisions of section 5.D of these Regulations.

13 b. ~~If a street creation or extension is required, notice of the public hearing~~
14 ~~shall be made in accordance with the same requirements of public hearings~~
15 ~~for Preliminary submissions of Major Subdivisions or Land Developments.~~

16 ~~(e)~~ (f) Reassignment to major review. The Planning Board may re-assign a
17 proposed Minor project to Major review only when the Planning Board is
18 unable to make the positive findings necessary for approval.

19 ~~(f)~~ (g) Decision. If no street creation or extension is required, the ~~Planning Board~~
20 Administrative Officer shall approve, deny, or approve with conditions, the
21 Preliminary Plan within 65 days of certification of completeness, or within
22 such further time as is agreed to by the applicant ~~and the Board~~. If a street
23 extension or creation or unified development review is required, the Planning
24 Board shall hold a public hearing prior to approval according to the ~~same~~
25 ~~requirements of a Major Land Development or Subdivision public hearing~~
26 provisions of Section 5-D of these Regulations and shall approve, deny, or
27 approve with conditions, the Preliminary Plan within 95 days of certification of
28 completeness, or within such further time as is agreed to by the applicant ~~and~~
29 ~~the Board~~.

30 ~~(g)~~ (h) Failure to act. Failure of the Planning Board or Administrative Officer to act
31 within the prescribed period shall constitute approval of the Preliminary Plan
32 and a certificate of the Administrative Officer as to the failure ~~of the Planning~~
33 ~~Board~~ to act within the required time period and the resulting approval shall
34 be issued at the request of the applicant.

35 (i) Modifications and changes to plans. Modifications and changes to plans at any
36 stage shall be conducted as defined in Section 3-L of these Regulations.

37 ~~(h)~~ (j) Final Plan. The applicant shall submit to the Administrative Officer the items
38 required for Final Plan in the checklist Appendix C, including all materials
39 ~~required by the Planning Board~~ when the application was given Preliminary
40 approval, as well as arrangements for completion of the required public
41 improvements, including construction schedule and/or financial guarantees
42 and certification by the Tax Collector that all property taxes are current. ~~The~~
43 ~~Planning Board may delegate Final Plan review and approval to the~~ shall be

1 conducted by the Administrative Officer. The Administrative Officer shall approve,
 2 deny, approve with conditions, or refer the application to the planning board based upon
 3 a finding that there is a major change within 25 days of the certificate of completeness.
 4 ~~The Officer shall report his/her findings to the Planning Board at its next~~
 5 ~~regularly scheduled meeting, to be made a part of the record.~~

6 ~~(i) Vesting~~ (k) Expiration of approvals. Approval of a Minor Land Development or
 7 Subdivision Plan shall expire ~~90 days~~ one year from the date of approval unless
 8 within such period a plat or plan, in conformity with such approval, is
 9 submitted for signature and recording as defined in these Regulations ~~in~~
 10 ~~Appendix C. Approval of a Development Plan, pursuant to Development Plan~~
 11 ~~Review, shall expire one year from the date of approval unless within such~~
 12 ~~period the applicant obtains all necessary building permits associated with~~
 13 ~~the project. Validity may be extended for a longer period, for cause shown if~~
 14 ~~requested by the applicant in writing prior to the expiration of the period, and~~
 15 ~~approved by the Planning Board.~~

16 **5-GH. Major land development and major subdivision review.**

17 ~~Major Plan review shall be required of all applications for land development and~~
 18 ~~subdivision approval subject to these Regulations, unless classified as an~~
 19 ~~Administrative Subdivision, Minor Land Development project, Minor Subdivision,~~
 20 ~~or development plan pursuant to the Development Plan Review Ordinance.~~

21 It should be noted that projects undergoing ~~Major~~ review may later be subject to
 22 additional Development Plan Review on an individual lot or use basis. For
 23 example, if a proposed use is unknown during the subdivision or land development
 24 project review process, it may later be subject to the Development Plan Review
 25 process. However, in no case shall a proposal be subject to both land development
 26 review and development plan review contemporaneously for the same proposal.

27 Major Plan review shall consist of three stages of review: Master Plan, Preliminary
 28 Plan and Final Plan, following the required pre-application meeting(s). Also
 29 required is a ~~public information meeting and a public hearing.~~

30 ~~The Planning Board Administrative Officer may vote to combine review stages and~~
 31 ~~to modify and/ or waive requirements as specified in these Regulations. Review~~
 32 ~~stages may be combined by the Planning Board only after the Board Administrative~~
 33 ~~Officer determines that all necessary requirements of all stages being combined have~~
 34 ~~been met by the applicant.~~

35 1. Master Plan.

- 36 a. Submission requirements. The applicant shall first submit to the
 37 Administrative Officer the items that are discussed below and further
 38 specified in the Checklist Appendix C.

39 Initial comments shall be solicited from (a) local agencies including, but
 40 not limited to, the Planning and Community Development Department,
 41 the Department of Public Works, Fire, Police and Rescue Departments, the
 42 Conservation and Recreation Commissions; (b) adjacent communities; (c)

1 state agencies, as appropriate, including the Rhode Island Department of
2 Environmental Management and the Rhode Island Department of
3 Transportation; and (d) federal agencies, as appropriate. The
4 Administrative Officer shall coordinate review and comments by local
5 officials, adjacent communities, and the state and federal agencies.

6 b. Certification. The application shall be certified complete or incomplete by
7 the Administrative Officer within ~~60~~ 25 days. The running of the time
8 period set forth in this section shall be deemed stopped upon the issuance
9 of a Certificate of Incompleteness of the application by the Administrative
10 Officer and shall recommence upon the resubmission of a corrected
11 application by the applicant. However, no in no event shall the
12 Administrative Officer be required to certify a corrected submission as
13 complete or incomplete less than ~~14~~ 10 days after its resubmission.

14 c. ~~Informational meeting. A public informational meeting shall be held prior~~
15 ~~to the Planning Board decision on the Master Plan, unless the Master Plan~~
16 ~~and Preliminary Plan approvals are being combined, in which case the~~
17 ~~public informational meeting shall be optional, based upon Planning Board~~
18 ~~determination. Applications requesting relief from the zoning ordinance.~~

19 (1) ~~Public notice for the informational meeting is required and shall be~~
20 ~~given at least seven days prior to the date of the meeting in a~~
21 ~~newspaper of general circulation in the Town. Postcard notice shall~~
22 ~~be mailed to the applicant and to all property owners within the notice~~
23 ~~area, as defined in § 2. Applications under this chapter which require~~
24 ~~relief which qualifies only as a modification shall proceed by filing a~~
25 ~~master plan application under this section and a request for a~~
26 ~~modification to the zoning enforcement officer. If such modification is~~
27 ~~granted, the application shall then proceed to be reviewed by the~~
28 ~~planning board pursuant to the applicable requirements of this section.~~
29 ~~If the modification is denied or an objection is received as set forth in~~
30 ~~Section 18-5 of the zoning ordinance such application shall proceed~~
31 ~~under unified development plan review.~~

32 (2) ~~At the public informational meeting the applicant shall present the~~
33 ~~proposed development project. The Planning Board shall allow oral~~
34 ~~and written comments from the general public. All public comment~~
35 ~~shall be made part of the public record of the project application.~~
36 ~~Applications under this section which require relief from the literal~~
37 ~~provisions of the zoning ordinance in the form of a variance or special~~
38 ~~use permit, shall be reviewed by the Planning Board under unified~~
39 ~~development review.~~

40 (d) Technical Review Committee. The Technical Review Committee shall
41 review the application prior to the public hearing and shall comment and
42 make recommendations to the Planning Board.

1 (d) ~~(e)~~ Decision. The Planning Board shall, within ~~120~~ 90 days of certification
 2 of completeness, or within such further time as may be consented to by
 3 the applicant, approve of the Master Plan as submitted, approve with
 4 changes and/or conditions, or deny the application.

5 (e) ~~(f)~~ Failure to act. Failure of the Planning Board to act within the period
 6 prescribed shall constitute approval of the Master Plan and a certificate of
 7 the Administrative Officer as to the failure of the Planning Board to act
 8 within the required time and the resulting approval shall be issued at the
 9 request of the applicant.

10 (f) ~~(g)~~ Vesting. The approved Master Plan shall be vested for a period of ~~one~~
 11 two years, with a one-year extension possible upon the written request of
 12 the applicant, who must appear before the Planning Board for an annual
 13 review. Vesting may be extended for a longer period, for good cause shown,
 14 if requested by the application prior to the expiration of the approval date,
 15 in writing, and approved by the Planning Board. Master Plan vesting shall
 16 include the zoning requirements, conceptual layout and all conditions
 17 shown on the approved Master Plan drawings and supporting materials.

18 The initial two-year vesting for the approved Master Plan shall
 19 constitute the vested rights for the development, as required in
 20 § 45-24-44.

21 2. Preliminary Plan.

22 a. Submission requirements. The applicant shall first submit to the
 23 Administrative Officer the items required in the Checklist Appendix C for
 24 a Preliminary Plan.

25 (1) At the Preliminary Plan review phase, the Administrative Officer shall
 26 solicit final written comments and/or approvals of the Department of
 27 Public Works, Town Engineer, the Town Solicitor, local Water and
 28 Sewer Departments, the local Highway Department in regards to local
 29 roads, and other local government departments, commissions, or
 30 authorities as appropriate.

31 (2) Prior to approval of the Preliminary Plan, copies of all legal documents
 32 describing the property, proposed easements and rights-of-way must
 33 also be submitted.

34 (3) Prior to the approval of the preliminary plan, an applicant must
 35 submit all permits required by state or federal agencies, including
 36 permits related to freshwater wetlands, floodplains, preliminary
 37 suitability for individual septic disposal systems, public water
 38 systems, and connections to state roads. For state permits from the
 39 Rhode Island Department of Transportation, a letter evidencing the
 40 issuance of such permit upon the submission of a bond and
 41 insurance is sufficient, but such actual permit shall be required prior
 42 to the issuance of a building permit.

1 (4) If the applicant is requesting alteration of any variances and/or special-
 2 use permits granted by the planning board at the master plan stage of
 3 review pursuant to adopted unified development review provisions,
 4 and/or any new variances and/or special-use permits, such requests
 5 and all supporting documentation shall be included as part of the
 6 preliminary plan application materials.

7 b. Certification. The application shall be certified as complete or incomplete
 8 by the Administrative Officer within ~~60~~ 25 days. The running of the time
 9 period set forth in this section shall be deemed stopped upon the issuance
 10 of a Certificate of Incompleteness of the application by the Administrative
 11 Officer and shall recommence upon the resubmission of a corrected
 12 application by the applicant. However, no in no event shall the
 13 Administrative Officer be required to certify a corrected submission as
 14 complete or incomplete less than ~~14~~ 10 days after its resubmission.

15 c. ~~Public Hearing. Prior to Planning Board decision on the Preliminary Plan,~~
 16 ~~a public hearing, which adheres to the requirements for notice described~~
 17 ~~in Subsection 3, hereinbelow, must be held. Public notice. Prior to the first~~
 18 Planning Board meeting on the preliminary plan, public notice shall be
 19 sent to the abutters only by first class mail at least 14 days before the
 20 meeting. The cost of notice shall be borne by the applicant.

21 d. Technical review committee. The Technical review committee shall review
 22 the application prior to the first Planning Board meeting and shall
 23 comment and make recommendations to the Planning Board.

24 ~~e.~~ e. Public improvement guarantees. Proposed arrangements for completion
 25 of the required public improvements, including construction schedule
 26 and/or financial guarantees shall be reviewed and approved by the
 27 Planning Board at the Preliminary Plan approval.

28 ~~e.~~ f. Decision. A complete application for a Major Subdivision or Development
 29 Plan shall be approved, approved with conditions or denied within ~~120~~ 90
 30 days of the date when it is certified complete, or within such further time
 31 as may be consented to by the developer through the submission of a
 32 written waiver. Provided that, the timeframe for decision is automatically
 33 extended if evidence of state permits has not been provided, or otherwise
 34 waived in accordance with this section.

35 ~~f.~~ g. Failure to act. Failure of the Planning Board to act within the period
 36 prescribed shall constitute approval of the Preliminary Plan and a
 37 certificate of the Administrative Officer as to the failure of the Planning
 38 Board to act within the required time and the resulting approval shall be
 39 issued at the request of the applicant.

40 h. Vesting. The approved Preliminary Plan shall be vested for a period of ~~one~~
 41 two years and vesting may be extended for a longer period, for good cause
 42 shown, if requested in writing by the applicant prior to the expiration of
 43 the deadline, and approved by the Planning Board with the right to extend

1 for two, one-year extensions upon written request by the applicant who
 2 must appear before the Planning Board for each annual review and
 3 provide proof of valid state or federal permits as applicable. Thereafter,
 4 vesting may be extended for a longer period for good cause shown, if
 5 requested, in writing by the applicant and approved by the Planning
 6 Board. The vesting for the Preliminary Plan approval shall include all
 7 general and specific conditions as shown on the approved Preliminary Plan
 8 drawings and supporting materials.

9 ~~1. Public Hearing and Notice.~~

10 ~~A public hearing shall be required for a Major Land Development project, Major~~
 11 ~~Subdivision, or where a street extension or creation requires a public hearing~~
 12 ~~for Minor Land Development or Subdivision review or Development Plan~~
 13 ~~Review.~~

14 ~~a. Advertising. Public notice of the hearing shall be given at least 14 days~~
 15 ~~prior to the date of the hearing in a newspaper of general circulation within~~
 16 ~~the Town following the Town's usual and customary practices for such~~
 17 ~~advertising.~~

18 ~~b. Certified mail. Notice shall be sent to the applicant and to each owner of~~
 19 ~~property within the notice area as defined in § 2, by certified mail, return~~
 20 ~~receipt requested, of the time and place of the hearing not less than 10 days~~
 21 ~~prior to the date of the hearing. Such notice shall also include the street~~
 22 ~~address of the subject property, or if no street address is available, the~~
 23 ~~distance from the nearest intersection in 1/10 of a mile.~~

24 ~~c. Projects near water supplies. Notice of the public hearing shall also be sent~~
 25 ~~by first class mail to the city or Town Planning Board of any municipality~~
 26 ~~where there is a public or quasi public water source, or private water~~
 27 ~~source that is used or is suitable for use as a public water source, located~~
 28 ~~within 2,000 feet of the municipal boundaries.~~

29 ~~Notice of the public hearing shall also be sent to the governing body of any~~
 30 ~~state or municipal water department or agency, special water district, or~~
 31 ~~private water company that has riparian rights to surface water resource~~
 32 ~~and/or surface watershed that is used or is suitable for use as public~~
 33 ~~water source located within either the Town, or 2,000 feet of the municipal~~
 34 ~~boundaries, provided, however, that a map survey has been filed with the~~
 35 ~~Building Inspector as specified in § 45-24-53(E) of the General Laws of~~
 36 ~~Rhode Island.~~

37 ~~d. Projects near adjacent municipalities. Notice of the public hearing shall be~~
 38 ~~sent by the Administrative Officer to the Administrative Officer of an~~
 39 ~~adjacent municipality if (1) the notice area extends into the adjacent~~
 40 ~~municipality, or (2) the development site extends into the adjacent~~
 41 ~~municipality, or (3) there is a potential for significant negative impact on~~
 42 ~~the adjacent municipality.~~

43 ~~e. Notice costs. The cost of all such notices and advertisement shall be borne~~

1 ~~by the applicant, as identified in Appendix A. Fee Schedule.~~

2 1. Final Plan.

- 3 a. Submission requirements. The applicant shall submit to the
 4 Administrative Officer the items required for Final Plan in the Checklist
 5 ~~Appendix C~~, including all materials required by the Planning Board when
 6 the application was given Preliminary approval, as well as arrangements
 7 for completion of the required public improvements, including
 8 construction schedule and/or financial guarantees and certification by
 9 the Tax Collector that all property taxes are current.

10 For phased projects, the Final Plan for phases following the first phase,
 11 shall be accompanied by copies of as-built drawings not previously
 12 submitted of all existing public improvements for prior phases.

- 13 b. Certification. The application for Final Plan approval shall be certified
 14 complete or incomplete by the Administrative Officer within 45 15 days so
 15 long as a completed checklist of requirements are provided with the
 16 submission. This time period may be extended to 25 days by written notice
 17 from the Administrative Officer to the applicant where the final plans
 18 contain changes to or elements not included in the preliminary plan
 19 approval. If the Administrative Officer certifies the application as complete
 20 and the Planning Board did not require the submission to the Planning
 21 Board, the Final Plan shall be considered approved.

- 22 c. ~~Referral to the Planning Board. If the Administrative Officer determines~~
 23 ~~that an application for Final approval does not meet the requirements set~~
 24 ~~by the Regulations or by the Planning Board at the Preliminary approval,~~
 25 ~~the Administrative Officer shall refer the Final Plans to the Planning Board~~
 26 ~~for review. The Planning Board shall, within 45 days after the certification~~
 27 ~~of completeness, or within such further time as may be consented to by~~
 28 ~~the applicant, approve or deny the Final Plan as submitted. Decision. The~~
 29 ~~Administrative Officer, or if referred to it, the Planning Board, shall review,~~
 30 ~~grant, grant with conditions or deny the final plan application. A decision~~
 31 ~~shall be issued within 45 days after the certification of completeness, or~~
 32 ~~within a further amount of time that may be consented to by the applicant,~~
 33 ~~approving or denying the final plan as submitted.~~

- 34 d. Failure to act. Failure of the Administrative Officer, or if referred to it the
 35 Planning Board, to act within the period prescribed shall constitute
 36 approval of the Final Plan and a certificate of the Administrative Officer as
 37 to the failure ~~of the Planning Board~~ to act within the required time and the
 38 resulting approval shall be issued at the request of the applicant.

- 39 e. ~~Recording—Expiration of approval.~~ The Final approval of a Major
 40 Subdivision or Land Development project shall expire one year from the
 41 date of approval unless, within that period, the plat or plan shall have been
 42 submitted for signature and recorded as specified in these Regulations.
 43 The Planning Board may, for good cause shown, extend the period for

1 recording for an additional period not to exceed one year upon written
 2 request of the applicant who must appear before the Planning Board for
 3 the annual review.

4 f. Acceptance of public improvements. Signature and recording as specified
 5 in these Regulations shall constitute the acceptance by the Town of any
 6 street or other public improvements or other land intended for dedication.
 7 Final Plan approval shall not impose any duty upon the Town to maintain
 8 or improve those dedicated areas until the Town Council accepts the
 9 completed public improvements as constructed in compliance with the
 10 Final Plans.

11 g. Validity of recorded plans. The approved Final Plan, once recorded, shall
 12 remain valid as the approved plan for the site unless and until an
 13 amendment to the plan is approved under the procedures set forth in
 14 these Regulations, or a new plan is approved by the Planning Board.

15 **5-HI. ~~Project phasing~~ Development plan review.**

16 2. Permitting authority. The Administrative Officer shall approve
 17 administrative projects and the Planning Board shall approval formal
 18 projects described herein.

19 3. Development plan review consists of two review processes, administrative
 20 and formal.

21 a. Administrative development plan review consists of one stage of review
 22 and the authorized permitting authority is the Administrative Officer.
 23 The following activities are subject o administrative development plan
 24 review:

25 (1) A change in use at the property where no extensive construction of
 26 improvements is sought.

27 b. Formal development plan review consists of the preliminary stage and
 28 final stage of review. The authorized permitting authority is the Planning
 29 Board. The following activities are subject to formal development plan
 30 review:

31 (1) An adaptive reuse project where no extensive exterior construction
 32 of improvements is sought.

33 (2) Any development that proposes to clear, grade, or disturb greater
 34 than 10,000 square feet of land. This shall not include clearing
 35 conducted pursuant to an approved residential subdivision or earth
 36 removal permit, or for existing agricultural, forestry or related
 37 purposes.

38 (3) A new parking area or addition to an existing parking area which in
 39 either case results in greater than 5,000 square feet of new parking
 40 area.

41 (4) Mixed use development consisting of up to six (6) dwelling units or
 42 two-thousand five-hundred (2,500) gross square feet of commercial

- 1 space or less.
- 2 (5) Any proposed commercial or industrial development, including
3 additions and expansions of existing development, that would result
4 in the use or storage of hazardous materials.
- 5 (6) Any alteration of a facility requiring a license pursuant to G.L. 1956
6 § 42-98-4 (Energy facility siting act)
- 7 3. The Administrative Officer may combine the stages of review for formal
8 development plan review, providing that the submission requirements of
9 both stages of review are met by the applicant to the satisfaction of the
10 Administrative Officer.
- 11 4. Waivers. Requirements for development plan approval may be waived where
12 there is a change in use or occupancy and no extensive construction of
13 improvements is sought.
- 14 a. The waiver may be granted only by a decision by the permitting
15 authority identified in this article, finding that the use will not affect
16 existing drainage, circulation, relationship of buildings to each other,
17 landscaping, buffering, lighting and other considerations of
18 development plan approval, and that the existing facilities do not require
19 upgraded or additional site improvements.
- 20 b. The application for a waiver of development plan approval review shall
21 include documentation on prior use of the site, the proposed use, and
22 its impact.
- 23 c. The Planning Board may grant waivers of design standards. The
24 Administrative Officer may not grant waivers administratively and must
25 be referred to the Planning Board. The only grounds for such waivers
26 shall be where the literal enforcement of one or more provisions of the
27 Regulations is impracticable and will exact undue hardship because of
28 peculiar conditions pertaining to the land in question or where such waiver
29 is in the best interest of good planning practices and/or design as
30 evidenced by consistency with the Cumberland Comprehensive
31 Community Plan and the Cumberland Zoning Ordinance.
- 32 5. Applications requesting relief from the zoning ordinance. Applications under
33 this article which require relief which qualifies only as a modification shall
34 proceed by filing an application and a request for a modification to the
35 zoning enforcement officer.
- 36 a. If such modification is granted the application shall then proceed to be
37 reviewed by the designated permitting authority as determined in these
38 Regulations. If the modification is denied or an objection is received as
39 set forth in Section 18-5 of the zoning ordinance, such application shall
40 proceed under unified development review and be reviewed by the
41 Planning Board.

1 b. Applications under this section which require relief from the literal
2 provisions of the zoning ordinance in the form of a variance or special
3 use permit, shall be reviewed by the Planning Board under unified
4 development review, and a request shall accompany the preliminary
5 plan application.

6 6. Submission requirements. Any applicant requesting approval of a proposed
7 development under this section, shall submit to the Administrative Officer
8 the items required by the Checklist.

9 7. Certification.

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

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

22 c. If the administrative officer certifies the application as incomplete, the
23 officer shall set forth in writing with specificity the missing or incomplete
24 items.

25 8. Application review and decision.

26 a. Administrative development plan review. An application shall be
27 approved, denied, or approved with conditions within 25 days of the
28 certificate of completeness or within any further time that is agreed to
29 in writing by the applicant and Administrative Officer.

30 b. Formal development plan review.

31 (1) Preliminary plan. Unless the application is reviewed under unified
32 development review, the [administrative officer, TRC, or planning
33 board] will approve, deny, or approve with conditions, the
34 preliminary plan within sixty-five (65) days of certification of
35 completeness, or within any further time that is agreed to by the
36 applicant and the permitting authority.

37 (2) Final Plan. For formal development plan approval, the permitting
38 authority shall delegate final plan review and approval to the
39 administrative officer. The officer will report its actions in writing to
40 the [planning board] at its next regular meeting, to be made part of
41 the record. Final plan shall be approved or denied within forty-five

1 (45) days after the certification of completeness, or within a further
2 amount of time that may be consented to by the applicant, in writing.

3 c. Failure to act. Failure of the permitting authority to act within the period
4 prescribed constitutes approval of the preliminary plan and a certificate
5 of the administrative officer as to the failure to act within the required
6 time and the resulting approval shall be issued on request of the
7 application.

8 d. Vested rights. Approval of development plan review shall expire two (2)
9 years from the date of approval unless, within that period, a plat or plan,
10 in conformity with approval, and as defined in this act, is submitted for
11 signature and recording. Validity may be extended for an additional
12 period upon application to the administrative officer or permitting
13 authority, whichever entity approved the application, upon a showing of
14 good cause.

15 10. Modifications and changes to plans.

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

25 (1) Minor changes are defined as a change to a plan, which in the
26 opinion of the Administrative Officer, does not substantially impact
27 the project and is consistent with the intent of the original approval.

28 (2) Denial of the proposed change(s) shall be referred to the Planning
29 Board for review as a major change.

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

34 (1) Any changes to a plan, which in the opinion of the Administrative
35 Officer, substantially impacts the project and/or is inconsistent with
36 the intent of the original approval. Major changes include, but are
37 not limited to:

38 (i) Changes that have the effect of creating additional lots or
39 units.

40 (ii) Changes to any dimension contained in the plan exceeding
41 20%.

1 (iii) Changes that would require a waiver from these Regulations
2 or a variance or special use permit.

3 (iv) Significant realignment of streets or entrance changes.

4 (v) Exceeding the limits of disturbance as specified in the Final
5 Plan.

6 c. The administrative officer shall notify the applicant in writing within
7 fourteen (14) days of submission of the final plan application if the
8 administrative officer determines that there has been a major change to
9 the approved plans.

10 11. Appeal. A decision under this section shall be considered an appealable
11 decision.

12 12. Design Standards. Standards for design of development for applications
13 subject to development plan review are provided in Section 6, 7, and
14 Section 8 of these Regulations.

15 **5-IJ. Project impact statement may be required Technical Review**
16 **Committee.**

17 1. There is hereby established a technical review committee (TRC) in
18 accordance with the Zoning Ordinance, the members of which are
19 appointed by the Planning Board. The TRC is responsible for conducting
20 technical reviews of all applications subject to the jurisdiction delegated
21 under these Regulations. The TRC may also review and approve
22 applications in accordance with these Regulations.

23 2. The Planning Board shall adopt written procedures establishing the
24 committee's responsibilities.

25 3. The Administrative Officer shall serve as chair of the TRC.

26 4. Recommendations of the TRC to the permitting authority shall be in writing
27 and kept as part of the permanent record of the development application.
28 In no case shall the recommendations of the technical review committee be
29 binding on the permitting authority in its activities or decisions. The
30 recommendation of the TRC shall be made available to the applicant prior
31 to a decision by the permitting authority.

32 5. The TRC may review the following types of applications at the request of
33 the Administrative Officer or Planning Board:

34 a. Minor land development projects and subdivisions; advisory to the
35 permitting authority.

36 b. Major land development projects and subdivisions; advisory to the
37 permitting authority, provided that the TRC reviews the application
38 prior to the Planning Board's first meeting on the application.

39 c. Administrative subdivisions at the request of the administrative officer;
40 advisory to the administrative officer.

41 d. Comprehensive permit applications; advisory to the Planning Board.

- 1 e. Minor modifications or changes, as defined in these Regulations, to land
- 2 development and subdivision applications.
- 3 f. Administrative development plan review applications; advisory to the
- 4 Administrative Officer.
- 5 g. Formal development plan review applications; advisory to the Planning
- 6 Board.
- 7 h. Other matters referred to the TRC by the Planning Board or
- 8 Administrative Officer.
- 9 i. Final Plan applications for minor subdivisions and land development
- 10 projects.
- 11 j. Preliminary plan applications for formal development plan review.

12 **5-K. Project phasing.**

13 **5-L. Project impact statement may be required.**

14

15

16

SECTION 6

General Design Standards

The design of all subdivisions, land development projects, and Development Plan Review projects shall conform to the Town of Cumberland Zoning Ordinance and Land Development and Subdivision Regulations as written herein. The Planning Board has established the elements contained in these Regulations as minimum design standards. The Planning Board and Administrative Officer reserves the right to determine lot/unit location and number of lots created by subdivision and land development projects in accordance with these Regulations and the Zoning Ordinance. The Planning Board or Administrative Officer may raise or lower these standards upon a site visit and/ or review of the proposed plan, if ~~the Board~~ they feels in doing so that adequate provisions have been/must be made in the plan for the following:

1. To lessen traffic accidents;
2. To develop land in recognition of primary natural constraints (slopes 15%, rock out-crops and wetlands);
3. To promote safety from fire, flood and other dangers;
4. To secure a well articulated street and highway system;
5. To ensure adequate provisions for pedestrian traffic;
6. To secure an adequate storm water runoff management and soil erosion plan;
7. To preserve significant natural and historic characteristics;
8. To provide adequate public water and sanitary sewage treatment;
9. To provide a recreation area suitable for future use; and
10. To promote development in conformance with the Comprehensive Plan.

The applicant, at his/her own expense, shall construct all improvements where required by the Planning Board or Administrative Officer as a condition of approval for any subdivision or land development project subject to these Regulations.

6-B. Land unsuitable for development.

Land deemed unsuitable for building purposes in the judgement of the Planning Board, will not be approved for development or subdivision.

- (1) Developments Serviced by Sewers. When calculating the number of residential building lots or units permitted on any parcel in an area serviced by sewers, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the building acreage of the parcel:

- 1 a. Freshwater wetlands, except areas of perimeter wetland within 50 of the
- 2 edge of any bog, marsh, swamp or pond; or any applicable one-hundred-
- 3 foot or two-hundred-foot riverbank wetlands, as defined by Rhode Island
- 4 General Laws § 2-I-20 (1987), as amended;
- 5 b. Areas within a one-hundred-year flood zones, as defined by FEMA;
- 6 c. Land within any publicly or privately held easement on which
- 7 aboveground utilities, including but not limited to electrical transmission
- 8 lines, are constructed;
- 9 d. Cemeteries.

10
11 **6-E. Lot design standards.**

12 The Planning Board and/or the Administrative Officer reserves the right to
 13 determine lot location and total number of lots in conformance with the Town
 14 Zoning Ordinance and in recognition of the need to preserve primary natural
 15 features. Additionally,

SECTION 8

Land Development & Development Plan Review Design Standards1
2
3
4
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9

The standards in this section must be applied when a project is classified as a Land Development or when a project requires Development Plan Review in accordance with ~~the Zoning Ordinance~~ these Regulations. If either of these projects involves a public right-of-way or installation or connection to infrastructure that serves the public and which must be maintained in accordance with appropriate health and safety standards, the previous section is also applicable.

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

A Attachment 2

~~Town of Cumberland~~

~~Appendix B~~

~~General Application for Subdivision and Development Projects~~

Type/Stage of Application:

Administrative _____ Name of Project: _____

Pre-application _____

Master Plan _____ Location of Project: _____

Preliminary Plan _____

Final Plan _____ Assessor's Plat(s) and Lot(s): _____

Project Classification (Major, Minor, Development Plan Review):

Name, Address, and Telephone Number of Applicant(s):

Applicant's Signature(s): _____ Date: _____

Name, Address, and Telephone Number of Owner(s):

I/we certify that I/we am the owner of the property designated above and hereby request to have this application reviewed. The required information detailed in the Land Development and Subdivision Regulations of the Town of Cumberland has been presented to the Administrative Officer.

Owner's Signature(s): _____ Date: _____

Owner's Signature(s): _____ Date: _____

Use additional pages as necessary for other owners.

Additionally, _____ of _____ is hereby designated as the primary person of contact to whom the Planning Department should contact with any questions arising from this application.

Name, Address, Telephone Number, and Fax Number of Attorney, if any:-

Name, Address, Telephone Number, and Fax Number of Surveyor/Engineer:-

Fee Paid \$ _____ Received by: _____ Date: _____

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

A Attachment 3

Town of Cumberland

**Appendix C
Checklists**

A. For a Design Plan Review Submission.

Item	Complete	Incomplete/ Incorrect	Not Required
Application cover sheet and fee; notarized statement from property owner authorizing submission of land to development land review procedures.			
Sufficient number of plan copies (generally, 20)			
Name of project; submission type and stage of submission			
Tax Assessor's plat and lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name and RI registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Existing and proposed property lines and building setback lines			
Proposed area(s), angles and dimensions of the parcel(s) and street(s)			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the subject parcel(s)			
Plan scale shall be no smaller than 1 inch equals 40 feet (1 inch equals 40 feet). The scale may be modified with the permission of the Administrative Officer.			
Sufficient Plan Size. (Plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Number sheets sequentially.)			
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			

CUMBERLAND CODE

Item	Complete	Incomplete/ Incorrect	Not- Required
Lettering shall be neat and legible and shall not be smaller than 1/8 inch and legend symbols for all items designated on plans.			
Total area of all lots and roadways involved in project			
Construction phasing (if none, state on plan)			
Plat and lot location and names of each abutter; submission of abutter's names and addresses on 2 sets of self adhesive mailing labels.			
Preliminary site suitability determinations by the RI-DEM as to the suitability of the soils for the operation of ISDS(s)			
Ground elevation data referenced to mean sea level and illustration of floodplains in accordance with Federal flood insurance maps and reports.			
Topographic contours at 10-foot intervals (2-foot if contour changes are proposed); illustrate other conditions such as ledge outcroppings and appropriate setback lines to all brooks, reservoirs, streams, ponds, lakes, wetland areas, drinking water supplies and other waterways within 200 feet of the proposed project (if none, state on the Plan).			
Computation of impervious lot coverage in accordance with zoning ordinance requirements.			
Proposed street names (Names shall not be a duplicate of, or closely resemble, existing street names), and signage size and type.			
Existing and proposed water line, sewer line, drainage line and all manholes, catch basins including location and dimensions of each and data that supports their sizing and design with supporting engineering plans prepared by registered engineer; written confirmation from the Cumberland Water Department that the proposed water service is acceptable			
Existing and proposed easements, plat restrictions and/or covenants; include draft copies of all pertinent legal documents (if none, state on Plan)			
Existing and proposed curb lines and driveway openings and internal circulation patterns.			
Location of existing and proposed permanent monuments.			
Location of existing and proposed utilities (electric, gas, water, hydrants, wells, sewer, ISDS).			
Location of existing private wells within 200 feet of the proposed project, locations of wells within the project, and the location and type of public wells within 800 feet of the project.			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not- Required
Location of groundwater and percolation test holes, if applicable; written confirmation; written confirmation from the Cumberland Public Works Department that the sewer service is acceptable			
A soil erosion and sedimentation control plan and landscaping plan showing all significant clearing of land and revegetation.			
Identification of any land located within public drinking-water supply areas.			
Identification of storm water controls and data that supports sizing and design.			
Engineered centerline profiles of proposed streets containing, as appropriate: existing and proposed street grades, sewer mains, water mains, all other underground utilities, and drainage facilities. Profile scale shall have a horizontal scale of 1 inch equals 40 feet and vertical scale of 1 inch equals 4 feet.			
Street ROW cross section detail illustrating all utilities, sidewalks & trees; Street signs and traffic calming measures, as appropriate; An advisory report from the Cumberland Police Traffic Officer as to the need for and the location of traffic controls.			
Written analysis of potential neighborhood impact; general floor plan showing proposed use and area; exterior elevation plans of entire structure including additions, front side and rear views, roof pitch, overhang and building elements.			
Numbers and dimensions of existing and proposed parking and handicapped parking spaces, including parking computations and supporting data.			
A landscape plan prepared by a RI registered Landscape Architect identifying the location of existing tree cover, location and common name of individual trees of 16 – inch diameter or greater within 50 feet of the right of way and the location of proposed trees			
A street lighting plan, showing the location, dimension and architecture style of proposed external lighting including type of illumination and illustration of foot candles in scale measurement equal to plan.			
All necessary State and Federal permits; any existing or proposed solid waste facility; quantities and locations of proposed use and storage of hazardous materials			

CUMBERLAND CODE

Item	Complete	Incomplete/ Incorrect	Not- Required
If wetlands are located within the project area, a written determination from RI DEM is necessary documenting either that the Wetlands Act does not apply, or that the proposal will result in an insignificant or significant alteration as granted by evidence of a permit. Copies of DEM stamped plans and permits along with any conditions shall be submitted.			
Demonstrated compliance/submission of any materials required as a condition of Design Plan Review approval; Any other information or data which is relevant to good land planning and design			

B. For a Final Plan Submission.

Item	Complete	Incomplete/ Incorrect	Not- Required
Application cover sheet and fee			
Sufficient number of plan copies (generally, 15)			
Name of project; submission type and stage of submission			
Tax Assessor's Plat and Lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name, signature and RI registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Existing and proposed property lines and building setback lines			
Proposed area(s), angles and dimensions of the parcel(s) and street(s)			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the parcel being re-subdivided			
Plan scale shall be no smaller than 1 inch equals 80 feet (1 inch equals 80 feet). The scale may be modified with the permission of the Administrative Officer.			
Sufficient Plan Size. (Plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Number sheets sequentially.)			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not- Required
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			
Lettering shall be neat and legible and shall not be smaller than 1/8"			
Municipal lien certificate documenting that there are no taxes due on the property			
Quitclaim deed conveying all street ROWs and other legal documents such as deed restrictions, protective covenants, easements			
Written certification by a registered professional engineer that all drainage structures and facilities will accommodate a 100 year frequency rainfall event			
Total area of all lots and roadways involved in project			
The approved construction phasing plan			
The approved Preliminary Plan including construction details, landscaping, soil erosion, lighting, etc. Plans and accompanying materials shall include and clearly illustrate all modifications directed by the Board during previous stages of review			
Any conditions of approval or waivers/variances granted should be identified on the plan			
Location of all permanent monuments. A definite bearing or angle and distance tie shall be shown between permanent monuments on the existing boundary of the proposed development and existing street intersections or other existing permanent monuments.			
Any State and Federal permits that have been obtained or have been changed/extended since submission with the Preliminary Plan			
Certification by a Title Attorney or comparable legal professional that no Notice of Violation of the Wetlands Act is on file in the Cumberland Land Evidence records pertaining to the lot(s) being considered for subdivision or development			
Demonstrated compliance/submission of any materials required as a condition of Master Plan approval; Any other information or data which is relevant to good land planning and design			

CUMBERLAND CODE

Item	Complete	Incomplete/ Incorrect	Not- Required
Copies of digital files on magnetic or optical media are required. If submitted in an AutoCad format, dxf files are preferred. Georeferencing coordinates for the plans within each dxf layer in the NAD83 RISPC in feet are preferred, but local coordinates are acceptable. If not already shown on the Plan, supplemental metadata should include the name and version number of the computer software used to generate the digital files and the name, company address and registration number of the land surveyor performing the work.			

C. For a Master Plan Submission:

Item	Complete	Incomplete/ Incorrect	Not- Required
Application cover sheet and fee			
Sufficient number of plan copies (generally, 20)			
Name of project; submission type and stage of submission			
Tax Assessor's Plat and Lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name and Rhode Island registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Total Area of subdivision or land development project			
Existing and proposed property lines and building-setback lines			
Existing and proposed area(s) and dimensions of the parcel(s) and street(s)			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the parcel being re subdivided			
Proposed utilities, manholes, catch basins, pits, etc.			
Existing easements (if none, state on Plan) and proposed deed or plat restrictions or protective covenants (if none, state on Plan)			
Plan scale shall be no smaller than 1 inch equals 80 feet (1 inch equals 80 feet). The scale may be modified with the permission of the Administrative Officer.			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not- Required
Sufficient Plan Size. (Plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Sheets shall be numbered sequentially.)			
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			
Lettering shall be neat and legible and shall not be smaller than 1/8"			
A proposed phasing plan (if none, state on Plan)			
Approximate topographic conditions			
Land proposed for public dedication			
Approximate locations of reservoirs and their tributaries, water bodies, watercourses, and wetlands (if none, state on Plan) on property			
Location of private wells and septic systems within 200 feet of the project			
Total area of all lots and roadways involved in project			
Topographical conditions, existing man-made structures and natural site features on the lot(s) to be subdivided and/or developed and on abutting lots			
Tentative construction phasing illustrated on plan			
Analysis of potential neighborhood/district impacts			
Verification of wetland edge by the RI DEM (if no wetlands on property, state on plan)			
Analysis of buildable lot area. The analysis shall include a constraint plan illustrating constraints and indicating the square foot areas of all applicable constraints as itemized in the Regulations and an estimated limit of disturbance.			
Plat and lot location and names of each abutter; submission of abutter's names and addresses on self-adhesive mailing labels.			
Any other preliminary information or data which is relevant to good land planning and design			

CUMBERLAND CODE

D. For a Pre-Application Submission:

Item	Complete	Incomplete/ Incorrect	Not Required
Application cover sheet and fee			
Sufficient number of plan copies (generally, 15)			
Name of project; submission type and stage of submission			
Tax Assessor's Plat and Lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name and Rhode Island registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Total Area of subdivision or land development project			
Existing and proposed property lines and building-setback lines			
Existing and proposed area(s) and dimensions of the parcel(s) and street(s)			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the parcel being re-subdivided			
Proposed utilities, manholes, catch basins, pits, etc.			
Existing easements (if none, state on Plan) and proposed deed or plat restrictions or protective covenants (if none, state on Plan)			
Plan scale shall be no smaller than 1 inch equals 80 feet. The scale may be modified with the permission of the Administrative Officer.			
Sufficient Plan Size. (Plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Sheets shall be numbered sequentially.)			
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			
Lettering shall be neat and legible and shall not be smaller than 1/8"			
A proposed phasing plan (if none, state on Plan)			
Approximate topographic conditions			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not Required
Land proposed for public dedication			
Approximate locations of reservoirs and their tributaries, water bodies, watercourses, and wetlands (if none, state on Plan) on property			
Location of private wells and septic systems within 200 feet of the project			
Any other preliminary information or data which is relevant to good land planning and design			

E. — For a Preliminary Plan Submission.

Item	Complete	Incomplete/ Incorrect	Not Required
Application cover sheet and fee			
Sufficient number of plan copies (generally, 20)			
Name of project; submission type and stage of submission			
Tax Assessor's Plat and Lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name and RI registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Total Area of subdivision or land development project			
Existing and proposed property lines and building setback lines			
Proposed area(s), angles and dimensions of the parcel(s) and street(s)			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the parcel being re-subdivided			
Plan scale shall be no smaller than 1 inch equals 80 feet. The scale may be modified with the permission of the Administrative Officer.			
Sufficient Plan Size. (Plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Number sheets sequentially.)			

CUMBERLAND CODE

Item	Complete	Incomplete/ Incorrect	Not Required
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			
Certification by the Superintendent of the Cumberland Water Department that the proposed water service is acceptable and that water can be provided to the proposed project. Location of fire hydrants shall be determined by the Cumberland Water Department in cooperation with the local fire department. If water is to be provided by a water system other than the Cumberland Water Department similar certification and hydrant location is required.			
Certification by the Cumberland Public Works Department that the proposed sewer layout is acceptable and can accept the effluent load of the proposed project.			
An advisory report from the Cumberland Police Traffic Officer as to the need for and location of traffic control signs or other traffic control devices as well as any required ordinances deemed necessary for traffic control.			
A notarized statement from the property owner authorizing the submission of his/her land to the subdivision and/or land development procedures if he/she is not the subdivider.			
Total area of all lots and roadways involved in project			
Construction phasing illustrated on plan			
Plat and lot location and names of each abutter; submission of abutter's names and addresses on 2 sets of self adhesive mailing labels.			
Preliminary site suitability determinations by the RIDEM as to the suitability of the soils for the operation of ISDS(s)			
Ground elevation data referenced to mean sea level and illustration of floodplains in accordance with Federal flood insurance maps and reports			
Topographic contours at 2 foot intervals; illustrate other conditions such as ledge outcroppings and appropriate setback lines to all brooks, reservoirs, streams, ponds, lakes, wetland areas, drinking water supplies and other waterways within 200 feet of the proposed project (if none, state on the Plan).			
Proposed areas to be dedicated as open space & ownership/maintenance proposals			
Proposed street names (Names shall not be a duplicate of, or closely resemble, existing street names)			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not- Required
Existing and proposed water line, sewer line, drainage line and all manholes, catch basins including location and dimensions of each and data that supports their sizing and design			
Existing and proposed easements, plat restrictions and/or covenants; include draft legal documents (if none, state on Plan)			
Existing and proposed curb lines and driveway openings			
Location of existing and proposed permanent monuments			
Location of existing and proposed fire hydrants			
Location of existing private wells within 200 feet of the proposed project, locations of wells within the project, and the location and type of public wells within 800 feet of the project.			
Location of existing cesspools, septic systems, seepage pits, or other sewerage disposal systems within 200 feet of the project			
A soil erosion and sedimentation control plan			
Identification of any land located within public drinking water supply areas			
Identification of storm water controls and data that supports sizing and design			
Engineered centerline profiles of proposed streets containing, as appropriate: existing and proposed street grades, sewer mains, water mains, all other underground utilities, and drainage facilities. Profile scale shall have a horizontal scale of 1 inch equals 40 feet and vertical scale of 1 inch equals 4 feet.			
Street ROW cross section detail illustrating all utilities, sidewalks & trees			
Street signs and traffic calming measures, as appropriate			
A landscape plan prepared by a RI registered Landscape Architect identifying the location of existing tree cover, location and common name of individual trees of 16-inch diameter or greater within 50 feet of the right of way and the location of proposed trees			
A street lighting plan, showing the location of proposed lights and the existing lights within 50 feet of the proposed development			
All necessary State and Federal permits			
Identification of flood areas in accordance with the flood hazard regulations.			

CUMBERLAND CODE

Item	Complete	Incomplete/ Incorrect	Not- Required
If wetlands are located within the project area, a written determination from RI DEM is necessary documenting either that the Wetlands Act does not apply, or that the proposal will result in an insignificant or significant alteration as granted by evidence of a permit. Copies of DEM stamped plans and permits along with any conditions shall be submitted.			
Demonstrated compliance/submission of any materials required as a condition of Master Plan approval; Any other information or data which is relevant to good land planning and design			

F. For an Administrative Subdivision.

Item	Complete	Incomplete/ Incorrect	Not- Required
Application cover sheet and fee			
Sufficient number of plan copies (13 if plan must be reviewed by the Planning Board, otherwise, 2 copies are sufficient)			
Name of project; submission type and stage of submission			
Tax Assessor's Plat and Lot number(s)			
Name and address of property owner(s) and applicant(s)			
Name, signature and RI registration number of professional engineer or land surveyor responsible for the plan submitted			
Date of plan preparation, with revision date(s) (if any)			
Graphic scale and true north arrow			
Zoning District(s), including minimum area, dimensions and setbacks			
Total Area of subdivision or land development project			
Existing and proposed property lines and building setback lines			
Existing and proposed area(s) and dimensions of the parcel(s) being re-subdivided			
Location and size of existing buildings, structures, utilities and improvements on the lot(s) to be re-subdivided and on abutting lots			
Location, width and names of platted streets within or directly adjacent to the parcel being re-subdivided			
Proposed utilities, manholes, catch basins, pits, etc. (if none, state on Plan)			
Wetlands (if none, state on Plan)			
Easements (if none, state on Plan)			

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Item	Complete	Incomplete/ Incorrect	Not- Required
Plan scale shall be no smaller than 1 inch equals 80 feet. The scale may be modified with the permission of the Administrative Officer.			
Sufficient Plan Size. (Mylars for recording shall be 18" x 24" or 24" x 36" in size. Other plans may be reduced to 11" x 17" provided that they are still legible, as determined by the Administrative Officer. Sheets shall be numbered sequentially.)			
A location map showing the physical relationship of the proposed project to the area within a radius of 1/2 mile. Said location map (USGS or comparable may be used) shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs, and public wells within 1,000 feet of the project.			
Lettering shall be neat and legible and shall not be smaller than 1/8"			
Copies of digital files on magnetic or optical media are required. If submitted in an AutoCad format, dxf files are preferred. Georeferencing coordinates for the plans within each dxf layer in the NAD83 -RISPC in feet are preferred, but local coordinates are acceptable. If not already shown on the Plan, supplemental metadata should include the name and version number of the computer software used to generate the digital files and the name, company address and registration number of the land surveyor performing the work.			