

Chapter A263

Development and Subdivision Review Regulations

§ A263-1 **Title.**

These regulations shall be known as the "Town of East Greenwich Development and Subdivision Review Regulations."

§ A263-2 **Authority.**

In accordance with the authority vested in the East Greenwich Planning Board by Title 45, Chapter 23 of the General Laws of Rhode Island (the Act), as amended, and by the Code of Ordinances of the Town of East Greenwich, Chapter 34, Article IV, Planning Board, the Planning Board hereby declares its intention to exercise the power granted to it and hereby adopts the following regulations. They are declared effective as of January 01, 2024 and supersede all previous land development and subdivision regulations of the Town of East Greenwich.

§ A263-3 **Applicability.**

A. Sections 45-23-25 — 45-23-74 and all local regulations are applicable to all applications under this chapter.

B. Plats required.

(1) All activity defined as subdivision requires a new plat, drawn to the specifications of the local regulations, and reviewed and approved by the planning board or its agents as provided in this chapter; and

(2) Prior to recording, the approved plat shall be submitted for signature and recording as specified in §45-23-64.

§ A263-4 **Continuation of ordinances; suppression; Relation to other statutes.**

A. Any land development and subdivision review ordinance, regulation or rule, or amendment, enacted after December 31, 1994 shall conform to the provisions of this chapter. All lawfully adopted land development and subdivision review ordinances,

regulations, and rules shall be brought into conformance with this chapter by December 31, 1995.

- B. All subdivision ordinances, regulations or rules adopted under authority of §§ 45-23-1 through 45-23-24, or any special subdivision enabling act that is in effect on July 21, 1992 remains in full force and effect until December 31, 1995, unless amended earlier so as to conform to the provisions of this chapter.
- C. Sections 45-23-1 through 45-23-24 and all special subdivision enabling acts in effect on July 21, 1992 are repealed effective December 31, 1995.
- D. Nothing contained in this chapter and no local ordinance, rule or regulation adopted under this chapter impairs the validity of any plat legally recorded prior to the effective date of the ordinance, rule or regulation.

§ A263-5 Legislative findings and intent.

- A. The general assembly recognizes and affirms in §§ 45-23-25 — 45-23-74 that the findings and goals stated in §§ 45-22.2-3 et seq. and 45-24-27 et seq., known as the Rhode Island Comprehensive Planning and Land Use Regulation Act and the Rhode Island Zoning Enabling Act of 1991, respectively, present findings and goals with which local regulations must be consistent.
- B. The general assembly further finds that:
 - (1) The subdivision enabling statutes contained in §§ 45-23-1 through 45-23-24, hereby repealed as of December 31, 1995, have been enacted in a series of separate actions over many years and do not provide for all the elements presently necessary for proper municipal review and approval of land development and subdivision projects;
 - (2) The character of land development and subdivision, and the related public and private services, have changed substantially in recent years;
 - (3) The responsibilities of the local governments in regulating land development and subdivision have changed, increased in complexity, and expanded to include additional areas of concern;
 - (4) State and federal laws increasingly require the interaction of local land development regulatory authorities with those of the federal and state agencies and adjacent municipalities;

- (5) Not all instances of land development or subdivision are sufficiently reviewed prior to recording or construction, resulting in unwarranted environmental impacts, financial impacts on private individuals and communities, and inappropriate design;
- (6) At present the cities and town throughout the state each establish their own procedures for review, approval, recording, and enforcement of land development and subdivision projects;
- (7) It is necessary to provide for review and approval of land development projects within the subdivision review and approval procedures, as specified in the Rhode Island Zoning Enabling Act of 1991 (§ 45-24-27 et seq.); and
- (8) It is necessary to require that the regulations and standards for all land development projects and subdivisions be sufficiently definite to provide clear direction for development design and construction and to satisfy the requirements for due process for all applicants for development approval.

C. Therefore, it is the intent of the general assembly:

- (1) That the land development and subdivision enabling authority contained in this chapter provide all cities and towns with the ability to adequately address the present and future needs of the communities;
- (2) That the land development and subdivision enabling authority contained in this chapter require each city and town to develop land development and subdivision regulations in accordance with the community comprehensive plan, capital improvement plan, and zoning ordinance and to ensure the consistency of all local development regulations;
- (3) That certain local procedures for review and approval of land development and subdivision are the same in every city and town;
- (4) That the local procedure for integrating the approvals of state regulatory agencies into the local review and approval process for land development and subdivision is the same in every city and town; and
- (5) That all proposed land developments and subdivisions are reviewed by local officials, following a standard process, prior to recording in local land evidence records.

§ A263-6 General purposes of land development and subdivision review ordinances, regulations and rules.

Land development and subdivision review ordinances, regulations and rules shall be developed and maintained in accordance with this chapter and with a comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which complies with § 45-24-27 et seq. Local regulations shall address the following purposes:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions that are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas that can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

§ A263-7 Purpose and consistency with comprehensive plan, zoning ordinance and other local land use regulations.

- A. Local regulations adopted pursuant to this chapter shall provide a statement of purposes. These purposes shall be consistent with purposes stated in chapters 22.2 and 24 of this title concerning comprehensive plans and zoning ordinances, respectively, as well as with § 45-23-30. The local regulations shall also be consistent with the adopted local comprehensive plan, local zoning ordinance and all other duly adopted local development regulations.
- B. In the instance of uncertainty in the construction or application of any section of the local regulations, the local regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the comprehensive plan. Furthermore, the local regulations shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of §§ 45-23-25 — 45-23-74.

§ A263-8 Definitions.

Where words or phrases used in this chapter are defined in the definitions section of either the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts. Additional words and phrases may be defined in local ordinances, regulations, and rules under this act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning Enabling Act of 1991. The words and phrases defined in this section, however, shall be controlling in all local ordinances, regulations, and rules created under this chapter. In addition, the following words and phrases have the following meanings:

ADMINISTRATIVE OFFICER: The municipal official(s) designated by the local regulations to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The administrative officer may be a member of, or the chair, of the planning board, an employee of the municipal planning or zoning departments, or an appointed official of the municipality. See § 45-23-55.

ADMINISTRATIVE SUBDIVISION: Subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of

boundaries of existing lots. The process by which an administrative officer or planning board reviews any subdivision qualifying for this review is set forth in § 45-23-37.

BICYCLE PATH: A pathway, usually separated from the roadway, designed specifically to satisfy the requirements of bicycling.

BOARD OF APPEAL: The local review authority for appeals of actions of the administrative officer, which shall be the local zoning board of review constituted as the board of appeal. See § 45-23-57.

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 practicable by the planning board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations. See § 45-23-60(4).

CAPPED SYSTEM: A completed water supply and/or sanitary sewer system constructed prior to availability of a public water or sewer connection, which is sealed or capped to prevent usage until such a connection is made.

CERTIFICATE OF COMPLETENESS: A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of the municipality's regulations, and that the applicant may proceed with the review process.

CLUSTER DEVELOPMENT: A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduced lot areas, setback requirements and/or bulk requirements with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development. Also refer to East Greenwich Zoning Ordinance, Chapter 260, Article IX, Cluster Subdivisions.

CONCEPT PLAN: A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for

preapplication meetings and initial process discussions and classification of the project within the approval process.

CONSISTENCY WITH THE COMPREHENSIVE PLAN: A requirement of all local land use regulations which means that all such regulations and subsequent actions are in accordance with the public policies arrived at through detailed study and analysis and adopted by the Town of East Greenwich as the Comprehensive Community Plan as specified in § 45-22.2-3.

DEDICATION, FEE IN LIEU OF: Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which the payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations. See § 45-23-47.

DEVELOPMENT REGULATION: Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.

DEVELOPMENT PLAN REVIEW: Design or site plan review of a development of a permitted use. Development plan review shall be utilized under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for the following application types:

- (1) Accessory Dwelling Units

DIVISION OF LAND: A subdivision.

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

FINAL PLAN: The final stage of the land development and subdivision review process. See § 45-23-43.

FINAL PLAT: The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Permitting Authority and any accompanying material as described in this chapter and/or required by the Planning Board.

FLOOR AREA, GROSS: See Rhode Island State Building Code.

GOVERNING BODY: The body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees - The East Greenwich Town Council.

IMPROVEMENT: Any natural or built item which becomes part of, is placed upon, or is affixed to real estate.

IMPROVEMENT GUARANTEE: A security instrument in a form acceptable to the Town to ensure that all improvements, facilities or work required by the land development and subdivision regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. See §45-23-46.

LAND-DEVELOPMENT PROJECT: A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses.

LOCAL REGULATIONS: The land development and subdivision review regulations adopted under the provisions of the Act. For purposes of clarification, throughout this act, where reference is made to local regulations, it is be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to this chapter.

LOT: Either: 1) the basic development unit for determination of lot area, depth and other dimensional regulations; or 2) a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

LOT FRONTAGE: That portion of a lot extending along a street right-of-way.

MAINTENANCE GUARANTEE: Any security instrument which may be required and accepted by the Town to ensure that necessary improvements will function as required for a specific period of time. See "improvement guarantee."

MAJOR LAND DEVELOPMENT PLAN: A land development project which exceeds the thresholds for a minor land development project as set forth in this

section and § A263-14. The process by which major land development projects are reviewed by the local planning board, technical review committee, or administrative officer is set forth in § 45-23-39.

MAJOR SUBDIVISION: A subdivision creating ten (10) or more buildable lots. The process by which the planning board reviews any subdivision qualifying for this review under § 45-23-39.

MASTER PLAN: An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held. See §45-23-39.

MINIMUM BUILDABLE AREA (M.B.A.): The amount of land required by zone to constitute the building envelope for each lot. The minimum buildable area is defined by taking the minimum lot size for a zone and subtracting the required setbacks. The M.B.A. shall be free of all drainage structures or other features which would impair its use for purposes allowed under the Zoning Ordinance. Wetland buffers, as defined in § 2-1-20, shall be included in the calculation of a minimum lot area and in the total number of square feet or acres of a tract or parcel of land before calculating the maximum potential number of units or lots for development; see §45-23-44(d). The slope of land shall not be excluded from the calculation of the buildable lot area or the minimum lot size, or in the calculation of the number of buildable lots or units. See Appendix B – Lot Design Standards.

MINOR LAND DEVELOPMENT PLAN: A land development project involving any one of the following:

- (1) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- (2) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or
- (3) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.

- (4) Multi-family residential or residential condominium development of nine (9) units or less.
- (5) Change in use at the property where no extensive construction of improvements are sought.
- (6) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought.
- (7) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.

MINOR SUBDIVISION: A subdivision of land creating nine (9) or fewer buildable lots. The process by which the planning board, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38.

MODIFICATION OF REQUIREMENTS: See § 45-23-62.

PARCEL: A lot or contiguous group of lots in single ownership or under single control and usually considered a unit for purposes of development. Also referred to as a tract.

PARKING AREA OR LOT: All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

PERMITTING AUTHORITY: The local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

PHASED DEVELOPMENT: Development, generally of a large scale, where construction of public and/or private improvements proceeds in sections or phases according to an approved master plan for the entire site. See § 45-23-48.

PHYSICAL CONSTRAINTS TO DEVELOPMENT: Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site or would require extraordinary construction methods. See also environmental constraints.

PLANNING BOARD: The official planning agency of the Town of East Greenwich.

PLAT: A drawing or drawings of a land development or subdivision plan showing the location, boundaries and lot lines of individual properties, as well as other necessary information as specified in these regulations.

PREAPPLICATION CONFERENCE: An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others. See § 45-23-35.

PRELIMINARY PLAN: A required stage of land development and subdivision which generally requires engineered drawings. See § 45-23-39.

PUBLIC IMPROVEMENT: Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

SLOPE OF LAND: The grade, pitch, rise or incline of the topographic landform or surface of the ground.

STORMWATER DETENTION: A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm event.

STORMWATER RETENTION: A provision for storage/holding of stormwater runoff.

STREET: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See street classification.

STREET, ACCESS TO: An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

STREET, ALLEY: A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties, whose principal frontage is on some other street.

STREET, CUL-DE-SAC: A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

STREET, LIMITED ACCESS HIGHWAY: A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway. Frontage on a limited access highway shall not constitute legal frontage for zoning or subdivision purposes.

STREET, PRIVATE: A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition does not apply to driveways. Private streets shall be prohibited in all single-family residential developments.

STREET, PUBLIC: All public property reserved or dedicated for street traffic.

STREET STUB: A portion of a street reserved to provide access to future development, which may provide for utility connections.

STREET CLASSIFICATION: A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:

- (1) **ARTERIAL** A major street that serves as an avenue for the circulation of traffic into, out of, or around the Town and carries high volumes of traffic.
- (2) **COLLECTOR** A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- (3) **LOCAL** Streets whose primary function is to provide access to abutting properties.

SUBDIVIDER: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly sells, leases or develops, or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot, parcel, site, unit or plat in a subdivision; or who (3) engages directly

or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines is considered a subdivision.

(i) Administrative subdivision. Subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officer or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in § 45-23-37.

(ii) Minor subdivision. A subdivision creating nine (9) or fewer buildable lots. The process by which a municipal planning board, commission, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38.

(iii) Major subdivision. A subdivision creating ten (10) or more buildable lots. The process by which a municipal planning board or commission reviews any subdivision qualifying for this review under § 45-23-39.

TECHNICAL REVIEW COMMITTEE: A committee comprised of the Town Manager, Director of Public Works, Chief of Police, Fire Chief, Director of Parks and Recreation, Building Official/Zoning Enforcement Officer, and the Director of Planning, or their assigns, for the purpose of reviewing, commenting and making recommendations to the Planning Board or administrative officer, as set forth in this chapter.

TEMPORARY IMPROVEMENT: Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, that are not intended to be permanent.

VEGETATED BUFFER: A naturally vegetated, landscaped or revegetated area retained as such and wherein construction and land disturbance, such as clearing trees, cutting brush or grading, is prohibited, and new buildings or structures, including but not limited to roads, septic systems, sheds and utilities are not allowed.

VESTED RIGHTS: The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect

at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.

WAIVER OF REQUIREMENTS: See § 45-23-62.

§ A263-9 General provisions applicable to all land developments and subdivisions.

A. Required findings. In approving all administrative, minor and major development applications the Permitting Authority or the Administrative Officer shall address each of the general purposes of these regulations and shall make positive findings relative to the below-listed provisions. If an adverse or negative finding for any of these standards is made, the Permitting Authority or Administrative Officer shall have grounds for denial of the project design. All findings shall be in writing and shall be part of the project's record of review.

- (1) All subdivisions shall be consistent with the requirements of the East Greenwich Comprehensive Community Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
- (2) All proposed lots in a subdivision shall conform to the minimum standards and applicable provisions of the East Greenwich Zoning Ordinance. Note: Lots donated to the Town to comply with requirements relating to recreational facilities may, at the discretion of the Permitting Authority, not meet all dimensional and other requirements of the zone in which the lot is situated. In such cases the following shall apply:
 - (i) The recorded plat shall contain a statement that the lot being created is not a buildable lot; and
 - (ii) The lot is granted to the Town of East Greenwich or East Greenwich Municipal Land Trust as a passive or active recreational site for use in the furtherance of the policies of the East Greenwich Open Space and Recreation Plan (EGORP).
- (3) All lots proposed for development shall meet the minimum buildable area standards of these regulations. See Appendix B, Table 1.
- (4) There will be no significant adverse environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

(5) The subdivision, as proposed, will not result in the creation of lots that due to environmental or physical limitations to development that construction or use would be impracticable. (See Appendix B, Lot Design Standards, and Definition Section; Minimum Buildable Area). Lots characterized as such may be allowable only as permanent open space or for passive natural or recreational purposes with notation of same made on the record plat. See § A263-8A(2)(b).

(6) All proposed land developments and subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without the ability to physically access same shall not be allowed.

(7) Each subdivision shall make provisions for: safe circulation of pedestrians; bicycles and vehicular traffic; the adequate detention of surface water runoff and storm flow; building sites meeting the minimum buildable area requirements of these regulations; and preservation of natural, visual, historic or cultural features of the site and surrounding community.

(8) The design, location and construction of streets, building lots, utilities, drainage improvements and any other improvements in each subdivision shall not increase flooding or cause excessive soil erosion or sedimentation to occur.

B. Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the source and character of the observations upon which the fact-finders acted.

§ A263-10 General provisions: Preapplication meetings and concept review.

A. One or more pre-application meetings shall be held for all major land development or subdivision applications. Pre-application meetings may be held for administrative and minor applications, upon request of either the municipality or the applicant. Preapplication meetings shall allow the applicant to meet with appropriate Town officers, boards, commissions, planning staff for advice and guidance relative to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures, and standards which may impact the proposed development project.

B. At the preapplication stage, the applicant may request the planning board or the technical review committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide planning board or technical review committee input in the formative stages of major subdivision and development concept design.

- C. Applicants seeking a preapplication meeting or an informal concept review shall submit general, conceptual materials in advance of the meeting(s) as requested by municipal officials.
- D. Pre-application meetings aim to encourage information sharing and discussion of project concepts among all participants. Pre-application discussions are intended for the guidance of the applicant and are not considered approval of a project or its elements.
- E. Provided that at least one preapplication meeting has been held for major land development or subdivision application or sixty 60 days have elapsed from the filing of the preapplication submission and no preapplication meeting has been scheduled to occur within said sixty 60 days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with § 45-23-36.

§ A263-11 General provisions — Authority and application for development and certification of completeness.

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

the deficiencies in the application. See §§ 45-23-38, 45-23-39, and 45-23-50 for applicable certification timeframes and requirements.

- C. Notwithstanding other provisions of this section, the planning board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the administrative officer prior to certification, as is necessary to make an informed decision.
- D. Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review is stayed and resumes when the administrative officer or the planning board determines that the required application information is complete.

§ A263-12 General provisions: Administrative subdivision.

- A. Any applicant requesting approval of an administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by the local regulations.
- B. The application shall be certified, in writing, as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of § 45-23-36(b).
- C. Review process.
 - (1) Within fifteen (15) days of certification of completeness, the administrative officer, or the technical review committee, shall review the application and approve, deny or refer it to the planning board with recommendations. The officer or committee shall report its actions to the planning board at its next regular meeting, to be made part of the record.
 - (2) If no action is taken by the Administrative Officer or the technical review committee within the fifteen (15) days, the application shall be placed on the agenda of the next regular planning board meeting.
 - (3) If referred to the planning board, the board shall consider the application and the recommendations of the Administrative Officer and/or the technical review committee and either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Failure of the planning board to act within the period prescribed shall constitute approval of

the administrative subdivision plan and a certificate from the Administrative Officer as to the failure of the planning board or committee to act within the required time and the resultant approval shall be issued on request of the applicant.

- (4) Denial of an application by the Administrative Officer and/or the technical review committee shall not be appealable and require the plan to be submitted as a minor subdivision application.
- (5) Any approval of an administrative subdivision shall be evidenced by a written decision which shall be filed and posted in the office of the town clerk.
- (6) Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with that approval is submitted for signature and recording as specified in § 45-23-64.

§ A263-13 General provisions: Major land development and major subdivision review stages.

- A. **Stages of review.** Major land development and major subdivision review consists of three stages of review, master plan, preliminary plan, and final plan, following the pre-application meeting(s) specified in § 45-23-35. Also required is a public hearing at the master plan stage of review or, if combined at the first stage of review.
- B. The administrative officer may combine review stages and to modify, but only the planning board may waive requirements as specified in § A263-38. See § 45-23-62. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the planning board has waived any submission requirements not included by the applicant.
- C. **Master plan review.**
 - (1) **Submission requirements.**
 - (i) The applicant shall first submit to the administrative officer the items required by the checklist for master plans. See Appendix E.
 - (ii) Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the

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

(iii) Initial comments will be solicited from:

(a) Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the conservation and recreation commissions;

(b) Adjacent communities;

(c) State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and

(d) Federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

(iv) Applications requesting relief from the zoning ordinance.

(a) Applications under this chapter that require relief that qualifies only as a modification under § 260-90 of the Town of East Greenwich Zoning Ordinance; see § 45-24-46 shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 260-90B: see § 45-24-46 such application shall proceed under unified development plan review pursuant to § A263-15; see § 45-23-50.1.

(b) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to § A263-15; see § 45-23-50.1.

(2) **Certification.** The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the

submission, according to the provisions of § A263-11; see § 45-23-36(c), so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(3) **Technical review committee.** The technical review committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

(4) **Public hearing.**

(i) A public hearing shall be held prior to the planning board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.

(ii) Notice for the public hearing is required and must be given at least fourteen (14) days prior to the date of the meeting in a newspaper of local circulation within the municipality. Notice must be mailed to the applicant and to all property owners within the notice area, as specified by § A263-24; see § 45-23-42.

(iii) At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.

(5) **Decision.** The planning board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of § A263-8; see §§ 45-23-60 and 45-23-63.

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

(7) Vesting.

- (i) The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the planning board. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.
- (ii) The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.

D. Preliminary plan review.

(1) Submission requirements.

- (i) The applicant shall first submit to the administrative officer the items required by the checklist for preliminary plans. See Appendix E.
- (ii) Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey, as included on the checklist. See Appendix E.
- (iii) At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the town engineer, the town solicitor, other local government departments, commissions, or authorities as appropriate.
- (iv) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements, and rights-of-way.
- (v) Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and

insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

- (vi) If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to § A263-15A(4); see § 45-23-50.1(b).
- (2) **Certification.** The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- (3) **Technical review committee.** The technical review committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.
- (4) **Public notice.** Prior to the first planning board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.
- (5) **Public improvement guarantees.** Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at preliminary plan approval.
- (6) **Decision.** A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied, in accordance with the requirements of § A263-8; see RIGL §§ 45-23-60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.

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

(8) **Vesting.** The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

E. **Final plan.**

(1) **Submission requirements.**

(i) The applicant shall submit to the administrative officer the items required by the checklist for the final plan, as well as all material required by the planning board when the application was given preliminary approval. See Appendix E.

(ii) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.

(iii) Certification by the tax collector that all property taxes are current.

(iv) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(2) **Certification.** The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a

corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the planning board, the final plan shall be considered approved.

- (3) **Decision.** The administrative officer, or, if referred to it, the planning board, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve or deny the final plan as submitted.
- (4) **Failure to act.** Failure of the administrative officer or, if referred to it, the planning board to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure of the to act within the required time and the resulting approval shall be issued on request of the applicant.
- (5) **Expiration of approval.** The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording. Thereafter, the planning board may, for good cause shown, extend the period for recording.
- (6) **Acceptance of public improvements.** Signature and recording as specified in § 45-23-64 constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the Town of East Greenwich accepts the completed public improvements as constructed in compliance with the final plans.
- (7) **Validity of recorded plans.** The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure stated in § 45-23-65, or a new plan is approved by the planning board.

F. **Modifications and changes to plans.**

- (1) Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized

without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change. Minor changes include the following:

(i) See § A263-35(B) Procedure: changes to recorded plats and plans – Minor Changes.

(2) Major changes to the plans approved at any stage may be approved only by the planning board and must include a public hearing. Major changes include the following:

(i) See § A263-35(C) Procedure: changes to recorded plats and plans – Major Changes.

(ii) Anything not listed above as a minor change shall be considered a major change.

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

G. Appeal. Decisions under this section shall be considered an appealable decision pursuant to § A263-37; see § 45-23-71.

§ A263-14 General provisions: Minor land development and minor subdivision review stages.

A. Application types and review stages.

(1) Applications requesting relief from the zoning ordinance.

(i) Applications under this section that require relief that qualifies only as a modification under § 260-90 of the Town of East Greenwich Zoning Ordinance; see § 45-24-46 shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable

requirements of this section. If the modification is denied or an objection is received as set forth in § 260-90B; see § 45-24-46, such application shall proceed under unified development plan review pursuant to § 45-23-50.1.

(ii) Applications under this section that require relief from the literal provisions of the zoning ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant to § 45-23-50.1, and a request for review shall accompany the preliminary plan application.

(iii) Any application involving a street creation or extension shall be reviewed by the planning board and require a public hearing.

(2) **Other applications.** The administrative officer shall review and grant, grant with conditions, or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officer may utilize the technical review committee for initial review and recommendation. The administrative officer may grant the following waivers:

(i) Physical design requirements contained in §263-16 of these regulations;

(ii) Public improvement design standards contained in §263-17 of these regulations.

(3) **Review stages.** Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits is submitted, pursuant to the regulation's unified development review provisions, a public hearing is required before the planning board. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

B. **Submission requirements.** Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the checklist. See Appendix E.

Commented [R1]: Update citation accordingly

C. **Certification.** For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission so long as a completed checklist of the requirements for submission is provided as part of the submission. Such certification shall be made in accordance with the provisions of § 45-23-36(c). If no street creation or extension

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

- D. **Decision on preliminary plan.** If no street creation or extension or unified development review is required, the administrative officer will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the board, according to the requirements of §§ 45-23-60 and 45-23-63. If a street extension or creation is required, or the application is reviewed under the unified development plan review, the planning board will hold a public hearing prior to approval according to the requirements in § A263-13C(4) and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board, according to the requirements of § A263-9 and § A263-33; see §§ 45-23-60 and 45-23-63.
- E. **Failure to act.** Failure of the planning board or administrative officer to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval will be issued on request of the applicant.
- F. **Re-assignment to major review.** The planning board may re-assign a proposed minor project to major review only when the planning board is unable to make the positive findings required in § A263-9; see § 45-23-60.
- G. **Final plan.** Final plans shall be reviewed and approved by the administrative officer or the technical review committee. The officer or committee will report its actions, in writing to the planning board at its next regular meeting, to be made part of the record. The administrative officer or technical review committee shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.

H. **Modifications and changes to plans.**

(1) Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the applicable planning board for review as a major change. Minor changes include the following:

(i) See § A263-35(B) Procedure: changes to recorded plats and plans – Minor Changes.

(2) Major changes to the plans approved at any stage may be approved only by the planning board and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes include the following:

- (i) See § A263-35(C) Procedure: changes to recorded plats and plans – Major Changes.
- (ii) Anything not listed above as a minor change shall be considered a major change.

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

I. **Appeal.** Decisions under this section shall be considered an appealable decision pursuant to § A263-37; see § 45-23-71.

J. **Expiration of approvals.** Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in § A263-34; see § 45-23-64. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the planning board.

§ A263-15 **General provisions: Unified development review.**

A. Review of projects submitted under the unified development review provisions of the regulations shall adhere to the procedures, timeframes, and standards of the underlying category of the project as listed in § 45-23-36, but shall also include the following procedures:

(1) **Minor subdivisions and land development projects.** Except for dimensional relief granted by modification as set forth in § 45-23-38, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (C) of this section shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land development project.

(2) **Development plan review.** Except for dimensional relief granted by modification as set forth in § 45-23-38, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to minor subdivisions and land development projects shall be submitted as part of the application materials for the preliminary plan stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (C) of this section shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land development project.

(3) **Major subdivisions and land development projects — Master plan.** Except for dimensional relief granted by modification as set forth in § 45-23-39, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit

requests, that meets the requirements of subsection (C) of this section, shall be held prior to consideration of the master plan by the planning board. The planning board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land development project.

(4) **Major subdivisions and land development projects — Preliminary plan.** During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the planning board or commission during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage, a public hearing on the application, that meets the requirements of subsection (C) of this section, shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s), and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land development project. If the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by § 45-23-41(f) [repealed] so that additional information can be provided and reviewed by the board or commission.

B. **Decision.** The time periods by which the planning board must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.

C. Unless otherwise provided in this chapter all applications under this section shall require a single public hearing, held pursuant to subsection (A)(1) of this section. The public hearing must meet the following requirements:

- (1) Public hearing notice shall adhere to the requirements found in § 45-23-42(1);
- (2) The notice area for notice of the public hearing shall be specified in the local regulations, and shall, at a minimum, include all property located in or within not less than two hundred feet (200') of the perimeter of the area included in the subdivision and/or land development project. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (i) The notice area extends into the adjacent municipality; or (ii) The development site extends into the adjacent municipality; or (iii) There is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in § 45-23-53(b) and (c);
- (3) Public notice shall indicate that dimensional variance(s), use variance(s), and/or special-use permit(s) are to be considered for the subdivision and/or land development project; and
- (4) The cost of all public notice is to be borne by the applicant.

D. The time periods by which the permitting authority must approve, approve with conditions, or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the board must make a decision on the applicable review stage of the underlying type of project under review.

E. The expiration periods of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.

F. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the permitting authority, may be appealed pursuant to § 45-23-71.

§ A263-16 General provisions: Physical design requirements.

A. **General requirements.** In addition to the general purposes and provisions of these regulations, the planning board or administrative officer shall make positive findings on each of the standards listed below. These findings shall become part of

the proposed project's record. Any negative finding relative to any of these standards shall constitute grounds for denial of the project design by the planning board or administrative officer.

B. Site design standards.

- (1) **Purpose.** The purpose of good subdivision and site design is to create an efficient, functional and aesthetically pleasing development, to minimize adverse impacts, and to ensure that a project will be an asset to the Town. In this regard, land development projects and subdivisions shall conform to the following standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

- (2) **Site analysis.** An analysis of the subdivision site and nearby areas shall be required for all major subdivisions. The scope and content of the required site analysis shall be discussed during the preapplication meeting and shall be presented by the subdivider during the master plan stage of review. A site analysis may also be required for minor subdivisions if the Permitting Authority finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the quality of life of the surrounding neighborhood. The site analysis shall address in graphic and written form the following characteristics of the subject parcel and immediate vicinity: site context/locus, geology and soil; agricultural lands, woodlands; surface water and wetland features; topography; habitat; ecology; existing vegetation; structures and road networks; visual features and past and present use of the site. Historic sites, archaeological features and cemeteries shall also be identified. Tree groves and significant specimens shall be identified on the plan of existing conditions.

(3) Subdivision design standards.

- (i) The development design shall be compatible with the East Greenwich Comprehensive Community Plan and state guide plan and comprehensive plans for adjacent communities.

- (ii) Development of the site shall be based on the characteristics of the site and upon the site capacity analysis. Development shall be located to preserve and enhance outstanding natural features of the site, to avoid and buffer sensitive environmental areas, and to minimize negative impacts and/or alteration of natural, historic and cultural resources. Subdivision design should also

preserve, to the maximum extent feasible, scenic values, viewsheds and scenic roadways. See Appendix A.

- (iii) To the greatest extent practical, plans should be consistent with the reasonable utilization of land. The below-listed land forms and environmental features shall remain in an undeveloped or open space status:
 - a. Land under water;
 - b. Unique and/or fragile areas, including freshwater wetlands and coastal wetlands as defined in Title 2, Chapter 1, of the General Laws of Rhode Island;
 - c. Lands in the floodplain or flood hazard areas as defined by the Federal Emergency Management Agency (FEMA) and Rhode Island Department of Environmental Management (RIDEM);
 - d. Steep slopes in excess of 15% as measured over a ten-foot interval;
 - e. Habitats of endangered wildlife, as defined by Rhode Island Department of Environmental Management or Federal Agencies;
 - f. Historically significant structures and sites, as listed on federal or state or East Greenwich inventory of historic places;
 - g. Significant archaeological sites as identified by the State Archeologist; and
 - h. Significant trees or stands of trees or rare vegetative species. See Appendix A.
- (iv) The development shall be designed in a manner to avoid adverse water impacts, especially in terms of protecting the Hunt River Aquifer drainage basin, wellhead and aquifer recharge area; to minimize cut and fill; to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage and utilities on neighboring properties.

(4) Residential subdivision design standards.

- (i) The Permitting Authority, at its discretion, may change street locations, lot configurations and dimensions, yards and setbacks. Such design alterations

shall be made to achieve sound design principles, economy in the use of impervious surfaces and for environmental purposes.

- (ii) Residential lots shall front on local streets wherever possible. Lots fronting on state highways should be avoided.
- (iii) Every lot shall have sufficient access to it for emergency vehicles. Curb cuts shall be sited to avoid traffic conflicts.
- (iv) Building envelopes of dwelling units in residential developments shall take into consideration topography, building height, orientation, drainage and scenic values.
- (v) Lots shall be designed to ensure to the maximum extent possible that the proposed buildings have adequate privacy from adjacent streets and uses.
- (vi) Vegetated buffer areas shall be required, as necessary, to protect adjacent uses from adverse impacts and to retain the functional habitat for wildlife by providing food, cover and nesting areas. The Permitting Authority shall determine the extent, location and size of such buffers and may designate such areas as "no-cut" buffers. Augmentation of natural vegetation to improve buffers may be required as needed and any supplemental planting shall be with native species. [Amended 11-6-2013]
 - a. Mowing existing Town-approved lawn within such buffers is permitted as is pruning of existing trees and shrubs.
 - b. Pruning shall not involve removal of greater than 20% of existing limbs in any given year.
 - c. Mowing shrub scrub vegetation, marsh vegetation, or forest understory vegetation is not permitted, and new areas of lawn cannot be created in the buffer.
 - d. Even where locally permitted, alterations to regulated freshwater or coastal wetlands are not permitted without prior approval by RIDEM or CRMC, as required.
 - e. Within buffer areas, no tree with a two-inch or greater caliper may be removed unless it is diseased, dying, invasive or considered a hazardous or dangerous tree. Evidence of such disease or hazard may be required from a licensed arborist or like professional. A replacement plan shall first be approved by the Zoning Enforcement Officer (ZEO) prior to removal

and planting, except in case of emergency as addressed below in subsection B(5)(iii).

- (5) When vegetation, including invasive species, is removed in the buffer, it must be replaced with native species — at least three feet high for large shrub species and 18 inches high for small shrubs, and at least a two-inch caliper for trees.
 - (i) No more than 25% of trees planted as replacement shall be of any one species, and replacement trees must be staked, fertilized, mulched and watered as necessary to ensure survival.
 - (ii) Dead trees do not require replacement, but any stump removal area should be stabilized with native ground cover or other native vegetation.
 - (iii) Removal action made necessary by an emergency, such as windstorm, flood, freeze, utility damage, or other like disasters, in order to prevent imminent injury or damage to persons or property, must be reported to the ZEO within seven business days of the action and a replacement plan proposed.
- (6) Lots shall conform to the minimum buildable standards outlined in Appendix B.
- (7) Industrial or commercial subdivision design standards. All industrial and commercial subdivisions shall be designed according to the same principles governing the design of residential developments; these being, that buildings shall be located in a manner that considers topography, avoids environmentally sensitive areas, with proper drainage facilities and surrounding land uses considered in siting buildings; sufficient access shall be provided and adverse impacts mitigated.
- (8) Vehicular and pedestrian circulation system design.
 - (i) The road system shall be designed to allow the safe, efficient and orderly movement of traffic in an economical and logical manner that is respectful of natural features and topography and to present an attractive streetscape and viewshed.
 - (ii) For residential subdivisions, the road system shall be designed to serve neighborhood needs to accommodate service and public safety vehicles and to discourage use by through traffic.
 - (iii) Pedestrian circulation systems shall be segregated from conflict with vehicular traffic. Sidewalks and paths shall be placed per the typical street cross sections, with exceptions permitted to preserve or enhance natural

features. Walks and paths may be established away from the road system with permission of the Permitting Authority.

(9) Landscape design principles.

- (i) Landscaped entranceways may be provided at subdivision accesses. The type and amount of landscaping, signage and other improvements shall be subject to review and approval of the Permitting Authority. Plans for same shall be submitted at the preliminary project stage.
- (ii) All plants or other landscaping material shall be compatible with the local climate and meet accepted nursery standards.
- (iii) Water conservation principles shall be utilized in subdivision and site development landscaping. Topsoil shall have a minimum of six inches of depth and shall have a composition and pH appropriate for the type of plant materials selected for the site. Irrigation requirements shall be minimized.

(10) Site lighting.

- (i) Site lighting shall adhere to the "dark skies" principle and shall confine all exterior building, driveway and parking lot lighting to the site, not allowing light to adversely impact abutting properties or public ways. Light poles, bases, stanchions and luminaries shall not exceed 16 feet in height.
- (ii) Lighting design shall be of a style appropriate to the site and the building architecture while providing for adequate lighting for pedestrian and vehicular safety. Cobra-head-style lights are not allowed.

(11) Building architecture.

- (i) The guiding principle of architectural design shall be the appropriateness of the massing, scale, materials and details of the building for the proposed use, the site, within the context of the neighboring properties and the general location, within the height limitations established by the Zoning Ordinance, and within the standards of review for buildings within the Historic District.
- (ii) The building shall utilize appropriate energy conservation measures in its design and construction, providing for solar gain, and allowing for solar access for adjacent properties.
- (iii) Rooftop building systems mechanical equipment, including but not limited to HVAC equipment and elevator equipment enclosures, shall be screened from view.

C. Land unsuitable for development.

(1) When designing the proposed use of any parcel, land included in all of the following categories shall be considered unsuitable for development and shall not be considered to contribute to the minimum building acreage of the parcel:

(i) All streets or rights-of-way included but not limited to easement areas for access, utility use or drainage but not limited to connections of proposed streets and drainage systems with those of the surrounding neighborhood; public access through property to adjacent public property; and the relationship of proposed developments to natural and man-made features of the surrounding neighborhood.

(ii) Designated open space

(iii) Landscaped buffers

(2) Land described in Subsection C(1)(i), (ii) and (iii) above may be included as part of any lot in any subdivision or land development project; however, such land may not be used to meet the minimum buildable area (MBA) standards of these regulations (see Appendix B).

§ A263-17 General provisions: Public improvement design standards.

A. General. The subdivider, at his own expense, shall construct all improvements as required by the Permitting Authority in its decision granting approval for any subdivision or project subject to these regulations.

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

(1) Frontage on improved streets. All areas to be subdivided shall have frontage that meets the minimum requirements of the relevant zone on an existing improved Town street. If such street frontage is substandard to the specifications of these regulations or to the minimum engineering standards, the Permitting Authority may require the subdivider to improve the part of the street abutting or leading to the property being subdivided as necessary to ensure for proper drainage, promote public safety, or avoid adverse development impacts to the surrounding community.

(2) Street classification. Street design within a proposed subdivision shall conform to the street classification system discussed below. Rights-of-way and pavement

width, curbing, parking, drainage, location of utilities, sidewalks, bicycle or walking paths and general road design standards shall be consistent with street function. All street classifications shall be established by the Permitting Authority. Streets shall fall within one of the following major categories:

- (i) Arterial. A major public street that serves as an avenue for the circulation of traffic into, out of or around the Town and carries high volumes of traffic. All industrial and major commercial subdivision streets shall be classified as arterial and conform to such standards.
 - (ii) Collector. A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. These streets provide a balance between land access and mobility.
 - (iii) Local. Public streets whose primary function is to provide access to abutting properties.
- (3) Street rights-of-way specifications. All street rights-of-way and road construction shall conform to the standards shown and specifications by type of street as noted and illustrated in Appendix C of these regulations. Figures I, II and III depict typical cross sections by street type proposed for acceptance and maintenance by the Town. Paving specifications for streets shall be in accord with Town Standards as noted in Appendix C.
- (4) Engineering standards. See Appendix C, Table 1.
- (5) Street layout and arrangement. The arrangement of streets shall be considered in relation to existing Town streets and in relation to topographic and natural systems. The road system shall be designed: to allow for safe, efficient and orderly movement of traffic; to have a simple and logical circulation pattern; to respect natural features and topography; to improve the visual quality of the subdivision; to increase privacy and reduce unnecessary noise and traffic. Within residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and not encourage use by through traffic. However, in major subdivisions, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required in major subdivisions when determined by the Permitting Authority to be feasible and appropriate. Proposed streets in major subdivisions shall provide for their continuation or projection to

intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended in the future.

- (6) Private streets. Private streets shall be prohibited in all single-family residential developments.
- (7) Culs-de-sac. All cul-de-sac streets shall end in a permanent turnaround constructed to the standards listed in Appendix C. Culs-de-sac shall not exceed 1,000 feet in length. Culs-de-sac shall have a minimum length consisting of the frontage required for the base zone in which the property lies plus the bulb itself. The "bulb" shall not provide frontage for more than three lots. This standard may be waived by the Permitting Authority to promote access to landlocked parcels, to allow for future connection to the existing road network in the Town or for other cause.
- (8) Street names. An extension of an existing street shall have the same name as the existing street. Names of new streets shall be determined by the Town Council. Streets shown for proposed subdivisions that are not extensions of existing streets shall be referred to as Street "A," Street "B," etc.
- (9) Access to adjoining properties. When it is considered desirable by the Permitting Authority to provide access to adjoining property, proposed streets shall be continued and improved to the property line. Access to adjacent parcels for pedestrian and/or bicycle circulation or promotion of the Town of East Greenwich Linear Park System shall be required wherever the Permitting Authority determines that such connection is in the interest of the community.
- (10) Street signs. Street name and traffic control signs, constructed to Town of East Greenwich specifications, shall be installed by the developer at his/her expense.
- (11) Streetlighting. In all subdivisions, utilities including provision for streetlighting shall be installed underground.
- (12) Landscaping standards.
 - (i) Landscaping shall be provided as part of project plan and design. It shall be conceived in a total pattern throughout the site, integrating the various elements of a site design, preserving and enhancing the particular identity of the site and creating a pleasing site character. Landscaping and natural vegetative buffers shall be utilized to separate residential areas from major roadways, commercial and manufacturing areas. See Appendix A.

(ii) Landscaping may include plant materials such as trees, shrubs, ground covers, grass and flowers; other materials to be used may include rocks, planted berms, stone walls, paving materials, planters and signage. Areas which may be required to provide landscaping or screening shall include, but not be limited to, the following:

- (a) Drainage facilities, such as retention/detention basins or drainage swales;
- (b) Subdivision entranceways;
- (c) Open space/natural areas;
- (d) Recreational facilities;
- (e) Buffers; and
- (f) Areas subject to regrading or stabilization for soil erosion and sediment control purposes.

(iii) Landscape plan. A landscape plan prepared by a registered landscape architect shall be submitted to the Permitting Authority when it is determined that: a) existing landscaping is insufficient; b) the site of the proposed subdivision requires restoration; or c) adding landscaping would enhance the visual aspect of the area or would preserve existing outstanding landscape features. If submittal of a landscape plan is required, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision and at the master plan stage of a major subdivision. The plan shall identify existing and proposed trees, stone walls and rock outcroppings; signs; proposed grading at two-foot intervals; lighting and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details. A planting schedule shall be included to indicate proposed planting by species, size at time of planting, and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate methods for protecting during construction. See Appendix A.

(13) Monuments/bounds. Monuments or bounds (granite or concrete boundary markers) shall be of the type approved by the Town and paid for by the developer and placed by a registered land surveyor as approved by the Permitting Authority. Monuments shall be set with the finished grade at the right of-way and may be required to be raised at other locations.

- (14) Sidewalks. Sidewalks may be required to be installed on one or both sides of all proposed new public streets in subdivisions and in all multifamily developments. This requirement may be waived for cul-de-sac streets serving five or fewer lots or dwellings or if the Permitting Authority determines such waivers appropriate. Sidewalk construction shall be in conformity with the standards outlined in Appendix C. The Permitting Authority may require that sidewalks be connected to existing sidewalks on collector or arterial roads abutting the subdivision.
- (15) Bicycle paths. Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path, to intersect with proposed state or Town bicycle facilities, or to connect adjacent subdivisions, schools or recreation areas.
- (16) Curbing. Concrete curbing, meeting RIDOT Standard 7.1.0, or granite curbing, meeting RIDOT Standard 7.3.0, shall be installed on all proposed streets.
- (17) Curbing at intersection fillet curves. Precast concrete wheelchair ramp curbs meeting RIDOT Standard 7.1.3 shall be installed in conformity with requirements of the Rhode Island Americans with Disabilities Act.

C. Easements.

- (1) In general. All easements shall be appropriately marked with monuments.
- (2) For watercourses. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse shall be provided, together with access strips; such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan with proper bearings and distances indicated.
- (3) For sanitary sewers. Easements shall be provided for sanitary sewers where they are anticipated. The Permitting Authority shall determine the locations and widths of such easements.
- (4) For storm drains and drainage channels. Easements through lots for drainage channels and storm drains shall be provided. Whenever possible, they shall be located along lot lines and shall be at least 20 feet in width. Access easements shall be provided where such facilities are remote from streets or where conditions exist that require ramps for maintenance vehicles.

- (5) For street widenings. Where a subdivision abuts an existing substandard Town street, the Permitting Authority may require the subdivider to convey land to the Town to enable such street to be widened.
- (6) Frenchtown Brook. Whenever Frenchtown Brook passes through any subdivision, between Saw Mill Pond on Frenchtown Road and the East Greenwich/West Greenwich town line, the developer shall transfer and convey to the Town of East Greenwich a fifty-foot-wide easement along each side of and abutting the mean high-water bank of Frenchtown Brook, and such easement shall provide for public access and use of the land area along said brook and be described in the easement for passive recreation.
- (7) Sight distance easements. Where deemed necessary by the Permitting Authority to establish adequate sight distances for vehicular traffic, the dedication of an easement to the Town may be required which would prohibit the erection or maintenance of any visual obstruction such as structure, tree, shrub, wall, earthen embankment or other obstruction.
- (8) Bicycle or pedestrian access easements. Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the Town or on an easement having a minimum width of 10 feet to 20 feet, depending upon location.
- (9) Other easements. All other required easements shall be of sufficient width and area to serve their intended purpose.

D. Lot configuration. The Permitting Authority and/or Administrative Officer shall have the right to reject or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purposes. The Permitting Authority or Administrative Officer may require changes or modification to the proposed layout as deemed necessary to achieve the purposes of these regulations (see Appendix B).

E. Stormwater drainage systems and plans.

(1) Stormwater drainage systems.

- (i) All proposed subdivisions shall make adequate provision to properly contain and handle storm flow generated by the project. All drainage systems shall be designed in accord with Rhode Island Department of Environmental Management regulations and to the standards of the Town of East Greenwich. The drainage system may be comprised of natural and man-made elements. These may include grass swales, retention and detention basins, curbs.

Applicants are encouraged to incorporate natural elements into the drainage design wherever possible and feasible. All drainage structures shall be in conformance with the accepted state RIDOT standards or Town-approved equals.

- (ii) Drainage plans and drainage calculations shall be prepared by a registered professional engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method, as follows:
 - (a) The Rational Method. This method is the preferred method for small systems of three acres or less, where no wetlands, ponds or other storage depressions are present, and where drainage is toward the point of analysis.
 - (b) TR-55. This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development over three acres.
- (2) All drainage plans and drainage calculations shall provide the following information:
 - (i) An estimate of the quantity of stormwater surface runoff currently flowing from the land proposed to be subdivided compared to storm flow which would be generated by the proposed subdivision. (To be calculated on the basis of a one-hundred-year frequency rainfall.)
 - (ii) An estimate of the quantity of stormwater surface runoff entering the subdivision naturally from upstream areas within the watershed under present conditions calculated on the basis of a one-hundred-year frequency rainfall.
 - (iii) An analysis of the capability of existing watercourses, catch basins, culverts and other drainage facilities within the land proposed to be subdivided to handle the runoff as calculated above and proposals to handle such surface runoff. Design criteria for drainage improvements shall conform to the State of Rhode Island specifications cited above as may be modified by the Town of East Greenwich Department of Public Works. Culvert and storm sewers shall be designed for a one-hundred-year frequency rainfall (one-hundred-year frequency in a special flood hazard zone), with a minimum pipe size of 12 inches so that the minimum velocity shall not be less than three feet per second calculated for the ten-year design storm.

(iv) Proposals for disposal of surface runoff downstream from the subdivision in a manner that will not damage off-site property, natural features or existing drainage structures and facilities.

(3) The drainage plan shall further indicate how the following specific requirements will be met:

(i) That each lot will be adequately drained;

(ii) That natural drainage patterns will be maintained whenever possible;

(iii) That all existing watercourses will be left open, unless approval to enclose is granted by Rhode Island Department of Environmental Management and the Town of East Greenwich;

(iv) That all new open watercourses will be properly stabilized using vegetation or stone, depending on soil conditions and grades;

(v) That a continuous drainage system will be installed and connected to a natural or man-made watercourse or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the Permitting Authority determines that such ultimate destination is impractical, the board shall require the construction of a retention area capable of accommodating proposed stormwater volumes based on a one-hundred-year frequency rainfall;

(vi) When any part of the drainage system is sited outside the public street right-of-way, provisions for future access to and maintenance of same shall be approved by the Town Council;

(vii) That any necessary easements to off-street watercourses will be obtained by the subdivider and approved by the Town Solicitor; and

(viii) Where volume velocity of the surface runoff is high, the flow thereof shall be controlled by riprap, sedimentation basins, flow spreaders or other applicable devices and/or techniques as recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.

F. The proposed drainage system shall be designed to accommodate stormwater such that post-construction conditions do not result in peak runoff increases in rate from preconstruction conditions.

G. Utilities.

- (1) Sanitary sewers. Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is available to or may be extended to the site in a cost-effective manner.
- (2) Water service. Water service, where available, shall be provided for each lot in accordance with the requirements of the Kent County Water Authority. The Permitting Authority may require the extension of service to a proposed subdivision when such extensions are possible and could be extended. Dry capped lines may be required for developments that may have future access to service due to capital improvements made by the Kent County Water Authority.
- (3) Gas-lines. Natural-gas lines may be installed in any subdivision or land development project at the discretion of the subdivider. If proposed, gas-lines shall be located on the opposite side of the street from the waterline or as required by the utility.
- (4) Other utilities (electric, telephone and cable TV). All electric, communication (telephone, fire alarm and cable TV) and streetlighting lines shall be installed underground. Such utilities shall be installed to the specifications of the appropriate utility.
- (5) Fire hydrants. Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location and spacing shall meet the minimum requirements of the East Greenwich Fire Department. [Amended 12-9-2015] See Appendix D.

G. Erosion and sediment control plan permit(s). A soil erosion and sedimentation control plan and permit application shall be submitted for all applications meeting the threshold requirements as listed in Chapter 207-Stormwater Pollution Prevention of the Town of East Greenwich Code. Such plan shall meet the standards of the Code.

H. Requirements for off-site improvements.

- (1) Purpose. This section is intended to ensure that subdividers provide off-site infrastructure improvements in order to mitigate the impacts which are directly attributable to the new development. Such improvements may be required by the Permitting Authority if the board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include but not be limited to the following categories:

- (a) Sanitary sewer systems extension.
 - (b) Water supply systems extension.
 - (c) Roads.
 - (d) Sidewalks.
 - (e) Bicycle paths and pedestrian improvements.
 - (f) Drainage systems.
 - (g) Public safety improvements.
- (2) Definition, criteria and principles. As a condition of final approval, the Permitting Authority may require a subdivider to construct such improvements that are reasonable and necessary to mitigate impacts relating to the land being subdivided. Necessary improvements are those that directly and substantially relate to the subdivision or land development being proposed. The Permitting Authority shall provide in its resolution of final approval a finding that forms the basis for such off-site improvements. The finding shall be that a significant adverse impact on existing conditions will result if the off-site improvements are not constructed. The mitigation required as a condition of approval must relate to the significance of the identified impact. Required off-site improvements must be consistent with the character defined for the affected neighborhood in the Comprehensive Community Plan or address a particular situation or problem that is raised and discussed during the consideration of the project.

§ A263-18 General provisions: Construction and/or improvement guarantees.

A. Definition and purpose.

- (1) The purpose of this section is to provide a guarantee to the Town that the required improvements will be constructed.
- (2) An improvement guarantee is a security instrument in a form that is acceptable to the Town to ensure that all improvements, facilities or work required as a condition of approval of a subdivision plan will be completed in conformity with the approved plans and specifications.
- (3) Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other conditions of final plat approval.

B. General procedures. Before any land development or subdivision plan is endorsed by the Permitting Authority, and before the recording of any subdivision plat, the Permitting Authority shall review and approve agreements for the completion of all required improvements. Such agreements shall, at the option of the subdivider, take the form of: 1) completion of actual construction of all improvements; 2) improvement guarantees; or 3) a combination thereof. At the preliminary plat review stage, the subdivider shall submit either of the following: 1) a letter to the Permitting Authority indicating his/her intent to complete the required improvements prior to the Permitting Authority's endorsement of the final plat; or 2) a letter requesting that security sufficient to cover the cost of required improvements be established by the board,

(1) If improvements are to be constructed without a financial guarantee, all work shall be completed prior to endorsement and recording. Inspections shall be made by the Public Works Department at all required stages of construction as specified in § A263-17 above. Written inspection reports shall be prepared by the inspector(s) and maintained by the Department of Public Works. All inspection reports shall be submitted to the Administrative Officer. An inspection fee equal to 2% of the estimated cost of construction for all public improvements as determined by Public Works Director shall be paid to the Finance Director prior to construction. Where improvements shall not be public, construction inspections by the Department of Public Works are still required for sidewalks, curbing, easement demarcations, and stormwater systems. An inspection fee equal to 2% of the estimated cost of construction of these improvements, as determined by the Public Works Director, shall be paid to the Finance Director prior to construction. All construction shall be inspected and approved by the Public Works Director under the direction of the Administrative Officer and according to the procedures in § A263-17. Upon completion of all required improvements, the Public Works Director shall notify, in writing to the Administrative Officer, of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate Permitting Authority member or Administrative Officer, and the plat shall be recorded as provided in § A263-34 at which time the lots within the subdivision may be transferred or sold. The applicant shall be required to post a bond in the amount of 10% of the construction estimate prior to acceptance of all required improvements by the Town. Such bond shall be held by the Town Finance Director for a period of one year to be released upon written request of the applicant following final inspection by Public Works and acceptance of the required improvements by the Town Council with the approval of the Planning Board. [Amended 8-19-2020]

(2) If improvements are to be guaranteed, the below-listed procedures shall apply.

C. Procedures for financial guarantees.

- (1) Amount. All improvement guarantees shall be of sufficient amount to insure the actual construction and complete installation of all of the required improvements and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in said approval. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements. These estimates shall be prepared by the Department of Public Works and forwarded to the Administrative Officer. In the event the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The Permitting Authority may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction costs. However, the amount of such increase shall not exceed more than 20% over the total estimated cost of improvements. At the expiration of the final plan approval period, if all required improvements are not complete the planning board shall review the status of improvements and may:
 - a) require the subdivider to extend the duration of the entire improvement guarantee;
 - b) reduce the amount of the improvement guarantee to reflect the estimated costs of completed improvements;
 - or c) authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds. If during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Permitting Authority not to be in compliance with the approved plans, the Town may, after notification to the developer, authorize the use of improvement guarantee funds to insure proper compliance.
- (2) Required form. The security shall be in the form of a financial instrument acceptable to the Finance Director and Town Solicitor and shall enable the Town to gain timely access to the secured funds when necessary. Performance and maintenance guarantees may consist of, but not be limited to, the following forms:
 - (i) Security bond. The subdivider may obtain a security bond from a surety bonding company authorized to do business in the State of Rhode Island.
 - (ii) Letter of credit. The subdivider may submit to the Town an irrevocable letter of credit from a bank or other recognized institution that names the Town of East Greenwich as loss payee.

- (iii) Escrow account. The subdivider may deposit cash, or other instruments readily convertible into cash at face value, either with the Town or in escrow with a bank with the Town controlling access to same.
- (3) Releases/reductions. At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider. Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantees shall be made to the Administrative Officer. After inspection of all required improvements, the Administrative Officer shall recommend that the Town Council:
- a) authorize the Finance Director to return all improvement guarantees;
 - b) reduce the guarantee to reflect the estimated cost of completed improvements;
 - or c) make no release or reductions.
- (4) "As-built" plans.
- (i) Within 30 days after the completion of all public improvements, the developer shall submit final "as-built" plans (two sets), and an electronic copy thereof in the most current release of AutoCAD®, which shall contain:
 - (a) All of the information required on the final plan and decisions on the proposal;
 - (b) Exact locations, as installed, of all:
 - (1) Sidewalks and streets.
 - (2) Monuments, bounds and other survey marks.
 - (3) Water, sewer, gas and drainage pipes and easements.
 - (4) Other underground utilities, if any, and the location of all aboveground fixtures.
 - (5) Any other public improvements.
 - (6) Open space areas, recreation sites or reserved areas.
 - (ii) The cost of preparing the as-built plans required by this section shall be included in the bond amounts.
- (5) Phased subdivisions. For subdivisions which are approved and constructed in phases, the Permitting Authority shall specify improvement guarantees related

to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Authority shall, in setting the guarantee amount for each phase, clearly specify when and where guarantees are to be provided.

(6) Maintenance guarantees. The Permitting Authority may also require that a maintenance guarantee be provided by the subdivider for all improvements which are being dedicated to the Town. The amount of the maintenance guarantee shall be 5% of the original performance bond or other original guarantee amount. Absent such a guarantee, 5% of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be one year. At the end of the one-year maintenance period, the Director of Public Works shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found to be unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Finance Director, and the original funds shall not be returned to the subdivider. If public improvements are in good condition and have not been damaged due to the fault of the subdivider, or through faulty workmanship or design, the maintenance guarantee shall be returned to the subdivider. In cases where it is determined there are extenuating circumstances, the maintenance period may be established for a period longer than one year. The rationale for establishing a longer maintenance period and the nature of the circumstances requiring same shall be made a part of the record.

(7) Acceptance of improvements.

(i) Upon completion of all required improvements, the subdivider shall convey all public improvements to the Town for ownership and maintenance. Before conveyance, the applicant shall first request the Department of Public Works to conduct a final inspection of all improvements. The Director of Public Works shall certify to the Administrative Officer, in writing, that all required improvements have been satisfactorily completed.

(ii) The applicant shall also request, in writing to the Administrative Officer, that public improvements, streets, land easements or other facilities be accepted by the Town.

(iv) This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

(v) Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance upon the next available agenda of the Town Council. In such recommendation for acceptance by the Town Council, the Administrative Officer shall also recommend an amount for a maintenance bond in accordance with these regulations and shall recommend to the Town Council that no public improvements or facilities be accepted for ownership and maintenance until the maintenance bond has been submitted as required above.

(vi) Upon their acceptance by the Town Council, all improvements shall be permanently owned and maintained by the Town as part of the municipal system, and the subdivider shall be no longer responsible for the repair or maintenance of these improvements.

(vii) Private streets and other private improvements shall not be conveyed to the Town.

§ A263-19 General provisions: Requirements for dedication of public land, public improvements and fees.

A. Subdivider must provide open space. The Permitting Authority shall require all land developments and subdivisions subject to the provisions of these regulations to dedicate a portion of the land being subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents. The Permitting Authority may, at its discretion, require the payment of a fee in lieu of land dedication or a combination of land dedication and payment of a fee as an alternative to the dedication of land.

B. Relationship to EGORP. The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the East Greenwich Open Space and Recreation Plan (EGORP) and shall reflect the character defined for the neighborhood or district in which the subdivision is located. The land dedication must be suitable for the intended use. Land dedications proposed for park and recreation land shall be entirely usable land, not containing any land that is constrained for its intended use for development. If payments in lieu of land dedication are required, they shall be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreational facilities.

- C. Amount of land to be dedicated. Conveyances of land for recreational impact shall be in an amount that will be suitable to the intended use of same. As a general guide, such conveyances shall be minimally at the ratio of one acre for each 20 lots for all zones requiring minimum lot sizes of one acre or less or two acres for subdivisions in all other zones. For subdivision of less than 20 lots, the Permitting Authority requirements for recreation impact shall be tailored to the circumstances and location of the proposal. In general, if a parcel that is suitable and useful for recreational purposes cannot be accommodated, a fee in lieu of land donation shall be preferred. In addition, the nature, location and amount of land to be conveyed must be satisfactory to the Permitting Authority and determined appropriate by the Town Manager for the proposed use.
- D. Ownership of land. Land dedications required by this section may be made by transfer of fee simple ownership to any of the following:
- (1) The Town of East Greenwich.
 - (2) A private homeowners' association.
 - (3) The East Greenwich Land Trust.
- E. Condition of land. The Permitting Authority in requiring the donation of land for recreational purposes may also require that such land be cleared and rough-graded by the developer. In addition, the installation by the developer of signage denoting the intended future use of the land may be a condition of approval.
- F. Fees in lieu of land dedication. Where a fee is required by the Permitting Authority to be paid in lieu of land dedication, the amount of such fee shall be based upon the Code of Ordinances Chapter 93, Article II, Development Impact Fees. The determination to require a fee in lieu of land donation shall rest entirely with the Permitting Authority.

§ A263-20 Special provisions: Phasing of projects.

- A. When a major land development or major subdivision is submitted for master plan approval, the Permitting Authority shall review the existence and adequacy of existing and proposed improvements, services and facilities which may be affected by the proposed development. If the Permitting Authority determines that such improvements, services, infrastructure and facilities will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat,

the Permitting Authority shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases and/or placing limits on the issuance of building permits over a specified time period, thereby relating the rate of development to the ability of the Town to provide the required services to the residents of the subdivision or development.

- B. For all master plan approval applications, the applicant shall submit a copy of the master plan narrative report for review and comment to all relevant Town and other agencies and relevant utilities. Each agency notified by the applicant shall be requested to provide its comments on the application by the Administrative Officer. All comments shall be received from each agency prior to the date of the informational meeting. If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined, all comments from reviewing agencies shall be received prior to the date of the public hearing.
- C. Each department, agency or utility to which such a request for comments is made shall provide to the Administrative Officer written comments and any supplementary material requested which describes:
 - (1) An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
 - (2) A determination as to the adequacy of existing facilities and/or services relative to the anticipated subdivision's residents;
 - (3) A discussion as to whether plans for the required improvements to existing facilities and/or services are included in the department or agency's capital improvement program;
 - (4) A time line for provision of such improvements to existing facilities and/or services.
- D. Upon consideration of the responses received from the various departments and agencies, the Permitting Authority shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such growth rate plan, the Permitting Authority may require that improvements be installed or lots sold in two or more phases.
- E. If phasing is required, the Permitting Authority shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in

two or more phases as required above. In such review and approval, the Authority may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as needed, including the applicant actually providing the necessary improvements or payment to a dedicated restricted account in lieu of actual provision.

- F. The master plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.
- G. Vesting of phased projects. The master plan shall remain vested as long as it can be demonstrated, to the satisfaction of the Permitting Authority, that work is proceeding on either the approval stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information contained in the approved master plan and related documents.

§ A263-21 **Special provisions: Development Plan Review**

- A. **Applicability.** Development plan review; as authorized in § 260-135 of the Zoning Ordinance and § 45-24-49, is a design or site plan review of a development that is permitted by right under the Town of East Greenwich's Zoning Ordinance; see § 260-9(C). Development plan review is utilized in limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines. The following development(s) that is permitted by right shall be subject to the provisions of this section as defined in §§ 45-23-32 and 45-24-49 of the Rhode Island Zoning Enabling Act of 1991:

(1) Development of one (1) Accessory Dwelling Unit in all permitted zones.

In order to ensure consistency with the intent and purposes of this chapter, the following guidelines shall be reviewed for the development of one (1) Accessory Dwelling Unit:

- (i) An accessory dwelling unit shall be developed where the primary use is a legally established owner-occupied single-unit or multi-unit dwelling that complies with §§ 45-24-31 and 45-24-73 and shall be permitted as a

reasonable accommodation for family members with disabilities or who are sixty-two (62) years of age or older, or to accommodate other family members.

- (ii) The proposed accessory dwelling unit shall not be required to install infrastructure improvements, including, but not limited to, separate water or sewer service lines or expanded septic system capacity; provided, however, the municipality shall require modification required for compliance under state law or regulation.
- (iii) A proposed detached accessory dwelling unit shall meet all of the zoning requirements of an accessory structure according to RIGL §45-23-31 and § 260-6 of the zoning ordinance. However, a proposed detached accessory dwelling unit shall have a maximum building height of no more than twenty (20) feet.
- (iv) There shall not be more than one accessory dwelling unit permitted on an existing parcel.
- (v) A proposed accessory dwelling unit shall have a minimum of one (1) parking space in addition to the minimum required for the original dwelling.
- (vi) No new driveway or curb cut shall be required to service the accessory dwelling unit.

B. Permitting authority. The technical review committee shall approve administrative development plan review projects submitted, and the planning board shall approve formal development plan review projects as described herein.

C. Review Stages. Development plan review consists of two review processes, administrative and formal.

- (1) Administrative development plan review consists of one stage of review. The following activities are subject to administrative development plan review:

- (i) Development of one (1) Accessory Dwelling Unit that does not require relief from the literal requirements of the zoning ordinance in the form of a variance.
 - (ii) Development of one (1) Accessory Dwelling Unit which requires modifications under § 45-24-46 and § 260-90 of the Zoning Ordinance.
- (2) Formal development plan review consists of the preliminary plan stage and final plan stage of review. The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer. The following activities are subject to formal development plan review:
- (i) Development of one (1) Accessory Dwelling Unit that does require relief from the literal requirements of the zoning ordinance in the form of a variance.

D. Waivers.

- (1) The permitting authority may waive requirements for development plan review approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
- (2) The application for a waiver of development plan review approval shall include documentation, as required by the permitting authority, on prior use of the site, the proposed use, and its impact.
- (3) The permitting authority may grant waivers of design standards as set forth in §263-16 of these regulations.

E. Application requesting relief from the zoning ordinance.

(1) Applications under this chapter that require relief that qualifies only as a modification under § 45-24-46 and § 260-90 of the Zoning Ordinance 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 technical review committee pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46 and § 260-90, such application shall proceed under unified development plan review pursuant to § 45-23-50.1 and § 263-15.

(2) Applications under this section that require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to § 45-23-50.1 and § 263-15, and a request for review shall accompany the preliminary plan application.

F. Submission requirements. Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officer the items required by the checklist contained within the application for an Accessory Dwelling Unit review.

G. Certification.

(1) The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, and/or unified development review is not required, according to the provisions of § 45-23-36(c) and § 263-14C.

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

(3) If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

H. Application review and decision.

(1) Administrative development plan review approval. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and technical review committee.

(2) Formal development plan review approval.

(i) Preliminary plan. Unless the application is reviewed under unified development review, the planning board will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the planning board.

(ii) Final plan. For formal development plan review approval, the planning board shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the planning board at its next regular meeting, to be made part of the record. The final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.

I. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the development plan review application, and a certificate of the administrative officer as to the failure of the permitting authority to act within the required time and the resulting approval shall be issued on request of the application.

J. Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in § 45-23-64 and § 263-34. Validity may be extended for an additional period upon application to the permitting authority, whichever entity approved the application, upon a showing of good cause.

K. Modifications and changes to plans.

(1) Minor changes, as defined in § A263-35(B) of these regulations, to the plans approved at any stage may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be

authorized without an additional permitting authority meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.

(2) Major changes, as defined in § A263-35(C) of these regulations, to the plans approved at any stage may be approved only by the permitting authority and must follow the same review process required for approval of preliminary plans, which shall include a public hearing.

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

L. Appeal. A decision under this section shall be considered an appealable decision pursuant to § 45-23-71.

§ A263-22 (**Reserved**)

§ A263-23 **Local regulations: Procedure for adoption and amendment.**

A. The Permitting Authority, as authorized by the enabling statute and Town Charter, shall adopt, amend or repeal and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.

§ A263-24 **Local regulations: Public hearing and notice requirements.**

A. No local regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Town of East Greenwich Planning Board. The planning board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the municipality at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing, opportunity shall be given to all persons interested on being heard upon the matter of the proposed regulations. 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:

(1) Specify the place of the hearing and the date and time of its commencement;

- (2) Indicate that adoption, amendment, or repeal of local regulations is under consideration;
 - (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration as long as the intent and effect of the proposed regulation is expressly written in that notice;
 - (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 - (5) State that the proposals shown on the notice may be altered or amended prior to the close of the public hearing without further advertising as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.
- B. Notice of the public hearing shall be sent by first-class mail to the city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, located within two thousand feet (2,000') of the municipal boundaries.
- C. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source, located within either the municipality or two thousand feet (2,000') of the municipal boundaries; provided, that a map survey has been filed with the building inspector as specified in § 45-24-53(f).
- D. Notwithstanding any of the requirements set forth in subsections (A) through (C) above, the Town of East Greenwich established and maintains a public notice registry allowing any person or entity to register for electronic notice of any changes to the local regulations. The town annually provides public notice of the existence of the registry by a publication of notice in a newspaper of general circulation within the municipality. In addition, the Town of East Greenwich provides public notice of the existence of the public notice registry on the town's websites – www.eastgreenwichri.com.
- (1) Provided, however, notice pursuant to a public notice registry as per this section does not alone qualify a person or entity on the public notice registry as an “aggrieved party” under § 45-24-31(4).

E. No defect in the form of any notice under this section renders any regulations invalid, unless the defect is found to be intentional or misleading.

F. The requirements in this section are to be construed as minimum requirements.

§ A263-25 Local regulations: Publication and availability.

i. Printed copies of the local regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

ii. Upon publication of local regulations and any amendments to the local regulations, the municipality shall send a copy to the state law library.

§ A263-26 Administration: Administrative Officer.

A. Administration. Administration of the Town of East Greenwich's Development and Subdivision Review Regulations shall be under the direction of the Administrative Officer. The Director of Planning and the Town Planner are hereby designated as the Administrative Officers.

B. Duties and responsibilities. In addition to the duties in R.I.G.L. § 45-23-55, the duties and responsibilities of the Administrative Officer shall include, but not be limited to, the following: [Amended 12-9-2015]

(1) General coordination of the review, approval, recording and enforcement of the provisions of these regulations, including coordinating the enforcement efforts of the Zoning Enforcement Officer, the Building Official, the Planning Department staff, the Department of Public Works, the Town Engineer, and other local officials responsible for the enforcement or carrying out of the discrete elements of the regulations.

(2) Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws as directed by the planning board.

§ A263-27 Administration: Technical Review Committee.

A. There is hereby established a technical review committee (TRC) in accordance with RIGL §45-23-56, the members of which are appointed by the Town Council. The

TRC is responsible for conducting technical reviews of all applications subject to the jurisdiction delegated under §§A263-13 and A263-14. The TRC may also review and approve applications in accordance with §§A263-13 and A263-14 herein.

The TRC shall consist of not fewer than three (3) members, including a committee comprised of but not limited to the Town Manager, Director of Public Works, Chief of Police, Fire Chief, Director of Parks and Recreation, Building Official/Zoning Enforcement Officer, a Planning Board member, and the Director of Planning, or their assigns, for the purpose of reviewing, commenting and making recommendations to the Permitting Authority with respect to approval of land development and subdivision applications.

- B. The planning board shall adopt written procedures establishing the committee's responsibilities.
- C. The administrative officer shall serve as chair of the TRC.
- D. Recommendations of the TRC to the planning board shall be in writing and kept as part of the permanent record of the development application. In no case shall the recommendations of the technical review committee be binding on the planning board in its activities or decisions. The recommendation of the TRC shall be made available to the applicant prior to a decision by the planning board.
- E. Review of applications in an advisory capacity.
 - (1) The TRC shall review the following types of applications in an advisory capacity:
 - (i) Minor land development projects and subdivisions; advisory to the planning board as determined in §A263-14.
 - (ii) Major land development projects and subdivisions; advisory to the planning board as determined in §A263-13, provided that the TRC reviews the application prior to the planning board's first meeting on the application.
 - (iii) Administrative subdivisions at the request of the administrative officer; advisory to the administrative officer.
 - (iv) Comprehensive permit applications; advisory to the planning board.
 - (v) Unified Development Review applications; advisory to the planning board

- (vi) Minor modifications or changes, as defined in §A263-13(F) and §A263-14(F), to land development and subdivision applications.
- (vii) Administrative development plan review applications; advisory to the administrative officer.
- (viii) Other matters referred to the TRC by the planning board, zoning board, or town council.

F. Review of applications for decision

(1) The TRC shall review the following types of applications for determination by a majority vote of the membership. The decision of the TRC for these applications shall be binding on the applicant.

- (i) Final plan applications for minor land development and subdivisions.

§ A263-28 **Administration: Board of Appeal.**

The Town of East Greenwich's Zoning Board of Review shall serve as the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects.

§ A263-29 **Administration: Administrative fees.** [Amended 8-19-2020]

A. The Planning Board shall set reasonable fees, in an amount not to exceed actual costs incurred, to be paid by the applicant for the review and hearing of applications, issuance of permits and recording of decisions. These fees, payable to the Town of East Greenwich, shall be due and payable at the stages established in these regulations and shall pertain to all subdivisions of land and development projects, as follows:

- (1) For subdivisions of land: Fees listed at each stage below shall be computed to include the land covered by the subdivision proposal, including all streets, easements, and common areas but excluding land to be conveyed to the Town as permanent open space or recreation land.
 - (i) Preapplication conference review fee: \$300 plus \$15 for each acre or fraction thereof.
 - (ii) Master plan review fee: \$400, plus \$20 for each acre or fraction thereof. The applicant shall also bear the costs associated with abutter notification and advertising for the master plan public informational meeting.

- (iii) Preliminary plan review fee: \$500, plus \$25 for each acre or fraction thereof. The applicant shall also bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.
 - (iv) Final plan review fee: \$300, plus \$15 for each acre or fraction thereof.
 - (v) Combined master and preliminary plan review fee, if approved by the permitting authority at the pre-application stage: \$900, plus \$45 per acre or fraction thereof. The applicant shall also bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.
 - (vi) Combined preliminary and final plan review fee: \$800, plus \$40 per acre or fraction thereof. The applicant shall also bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.
 - (vii) Administrative subdivision fee: \$125.
- (2) For land development projects and projects permitted under unified development review: Fees listed at each stage below shall be computed on the basis of either new dwelling units being created or square feet of new commercial, industrial, institutional or educational space. Mixed-use project fees shall be aggregated.
- (i) Preapplication conference review fee: \$300 plus \$15 per dwelling unit or per 1,000 square feet of nonresidential space.
 - (ii) Master plan review fee: \$400, plus \$20 per dwelling unit or per 1,000 square feet of nonresidential space. The applicant shall also bear the costs associated with abutter notification and advertising for the master plan public informational meeting.
 - (iii) Preliminary plan review fee: \$500, plus \$25 per dwelling unit or per 1,000 square feet of nonresidential space. The applicant shall also bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.
 - (iv) Final plan review fee: \$300, plus \$15 per dwelling unit or per 1,000 square feet of nonresidential space.
 - (v) Combined master and preliminary plan review fee, if approved by the permitting authority at the pre-application stage: \$900, plus \$45 per dwelling unit or per 1,000 square feet of nonresidential space. The applicant shall also

bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.

- (vi) Combined preliminary and final plan review fee: \$800, plus \$40 per dwelling unit or per 1,000 square feet of nonresidential space. The applicant shall also bear the costs associated with abutter notification and advertising for the preliminary plan public hearing.
- 3. For any request for an extension, minor amendment or reinstatement of an approved plan: \$100.
- 4. For any major amendment to an approved plan, the project reverts, per § 263-41 of these regulations, to the preliminary level of review and all relevant fees apply.
- 5. All fees shall be submitted in the form of a check payable to the Town of East Greenwich at the time application is made
- 6. Peer review. To protect the public health, safety and welfare, the Planning Board may require peer review of expert witness reports and testimony on behalf of applicants. A list of peers and their fees shall be maintained by the Town for selection by the Town, and the cost of peer review shall be borne by the applicant. All costs associated with peer review shall be paid in full before Planning Board approvals are recorded in the land evidence records. The Town reserves the right to place a lien on the subject property for any fees not paid in full.

§ A263-30 Administration: Violations and penalties.

- A. Any person or corporation or other entity that fails or refuses to adhere to the terms and conditions of these regulations or plans that have been approved by the Permitting Authority or the Administrative Officer shall be in violation of these same.
- B. Violation of this chapter shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved and recorded in the municipal land evidence records shall be in violation of these regulations and subject to the penalties described herein.
- C. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received approval from

the Permitting Authority or the Administrative Officer, shall be in violation of these regulations.

- D. The penalty for violation shall reasonably relate to the seriousness of the offense and shall not exceed \$500 for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the Town.
- E. The Town may also cause suit to be brought in the Kent County Superior Court or Municipal Court to restrain the violation of, or to compel compliance with, the provisions of these regulations. The Town may consolidate an action for injunctive relief and/or fines under this chapter in Kent County Superior Court or Municipal Court.

§ A263-31 Procedure: Precedence of approvals between planning board and other permitting authorities.

- A. Town Council. Where an applicant requires both planning board approval and council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the planning board for subsequent required approval(s).
- B. Zoning Board of Review.
 - (1) Where an applicant requires both a variance from the local zoning ordinance and planning board approval, and the application is not undergoing unified development review pursuant to § 45-23-50.1 and the local zoning ordinance, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional zoning board relief, and then return to the planning board for subsequent required approval(s).
 - (2) Where an applicant requires both a special-use permit under the local zoning ordinance and planning board approval, and the application is not undergoing unified development review pursuant to § 45-23-50.1 and the local zoning ordinance, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain

a conditional special-use permit from the zoning board, and then return to the planning board for subsequent required approval(s).

§ A263-32 Procedure: Waivers, modifications and reinstatement of plans.

A. Waiver and/or modification of requirements. The planning board has the power to grant waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for waivers and/or modifications are where the literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the East Greenwich Comprehensive Community Plan and the Zoning Ordinance.

B. Reinstatement of applications.

(1) When an applicant has exceeded a deadline established by these regulations for submission of material for subdivision or land development, thereby rendering a previously granted approval invalid, the application may be reinstated by the Permitting Authority under the following conditions:

- (i) The subdivision is consistent with the Comprehensive Community Plan;
- (ii) The regulations pertinent to the specific proposal are substantially the same as they were at the time of the original approval and that any changes thereto would not have affected the previously granted approval;
- (iii) The zoning of the subdivision parcel is unchanged from what it was at the time of original approval;
- (iv) Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and
- (v) Applicable state or federal regulations are substantially the same as they were at the time of original approval.

(2) Application for reinstatement of a previously approved subdivision shall be made in writing to the Permitting Authority by the applicant. The Permitting Authority, in approving or denying the request for an extension, shall make findings of fact, which shall be made part of the record.

C. (Reserved)

D. Decisions on waivers and modifications. The Permitting Authority shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:

(1) The Permitting Authority's decision shall be made within 45 days of the date the request for waiver or modification was first considered by the Permitting Authority, unless the applicant waives that deadline.

(2) The Permitting Authority's decision shall be in writing and shall contain findings of fact addressing the conditions contained in subsection (A) or (B) in this section, according to the requirements of § A263-33.

§ A263-33 Procedure: Meetings; votes; decisions and records.

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

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

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

D. Votes. All votes of the planning board shall be made part of the permanent record and show the members present and their votes. A decision by the planning board to approve any land development or subdivision application requires a vote for approval by a majority of planning board members present at the time of the vote. A decision by the planning board to approve a variance or special-use permit pursuant to any adopted unified development review regulations requires a vote for approval by a majority of the planning board members that were present at the public hearing at which the request was heard.

E. All written decisions of the planning board shall be recorded in the land evidence records within twenty (20) days after the planning board vote. A copy of the

recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the administrative officer.
[Amended 12-9-2015]

§ A263-34 Procedure: Signing and recording of plats and plans.

- A. All approved final plans and plats for land development and subdivision projects shall be signed by the appropriate Planning Board official, as authorized, with the date of approval. Plans and plats for major land developments and subdivisions shall be signed by the Chairperson or Vice Chair of the Planning Board attesting to the approval. All minor land development or subdivision plans and plats and administrative plats shall be signed by the Chairperson or other designated member.
- B. Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the appropriate municipal departments. The material to be recorded for all plans and plats shall include all pertinent plans with plan notes concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the Town, permits and agreements with state and federal reviewing agencies, and other information as required by the Permitting Authority. The final approved and signed plat shall be affixed on a plat card in a manner approved by the Town Clerk.
- C. Other parts of the application's record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approved set of drawings, shall be kept permanently by the municipal departments responsible for implementation and enforcement, including the Planning Department, Department of Public Works and Building Official. In addition, the Town Clerk's office shall maintain a complete copy of the record.
- D. Construction drawings need not be recorded. However, a complete blue-line or photo copy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval shall be submitted to the Administrative Officer, who shall forward same to the Town Clerk for filing prior to the subdivider recording the plat. Additional copies of all construction drawings shall be kept by the Department of Public Works, the Administrative Officer and any other Town departments as required in Subsection C above.

E. The Administrative Officer shall notify the statewide "911" emergency authority and the East Greenwich Police and East Greenwich Fire Department of the recording of the new plat and provide such information as required by each of the entities. [Amended 12-9-2015]

§ A263-35 Procedure: Changes to recorded plats and plans.

A. For all changes to the approved plans of land development projects or subdivisions subject to this chapter, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in §§ A263-13 and A263-14.

B. Minor changes, as defined below, to a land development or subdivision plan may be approved administratively by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical Review Committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.

(1) For the purpose of this section, the term "minor changes" shall mean any change which, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to, the following: [Amended 11-6-2013]

(i) Amendments or changes to utility plans which are in accord with Town of East Greenwich specifications and approved by the appropriate utility company.

(ii) Lot line revisions, which can be reviewed and approved as an administrative subdivision according to the provisions of § A263-12.

(iii) Amendments or changes to grading plans or drainage plans which are consistent with good and accepted engineering practices and relevant Town and state standards which do not require state or federal reviewing authorities.

(iv) As approved by the Administrative Officer, amendments or changes to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided and which are consistent with good engineering practice and Town and state standards. Modifications to any

construction plans which are consistent with good and acceptable industry practices and Town and state standards.

- (v) Modifications which are required by outside permitting agencies, such as but not limited to the Department of Environmental Management and the Department of Transportation.

C. Major changes.

- (1) Major changes to a land development or subdivision plan may be approved only by the Permitting Authority. The procedure for approval of any such major change shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in § A263-13.
- (2) For the purpose of these regulations, the term "major changes" shall mean changes which, in the opinion of the Administrative Officer, are contrary to or beyond the scope of the intent of and/or the reasoning behind the original approval. Examples of major changes shall include, but are not necessarily limited to, the following: [Amended 11-6-2013]
 - (i) Changes which would have the effect of creating additional lots or dwelling units for development;
 - (ii) Changes which would be contrary to any applicable provision of the Zoning Ordinance or which require a variance or special use permit from the Zoning Board of Review;
 - (iii) Changes which may have significant adverse impacts on abutting property or property in the vicinity of the proposed subdivision or land development project by affecting such things as traffic counts, patterns, or peak hours; by increasing the density of population residing in the development or the number of visitors to the site; by significantly expanding the hours of operation; by reducing any buffer areas or other protections to abutting properties; or other such changes;
 - (iv) Changes which may have a significant adverse impact on any public service, utility or road.

D. Rescission procedure. The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the Comprehensive Community Plan and is not in compliance with the standards and provision of the municipality's Zoning Ordinance and/or land

development and subdivision review regulations and shall hold a public hearing which adheres to the requirements for notice established by § 45-23-42 of the General Laws of Rhode Island. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat. If it is necessary to abandon any street covered under Chapter 6, Title 24, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as required by these regulations.

§ A263-36 Appeals from decision of administrative officer

A. **Process and timing.** Decisions by the administrative officer approving or denying projects under §A263-14 (RIGL §§45-23-38) shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71.

(1) An appeal to the board of appeal from a decision or action of the administrative officer may be taken by an aggrieved party to the extent provided in RIGL §45-23-66. The appeal must be taken within twenty (20) days after the decision has been recorded in the town's land evidence records and posted in the office of the town clerk.

(2) The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The town clerk shall accept delivery of an appeal on behalf of the board of appeal, if the local regulations governing land development and subdivision review so provide.

(3) Upon receipt of an appeal, the board of appeal shall require the administrative officer to immediately transmit to the board of appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

B. **Stay.** An appeal stays all proceedings in furtherance of the action being appealed.

C. **Hearing.**

(1) The board of appeal shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten

(10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.

(2) The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.

(3) The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes as required by RIGL §45-23-70(d) shall be maintained by the board of appeal.

D. Standards of Review.

(1) As established by this chapter, in instances of a board of appeal's review of an administrative officer's decision on matters subject to this chapter, the board of appeal shall not substitute its own judgment for that of the administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeal shall not reverse a decision of the administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

(2) The concurring vote of three (3) of the five (5) members of the board of appeal sitting at a hearing, is necessary to reverse any decision of the administrative officer.

(3) In the instance where the board of appeal overturns a decision of the administrative officer, the proposed project application is remanded to the administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the administrative officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.

(4) The board of appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include in the written record the reasons for each decision.

§ A263-37 Appeals to Superior Court.

A. An aggrieved party may appeal a decision of the board of appeal, a decision of an administrative officer made pursuant to §A263-14 or §A263-15 (RIGL §§45-23-38 or 45-23-50) where authorized to approve or deny an application, a decision of the technical review committee, where authorized to approve or deny an application, or

a decision of the planning board, to the superior court for Kent County by filing a complaint stating the reasons of for the appeal within twenty (20) days after the decision has been recorded and posted in the office of the town clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the planning board shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.

- B. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the planning board at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.
- C. The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the planning board and, if it appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.
- D. The court shall not substitute its judgment for that of the planning board as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:
 - (1) In violation of constitutional, statutory, ordinance or planning board regulations provisions;
 - (2) In excess of the authority granted to the planning board by statute or ordinance;
 - (3) Made upon unlawful procedure;
 - (4) Affected by other error of law;

- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§ A263-38 Appeals to Superior Court; enactment of or amendment of local regulations.

- A. An appeal of an enactment of or an amendment of these East Greenwich Land Development and Subdivision Regulations may be taken to the Kent County Superior Court by filing a complaint, as set forth herein, within 30 days after such enactment or amendment has become effective. The appeal may be taken by any legal resident or landowner of the Town or by any association of residents or landowners of the Town. The appeal shall not stay the enforcement of the local regulations, as enacted or amended, but the Court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.
- B. The complaint shall state with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, chapter 22.2 of this title; the Rhode Island Zoning Enabling Act of 1991, § 45-24-27 et seq.; the East Greenwich Comprehensive Community Plan, or the East Greenwich Zoning Ordinance.
- C. The review shall be conducted by the Court without a jury. The Court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act, Chapter 22.2 of Title 45 of the General Laws; the Zoning Enabling Act of 1991, R.I.G.L. § 45-24-27 et seq.; the East Greenwich Comprehensive Community Plan, or the East Greenwich Zoning Ordinance. If the enactment or amendment is not consistent, then the Court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The Court shall not revise the regulations to be consistent but may suggest appropriate language as part of the Court decision.
- D. The Court may, in its discretion, upon motion of the parties or on its own motion, award reasonable attorneys' fees to any party to an appeal, as set forth herein, including a municipality.

§ A263-39 Appeals to Superior Court; priority in judicial proceeding.

Upon the entry of any case or proceeding brought under the provisions of this chapter, including pending appeals and appeals hereinafter taken to the Court, the Court shall,

at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

§ A263-40 **Severability.**

- A. If any provision of this chapter or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, regulation or determination and the application of such provisions to other persons, agencies or circumstances shall not be affected thereby. The invalidity of any section or sections of this chapter shall not affect the validity of the remainder of the chapter.
- B. Applicability of prior subdivision regulations. Subdivisions and land developments which were submitted to the Permitting Authority for approval under the provisions of these regulations in effect prior to the date of passage of these regulations (January 1, 2024) may be continued to be reviewed by the Platting and Subdivision Board and approved under said prior regulations in accordance with the following:
 - (1) Final approvals. Any subdivider who at the time of adoption of these regulations has received final approval or final approval with conditions from the Permitting Authority may initiate or construct any part of the development or record said plans in accordance with the subdivision regulations in effect at the time final approval was granted.
 - (2) Preliminary approvals. Any subdivision which at the time of adoption of these regulations has received approval from the Permitting Authority may continue to be reviewed in accordance with the subdivision regulations in effect at the time preliminary approval was granted, provided that the final plat must be approved and recorded within one year from the date of preliminary approval unless an extension of time is granted by the Planning Board for good cause shown.
 - (3) Other. Any subdivision which at the time of adoption of these regulations has not received final or preliminary approval or has been reviewed by the Permitting Authority for preliminary review but no approval therefor has been granted, or which has received only preapplication approval, and any division of land which has not received final approval shall be reviewed under the terms of these regulations.

C. The Permitting Authority shall determine which regulations apply for subdivisions submitted for approval prior to the date of passage of these regulations (January 1, 2024). Appeals from a decision regarding the application status and applicable regulation shall be made to the Zoning Board of Review as herein provided.

Appendix B - Lot Design Standards

(1) General Requirements.

- a. Minimum Standards: All proposed lots shall meet or exceed the minimum standards for the base zone in which they are located and shall meet or exceed the minimum buildable area (MBA) requirements of these regulations.
- b. Shape/Configuration: Lots shall be generally rectangular in their configuration. Irregularly or odd-shaped lots such as “flag lots,” “hockey sticks” or any lot whose building envelope is isolated from its frontage shall not be permitted.
- c. Street Frontage: Each proposed lot shall have frontage on a public street that meets or exceeds the minimum requirements of the base zone in which it is located. Such frontage shall be usable for access to the lot. Frontage that cannot function as an access point to the buildable envelope of the lot shall not be permitted.
- d. Lot Side Lines: Whenever possible, lot side lines should be at substantially right angles or radial to street frontages/street lines.

(2) Minimum Buildable Area Standards.

- a. Rationale and Purpose: To ensure that all proposed lots are minimally suited to the uses allowed under the Town of East Greenwich Zoning Code, all lots should contain building envelopes that are not constrained to such use(s). The concept of minimum buildable area is intended to ensure that each lot created through the subdivision review process will possess a suitable area for full use and enjoyment of its subsequent owner.
- b. Minimum Buildable Area (MBA) definition. The amount of land required by zone to constitute the building envelope for each lot. The minimum buildable area is determined by taking the minimum lot size for each zone and subtracting the required setbacks. The MBA shall be free of all wetland buffers, drainage structures or other features which would impair its use for purposes allowed under the Zoning Ordinance. The MBA must be contiguous. Wetland buffers, as defined in § 2-1-20, shall be included in the calculation of a minimum lot area and in the total number of square feet or acres of a tract or parcel of land before calculating the maximum potential number of units or lots for development; provided, however, that this shall not apply to lots directly abutting surface reservoirs with direct withdrawals used for public drinking water.

(3) Table 1: Minimum Buildable Area Standards.

Zone	Minimum Lot Size (square feet)	MBA (square feet)
R-6	6,000	2,800
R-10	10,000	2,800
R-20	20,000	6,750
R-30	30,000	10,800

EAST GREENWICH CODE

Zone	Minimum Lot Size (square feet)	MBA (square feet)
F/F-1	43,560	16,710
F-2	87,120	42,750
CD*	5,000/4,000	2,700/2,100
CH	30,000	7,000
CL**	30,000	7,700
	10,000	4,200
W	20,000	15,200
M	87,120	30,100

* CD Zone requirements for commercial use are 5,000 square feet per unit, 4,000 per unit for residential use.

** CL Zone requirements for commercial use are 30,000 square feet; for residential use minimum lot size is 10,000 square feet.

Appendix E - Major Subdivision or Major Land Development Checklist

Appendix F - Minor Subdivision or Minor Land Development Checklist



Town of East Greenwich

Planning Department

111 Peirce Street
PO Box 111
East Greenwich, RI 02818
Phone (401) 886-8645
www.eastgreenwichri.com

MAJOR SUBDIVISION OR MAJOR LAND DEVELOPMENT CHECKLIST

Name of proposed subdivision/development:

Preparer: _____

Phone Number: _____

Email: _____

Date of Application: _____

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

<hr/> Date Received / Initials

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

INSTRUCTIONS

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

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

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

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

Please check the applicable stage of review for the submission

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

A. FORMS AND DOCUMENTS

A	PA	M	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE
1.					Two (2) complete sets of blue or black line prints at a scale no smaller than 1" = 100' with a sheet size of 24" x 36"	
2.					One (1) reduced set on 11" x 17" sheets	
3.					A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent	

Checklist Item #	Applicant Comments on Required Forms/Documents:
Checklist Item #	Reviewer Comments on Required Forms/Documents:

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

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

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

C. EXISTING CONDITIONS PLAN(S)

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

C	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
15.					Identification of any geologic formations on the proposed parcel(s), including rock outcroppings, cliffs, coastal features, etc.		
16.					Location of wetlands, watercourses or coastal features within and adjacent to the parcel(s), including buffer areas as defined by RIDEM for wetlands		
17.					Location of wooded areas and areas of active agricultural use		
18.					Boundaries of applicable watersheds for the parcel(s)		
19.					Location, size, and use/type of all existing buildings or significant above-ground structures, including stone walls		
20.					Location and size of existing buildings or significant above-ground structures, including stone walls, on parcels immediately adjacent to the subdivision/development parcel(s)		
21.					Location, size, and type of all known, existing above and below ground utilities, including sewer, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be present on the site or within the right of way along the property frontage		
22.					Location of any significant natural or cultural features, include historic cemeteries and access, within or adjacent to the parcel(s)		
23.					<p>Notation indicating that the subdivision/development parcel(s) (or existing structures) are located or not located within the following areas of special concern:</p> <ul style="list-style-type: none"> a. Natural Heritage Areas, as defined by RIDEM b. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC c. A Groundwater Protection Overlay District d. A Wellhead Protection Area e. Groundwater Recharge Area f. Areas within a TMDL watershed, as identified by RIDEM g. OWTS Critical Resource Area, as defined by RIDEM h. A Drinking Water Supply Watershed, as defined by RIDEM i. National Register of Historic Places 		
24.					Location and size of trees with a caliper of fifteen inches or greater that are within the area proposed for disturbance or alteration		

Checklist Item #	Applicant Comments on Required Items:
Checklist Item #	Reviewer Comments on Required Items:

D. PROPOSED CONDITIONS PLAN(S)

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

D	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
18.					Proposals, if any, for connection with existing water supply systems, or if future subdivision/development is to be serviced by on-site wells, notation of such		
19.					Designs of proposed stormwater management infrastructure, including type, location, and configuration, prepared by a Registered Professional Engineer for final plans		
20.					Proposed phasing, including depiction of which structures and on- and off-site improvements are to be installed in which phase, if applicable		
21.					Location, dimensions, types, and area of any land proposed to be set aside as open space or to be conveyed to the Town of East Greenwich for public purposes		
22.					Locations and types of proposed survey and open space monumentation, if any		
23.					Limits of disturbance/work relative to on-and off-site improvements and infrastructure installation		
24.					Proposed grading plan(s) to show contours at sufficient detail (2-foot intervals) for all on and off-site street construction, drainage facilities, and individual house lots, stamped by a licensed Professional Engineer for final plans		
25.					Landscape plan(s), to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation, landscaping on street rights-of-way, and within common areas, and landscape installation details and related notations		
26.					Notation of any special conditions as required by the Preliminary Plan approval		
27.					Proposed measures to minimize impacts to the natural topography of the site using the Low Impact subdivision (LID) Site Planning & Design Guidance Manual		
28.					Final construction plans including plans and any additional improvements as required as a condition of preliminary plan		
29.					For phased projects, as-built drawings for the previous phase		

[Insert any other locally required elements]

Checklist Item #	Applicant Comments on Required Items:
Checklist Item #	Reviewer Comments on Required Items:

E. SUPPORTING MATERIALS

E	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.					Copies of an aerial photograph or satellite image vicinity map drawn to a measurable scale as necessary to show the relationship of the subdivision/development parcel(s) to the		

E	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
					area within a half-mile radius, identifying the locations of all streets, zoning district boundaries, schools, parks, fire stations, and other significant public facilities		
2.					Renderings, elevations or photographs as may be needed to illustrate the visual impact of a proposed multi-family, commercial or industrial subdivision/development		
3.					<p>A narrative report or written statement including:</p> <ul style="list-style-type: none"> a. A general description of the existing physical environment and existing use(s) of the property; b. A general description of the use(s) and type(s) of subdivision/development proposed; c. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features; d. An estimate of the approximate population of the proposed subdivision/development, if any e. An estimate of the number of school-aged children to be housed in the proposed subdivision/development, if any. f. A general analysis of soil types and suitability for the development proposed; g. A general viewshed analysis, showing the location and extent of significant views both from and within the proposed subdivision/development parcel(s), as well as anticipated views into the property from adjacent public or private streets and properties; h. A statement of the potential fiscal impacts of the subdivision/development on [CITY/TOWN] expenses and revenues 		
4.					A written, signed statement indicating the specific sections of the Regulations from which waiver and/or modification is requested; or a written signed statement indicating that no waivers and/or modifications are being requested		
5.					<p>For subdivisions with freshwater wetlands present on the subdivision parcel(s), copies of either:</p> <ul style="list-style-type: none"> a. An RIDEM wetlands permit, if required pursuant to RIDEM rules and regulations; or b. A letter of non-jurisdiction from RIDEM 		
6.					If no freshwater wetlands and/or wetland buffers are depicted within the plan set, copies of an affidavit signed by a qualified professional stating that there are no freshwater wetlands and/or buffer areas within the subdivision/development parcel(s)		
7.					Either, copies of:		

E	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
13.					A traffic study, if required, prepared by a traffic engineer regarding the potential impact of the proposed subdivision/development on neighboring properties and roads; include all means of vehicular access to and from the site onto public streets showing driveways, curb cuts, radii, parking as well as other offsite traffic improvements necessary to ensure public safety and convenience		
14.					Copies of any RIDEM stormwater or other general construction permits that are required, or an affidavit, signed by a qualified professional, stating that no RIDEM stormwater or construction permits are required		
15.					"Tax Certificate" from the Tax Collector showing that all taxes due on the parcel being subdivided have been paid to date and there are no outstanding municipal liens of the parcel		
16.					Written confirmation and/or permits from any additional required federal, state, or local agencies		
17.					Written decision from the Zoning Board of Review if relief is required and noted on the plan		
18.					Determination letter from the Building Official or designee if a Soil Erosion Sediment Control Plan is required		
19.					Written report of Phase I Environmental Site Assessment and Phase II, if indicated		
20.					Written report and approval from RIDEM of an Environmental Site Assessment Phase III (Remediation Plan) if required		
21.					Draft or final copies of all legal documents; legal description of property, proposed easement and rights-of-way, dedications, restrictions or other required legal documents including but not limited to covenants or Homeowners Association, Stormwater Management Plan, Landscaping Maintenance Plan, a deed conveying open space or offer of street dedication		
22.					Final copies of an irrevocable offer to convey to the Town of East Greenwich all public streets and/or other public improvements, accompanied by a metes and bounds description		
23.					For subdivisions/developments proposing new physical access to a State right-of-way a letter evidencing the issuance of such a permit upon the submission of a bond and insurance ¹		
24.					Location, type, intensity and direction of illumination of all outdoor lighting fixtures.		
25.					Location, type and density of land uses that will be in the development.		

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

E	PA	M	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
26.					Renderings as needed to illustrate the visual impact on abutting properties.		
27.					Signage including location, size, design and illumination.		

F. FEES

F	PA	M	PR	F		REVIEW CODE
1.					Filing fee: \$__	

Signature of Applicant: _____

Signature of Professional Land Surveyor /Engineer: _____

Signature of reviewer: _____

Date of Review: _____



Town of East Greenwich

Planning Department

111 Peirce Street
PO Box 111
East Greenwich, RI 02818
Phone (401) 886-8645
www.eastgreenwichri.com

MINOR SUBDIVISION OR LAND DEVELOPMENT CHECKLIST

Name of proposed subdivision/development:

Preparer: _____

Phone Number: _____

Email: _____

Date of Application: _____

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

<hr/> Date Received / Initials

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

INSTRUCTIONS

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

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

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

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

Please check the applicable stage of review for the submission

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

A. FORMS AND DOCUMENTS

A	PA	PR	F	REQUIRED FORMS AND DOCUMENTS	REVIEW CODE
A.				Two (2) complete sets of blue or black line prints at a scale no smaller than 1" = 100' with a sheet size of 24" x 36"	
B.				One (1) reduced set on 11" x 17" sheets	
C.				A notarized letter from the property owner(s) stating that the applicant has been granted the authority to proceed with the application with the owner(s) permission and consent	

Checklist Item #	Applicant Comments on Required Forms/Documents:
Checklist Item #	Reviewer Comments on Required Forms/Documents:

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

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

C. EXISTING CONDITIONS PLAN(S)

C	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.				A general location map showing the relationship of the parcel to the area within a half-mile radius, provide an aerial photograph or satellite image clearly depicting the subject parcel		
2.				Certification by a RI Registered Land Surveyor that a perimeter study of the land being developed has been performed and meets a Class I standard for property lines and a Class III standard for topographic and existing conditions information		
3.				District Dimensional Regulations of the subject parcel		
4.				Density calculations based upon the exclusion of unsuitable land from the total land area of the subject parcel, include the total acreage, the acreage of unsuitable land and the resulting total number of units allowed by right		
5.				Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, type of easements and rights-of-way within or adjacent to the subject parcel		
6.				Existing contours at intervals at intervals of ten (10) feet		
7.				Existing contours at intervals at a minimum of two (2) feet		
8.				Base flood elevation data; use the North American Vertical Datum of 1988 (NAVD 88)		
9.				Plat and lot numbers of all abutting property and property within 200' of the subject parcel		
10.				Boundaries and notation of the soil types classifications for the entire area of the subdivision parcel(s)		
11.				Location of soil contaminants present on the subject parcel		
12.				Location of Phase III Remediation Plan area, if required by RIDEM		
13.				Location of wetlands, watercourses or coastal features within and adjacent to the parcel(s), including buffer areas as defined by RIDEM for wetlands		
14.				If no wetlands or coastal features are depicted within the plan set, an affidavit signed by a qualified professional stating that there are no freshwater wetlands and/or buffer areas within the subdivision/development parcel(s)		
15.				Notation of existing ground cover with approximate location of wooded areas and areas of active agricultural use		
16.				Identification of areas containing prime agricultural soils and farmland soils of statewide importance, or if no such soils are present on the site, a notation indicating such		
17.				Determination if the proposed development or subdivision lies within any area designated by the town or state for purposes of environmental protection or natural or cultural resource protection, such as: <ul style="list-style-type: none"> a. Natural Heritage Areas, as defined by RIDEM b. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC c. A Groundwater Protection Overlay District 		

C	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
				d. Wellhead Protection Area e. Groundwater Recharge Area f. Areas within a TMDL watershed, as identified by RIDEM g. An OWTS Critical Resource Area, as defined by RIDEM h. A Drinking Water Supply Watershed, as defined by RIDEM i. National Register of Historic Places		
22.				Location of known existing easements and rights-of-way within or adjacent to the subdivision/development parcel(s), including streets, driveways, farm roads, woods roads, and/or trails that have been in public use		
18.				Location, width, classification, and names of existing public, private, and paper streets within and adjacent to the subdivision/development parcel(s)		
19.				Location, size, and use/type of all existing buildings or significant above-ground structures, including stone walls, on the subdivision/development parcel(s)		
20.				Location and size of existing buildings or significant above-ground structures on parcels immediately adjacent to the subdivision/development parcel(s)		
21.				Location, size, and type of all known, existing above and below ground utilities, including sewer, OWTS, wells, water, gas, electric, stormwater drainage and communications or telecommunications infrastructure, as may be present on the site or within the right of way along the property frontage		
22.				Location of any unique and/or historic features within or adjacent to the subdivision/development parcel(s), including stone walls, historic cemeteries and access, or, if none, a notation indicating such		
23.				Accurate location of any unique natural features present on the site, including but not limited to significant specimen trees, or if none, a notation indicating such		
33.				Relevant references to deeds and recorded plans		
Checklist Item #				Applicant Comments on Required Items:		
Checklist Item #				Reviewer Comments on Required Items:		

D. PROPOSED CONDITIONS PLAN(S)

D	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.				Location, size, and use/type of proposed buildings and structures, including proposed number of residential units per building, if applicable, and include all accessory structures and total lot coverage		

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

D	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
				existing lines, and configuration, prepared by a Registered Professional Engineer		
17.				Landscape plan(s), maintenance plan and tree preservation plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation, landscaping on street rights-of-way, and within common areas, and landscape installation details and related notations, signed by a licensed Landscape Architect for final plans		
18.				Certification by a RI Registered Professional Engineer that the Proposed Conditions Plan is correct		
19.				Any revisions to the proposed conditions required by the Preliminary Plan approval		
20.				Notation of any special conditions/documents received as required by the Preliminary Plan approval		
21.						
Checklist Item #				Applicant Comments on Required Items:		
Checklist Item #				Reviewer Comments on Required Items:		

E. PROJECTS WITH STREETS/ROADWAYS

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

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

E	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE

F. SUPPORTING MATERIALS

F	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
1.				Renderings, elevations or photographs as may be requested to illustrate the visual impact of the proposal for subdivision/development		
2.				Copies of an aerial photograph or satellite image vicinity map drawn to a measurable scale as necessary to show the relationship of the subject parcel(s) to the area within a half-mile radius, identifying the locations of all streets, zoning district boundaries, schools, parks, fire stations, and other significant public facilities		
3.				Proposed zoning relief or waiver required /requested, if requesting a zoning waiver		
4.				Determination letter from the Building/Zoning Official		
5.				Copy of the Deed/Title to the subject parcel, if requested		
6.				Written confirmation from the RIDEM Office of Water Resources that the stormwater management plans of the proposed subdivision/development including any required off-site construction, have been reviewed and approved for site alteration		
7.				Written report of Phase I Environmental Site Assessment		
8.				Phase II Environmental Site Assessment, written report if indicated		
9.				For subdivisions/developments proposing service by OWTS(s), copies of an On-Site Wastewater Treatment System permit issued by RIDEM confirming soil suitability or OWTS permits for individual lots.		
10.				Written report and approval from RIDEM of an Environmental Site Assessment Phase III (Remediation Plan) if required		
11.				Copies of a narrative report or written statement including: <ul style="list-style-type: none"> a. A general description of the existing physical environment and existing use(s) of the property; b. A general description of the use(s) and type(s) of subdivision/development proposed; c. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features; d. An estimate of the approximate population of the proposed subdivision/development, if any; 		

F	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE																										
				<ul style="list-style-type: none"> e. An estimate of the number of school-aged children to be housed in the proposed subdivision/development, if any. f. A general analysis of soil types and suitability for the subdivision/development proposed; g. A statement of the potential fiscal impacts of the subdivision/development on Town expenses and revenues; h. A description of proposed phasing, if any. 																												
12.				Either, copies of: <ul style="list-style-type: none"> a. An affidavit signed by a qualified professional stating that there are no coastal features and/or buffer areas adjacent to or within the subdivision/development parcel(s); or b. A Preliminary Determination, including coastal feature verification, from the Coastal Resources Management Council 																												
13.				Copies of drainage calculations, associated explanatory narrative, and all supporting documentation, including an Operations and Maintenance manual for the system																												
14.				Written comments on the Plans, by the following as required (provided by Admin. Officer): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">___ Building/Zoning Official</td> <td style="width: 50%;">Date _____</td> </tr> <tr> <td>___ Planning Commission</td> <td>Date _____</td> </tr> <tr> <td>___ Technical Review Committee</td> <td>Date _____</td> </tr> <tr> <td>___ Director of Public Works</td> <td>Date _____</td> </tr> <tr> <td>___ Department of Health</td> <td>Date _____</td> </tr> <tr> <td>___ Fire Department</td> <td>Date _____</td> </tr> <tr> <td>___ Conservation Commission</td> <td>Date _____</td> </tr> <tr> <td>___ Police Department</td> <td>Date _____</td> </tr> <tr> <td>___ School Department</td> <td>Date _____</td> </tr> <tr> <td>Other (specify below)</td> <td>Date _____</td> </tr> <tr> <td>_____</td> <td>Date _____</td> </tr> <tr> <td>Adjacent Communities</td> <td>Date _____</td> </tr> <tr> <td>_____</td> <td>Date _____</td> </tr> </table>	___ Building/Zoning Official	Date _____	___ Planning Commission	Date _____	___ Technical Review Committee	Date _____	___ Director of Public Works	Date _____	___ Department of Health	Date _____	___ Fire Department	Date _____	___ Conservation Commission	Date _____	___ Police Department	Date _____	___ School Department	Date _____	Other (specify below)	Date _____	_____	Date _____	Adjacent Communities	Date _____	_____	Date _____		
___ Building/Zoning Official	Date _____																															
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___ Department of Health	Date _____																															
___ Fire Department	Date _____																															
___ Conservation Commission	Date _____																															
___ Police Department	Date _____																															
___ School Department	Date _____																															
Other (specify below)	Date _____																															
_____	Date _____																															
Adjacent Communities	Date _____																															
_____	Date _____																															
15.				Copies of all legal documents; legal description of property, proposed easement and rights-of-way, dedications, restrictions or other required legal documents including but not limited to covenants or Homeowners Association, Stormwater Management Plan, Landscaping Maintenance Plan, a deed conveying open space or offer of street dedication																												
16.				Written confirmation and/or permits from any additional required federal, state or local agencies																												
17.				Final utilities plan stamped by a licensed Professional Engineer; include the extension and location of gas, electric, water/wells, sewer/OWTS, signage or other proposed utilities as applicable																												

F	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
18.				"Tax Certificate" from the Tax Collector showing that all taxes due on the parcel being developed have been paid to date and there are no outstanding municipal liens on the parcel		
19.				Soil Erosion and Sediment Control Plan		
20.				Draft copies of the metes and bounds description(s) and warranty deed(s) for all proposed public roadways and/or lands proposed to be dedicated to the Town for open space purposes, if any, in a form acceptable to the Administrative Officer and reflective of any conditions of the Preliminary Plan approval		
21.				Copies of an estimate of the cost of installation of all on- and off-site improvements, including landscaping, prepared by a Registered Professional Engineer		
22.				Written approval (assent agreement) from the RI Coastal Resources Management Council of the proposed development or subdivision if the subject parcel has coastal shoreline, including any required off-site construction		
23.				For subdivisions/developments with freshwater wetlands present on the parcel(s), copies of either: <ul style="list-style-type: none"> a. An RIDEM wetlands permit, if required pursuant to RIDEM rules and regulations; or b. A letter of non-jurisdiction from RIDEM 		
24.				For subdivisions/developments proposing service by public water, copies of a written statement from the appropriate water company or district that the proposed plan, with plan revision date indicated, has been reviewed and which provides: <ul style="list-style-type: none"> a. Confirmation that water service is available; b. Approval of connection to the existing water main as depicted on the plan; and, If extension is proposed, approval from the company or district of the extension of the water main as depicted on the plan		
25.				For subdivisions/developments proposing service by public sewer, copies of a written statement from the Department of Public Services that the proposed plan, with plan revision date indicated, has been reviewed and which provides: <ul style="list-style-type: none"> a. Confirmation that sewer service is available; b. Approval of connection to the existing sewer main as depicted on the plan; and If extension is proposed, approval of extension of the sewer main as depicted on the plan		
26.				For subdivisions/developments proposing new physical access to a State right-of-way a letter evidencing the issuance of such a permit upon the submission of a bond and insurance ¹		
27.				Traffic study performed by a RI Licensed Engineer (as applicable)		

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

F	PA	PR	F	ELEMENT REQUIRED	LOCATION (PAGE #)	REVIEW CODE
28.				Location, type, intensity and direction of illumination of all outdoor lighting fixtures.		
29.				Signage including location, size, design and illumination.		
30.				Floor plans and building elevations showing exterior building design, materials, colors and height.		
31.				Location, type and density of land uses that will be in the development.		
Checklist Item #				Applicant Comments on Required Items:		
Checklist Item #				Reviewer Comments on Required Items:		

F. FEES

	PA	PR	F		Received?
1.				Filing fee: \$___	

Signature of Applicant: _____

Signature of Professional Land Surveyor /Engineer: _____

Signature of reviewer: _____

Date of Review: _____