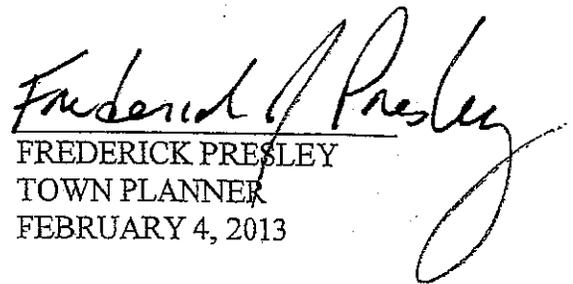


**SUBDIVISION AND
LAND DEVELOPMENT**

**TOWN OF
WEST WARWICK, RHODE ISLAND**


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TOWN PLANNER
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2012.

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Sec. 17-1. Title.

These regulations shall be known as the "West Warwick Land Development and Subdivision Review regulations."

Sec. 17-2. Requirement in all municipalities.

(A) The town adopts these land development and subdivision review regulations, referred to as local regulations in the state land development and subdivision act of 1992 (the act) and these regulations comply with all the provisions of this act.

(B) The town thus establishes the standard review procedures for local land development and subdivision review and approval as specified in this chapter. The procedures are intended to provide thorough, orderly, and expeditious processing of development project applications.

Sec. 17-3. Applicability.

(A) These regulations shall be applicable in all of the following instances:

(1) In all cases of subdivision of land, including resubdivision, as defined in G.L. 1956, § 45-23-32 of the act, all provisions of G.L. 1956, §§ 45-23-25 through 45-23-74 of the act shall apply;

(2) In all cases of land development projects, as provided for in G.L. 1956, § 45-24-47 of the zoning enabling act of 1991, where the town may allow for such land development projects in the zoning ordinance; and/or

(3) In all cases of development plan review, as provided for in G.L. 1956, § 45-24-49 of the zoning enabling act of 1991, where the town has established, within its zoning ordinance, such procedures for planning board review of applications.

(B) *Plats required.*

(1) All activity defined as subdivision shall require a new plat, drawn to the specifications of these regulations, which shall be 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 G.L. 1956, § 45-23-64 of the act. See section 17-38.

Sec. 17-4. Continuation of ordinances--Supersession; effect on earlier recorded plats.

(A) Chapter 17 of the Code of the town and regulations or rules adopted under authority of G.L. 1956, §§ 45-23-1 through 45-23-24, or any special subdivision enabling act that is in effect shall remain in full force and effect until December 1, 1994.

(B) G.L. 1956, §§ 45-23-1 through 45-23-24 and all special subdivision enabling acts in effect are hereby repealed effective December 1, 1994.

(C) Nothing herein contained and no town ordinance, rule or regulation adopted under this chapter shall impair the validity of any plat legally recorded prior to the effective date of such ordinance, rule or regulation.

Sec. 17-5. General purposes of these regulations.

The purpose of these regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the comprehensive community plan and the zoning ordinance, accomplish 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 which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging design and improvement standards to reflect the intent of the town comprehensive plan 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) Requiring 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) Establishing a consistent application of procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

Sec. 17-6. Consistency with comprehensive plan, zoning ordinance and the act.

In the instance of uncertainty in the construction or application of any section of this chapter, it 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 town comprehensive plan and the town zoning ordinance. Furthermore, this chapter shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of G.L. 1956, §§ 45-23-25 through 45-23-74 of the act.

Sec. 17-7. 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," G.L. 1956, § 45-22.2-4, or the "Zoning Enabling Act of 1991," G.L. 1956, § 45-24-31, they

shall have the meanings stated therein. In addition, the following words and phrases shall have the following meanings. The words "chapter" and "regulations" are used interchangeably throughout.

- (1) *Administrative officer.* The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. The administrative officer shall be the town planner. See section 17-29.
- (2) *Administrative subdivision.* Resubdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such resubdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
- (3) *Board of appeal.* The review authority for appeals of actions of the administrative officer and the planning board on matters of land development or subdivision, which shall be the zoning board of review constituted as the board of appeal. See section 17-31.
- (4) *Bond.* See Improvement guarantee.
- (5) *Buildable lot.* A lot where construction for the use(s) permitted on the site under the 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 section 17-34(4).
- (6) *Certificate of completeness.* A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of this chapter and that the applicant may proceed with the approval process. See section 17-10.
- (7) *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 early discussions, and classification of the project within the approval process.
- (8) *Consistency with the comprehensive plan.* A requirement of all town regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the town as the comprehensive plan as specified in G.L. 1956, § 45-22.2-3.
- (9) *Dedication, fee-in-lieu-of.* Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount are specified as contained herein. See section 17-21.
- (10) *Development regulation.* Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.
- (11) *Division of land.* A subdivision.
- (12) *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.
- (13) *Final plan.* The final stage of land development and subdivision review. See section 17-17.

- (14) *Final plat*. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the planning board and any accompanying material as described in this chapter and/or required by the planning board.
- (15) *Floor area, gross*. See state building code.
- (16) *Improvement*. Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
- (17) *Improvement guarantee*. A security instrument accepted by 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 section 17-20.
- (18) *Maintenance guarantee*. A 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.
- (19) *Major land development plan*. Any land development plan not classified as a minor land development plan.
- (20) *Major subdivision*. Any subdivision not classified as either an administrative subdivision or a minor subdivision.
- (21) *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. See section 17-14.
- (22) *Minor land development plan*. A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this chapter. All nonresidential land development projects shall be considered as major land development plans.
- (23) *Minor subdivision*. A plan for a residential subdivision of land consisting of five or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this chapter. All nonresidential subdivisions shall be considered as major subdivisions.
- (24) *Modification of requirements*. See section 17-36.
- (25) *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.
- (26) *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.
- (27) *Phased development*. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site. See section 17-22.
- (28) *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.
- (29) *Planning board*. The official planning agency of the town.

- (30) *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.
- (31) *Pre-application 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 section 17-9.
- (32) *Preliminary plan*. The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits. See section 17-15.
- (33) *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.
- (34) *Public informational meeting*. A meeting of the planning board or governing body preceded by a notice, open to the public and at which the public shall be heard. See section 17-14.
- (35) *Resubdivision*. Any change of an approved or recorded subdivision plat or in a lot recorded in the town land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of this chapter.
- (36) *Storm water detention*. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
- (37) *Storm water retention*. A provision for storage of storm water runoff.
- (38) *Street*. A public right of way or highway established, accepted and maintained under public authority. Streets are further classified by the functions they perform. See *street classification*.
- (39) *Street, access to*. An adequate and permanent way of entering a lot. All lots of record shall have access to a street or private street for all vehicles normally associated with the uses permitted for that lot. No lot of record shall be permitted with frontage only on a street stub.
- (40) *Street, alley*. A public or private thoroughfare primarily designed and maintained either by public or private authority to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (41) *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.
- (42) *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.
- (43) *Street, private*. A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards and maintained under private authority. This definition shall not apply to driveways.
- (44) *Reserved*

- (45) *Street, stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.
- (46) *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 (also refer to AASHTO). Local classifications shall use the following as major categories:
- (a) *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the town and which carries high volumes of traffic.
 - (b) *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - (c) *Local.* Streets whose primary function is to provide access to abutting properties.
- (47) *Subdivide.* 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.
- (48) *Subdivision.* The division or redivision, of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- (49) *Technical review committee.* A committee appointed by the planning board for the purpose of reviewing, commenting, and making recommendations to the planning board with respect to approval of land development and subdivision applications. Members of the committee are the town planner, director of public works, the town engineer, town solicitor, and the superintendent of sewers.
- (50) *Temporary improvement.* Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent. See section 17-19(H).
- (51) *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.
- (52) *Waiver of requirements.* See section 17-36.

Sec. 17-8. General provisions--Applicable to all land developments and subdivisions.

- (A) *Required findings.* Upon approval of all administrative, minor and major development applications the planning board (or the administrative officer in the case of an administrative subdivision) shall address each of the general purposes stated in section 17-5 and shall make positive findings on the following standard provisions, as part of the

proposed project's record prior to approval. If an adverse or negative finding for any of these standards is made, the planning board shall have grounds for denial of the project design.

- (1) Each subdivision shall be consistent with the requirements of the town's comprehensive plan and/or shall satisfactorily address the issues where there may be inconsistencies;
 - (2) Each proposed lot in the subdivision shall conform to the standards and provisions of the town zoning ordinance. Lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of section 5.4 of the zoning ordinance, provided that:
 - (a) A notation is shown on the recorded plat that the lot being created is not a buildable lot; and,
 - (b) The lot in fee title or a conservation or preservation restriction pursuant to G.L. 1956, § 34-39-1 et seq., as amended, is granted to the town prohibiting any such present or future development.
 - (3) In subdivisions requiring individual sewage disposal systems, no building lot shall be designed and located in such a manner as to require relief from section 5.4, standard dimensional regulations, of the zoning ordinance, as amended;
 - (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 individual lots with such environmental or physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such environmental or physical constraints to development may be created only if identified as permanent open space or permanently reserved or dedicated for a public purpose on the approved, recorded plans;
 - (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 physical access shall not be considered in compliance with this requirement;
 - (7) Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate detention of surface water runoff, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and,
 - (8) The design, location, and construction of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall not increase flooding and soil erosion. See section 17-19(D) and (F).
- (B) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.
- (C) *Lot design standards.*
- (1) *Lot design standards.*
 - (a) Lots shall be generally rectangular in their configuration. Long or narrow strips of land shall be avoided. Irregularly or odd shaped lots such as "flag lots",

"hockey sticks" or any lot whose building envelope is isolated from the frontage shall not be permitted.

(b) Side lot lines shall be within fifteen (15) degrees of perpendicular with street lines or radial to curved street lines unless the Planning Board determines that a variation from this rule will provide a better street plan or lot plan.

(c) Except on those sides bordering a street, lots shall have not interior angles of more than 200 degrees, unless otherwise allowed by the Planning Board.

(d) Building set-back lines shall be established by the West Warwick Zoning Ordinance, and such lines shall run parallel to the lot lines.

(2) *Lot frontage and access*

(a) All lots shall abut an existing or a proposed public or private street.

(b) Each proposed lot shall have frontage on a street that meets or exceeds the minimum requirements of the West Warwick Zoning ordinance for the zone in which the lot is located.

(c) Frontage shall be usable for physical access to the lot from the street.

Frontage that cannot function as an access point to the building envelope of the lot shall ^{NOT} be permitted.

(d) All lots must be accessible by the fire department, police department and other agencies or departments charged with protection of the public peace, safety and welfare.

(e) The Planning Board may modify and relocate the location of the proposed access driveway along the road frontage and may modify or limit the proposed number of access driveways onto any street from any lot or group of lots.

(f) Provisions shall be made to ensure adequate sight distance from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

Sec. 17-9. General provisions--Pre-application meetings and concept review.

(A) One or more pre-application meetings shall be held for all major land development or subdivision applications. At least one pre-application meeting may be held for administrative subdivisions, upon request of either the municipality or the applicant. At least one pre-application meeting shall be held for minor subdivisions, upon request of either the municipality or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

(B) At the pre-application stage the applicant may request the planning board and/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 land development concept design.

(C) Applicants seeking a pre-application meeting or an informal concept review shall submit materials 20 days in advance of the meeting(s) as requested by municipal officials.

(D) Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

Sec. 17-10. General provisions--Application for development and certification of completeness.

(A) *Classification.* The administrative officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. The following types of applications, as defined in section 17-7, may be filed:

- (1) Administrative subdivision.
- (2) Minor subdivision or minor land development plan.
- (3) Major subdivision or major land development plan.

(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, with input from the technical review committee. Every certification of completeness required by this chapter shall be in writing. In the event such certification of the application is not made within the time period 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.

(C) *Additional information.* Notwithstanding subsections (A) and (B) above, 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) *Postponement of review.* Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the planning board determines that the required application information is complete.

Sec. 17-11. General provisions--Administrative subdivision.

(A) Any applicant requesting approval of a proposed administrative subdivision, as defined in this chapter, shall submit to the administrative officer the completed items

required by this chapter for administrative subdivisions. See Checklist--Administrative Subdivisions.

(B) The application shall be certified in writing, as complete or incomplete by the administrative officer, with input from the technical review committee, within a 15-day period from the date of its submission according to the provisions of section 17-10(B).

(C) *Review process:*

(1) Within 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 15 days, the application shall be placed on the agenda of the next regular planning board meeting.

(D) 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 shall either approve, approve with conditions, or deny the application within 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 of the administrative officer as to the failure of the planning board or committee to act within the required time and the resulting approval shall be issued on request of the applicant.

(E) Denial of an application by the administrative officer and/or the technical review committee shall not be appealable and shall require the plan to be submitted as a minor subdivision application.

(F) Approval of an administrative subdivision shall expire 90 days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in section 17-38

Section 17-11
CHECKLIST--ADMINISTRATIVE
SUBDIVISION

The applicant shall submit to the administrative officer six blue line or photocopies of the proposed plat for distribution to and review by the technical review committee. Upon certification of completion, three additional copies shall be provided to the administrative officer. If referral to the planning board is required, five additional copies shall be submitted. Note: One set of plans shall also be submitted to the zoning officer for review in accordance with item #15. At a minimum, the following information shall be provided. Unless otherwise specified, each item must be answered on this checklist. If a particular item does not fit the circumstances or characteristics of your activity, indicate by entering

NA (not applicable). The checklist must be filled out completely or the application will be returned.

1. Name and address of the property owner and applicant.
2. Date of plan preparation, with revision date(s) (if any).
3. Graphic scale (1" = 40' or larger) and north arrow with notation as to its reference (e.g., grid, magnetic, or assumed).
4. Plat and lot numbers of the parcel being resubdivided.
5. Zoning district(s) of the parcel being resubdivided. If more than one district, zoning boundary lines must be shown.
6. Existing property lines, easements and rights-of-way.
7. Proposed property lines, drawn so as to distinguish them from existing property lines.
8. Existing and proposed area(s) of the parcel(s) being resubdivided.
9. Approximate location of wooded areas and wetlands (if any) and other features.
10. Location and size of existing buildings, structures, utilities and improvements.
11. Location, width and names of existing public and private streets within or immediately adjacent to the parcel being resubdivided.
12. Certification (stamp) of a registered land surveyor that the plan is correct.
13. Legend showing all symbols.
14. Application fee as set by the town council, to cover all costs associated with review, hearings, notice and recording fee.
15. Current Zoning Certificate from Building Official.
16. A place for the signature of the planning board chair or designee.

TECHNICAL STANDARDS

Plan and survey standards shall meet the criteria set in the handbook entitled "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations," effective April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for class I surveys.

Note: Following final approval, two photographic Mylars of the signed plat shall be recorded with the town clerk.

Sec. 17-12. General provisions--Minor land development and minor subdivision review.

(A) *Review stages.* Minor plan review shall consist of two stages, preliminary and final, provided, that if a street creation or extension is involved, a public hearing is required. The planning board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the planning officials.

(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 completed items required for certification. See the checklist.

(C) *Certification.* The application shall be certified, in writing, complete or incomplete by the administrative officer, with input from the technical review committee, within 25 days or within 15 days if no street creation or extension is required, according to the provisions of section 17-10(B). The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and recommence upon 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 14 days after its resubmission.

(D) *Technical review committee.* The technical review committee shall review the application and shall comment and make recommendations to the planning board no less than 14 days prior to the date scheduled for the planning board meeting at which the application is to be considered. When reviewed by the technical review committee:

(1) If the land development or subdivision plan is approved by a majority of the committee members, the application shall be forwarded to the planning board with a recommendation for preliminary plan approval without further review.

(2) If the plan is not approved by a majority vote of the committee members, the minor land development and subdivision application shall be referred to the planning board.

(E) *Reassignment to major review.* The planning board may reassign a proposed minor project to major review only when the planning board is unable to make the positive findings required in section 17-34.

(F) *Decision.* If no street creation or extension is required, the planning board shall approve, deny, or approve with conditions, the preliminary plan within 65 days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of section 17-37. If a street extension or creation is required, the planning board shall hold a public hearing prior to approval according to the requirements in section 17-16 and shall approve, deny, or approve with conditions, the preliminary plan within 95 days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of section 17-37.

(G) *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute 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.

(H) *Final plans.* The planning board may delegate final plan review and approval to either 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.

(I) *Vesting.* Approval of a minor land development or subdivision plan shall expire 90 days from the date of approval unless within such period a plat or plan, in conformity with such approval, and as defined in this act, is submitted for signature and recording as specified in section 17-38. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the planning board.

Section 17-12
PRELIMINARY PLAT CHECKLIST
MINOR LAND DEVELOPMENT AND MINOR SUBDIVISIONS

1. *Preliminary plat map(s).*

The applicant shall submit to the administrative officer six copies of the preliminary site plans for distribution to and review by the technical review committee. Upon certification of completion, six additional copies shall be submitted for distribution and review by the planning board. Five additional copies may be required for referrals to the building official, fire department, police department, tax assessor and tax collector. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Unless otherwise specified, each item must be answered on this checklist. If a particular item does not fit the circumstances or characteristics of your activity, indicate by entering NA (not applicable). The checklist must be filled out completely or the application will be returned.

TITLE BLOCK INFORMATION

1. Name of the proposed subdivision.
2. Name and address of property owner and applicant (if the owner of record is a corporation, the name and address of the president and secretary).
3. Name, address and telephone number of preparer.
4. Date of plan preparation, with revision date(s)(if any).
5. Graphic scale (1" = 40' or larger) and north arrow with notation as to its reference (e.g., grid, magnetic, or assumed).
6. Plat and lot number(s) of the land being subdivided.

PLAN INFORMATION

1. Legend showing all symbols.
2. Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
3. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. These shall be marked in the field by survey stakes to identify the limits of the property.
4. Area of the subdivision parcel(s) and proposed number of buildable lots.
5. Location and dimensions of existing streets and property lines within or forming the perimeter of the subdivision parcel(s).

6. Easements, reservations, and rights-of-way within or adjacent to the subdivision parcel(s).
7. Names and addresses of all property owners within a 200-foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the town, including plat and lot numbers.
8. Location of wooded areas and notation of existing ground cover and other natural features including existing trees with a six-inch or larger caliper measured dbh.
9. Location of wetlands or watercourses present on or within 200 feet of the perimeter of the subdivision parcel.
10. Areas of agricultural use.
11. Acreage of parcel to the nearest tenth of an acre; a zoning data table showing calculations necessary to determine conformance to zoning regulations.
12. All distances as measured along the right-of-way lines and existing streets abutting the property and direction to the nearest intersection with any other public street.
13. Existing contours (with intervals of one foot where slopes are less than 15 percent and five feet where slopes are 15 percent or more) referred to mean sea level, are to be indicated by a dash line; where any changes in contours are proposed, finished grades must be shown as solid lines; spot elevation must also be shown; at least two benchmarks shall be referenced.
14. Location of existing environmental features including general soil types, rock outcrops, wooded areas and major street trees 12-inch dbh caliper and over, watercourses, depressions, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevation of watercourses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area, base flood elevation data must be provided.
15. Location of existing buildings which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc.
16. Location of historic cemeteries on or immediately adjacent to the subdivision parcel(s)(if any).
17. Proposed streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. Proposed streets shall be labeled with proposed names.
18. For all property within a 200-foot radius as measured from the perimeter of the subject property:
 - The shape, dimension and area of the property;
 - The location of all zoning use district boundary lines; and
 - The assessor's plat and lot numbers;
 - The general location, shape and use of all existing buildings and structures and improvements within a 200-foot radius of the subject property;
 - The above information may be shown on the site plan or on a separate sheet; a minimum scale of 1" = 100' is required.
19. The proposed use or uses of land, building structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required.

- Floor space of all buildings shall also be indicated, including lot coverage and total building area.
20. The location, type and density of land use to be allocated to parts of the site to be developed. The location, dimension and area of any land proposed to be set aside as open space.
 21. Building layout, floor plans, architectural elevations, (with measurements as needed for each interpretation) and height (including relationship to existing and proposed grades) of proposed buildings, structures and equipment will be required for submission to the building official prior to obtaining a building permit. The planning board may require same for commercial and industrial properties.
 22. Sketches, renderings, photographs or scale models as needed to illustrate the visual impact on the community.
 23. Location, size, sketch and illumination, if any of proposed signs.
 24. A drainage plan that incorporates the change in land use and routes of storm flow through the site to meet requirements set by the town shall be submitted. The drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be a report summarizing drainage calculations. The rational method, SCS TR20, SCS TR55 or accepted approved method shall be used for runoff calculations. The design storm condition shall be one with a 25-year return period. Where use of aboveground or underground retention or detention basins is proposed, the 25-year design storm shall be used in design calculations, unless such detention or retention system is located in a special flood hazard zone, in which case a 100-year design storm shall be used. Calculations shall include predevelopment and post-development conditions. Predevelopment runoff rates based on assumption of vacant land site conditions on the site shall be maintained, unless approved by the planning board. The planning board may make any referrals it deems necessary to evaluate proposed drainage plans. For all retention or detention basins, whether aboveground or underground, percolation tests or test pits shall be performed at the proposed site of the basin. This information will determine the suitability of the subsurface to accommodate the designed basin.
 25. Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform with the applicable requirements and standards of the town and the appropriate utility. Final approval of utility plans by the appropriate utility authority shall be required.
 26. The proposed location, direction of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters.
 27. The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, parking, lighting, street trees, and street furniture. Such plan shall indicate the location, type and size of all plantings and street trees at time of planting. The plan shall be prepared by a Rhode Island registered landscape architect.
 28. All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, radii, parking and loading areas, and

- other offsite traffic improvements necessary to ensure public safety. The planning board may make any referrals and require of the applicant any studies it deems necessary to evaluate traffic and circulation plans.
29. All proposed street plans (minimum 1" = 40') with profiles (minimum 1" = 4') indicating grading, and cross sections showing width of roadway and location and width of sidewalks and if required, bike paths. All proposed improvements must be designed and constructed according to the standards and specifications of the town.
 30. Such other information as may be required to show that the details of the development plan are in accordance with this section and all applicable requirements and standards of these regulations.
 31. A place for the signature of the planning board chair or designee must be provided on all plans and/or documents to be signed by the planning board.
 32. Certification by a registered land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these regulations.
 33. Studies to determine noise impacts on development for projects adjacent to any Federal-Aid or Federal highway under State jurisdiction, and in accordance with 23 CFR Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise".

TECHNICAL STANDARDS

Plan and survey standards shall meet the criteria set in the handbook entitled "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations," effective April 1, 1994, as amended. Measurement standards for the surveys shall meet the minimum standards for class I surveys.

2. Supporting material.

1. Application fee as set by the town council, to cover all costs associated with review, hearings, and notice.
2. Soils map of the area. If any prime agricultural soils are within the subdivision parcel(s) the soils map shall be marked to show the location of said prime agricultural soils.
3. Written confirmation that the Kent County Water Authority has reviewed the plan and is able to provide water service (if proposed).
4. Written confirmation that the sewer department has reviewed plans for proposed sewer service, and indicating whether sewer service is (is not) available and will (will not) be required.
5. If individual sewage disposal systems are proposed, confirmation from the state department of environmental management that the soils are adequate for the use of ISDS. Either of the following items shall be provided:

Preliminary subdivision suitability report no. _____

Water table verification no. _____

*SOIL
SUITABILITY*

6. Construction plan including staging, storage of equipment and materials, disposal of spoil and debris from clearing and grubbing through pavement markings.
7. Draft copies of all legal documents, describing the property, proposed easements and rights-of-way, dedications, restrictions or other required legal documents including homeowners association's (if applicable), deed conveying open space and offer of street dedication.
Specify: _____.
8. Current zoning certificate from Building Official.

Section 17-12
FINAL PLAT CHECKLIST
MINOR LAND DEVELOPMENTS AND MINOR SUBDIVISIONS

The applicant shall submit to the administrative officer copies of final plans and supporting materials as indicated below. Unless otherwise specified, each item must be answered on this checklist. If a particular item does not fit the circumstances or characteristics of your activity, indicate by entering NA (not applicable). The checklist must be filled out completely or the application will be returned.

1. *Final plat plans.*

Six blue line or photocopies shall be submitted for distribution to and review by the technical review committee. Upon certification of completeness, six blue line or photocopies shall also be submitted for referral to and review by the planning board. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

TITLE BLOCK INFORMATION

1. Name of the proposed subdivision.
2. Name and address of property owner and applicant (if the owner of record is a corporation, the name and address of the president and secretary).
3. Name, address, and telephone number of preparer.
4. Date of plan preparation, with revision date(s) (if any).
5. Graphic scale (1" = 40' or larger) and north arrow with notation as to its reference (e.g., grid, magnetic, or assumed).
6. Plat and lot number(s) of the parcel being subdivided.

PLAN INFORMATION

1. Legend showing all symbols.
2. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown.

3. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
4. Area of the subdivision parcel(s).
5. Location and dimensions of existing property lines, easements, reservations, and rights-of-way within or immediately adjacent to the parcel being subdivided.
6. Location, width and names of the proposed and existing streets within and immediately adjacent to the parcel being subdivided.
7. Names of abutting property owners and property owners immediately across any adjacent streets.
8. Location of proposed permanent bounds.
9. Location of all interior lot lines and street lines with accurate dimensions and angles indicated.
10. Location and number of all proposed lots, with accurate areas indicated.
11. Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated.
12. Notation of special conditions of approval imposed by the planning board (if any).
13. Notation of any permits and agreements with state and federal reviewing agencies (if any).
14. A place for the signature of the planning board chair or designee must be provided on all plans and/or documents to be signed by the planning board.
15. Certification by a registered land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations," as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for class I surveys.

2. Construction drawings.

Six blue line or photocopies of construction plans drawn to a minimum scale of 1 inch to 40 feet (1" = 40') for referral to the technical review committee. Upon certification of completeness, six blue line or photocopies of construction plans shall be submitted for referral to and review by the planning board. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

1. Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the planning board as a condition of approval.
2. Certification (stamp) of a registered professional engineer that the construction drawings are correct.
3. Proposed street plan and profiles drawn at a minimum scale of 1" = 40' horizontal and 1" = 4' vertical.
4. Street cross sections.

5. Proposed landscaping plan.
6. Soil erosion and sediment control plan.

3. *Supporting materials.*

1. Application fee as set by the town council, to cover all costs associated with review, hearings, and notice.
2. Two original signed copies of all legal documents describing the property, including proposed easements and rights-of-way, offer to convey public streets, creating homeowners association (if appropriate) deed transferring open space, dedications, restrictions, or other required legal documents.

Specify: _____.

3. Written confirmation from the Rhode Island Department of Environmental Management pursuant to the "RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act," and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the wetlands act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
4. In lieu of item 3 above, an affidavit signed by a qualified professional (having minimum qualifications as described by the RIDEM department of freshwater wetlands) stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided.
5. A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or state right-of-way (if necessary).
6. Permit/approval from the Kent County Water Authority.
7. Permit/approval from the town fire department that the proposed water system can provide adequate fire fighting services.
8. Permit/approval from the West Warwick Regional Wastewater Treatment Facility.
9. Certification from the tax collector that all property taxes are current.
10. Current zoning certificate from Building Official.

4. *Payment of required fees.* Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the planning board and recording of final plat plan(s):

1. Final plat recording fee--Amount: _____.
2. Performance bond or other financial guarantees:
 Initial amount: _____.
 Date set by planning board: _____.
3. Fees in lieu of land dedication--Amount: _____.
4. Inspection fee--Amount: _____.
5. Maintenance bond for acceptance of public improvements (if applicable):
 Amount: _____.

Date of council acceptance: _____.
Description: _____.
Date of expiration of maintenance bond: _____.

Upon final approval by the planning board, two photographic Mylars of the signed plat shall be recorded with the town clerk and five additional copies of the construction plans shall be submitted to the administrative officer for filing with the following town departments: planning, public works, engineering and building. In addition, the town clerk's office shall maintain a complete copy of the record. See section 17-38(C).

Sec. 17-13. General provisions--Major land development and major subdivision review stages.

- (A) Major plan review shall be required of all applications for land development and subdivision approval subject to this chapter, unless classified as an administrative subdivision or as a minor land development or a minor subdivision.
- (B) Major plan review shall consist of three stages of review, master plan, preliminary plan and final plan, following the pre-application meeting(s) specified in section 17-9. Also required is a public informational meeting and a public hearing.
- (C) The planning board may vote to combine review stages and to modify and/or waive requirements as specified in section 17-36. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.

Sec. 17-14. General provisions--Major land development and major subdivision master plan.

- (A) *Submission requirements:*
- (1) The applicant shall first submit to the administrative officer the items required for master plans.
 - (2) Requirements for the master plan and supporting material for this phase of review shall include, but not be limited to, the information and materials required on the master plan checklist.
 - (3) Initial comments shall be solicited from:
 - (a) Local agencies including, but not limited to, the planning department, the department of public works, superintendent of sewers, fire and police departments, town engineer, building official, tax assessor, tax collector, street name committee, Kent County Water Authority, soil conservation service;
 - (b) Adjacent communities;
 - (c) State agencies, as appropriate, including the departments of environmental management and transportation; and
 - (d) Federal agencies, as appropriate.

The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

(B) *Certification.* The application shall be certified, in writing, complete or incomplete by the administrative officer, with input from the technical review committee, within 60 days, according to the provisions of section 17-10(B). The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and recommence upon 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 14 days after its resubmission.

(C) *Technical review committee.* The technical review committee shall review the application and shall comment and make recommendations to the planning board no less than 14 days prior to the date scheduled for the planning board meeting at which the application is to be considered.

(D) *Informational meeting.* A public informational meeting shall be held prior to the planning board decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon planning board determination.

(1) Public notice for the informational meeting is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the municipality. The administrative officer shall instruct the town clerk to advertise. Postcard notice shall be mailed to the applicant and to all property owners within a 200-foot radius of the subject parcel. A list of property owners within the notice area, certified by the tax assessor, shall be provided by the applicant to the administrative officer. The town shall provide preprinted postcards for the applicant to fill out, address, and affix postage to. The applicant shall return the completed cards to the administrative officer for mailing by the town clerk.

(2) At the public informational meeting the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

(E) *Decision.* The planning board shall, within 120 days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of section 17-37.

(F) *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute 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 shall be issued on request of the applicant.

SEE AMENDED
LAW SUITS

AMENDMENT OF SUBDIVISION REGULATIONS

On June 3, 2014, at a meeting of the Planning Board, the a motion to amend Sections 17-14(D)(1) and 17-16(B) of the West Warwick Subdivision and Land Development Regulations came on for hearing, and after review, hearing and discussion thereon, it was voted that Section(s) be amended as follow:

Sec. 17-14(D)(1) Public notice for the informational meeting is required and shall be given at least seven days prior to the date of the meeting, by the applicant, in a newspaper of general circulation within the municipality. ~~The Administrative officer shall instruct the town clerk to advertise.~~ Postcard notice shall be mailed, ~~to the applicant and by the applicant~~, to all property owners within a 200 foot radius of the subject parcel. A list of property owners within the notice area, ~~certified by the tax assessor~~, shall be provided by the applicant to the administrative officer. ~~The town shall provide preprinted postcards for the applicant to fill out, address, and affix postage to. The applicant shall return the completed cards to the administrative officer for mailing by the town clerk.~~

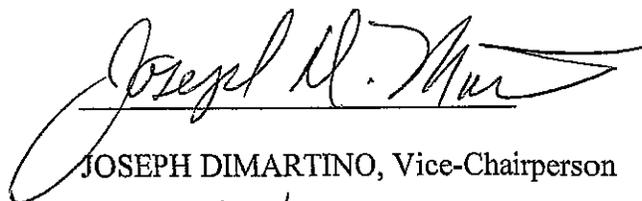
Sec. 17-16(B) General provisions-Major land developments and major subdivision public hearing and notice.

(B) Notice requirements. Public notice of the hearing shall be given at least 14 days prior to the date of hearing, by the applicant, in a newspaper of general circulation within the town. Notice shall be sent, by the applicant, ~~to the applicant~~ to each registered owner within a 200 feet of the subject parcel by certified mail, return requested, of the time and place of the hearing not less than ten days prior to the date of hearing. A list of property owners within the notice area, certified by the tax assessor, shall be provided by the applicant to the administrative officer. Said notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject to the application. Said notice shall also include the street address of the subject

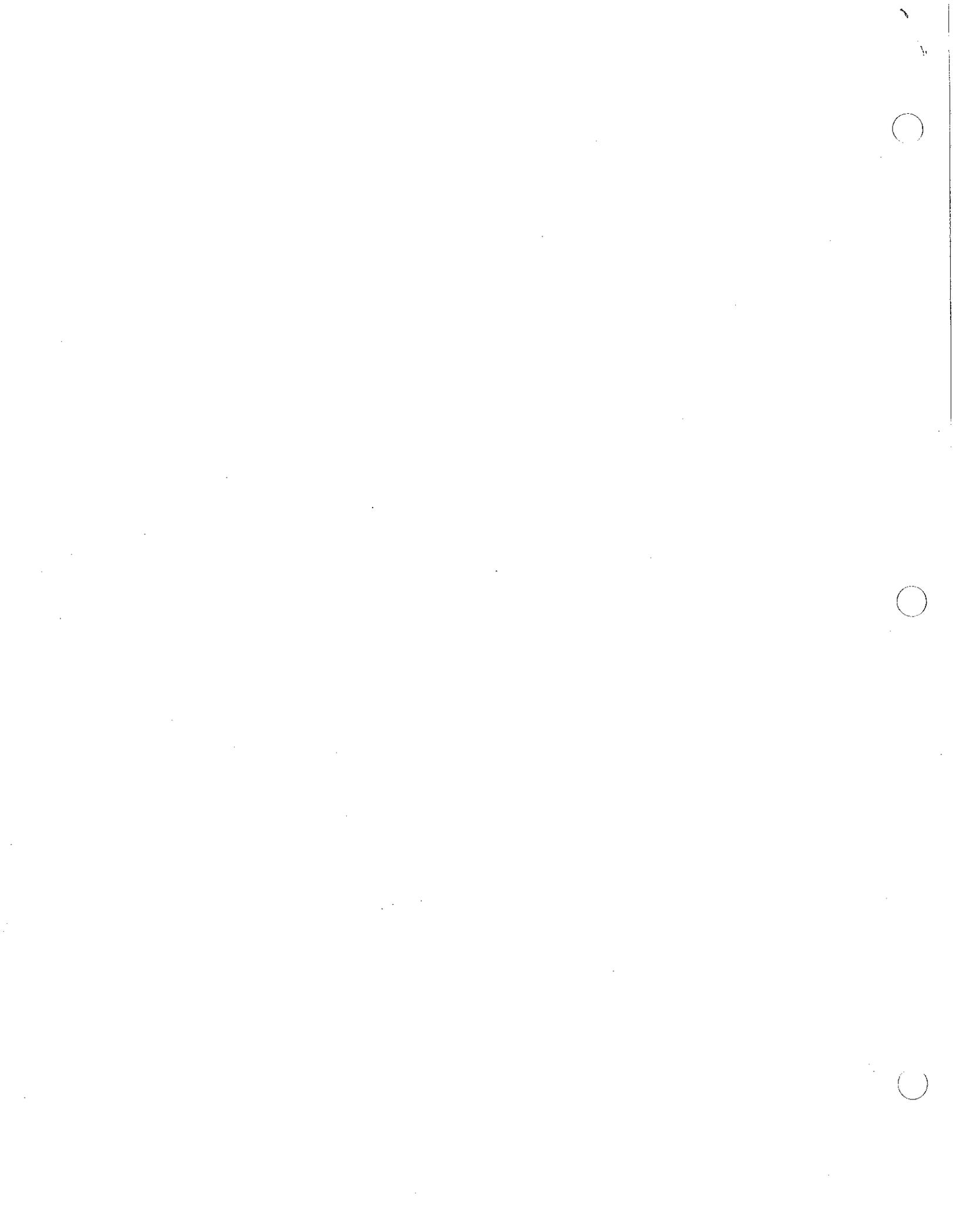


property, or if no street address is available, the distance to the nearest existing intersection in tenths of a mile. ~~The town clerk shall advertise for the public hearing upon instruction from the administrative officer.~~

JOSEPH DIMARTINO	YES
FELIX APPOLONIA	YES
JOE GARDOSK	YES
ANTHONY PETRARCA	YES
WAYNE MILLER	YES


JOSEPH DIMARTINO, Vice-Chairperson

Date: 6/3/14



(G) *Vesting.*

(1) The approved master plan shall be vested for a period of two years, with a 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 shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.

(2) The initial four-year vesting for the approved master plan shall constitute the vested rights for the development as required in section 12 of the zoning ordinance.

Section 17-14

MASTER PLAN CHECKLIST

MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

The applicant shall submit to the administrative officer six blue line or photocopies of master plan drawings required below for distribution to and review by the technical review committee. Upon certification of completeness, 11 copies of the plans shall be submitted for distribution to and review by the planning board, building inspector, fire department, police department, tax assessor, tax collector, street name committee, and soil conservation service. Additional plans may be required by the administrative officer. Plans shall include a certification by the preparer that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors. At a minimum, the following information shall be provided.

Unless otherwise specified, each item must be answered on this checklist. If a particular item does not fit the circumstances or characteristics of your activity, indicate by entering NA (not applicable). The checklist must be filled out completely or the application will be returned.

1. *Master Plan Drawing(s).*

A map or plan of the subdivision parcel showing the following information:

TITLE BLOCK INFORMATION

1. Name of the proposed subdivision.
2. Name and address of property owner and applicant (if the owner of the record is a corporation, the name and address of the president and secretary).
3. Name, address and telephone number of person or firm preparing master plan.
4. Date of plan preparation, with revision date(s)(if any).
5. Graphic scale (1" = 40' or larger) and north arrow with notation as to its reference (e.g., grid, magnetic, or assumed).
6. Plat and lot number(s) of the land being subdivided.

PLAN INFORMATION

7. Legend showing all symbols.
8. Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
9. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. These shall be marked in the field by survey stakes to identify the limits of the property.
10. Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements.
11. Location and dimensions of property lines within or adjacent to the subdivision parcel, easements and rights-of-way.
12. Location, width, and names of existing streets within and immediately adjacent to the subdivision parcel.
13. Names and addresses of all property owners within a 200-foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the town, including plat and lot numbers.
14. Location of wooded areas and notation of existing ground cover and other natural features including existing trees over six inches caliper or larger measured dbh.
15. Location of wetlands or watercourses present on or within 200 feet of the perimeter of the subdivision parcel.
16. Areas of agricultural use.
17. Existing topography with minimum contour intervals of two feet.
18. Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the subdivision.
19. Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and ISDS are proposed.
20. Provisions for collecting and discharging storm water.
21. Location of historic cemeteries on or immediately adjacent to the subdivision (if any).
22. Location of any unique natural and/or historic features, including stone walls.
23. Proposed improvements including streets, retaining walls, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
24. Base flood elevation data.

2. Supporting Materials.

The applicant shall submit to the administrative officer six copies of a narrative report providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant. Upon certification of completeness, at least 11 additional copies shall be submitted (actual number of copies to be determined by the administrative officer). The narrative report shall include reduced copies of all plans required in no. 1, "Master plan drawing(s)" above, plus items 2 through 7, below:

1. Application fee as set by the town council to cover all costs associated with review, hearings, and notice.
2. A recent aerial photograph or a blue line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area.
3. A copy of the soils map of the subdivision parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils are within the subdivision parcel(s), the soils map shall be marked to show the location of said prime agricultural soils.
4. An estimate of the approximate population of the proposed subdivision.
5. An estimate of the number of school-aged children to be housed in the proposed subdivision.
6. Fiscal impact statement (as may be required by the reapplication process).
7. Proposed phasing, if any.
8. Completed environmental assessment form.
9. A vicinity map, (locus map) drawn to a minimum scale of 1" = 400' or as necessary to show the area within one-half mile of the subdivision parcel showing the location of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use.
10. Current zoning certificate from Building Official.

Sec. 17-15. General provisions--Major land development and major subdivision preliminary plan.

(A) *Submission requirements.*

(1) The applicant shall first submit to the administrative officer the items required for preliminary plans.

(2) Requirements for the preliminary plan and supporting materials for this phase of the review shall include, but not be limited to, the information and materials required on the preliminary plan checklist: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.

(3) Final written comments on the preliminary plan and/or approvals of the department of public works, the town engineer, superintendent of sewers, the town solicitor, other local government departments, commissions, or authorities as appropriate, including fire department, police department, tax assessor, tax collector, street name committee, building official, and soil conservation service.

(4) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights-of-way

(B) *Certification.* The application shall be certified, in writing, as complete or incomplete by the administrative officer, with input from the technical review committee, within 60 days, according to the provisions of section 17-10(B). The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate

of incompleteness of the application by the administrative officer and recommence upon resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected.

(C) *Technical review committee.* The technical review committee shall review the application and shall comment and make recommendations to the planning board no less than 14 days prior to the date scheduled for the planning board meeting at which the application is to be considered.

(D) *Public hearing.* Prior to planning board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in section 17-16, must be held. The town solicitor shall be present at the public hearing.

(E) *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.

(F) *Decision.* A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied in accordance with the provisions of Sections 17-34 and 17-37, within 120 days of the date when it is certified complete, or within such further time as may be consented to by the applicant.

(G) *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute 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.

(H) *Vesting.* The approved preliminary plan is vested for a period of two 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 shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

Section 17-15
PRELIMINARY PLAT CHECKLIST
MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

1. *Preliminary Plat Map(s).*

The applicant shall submit to the administrative officer six blue line or photocopies of preliminary plan drawings required below, for distribution to and review by the technical review committee. Upon certification of completeness, 11 copies of the plans shall be

submitted for distribution to and review by the planning board, building inspector, fire department, police department, tax assessor, tax collector, street name committee and soil conservation service. Additional plans may be required by the administrative officer. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

Unless otherwise specified, each item must be answered on this checklist. If a particular item does not fit the circumstances or characteristics of your activity, indicate by entering NA (not applicable). The checklist must be filled out completely or the application will be returned.

TITLE BLOCK INFORMATION

1. Name of the proposed subdivision.
2. Name and address of property owner and applicant (if the owner of record is a corporation, the name and address of the president and secretary).
3. Name, address and telephone number of preparer.
4. Date of plan preparation, with revision date(s)(if any).
5. Graphic scale (1" = 40' or larger) and north arrow with a notation as to its reference (e.g., grid, magnetic, or assumed).
6. Plat and lot number(s) of the land being subdivided.

PLAN INFORMATION

7. Legend showing all symbols.
8. Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
9. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. These shall be marked in the field by survey stakes to identify the limits of the property.
10. Area of the subdivision parcel(s) and proposed number of buildable lots.
11. Location and dimensions of existing streets and property lines within or forming the perimeter of the subdivision parcel(s).
12. Easements, reservations, and rights-of-way within or adjacent to the subdivision parcel(s).
13. Names and addresses of all property owners within a 200-foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the town, including plat and lot numbers.
14. Location of wooded areas and notation of existing ground cover and other natural features including existing trees with six-inch or larger caliper measured dbh.
15. Location of wetlands or watercourses present on or within 200 feet of the perimeter of the subdivision parcel.
16. Areas of agricultural use.
17. Acreage of parcel to the nearest tenth of an acre. A zoning data table showing calculations necessary to determine conformance to zoning regulations.
18. All distances as measured along the right-of-way lines and existing streets abutting the property and direction to the nearest intersection with any other public street.

19. Existing contours (with intervals of one foot where slopes are less than 15 percent and five feet where slopes are 15 percent or more) referred to mean sea level, are to be indicated by a dash line. Where any changes in contours are proposed, finished grades must be shown as solid lines. Spot elevations must also be shown. At least two benchmarks shall be referenced.
20. Location of existing environmental features including general soil types, rock outcrops, wooded areas and major street trees 12-inch dbh caliper and over, watercourses, depressions, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevation of watercourses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area, base flood elevation data must be provided.
21. Location of existing buildings, which shall remain, and all other existing structures such as walls, fences, culverts, bridges, roadways, wells, etc.
22. Location of historic cemeteries on or immediately adjacent to the subdivision parcel(s)(if any).
23. Proposed streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. Proposed streets shall be labeled with proposed names.
24. For all property within a 200-foot radius as measured from the perimeter of the subject property:
 - The shape, dimension and area of the property;
 - The location of all zoning use district boundary lines; and
 - The assessor's plat and lot numbers;
 - The general location, shape and use of all existing buildings and structures and improvements within a 200-foot radius of the subject property;
 - The above information may be shown on the site plan or on a separate sheet; a minimum scale of 1" = 100' is required.
25. The proposed use or uses of land, buildings structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required. Floor space of all buildings shall also be indicated including lot coverage and total building square footage.
26. The location, type and density of land use to be allocated to parts of the site to be developed. The location, dimension and area of any land proposed to be set aside as open space.
27. Building layout, floor plans, architectural elevations, (with measurements as needed for each interpretation) and height (including relationship to existing and proposed grades) of proposed buildings, structures and equipment will be required for submission to the building official prior to obtaining a building permit. The planning board may require same for commercial and industrial properties.
28. Sketches, renderings, photographs or scale models as needed to illustrate the visual impact on the community.
29. Location, size, sketch and illumination, if any of proposed signs.
30. A drainage plan that incorporates the change in land use and routes of storm flow through the site to meet requirements set by the town shall be submitted. The

drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be a report summarizing drainage calculations. The rational method, SCS TR20, SCS TR55 or accepted approved method shall be used for runoff calculations. The design storm condition shall be one with a 25-year return period. Where use of aboveground or underground retention or detention basins is proposed, the 25-year design storm shall be used in design calculations, unless such detention or retention system is located in a special flood hazard zone, in which case a 100-year design storm shall be used. Calculations shall include predevelopment and post development conditions. Predevelopment runoff rates based on assumption of vacant land site conditions on the site shall be maintained, unless approved by the planning board. The planning board may make any referrals it deems necessary to evaluate proposed drainage plans.

For all retention or detention basins, whether aboveground or underground, percolation tests or test pits shall be performed at the proposed site of the basin. This information will determine the suitability of the subsurface to accommodate the designed basin.

31. Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform with the applicable requirements and standards of the town and the appropriate utility. Final approval of utility plans by the appropriate utility authority shall be required.
32. The proposed location, direction of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters.
33. The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, lighting, street trees and street furniture. Such plan shall indicate the location, type and size of all planting at time of planting. The plan shall be prepared by a Rhode Island registered landscape architect.
34. All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, radii, parking and loading areas, and other offsite traffic improvements necessary to ensure public safety. The planning board may make any referrals and require of the applicant any studies it deems necessary to evaluate traffic and circulation plans.
35. All proposed street plans (minimum 1" = 40') with profiles (minimum 1" = 4') indicating grading, and cross sections showing width of roadway and location and width of sidewalks and if required, bike paths. All proposed improvements must be designed and constructed according to the standards and specifications of the town.
36. Such other information as may be required to show that the details of the development plan are in accordance with this section and all applicable requirements and standards of these regulations.
37. A place for the signature of the planning board members must be provided on all plans and/or documents to be signed by the planning board.

38. Certification by a registered land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these regulations.
39. Studies to determine noise impacts on development for projects adjacent to any federal-aid or federal highway under state jurisdiction, and in accordance with 23 CFR Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise".

TECHNICAL STANDARDS

Plan and survey standards shall meet the criteria set in the handbook entitled "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations," effective April 1, 1994, as amended. Measurement standards for the surveys shall meet the minimum standards for class I surveys.

2. Supporting materials.

1. Application fee as set by the town council to cover all costs associated with review, hearings, and notice.
2. Written confirmation from the Rhode Island Department of Environmental Management pursuant to the "RIDEM Rules and regulations Governing the Enforcement of the Freshwater Wetland Act," and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the wetlands act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
3. Permit/approval from the Kent County Water Authority.
4. Permit/approval from the town fire department that the proposed water system can provide adequate fire fighting service.
5. A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or state right-of-way (if necessary).
6. Permit approval from the Rhode Island Department of Environmental Management for the use of individual sewage disposal systems (if proposed).
7. Permit/approval from the West Warwick Regional Wastewater Treatment Facility. Note: If sewer service is not available in the area of the proposed development, approvals/permits shall be obtained from the RIDEM individual sewage disposal system section.
8. Construction plan including staging, storage of equipment and materials, disposal of spoil and debris from clearing and grubbing through pavement markings.
9. Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
Specify _____.
10. Either of the following:

- a. A letter stating it is the intent of the applicant to complete the required improvements prior to the planning board's endorsement of the final plan;
- or,
- b. A letter requesting that security sufficient to cover the cost of required improvements as provided in article VII be set by the planning board.
Initial amount set by board _____.
Date _____.

11. Current zoning certificate from Building Official.

Sec. 17-16. General provisions--Major land development and major subdivision public hearing and notice.

(A) *Hearing required.* A public hearing shall be required for a major land development project or a major subdivision or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision.

(B) *Notice requirements.* Public notice of the hearing shall be given at least 14 days prior to the date of the hearing in a newspaper of general circulation within the town. Notice shall be sent to the applicant and to each record owner within 200 feet of the subject property, by certified mail, return receipt requested, of the time and place of the hearing not less than ten days prior to the date of the hearing. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths of a mile. The town clerk shall advertise for the public hearing upon instruction from the administrative officer in writing.

SEE
H.M.P. 1030
L.P. 1000 A.G. 1

(C) *Notice area.*

(1) *Watersheds.* Additional notice within watersheds shall also be sent as required in G.L. 1956, § 45-23-53(B) and (C) of the act.

(2) *Adjacent municipalities.* Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) the planning board determines there may be a potential for significant negative impact on the adjacent municipality.

(D) *Notice cost.* The cost of all such notice shall be borne by the applicant.

Sec. 17-17. General provisions--Major land development and major subdivision final plan.

(A) *Submission requirements.*

(1) The applicant shall submit to the administrative officer the items required for final plans, as well as all material required by the planning board when the application was given preliminary approval.

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

- (3) Certification by the tax collector that all property taxes are current.
- (4) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(B) *Certification.* The application shall be certified, in writing, complete or incomplete by the administrative officer, with input from the technical review committee, within 25 days, according to the provisions of section 17-10(B). This time period may be extended to 45 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 in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the applicant. However, in no event will the administrative officer be required to certify a corrected. If the administrative officer certifies the application as complete and does not require submission to the planning board as per subsection (C) below, the final plan shall be considered approved.

(C) *Referral to the planning board.* If the administrative officer determines that an application for final approval does not meet the requirements set by local regulations or by the planning board at preliminary approval, the administrative officer shall refer the final plans to the planning board for review. The planning board shall, within 45 days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

(D) *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the final 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.

(E) *Expiration of approval.* The final approval of a major subdivision or land development project shall expire 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, with that period, the plat or plan shall have been submitted for signature and recording as specified in section 17-38. Thereafter, the planning board may, for good cause shown, extend the period for recording for an additional period.

(F) *Acceptance of public improvements.* Signature and recording as specified in section 17-38 shall 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 governing body of the municipality accepts the completed public improvements as constructed in compliance with the final plans.

(G) *Validity of recorded plans.* The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is

approved under the procedure set forth in section 17-39, or a new plan is approved by the planning board.

Section 17-17
FINAL PLAT CHECKLIST
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

The applicant shall submit to the administrative officer copies of final plans and supporting materials as indicated below:

1. *Final Plat Plans.*

Six blue line or photocopies shall be submitted for distribution and review by the technical review committee. One copy of the final plat plan shall be submitted upon certification of completeness and six additional copies may need to be submitted for referral to the planning board. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

TITLE BLOCK INFORMATION

1. Name of the proposed subdivision.
 2. Name and address of property owner and applicant (if the owner of record is a corporation, the name and address of the president and secretary).
 3. Name, address, and telephone number of preparer.
 4. Date of plan preparation, with revision date(s) (if any).
 5. Graphic scale (1" = 40' or larger) and north arrow with a notation as to its reference (e.g., grid, magnetic or assumed).
 6. Plat and lot number(s) of the parcel being subdivided.
- PLAN INFORMATION**
7. Legend showing all symbols.
 8. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown.
 9. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
 10. Location and dimensions of existing property lines, reservations, easements and rights-of-way within or immediately adjacent to the parcel being subdivided.
 11. Location, width and names of the proposed and existing streets within and immediately adjacent to the parcel being subdivided.
 12. Names of abutting property owners and property owners immediately across any adjacent streets.
 13. Location of proposed permanent bounds.
 14. Location of all interior lot lines and street lines with accurate dimensions indicated.

15. Location and number of all proposed lots, with accurate areas indicated.
16. Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated.
17. Notation of special conditions of approval imposed by the planning board (if any).
18. Notation of any permits and agreements with state and federal reviewing agencies (if any).
19. A place for the signature of the planning board chair or designee must be provided on all plans and/or documents to be signed by the planning board.
20. Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to the "Procedural and Technical Standards for the Practice of Land Surveying in the state of Rhode Island and Providence Plantations," as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for class I surveys.

2. *Construction Drawings.*

Six blue line or photocopies of construction plans drawn to a minimum scale of 1 inch to 40 feet (1" = 40') for distribution to and review by the technical review committee. Upon certification of completeness, six additional copies may need to be submitted for referral to the planning board. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

1. Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the planning board as a condition of approval.
2. Certification (stamp) of a registered professional engineer that the construction drawings are correct.
3. For phased projects, as-built drawings for the previous phase (if applicable).
4. Proposed street plan and profiles drawn at a minimum scale of 1" = 40' horizontal and 1" = 4' vertical.
5. Street cross sections.
6. Proposed landscaping plan.
7. Soil erosion and sediment control plan.

3. *Supporting Materials.*

1. Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
2. Application fee as set by the town council, to cover all costs associated with review, hearings, and notice.
3. Performance bond or other financial guarantees (if applicable).

4. Two original signed copies of all legal documents describing the property, creating a homeowners association (if applicable), including proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
Specify: _____.
5. Two signed copies of an irrevocable offer to convey to the town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas.
6. Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes.
7. Current zoning certificate from Building Official.

4. *Payment of Required Fees.*

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the planning board and recording of final plat plan(s):

1. Final plat recording fee--Amount: _____.
2. Performance bond or other financial guarantees _____.
Initial amount _____.
Date set by planning board _____.
3. Fees in lieu of land dedication--Amount _____.
4. Inspection fee--Amount _____.
5. Maintenance bond for acceptance of public improvements (if applicable):
Amount _____.
Date of council acceptance _____.
Description _____.
Date of expiration of maintenance bond _____.

Upon receipt of final approval by the planning board, two photographic Mylars of the signed plat shall be recorded with the town clerk and five additional copies of construction plans shall be submitted to the administrative officer for filing with the following town departments: planning, public works, building and engineering. In addition, the town clerk's office shall maintain a complete copy of the record. See section 17-38(C).

Sec. 17-18. General provisions--Physical design requirements.

(A) *General requirements.* In addition to the general purposes stated in section 17-5 and the general provisions stated in section 17-8, the planning board (or administrative officer in the case of an administrative subdivision) shall make positive findings on all of the standards listed below, as part of the proposed project's record. If a negative finding for any of these standards is made, the planning board shall have grounds for denial of the project design.

(B) *Site design.*

(1) *Purpose.* The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. To promote this purpose, land development projects and subdivision 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 by the planning board for all major subdivisions. The scope and content of the site analysis shall be discussed during the pre-application meeting and shall be presented by the subdivider during the master plan stage of review. Such an analysis may be required by the planning board for minor subdivisions if the board finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the character of the surrounding neighborhood.

Such a site analysis shall include written and/or graphic analysis of the following characteristics of the development site: site context, geology and soil; agricultural lands; woodlands; riverbank and water body features; topography; climate; ecology; existing vegetation; structures; and road networks; visual features; and past and present use of the site. All trees on the subject property over six inches in caliper dbh shall be identified and located on a plan of existing conditions.

(3) *Subdivision and design.*

(a) Design of the development shall take into consideration all existing town and regional plans for the surrounding community.

(b) Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic values which contribute to the character of the town.

(c) The following specific areas shall be preserved as undeveloped open space or lot area, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or town regulations:

(1) Land under water;

(2) Unique and/or fragile areas, including freshwater wetlands as defined in G.L. 1956, tit. 2, ch. 1;

(3) Lands in the floodplain; as defined in section 3.31 of the zoning ordinance;

(4) Steep slopes in excess of 20 percent as measured over a ten-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;

(5) Habitats of endangered wildlife, as identified on applicable federal or state lists;

(6) Historically significant structures and sites, as listed on federal or state lists of historic places; and,

(7) Archaeological or paleontological significant areas as identified by the state archeologist;

(8) Agricultural lands;

- (9) Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
- (d) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage and utilities on neighboring properties.
- (4) *Residential development design.*
- (a) The planning board may vary street locations, lot shapes and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the lots' areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the zoning ordinance, and provided that such standards shall be appropriate to the type of development permitted.
- (b) Residential lots shall front on local streets wherever possible.
- (c) Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.
- (d) The placement of dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values.
- (e) Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets;
- (f) Vegetated buffer areas shall be required where necessary to avoid adverse impacts from adjacent uses.
- (5) *Commercial and industrial development design.* Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided and adverse impacts mitigated.
- (6) *Circulation system design.*
- (a) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (b) In a residential subdivision, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
- (c) The pedestrian system shall be located within the public right-of-way. In conventional developments, walks shall be, designed in accordance with Section 904 of the Rhode Island Standard Specifications. Walks may be placed away from the road system with permission of the planning board.
- (7) *Landscape design.*
- (a) Reasonable landscaping should be provided at site entrances, in public areas and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with type of development, as determined by the planning board.

(b) The plant or other landscaping material that best serves the intended functions shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

(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:

(a) All land and water included under subsections 17-18(B)(3)(c)(1) through (4) inclusive;

(b) All streets or rights-of-way, public or private, which serve or are intended to service more than one principal building or use. Public access or scenic areas, exclusive of those located in wetlands, conveyed by easement to the town, state or other governmental entity solely, or waterfront access may be included in lot area for calculations;

(2) Land described in subsection (1) above may be included as part of any lot in any subdivision or land development project; provided, however, that land unsuitable for development shall not be counted toward the minimum lot size required in section 5.4 of the zoning ordinance.

Sec. 17-19. General provisions--Public design and improvement standards.

(A) *General.* The subdivider, at his own expense, shall construct all improvements where required by the planning board in granting approval for any subdivision or land development project subject to this chapter.

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

(1) *Frontage on improved streets.* The area to be subdivided shall have frontage on an existing improved public street. If such an existing street has not been improved to the standards and specifications as required by this chapter, the board may require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board. See subsection (G) of this section. For the purposes of this chapter, streets platted but not improved or accepted for maintenance by the town shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the standards contained in this chapter.

(2) *Street classification.* Street design within a proposed subdivision shall conform to the street classification system as established herein. Requirements for right-of-way and pavement width, parking, drainage, and other utilities, sidewalks, bicycle paths and other design standards shall be tailored to street function.

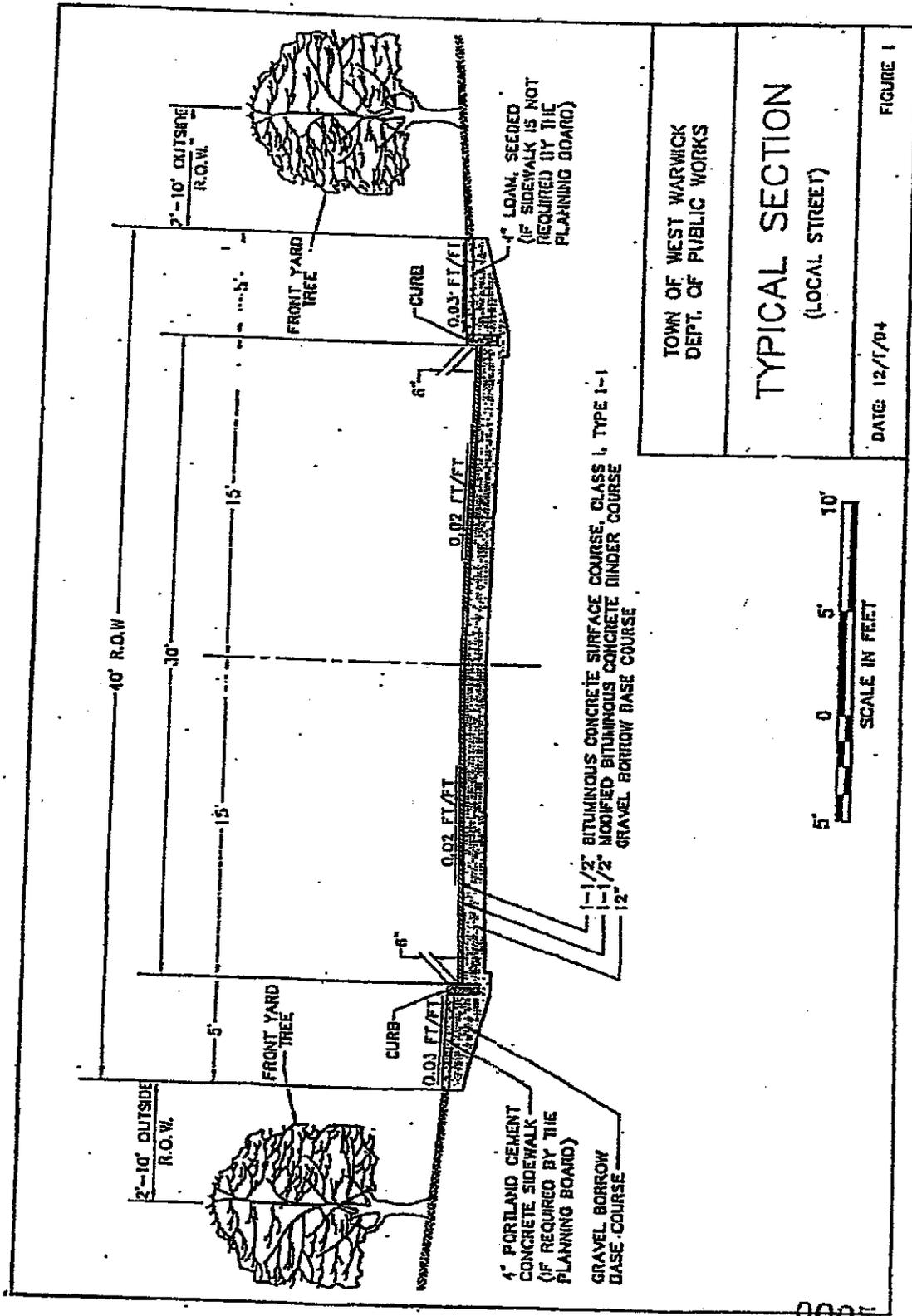
Street classification shall be determined by the planning board. The following major categories of street classification are established:

- (a) *Arterial*. A major public street that serves as an avenue for the circulation of traffic into, out of, or around the town and carries high volumes of traffic and provides for high levels of mobility.
- (b) *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.
- (c) *Local*. Public streets whose primary function is to provide access to abutting properties.
- (3) *Street rights-of-way*. Street rights-of-way shall conform to the widths shown in table 1 and as illustrated in figure 1. Specific design criteria will be determined by the board on a case-by-case basis. Figure 1 includes a typical cross section of a local street proposed for acceptance and maintenance by the town. Paving specifications for streets shall be as approved by the director of public works and the town engineer. Refer to subsection (D) of this section entitled "Drainage," for more specific design criteria.
- (4) *Geometric data*. Table 1 shall be used as a guide in designing streets within a subdivision.

Table 1

	Arterial	Collector	Local
Right-of-way width	60'	50'	40'
Pavement width	30'	30'	30'
Maximum grades:			
Centerline	5%	5%	9%
Within 150' of centerline intersections	2.5%	2.5%	2.5%
Minimum grades:			
Centerline	.05%	.05%	.05%
Minimum length for vertical curves	*	*	100'
Minimum radius of centerline curve	*	*	150'
Minimum sight distance	*	*	*
Cul-de-sac turnaround:			
Right-of-way diameter	--	--	*
Pavement diameter*	--	--	*
Maximum grade	--	--	*
Minimum grade	--	--	2.0%
Intersection fillet curve:			
Right-of-way minimum radius	*	*	15'
Pavement minimum radius	*	*	25'
Cross slope	*	*	2% min. (also refer to figure 1)

*As determined by town engineer and/or AASHTO standards.



TOWN OF WEST WARWICK
DEPT. OF PUBLIC WORKS

TYPICAL SECTION (LOCAL STREET)

DATE: 12/1/04
FIGURE 1



(5) *Street layout and arrangement.* The arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; 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.

Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in major subdivisions, access shall be designed to avoid street systems, which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required by the planning board, in major subdivisions when determined by the board to be feasible. Proposed streets within a major subdivision shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.

(6) *Private streets.* Private streets shall not be permitted.

(7) *Street intersections.* Street intersections shall either coincide precisely with, or be offset by at least 200 feet from other intersections. Intersections shall be at 90-degree angles. Lesser angles between 75 degrees and 90 degrees may be approved.

(8) *Dead end streets (cul-de-sacs).* All dead end streets shall end in a cul-de-sac turnaround constructed according to table 1 "Table of Geometric Data," and shall be clearly marked at their entrances. The planning board may limit the length of the dead end street (cul-de-sac) where necessary not to exceed 500 feet, to ensure the adequate and safe circulation of vehicular traffic.

(9) *Street names.* An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the town.

(10) *Access to adjoining properties.* When considered desirable by the planning board to provide access to adjoining property, proposed streets shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The planning board may require provision of a temporary turnaround until such time as the adjacent tract is developed. A bond may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable period of time. Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the planning board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

(11) *Street signs.* Street name and traffic signs, approved by the department of public works and the chief of police, shall be installed by the developer or by the department of public works at the developer's expense.

(12) *Street lighting.* In all new subdivisions where utilities are being installed underground, provisions shall be made for street lighting connections only where approved by the director of public works and superintendent of lights.

(13) *Front yard trees.* Where natural tree growth is determined by the planning board to be insufficient, the planning board shall require the subdivider to plant front yard trees, appropriate for the terrain, soil and climatic conditions encountered in the subdivision, and in accordance with the following standards:

a. *Location.* Front yard trees shall be aligned at an appropriate offset (between two and ten feet) from the street right-of-way line with assurance given by the subdivider that the trees will not be disturbed by building activities. No trees shall be located so as to interfere with utility lines. Trees shall be spaced approximately 30 feet to 50 feet on center, depending on anticipated ultimate size.

b. *Type.* The species selected are to be suitable for zone six hardiness and may include, but be not limited to the following types (a complete listing of acceptable tree species is included in appendix A):

Deciduous medium to large trees such as Thornless Honeylocust, Pin Oak, London Plane, Ginkgo, Zelkova, and Katsura.

Small deciduous trees such as some ash and cherry varieties with 15-foot ultimate height.

Conifers such as pine, hemlock, spruce may be used for screening and buffers.

c. *Size.* Minimum sizes for species listed above are three to four inches caliper, measured dbh in place, and ten feet to 12 feet of height in place.

d. *Quality.* Front yard trees shall be balled and burlapped with good root development and branching characteristics. All trees shall be licensed nursery stock; however, native trees may be used if inspected and approved by the director of public works and/or tree warden before planting.

e. *Planting.* Front yard trees shall be planted in holes at least six inches deeper and 1 1/2 times as wide as the root ball. Larger excavation may be required in gravel or sand areas. Trees shall be planted at their previous depth in good quality topsoil or soil conditioned to that quality with sufficient organic matter such as peat moss and a balanced fertilizer. Trees shall be securely double-staked with sturdy stakes of a minimum size of two inches by two inches by six feet (2" x 2" x 6').

f. *Screening.* Where a proposed residential development abuts an existing or proposed commercial or industrial area, a dense evergreen buffer at least ten feet in depth and at least 5 1/2 feet in height shall be planted along the common boundary between the residential development and such commercial or industrial development.

g. *Inspection.* The director of public works shall determine the suitability of the street trees being proposed and require proper planting techniques and maintenance to be followed.

(14) *Landscaping standards.*

(a) Landscaping shall be provided as part of development plan and subdivision 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 vegetative buffers shall be utilized to separate residential areas from major roadways, commercial and manufacturing areas.

(b) Landscaping may include plant materials such as trees, shrubs, ground covers, grass, flowers, etc., but may also include other materials such as rocks, berms, woodlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to the following:

- (1) Drainage facilities, such as retention/detention basins, or drainage swales;
- (2) Entrance features;
- (3) Open space areas;
- (4) Proposed recreation facilities;
- (5) Buffer areas;
- (6) Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
- (7) Areas subject to regrading or stabilization for soil erosion and sediment control purposes.

(c) In general, the paving of a front yard from side lot line to side lot line shall not be permitted.

(d) Landscape plan. A landscape plan prepared by a registered landscape architect shall be submitted to the planning board when the board determines that (a) existing landscaping is insufficient; (b) the site of the proposed subdivision has been disturbed so as to require significant new vegetation; or (c) additional landscaping is necessary to preserve or enhance significant visual characteristics of the site. If a landscape plan is required by the board, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision and at the master plan stage of a major subdivision. The plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as stone walls and rock outcroppings; man-made elements such as retaining walls, fences, signs, planters, etc.; proposed grading at two-foot intervals; lighting; specifications for loaming, fertilizing and seeding; and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.

(15) *Monuments.* Monuments (granite boundary markers) shall be of the type furnished by the town and paid for by the developer and placed by a registered land surveyor on the street line at the beginning and end of all horizontal curves on both sides of each subdivision (public) street and shall not be more than 500 feet apart. Monuments shall be set flush with the finished grade at the right-of-way.

(16) *Sidewalks.* Sidewalks shall be required to be installed on both sides of all proposed and approved new public streets in subdivisions and in all multifamily developments and required to be installed on one side of approved new public streets for short cul-de-sac streets serving five or fewer lots or dwellings. Type of sidewalk construction shall be as shown in figure 1. Sidewalks shall be required to be installed by the applicant along streets in adjacent areas of the subdivision if the planning board finds any of the following:

- (a) The subdivision is located within an area within one mile of a public or private school;
- (b) The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc., where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or
- (c) The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians.

Sidewalks may be required to be installed as off-site improvements in accordance with the provisions of subsection (G) of this section.

(17) *Bicycle paths.* Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path; to intersect with proposed state bicycle facilities; to connect adjacent subdivisions where vehicular connections would be impractical; or where adjacent to a nearby public or private school, recreation areas or other similar facilities would be likely to generate significant bicycle traffic.

(18) *Curbing.* Concrete curbing meeting RIDOT standards 7.11 or granite curbing meeting RIDOT standards 7.51 shall be installed as illustrated in figure 1.

(19) *Curbing at intersection fillet curves.* Precast concrete wheelchair ramp curbs meeting RIDOT standard 7.19 shall be installed, where required by the director of public works.

(20) *Engineering and land survey.* Wherever it is mandated by this chapter that certain tasks associated with subdivision plans and improvements be performed by registered professional engineers and/or registered land surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Land Surveyors.

(C) *Lot design standards.*

(1) *Side lot lines.* Side lot lines shall be at right angles to street lines or radial curved street lines unless the planning board determines that a variation from this rule will provide a better street or lot plan.

(2) *Developable land area.* All lots shall be designed so as to contain the minimum land area required by section 5.4 of the zoning ordinance complying with the definition of Usable lot area in section 3.46 of the zoning ordinance.

(3) *Easements.* Easements may be required by the planning board where necessary for the proper location and placement of improvements on private land as described below. The board may, in its own discretion, require the dedication of land to the town in lieu of easements if such dedication would provide greater control over and access to the intended use. Easements shall contain such concrete bounds as determined by the director of public works.

(a) *Watercourses.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and of such width as will be adequate for the purposes.

(b) *Sanitary sewers.* Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The planning board may require permanent easements of such width as recommended by the technical review committee, plus temporary construction easements if necessary. The nominal width for a sewer easement shall be 20 feet.

(c) *Drainage easements.* Easements to install and maintain underground drainage facilities on private land shall be dedicated to the town where required. The nominal width for such a drainage easement shall be 20 feet. Where above-ground drainage flows are directed over private property which does not contain natural watercourses or wetland, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the town over the area and at a location adequate for the intended purpose. Easements into and upon aboveground drainage facilities such as storm water detention or retention basins shall be granted to the town wherever storm water from town-owned streets or other improvements is intended to be directed to such basins.

(d) *Grading easements.* The planning board may require the dedication of an easement to the town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

(e) *Sight distance easements.* Where deemed necessary by the planning board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the town may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

(f) *Bicycle or pedestrian access easements.* Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the town or on an easement having a minimum width of 15 feet.

(g) *Other easements.* All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet, and in compliance with the utility company requirements.

(4) *Lot configuration.* The planning board shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purposes. In particular, long, narrow strips of land shall be avoided in creating residential lots. Unusual shapes, angles, and dimensions such as "pork-chop" or "flag-pole" lots shall be avoided in lot layout and design. The board may, in reviewing a proposed subdivision, require modification to the proposed layout as it deems necessary to achieve the purposes of these regulations.

(D) *Drainage.* The drainage system may be comprised of natural and man-made elements. These may include grass swales, retention and detention basins, curbs, catch basins, culverts and storm water pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. The elements (i.e., grass swales, wet basins) not only collect and transport storm water, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat. All

drainage structures shall be in conformance with the accepted state RIDOT standards, or approved equals.

Where a drainage plan and drainage calculations are required by the appropriate plat checklist, the plan and calculations shall be prepared by a registered professional engineer. The storm water drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

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.

TR55. This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development between one acre and 2,000 acres.

TR20. This is for large complex watersheds and systems beyond the scope of TR55.

The drainage plan and drainage calculations shall contain the following information:

(1) An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of a 25-year frequency rainfall.

(2) An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a 25-year frequency rainfall.

(3) An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under subsections (1) and (2) above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the state specifications cited above as may be modified by the town. Culvert and storm sewers shall be designed for a 25-year frequency rainfall, [100-year frequency in a special flood hazard zone. See section 3.31 of the zoning ordinance] with a minimum pipe size of 12 inches shall be designed so that the minimum velocity shall not be less than three feet per second calculated for the ten-year design storm.

(4) Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements or to the receiving water body.

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

- (a) That each lot will be adequately drained;
- (b) That natural drainage patterns will be maintained whenever possible;
- (c) That all existing watercourses will be left open, unless approval to enclose is granted by the planning board;
- (d) That all new open watercourses will be seeded, sodded or paved depending on grades and soil types;
- (e) That a continuous drainage system will be installed and connected to a natural or manmade 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 planning board determines that such ultimate destination is impractical, the board shall require the construction of a retention area capable of accommodating proposed storm water volumes based on a 100-year frequency rainfall;

- (f) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the planning board and department of public works will be provided;
 - (g) That all necessary easements to off-street watercourses will be obtained by the subdivider and approved by the town solicitor; and,
 - (h) Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.
- (6) The proposed drainage system shall be designed to accommodate storm water such that post-construction conditions do not result in peak run-off increases in rate from pre-construction conditions.

(E) *Utilities.*

- (1) *Sanitary sewers.* Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is required in accordance with the procedures and standards set forth in West Warwick Code of Ordinances.
- (2) *Water service.* Water service shall be provided for each lot in accordance with the requirements of the Kent County Water Authority. Water lines shall be generally located on the side of the street as required by the planning board and/or 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 water line or as required by the planning board.
- (4) *Communication lines (electric, telephone, and cable TV).* All electric, communication (telephone, fire alarm, and cable TV) and street lighting lines shall be installed underground.
Communication lines are not required to be placed underground for minor subdivisions where no street creation is required.
- (5) *Fire alarm.* Provision for connection to the fire alarm system of the town shall be required for all new development projects and subdivisions having streets proposed for dedication to the town for ownership and maintenance. Standards for fire alarm systems shall meet the minimum requirements of the town fire department. Fire alarm boxes shall be located within the street right-of-way at a maximum separation of 1,000 feet between boxes and approved by the town fire department.
- (6) *Fire hydrants.* Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location and spacing shall meet the minimum requirements of the National Fire Protection Association or as directed by the appropriate fire department. The subdivider or installer is responsible for all costs related to the hydrant(s) until the Town accepts ownership of the hydrants(s) following the maintenance guarantee period. (See 17-20(C)(6)).

(F) *Erosion and sediment control.*

- (1) *Plan required; exceptions.* All major land developments and major subdivisions shall submit a soil erosion and sediment control plan as required herein. Minor land

developments, minor subdivisions and administrative subdivisions shall not be required to submit such plans if the land disturbing activity involved in construction of subdivision improvements meets all of the following criteria:

- (a) Construction activity will not take place within 200 feet of any wetland.
- (b) Activity does not result in total displacement of more than 50 cubic yards of material.
- (c) Slopes at the site of land disturbance do not exceed ten percent.
- (d) The total area of such activity does not exceed 2,000 square feet.
- (e) Proposed grading does not exceed two feet of cut or fill at any point.
- (f) The grading does not involve a quantity of fill greater than 18 cubic yards; except where fill is excavated from another portion of the subdivision parcel and the quantity of fill does not exceed 50 cubic yards.
- (g) Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.

(2) *Plan preparation.* The erosion and sedimentation control plan shall be prepared by a registered engineer, or a registered landscape architect, or a soil and water conservation society certified erosion and sediment control specialist and a certified professional soil scientist.

(3) *Plan contents.* The erosion and sedimentation control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of these regulations. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook," prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of Environmental Management, R.I. Conservation Committee, and at a minimum, shall contain:

- (a) A narrative describing the proposed land disturbing activity and the soil erosion and sediment control measures and storm water management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site conditions, and soil maps shall be provided as required by the planning board and/or building official (or building official's designee).
- (b) Construction drawings illustrating in detail all land disturbing activity including existing and proposed contours, cuts and fills, drainage features, and vegetation; limits of clearing and grading, the location of soil erosion and sediment control and storm water management measures, detail drawings of control measures; stock piles and borrow areas; sequence and staging of land disturbing activities; and other information needed for construction.
- (c) Other information or construction plans and details as deemed necessary by the planning board and/or building official (or building official's designee) for thorough review of the plan prior to action being taken as prescribed in this chapter.

(4) *Performance principles.* The contents of the erosion and sediment control plan shall clearly demonstrate how the principles, outlined below, have been met in design and are to be accomplished by the proposed development project.

- (a) The site selected shall show due regard for natural drainage characteristics and topography.
 - (b) To the extent possible, steep slopes, (exceeding ten percent) shall be avoided.
 - (c) The grade of slopes created shall be minimized.
 - (d) Post-development runoff rates should not exceed predevelopment rates, consistent with other storm water requirements which may be in effect. Any increase in storm runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drainage, porous paving, or similar techniques.
 - (e) Original boundaries, alignment, and slope of watercourses within the project locus shall be preserved to the greatest extent feasible.
 - (f) In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.
 - (g) All drainage provision shall be of such a design and capacity so as to adequately handle storm water runoff, including runoff from tributary upstream areas which may be outside the locus of the project.
 - (h) Drainage facilities shall be installed as early as feasible prior to any additional site clearance or disturbance.
 - (i) Fill located adjacent to watercourses shall be suitably protected from erosion by means of rip-rap, gabions, retaining walls, vegetative stabilization, or similar measures.
 - (j) Temporary vegetation and/or mulch shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the nongrowing months, November through March.
 - (k) Permanent vegetation shall be placed immediately following fine grading.
 - (l) Trees and other existing vegetation shall be retained whenever feasible; the area within the dripline shall be fenced or roped off to protect trees from construction equipment.
 - (m) All areas damaged during construction shall be resodded, reseeded or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.
- (5) *Maintenance measures.* Maintenance of all erosion-sediment control devices under this chapter shall be the responsibility of the subdivider. The erosion-sediment control devices shall be maintained in good condition and working order on a continuing basis. Watercourses originating and located completely on private property shall be the responsibility of the subdivider to the point of open discharge at the property line or at a communal watercourse within the property. If the proper maintenance procedures are not followed, the planning board may authorize the public works director to request that the town council take the steps necessary to ensure proper maintenance by using improvement guarantee funds as provided in section 17-20.
- (6) *Periodic inspections.* The director of public works and/or building official may require inspections at such intervals as he/she may deem necessary to assure proper compliance with the approved erosion and sediment control plan. Copies of all inspection reports shall be made available to the subdivider and/or the planning board upon request.

(G) *Off-site improvements.*

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

- (a) Sanitary sewers.
- (b) Water supply systems.
- (c) Roadways.
- (d) Sidewalks.
- (e) Bicycle paths.
- (f) Drainage systems.

(2) *Definition and principles.* As a condition of final approval, the planning board may require a subdivider to construct reasonable and necessary improvements located off the proposed land being subdivided. Necessary improvements are those clearly and substantially related to the subdivision of land development being proposed. The planning board shall provide in its resolution of final approval the basis for requiring such off-site improvements. In its resolution, the board shall find that a significant adverse impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for that neighborhood or district by the comprehensive plan.

(H) *Temporary improvements.* All temporary improvements shall be presented on the preliminary plan submission, but may be requested by the technical review committee during master plan review.

The nature, purpose, design and construction of the temporary improvements are to be detailed as required by the committee or the full board. The design and method of restoration will likewise be detailed. The maintenance of the restored area shall also be specified and guaranteed under the provisions of section 17-20.

Sec. 17-20. General provisions--Construction and/or improvement guarantees.

(A) *Definition and purpose.* The purpose of this section is to provide a guarantee to the town that the required improvements will be constructed.

An improvement guarantee is a security instrument accepted by the town to ensure that all improvements, facilities, or work required by this chapter or as a condition of approval of a subdivision plan by the planning board will be completed in compliance with the approved plans and specifications.

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other nonstructural conditions of final plat approval (if any). The nature

and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the subdivider.

(B) *General procedures.* Before any land development or subdivision plan is endorsed by the planning board, and before the recording of any subdivision plat, the planning board shall be required to approve agreements for the completion of all required improvements. Such agreements may, at the option of the subdivider, take the form of (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 planning board indicating his/her intent to complete the required improvements prior to the planning board'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 of Final Plan. Inspections shall be made by the Town Engineer, Building Official/Public Works Director and/or other designee of the Planning Board or the Planning Director as may be appropriate at all required stages of construction as specified in section 17-19. All construction shall be inspected and approved by the Town Engineer, Building Official and/or other designee of the Planning Board or Town Planner as may be appropriate and according to the procedures in section 17-19. Upon completion of all required improvements, inspecting town official(s) shall certify in writing to the Town Planner of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate planning board member or town official and the plat shall be recorded as provided in section 17-38, at which time the lots within the subdivision may be transferred or sold.

(2) If improvements are to be guaranteed, the provisions of subsection (C) below shall apply.

(C) *Procedures for financial guarantees.*

(1) *Amount.* Improvement guarantees shall be in an amount and with all necessary conditions to secure for the town the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in said approval. The amount shall be based upon actual cost estimates which would be required for the town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the Town Engineer and submitted to the Administrative Officer, who shall review the estimates, if requested, with the subdivider. If the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revision. The Town Engineer's recommendation shall be forwarded to the Planning Board along with any revisions requested by the subdivider and/or other Town Departments who shall review and approve the final amount. The board may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction costs. However, the amount of such increase shall not exceed one hundred

twenty (120) percent of the estimated cost of improvements recommended by the Town Engineer.

At the expiration of the final plan approval period, if all required improvements are not complete, the planning board shall review the status of improvements and may (1) require the subdivider to extend the duration of the entire improvement guarantee; (2) reduce the amount of the improvement guarantee to cover the estimated costs of remaining improvements; or (3) authorize the administrative officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds.

If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the planning board not to be in compliance with the approved plans, the board may, after proper notification to the subdivider, authorize the use of improvement guarantee funds to insure proper compliance.

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

(a) *Cash Account.* The subdivider may deposit cash in the form of a Passbook Savings Account or other similar cash account acceptable to the Town either with the Town or in escrow with a bank. If the funds are to be deposited in escrow with a bank, the Town shall be guaranteed through use of a security agreement deemed acceptable to the Town's Legal Counsel. Such agreement shall contain numerous provisions addressing many issues, including but not limited to the following:

(1) The deadline for completion of all improvements which are the subject of the Agreement, and

(2) Obligation of the cost of improvements which are the subject of the Agreement shall be borne by the developer responsible for developing the subdivision to the Town, and

(3) Providing the Town with ready and immediate access to the funds securing obligations upon default of the developer, and

(4) Procedures for making a claim and notice to the developer of the claim, and

(5) Reductions in the amount of the Security provided to the Town under the Agreement shall be in the sole discretion of the Town, and

(6) Release of lots.

(b) *Letter of credit.* The subdivider may provide an irrevocable letter of credit from a bank or other reputable institution.

(c) *Escrow account.* The subdivider may deposit cash, or other instruments readily convertible into cash at face value, either with the town or in escrow with a bank.

(3) *Releases.* At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider. Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantees shall be made to the administrative officer who

STATE OF RHODE ISLAND
KENT, SC.

PLANNING BOARD OF THE
TOWN OF WEST WARWICK

AMENDMENT OF SUBDIVISION REGULATIONS

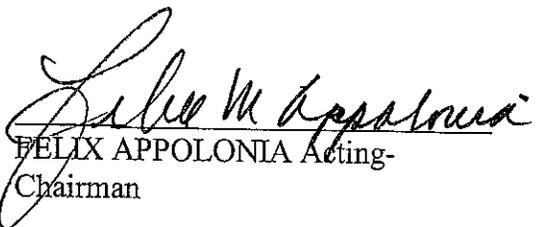
On November 4, 2013, at a meeting of the Planning Board, a motion to amend Sec. 17-20. **General provisions - Construction and/or improvement guarantees**, of the West Warwick Subdivision Regulations came on for hearing, and after review, hearing and discussion thereon, it was voted that Sec. 17-20 be amended as follows:

Sec. 17-20. General provisions - Construction and/or improvement guarantees.

- (3) *Releases.* At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider. Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantees shall be made to the administrative officer who shall refer the request to the ~~technical review committee~~ town engineer. After inspection of all required improvements, the ~~committee~~ town engineer shall report to the planning board regarding his/her findings regarding the required improvements. Based on the report of the town engineer, the planning board shall recommend that the town council:
- (a) Authorize the finance director to return all the improvement guarantees to the subdivider;
 - (b) That the amount of the guarantee being held by the town be reduced to cover the estimated cost of the remaining improvements; or
 - (c) That no releases or reductions be made.

The Town Council shall act on all such releases or reductions or improvement guarantees.

FELIX APPOLONIA	YES
JOE GARDOSIK	YES
ANTHONY PETRARCA	YES
JOSHUA BARRETTE	YES
WAYNE MILLER	YES


FELIX APPOLONIA Acting-
Chairman

Date: 11-12-2013



shall refer the request to the technical review committee. After inspection of all required improvements, the committee shall recommend that the town council:

- (a) Authorize the finance director to return all improvement guarantees to the subdivider;
- (b) That the amount of the guarantee being held by the town be reduced to cover the estimated cost of remaining improvements; or
- (c) That no releases or reductions be made.

The town council shall act on all such releases or reductions of improvement guarantees.

(4) *"As-built" plans.* Within 30 days after the installation of all public improvements, the developer shall submit a final "as-built" plan which shall:

- (a) Contain all of the information required on the final plan;
- (b) Set forth the exact location, as installed, of all:
 - (1) Sidewalks and streets.
 - (2) Monuments, bounds and other survey marks.
 - (3) Water, sewer, gas and drainage pipes, and appurtenances.
 - (4) Other underground utilities, if any, and the location of all aboveground fixtures.
- (5) Any other public improvements.

When calculating the amount of bond required in section 17-20(C), the director of public works shall include the cost of preparing the "as-built" plans required by this section.

(5) *Phased subdivisions.* In the case of land development projects or subdivisions which are approved and constructed in phases, the planning board shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.

(6) *Maintenance guarantees.* The planning board shall require that a maintenance guarantee be provided by the subdivider for all improvements which are being dedicated to the town for public acceptance and maintenance. The amount of the maintenance guarantee shall be five percent of the original performance bond or other original guarantee amount. In the absence of such a guarantee, five percent of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be one year. At the end of the one-year maintenance period, the 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 the planning board finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

All fees associated with fire hydrant(s) shall be the responsibility of the subdivider/installer until such time as the Town accepts responsibility for the hydrant(s) and such fees shall be retained by the Finance Director, for payment out of the maintenance guarantee fund. (Amended Aug, 2006)

(7) *Acceptance of improvements.* Upon completion of all required improvements, the subdivider shall convey all public improvements to the town for ownership and maintenance. Private facilities, such as open space and privately maintained drainage systems, shall not be conveyed to the town. The applicant shall first request the department of public works to conduct a final inspection as provided in section 17-19. The director of public works shall certify to the administrative officer in writing that all required improvements have been satisfactorily completed.

The applicant shall also request, in writing to the administrative officer, that public improvements, streets, land easements, or other facilities be accepted by the town. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets; easements, land or other facilities by metes and bounds and by reference to the final plat drawings(s) and by a warranty deed transferring ownership to the town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the administrative officer shall place the request for acceptance upon the next available agenda of the technical review committee. If all requirements of this chapter have been met by the applicant, the technical review committee shall recommend acceptance by the town council of all such improvements and shall transmit such recommendation to the town council in writing. In such recommendation for acceptance by the town council, the technical review committee shall also recommend an amount for a maintenance bond in accordance with this chapter and shall recommend to the town council that no public improvements or facilities be accepted for ownership and maintenance until such maintenance bond has been submitted as required in subsection (6) above.

Upon their acceptance by the town council, all improvements shall be permanently owned and maintained by the town as part of the municipal system and the subdivider shall be no longer responsible for their care, repair, or maintenance.

Sec. 17-21. General provisions--Requirements for dedication of public land; public improvements and fees.

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

(B) *Relationship to comprehensive plan.* 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 town comprehensive plan and shall reflect the character defined for the neighborhood or district in which the subdivision is located by the comprehensive plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. At a minimum, five percent of the amount of land to be dedicated shall be usable land. Land dedications proposed for park and recreation land shall be entirely usable land, not containing any land unsuitable for development (section 17-18(C)). If payments in lieu of land dedication are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreational facilities.

(C) *Amount of land to be dedicated.* The minimum amount of land to be dedicated shall be based upon the following formula:
Amount of Dedicated Land (Acres) = Maximum No. of DUs in the Subdivision* X Five Acres Per 100 Dwelling Units*The maximum number of dwelling units in all phases of the land development project or subdivision.

(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.
- (2) A private homeowners' association.
- (3) A private nonprofit conservation or recreation group approved by the planning board.

(E) *Fees-in-lieu of land dedication.* Where a fee is required by the planning board to be paid in lieu of land dedication, the amount of such fee shall be Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars per dwelling unit. Such fee shall be paid at the time of application being made for a Building Permit and no Building Permit shall be issues until payment of such fee.

(F) *Reserved*

(G) *Mill Re-Use Districts.* Notwithstanding the provisions of this Section 17-21, the requirement for the dedication of land or payment of a Fee-In-Lieu, may, for good cause shown, be waived for any land development or subdivision occurring pursuant to the provisions of the ordinance relating to Re-use Developments of Vacant Historical Mill Structures. (Amended Dec, 2005)

(H) Nonprofit organization subsidized for moderate and low income housing projects. Notwithstanding the provisions of this Section 17-21, the requirement for the dedication of land or payment of a Fee-in Lieu may be waived by the Planning Board for any land development or subdivision project of a nonprofit organization for subsidized moderate and low income housing. In determining whether such waiver shall be granted, the Planning Board may consider (1) other subsidies, benefits or incentives received by said nonprofit organization, (2) the sources of income and expenses of the nonprofit organization related to the project and (3) such other matters as the Planning Board shall deem relevant.

Sec. 17-22. Special provisions--Phasing of projects.

(A) When a major land development or major subdivision is submitted for master plan approval as provided in section 17-14, the planning board shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the planning board determines that such improvements, services, and facilities, including but not limited to, water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the planning board shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases, related to the ability of the municipal improvements, services and facilities to serve the residents of the subdivision or development.

(B) When an application is submitted for master plan approval, the applicant shall submit to the applicable municipality, state or utility as provided in the master plan checklist for major land developments and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments on the application by the administrative officer. Comments shall be received from each agency prior to the date of the informational meeting (section 17-14(D)). If comments are not received by the administrative officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined as provided in section 17-13, all comments from reviewing agencies shall be received prior to the date of the public hearing.

(C) Each department or agency to which such a request for comments is made shall deliver to the administrative officer, in written format, and any supplementary material, which shall describe:

- (1) An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
- (2) Whether existing facilities and/or services are adequate to serve the subdivision's residents;
- (3) Whether plans for the necessary improvements to existing facilities and/or services are included in the department's or agency's capital improvement program or are otherwise planned; and,
- (4) An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

All such written comments and supplementary material shall be delivered to the administrative officer by the reviewing agency within the time limits prescribed.

(D) Based on the responses received from the various departments and agencies, the planning board shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only

when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such growth rate plan, the planning board may require that improvements be installed, or lots sold, in two or more phases.

(E) If phasing is required, the planning board shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the planning board in subsection (D) above. In such review and approval, the board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions, including the applicant's actual provision of the necessary improvement or a 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 proved, to the satisfaction of the planning board, 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 shown on the approved master plan documents.

Sec. 17-23. Special provisions--Land development projects.

(A) Once an application for any type of relief with the Planning Director pursuant to the Subdivision Regulations of the Town of West Warwick has been filed, no work of any kind can be done on the property for which the application has been filed without prior approval of the Planning Director or Planning Board. Prior to any work being done on the property for which the application has been filed, the applicant intends to do upon receipt of the plan, the Planning Director, or his or her designee, shall, within ten (10) days from the receipt of the plan (1) approve the plan, (2) approve the plan with modifications, (3) reject the plan, stating the reasons for rejection or (4) refer the plan to the Planning Board for approval.

(B) Upon receipt of Final Approval of any Administrative Subdivision, Minor Land Development or Subdivision or Major Land Development or Subdivision, no permit of any kind shall be issued or granted prior to a "pre-construction conference" with the town Planning Director, Building Official, Engineer, Public Works Director, at which pre-construction schedule shall be presented to the town officials.

Sec. 17-24. Special provisions--Development plan review.

(A) The zoning ordinance provides for development plan review, for certain developments as specified in section 17 of that ordinance. This section determines the procedure to be followed when there is a determination to be made upon review procedures.

(B)

(1) Where a proposed development (subsection 3.20 of the zoning ordinance) requires development plan review approval, but also will result in a subdivision, the provisions of this chapter shall first be met before final development plan approval shall be issued.

(2) When a specific development is proposed for any of the resultant lots of a subdivision, approved under the provisions of this chapter, that also later requires development plan review by the planning board and does not constitute a subdivision at that time, then only development plan approval under section 17 of the zoning ordinance would be necessary at that time.

(3) Where no specific development (section 3.20 of the zoning ordinance) is proposed for any of the lots in a proposed subdivision, only the requirements of this chapter need be met, until such time as the provisions of the zoning ordinance are invoked.

(4) All applications for development plan review as specified by Section 17 of the zoning ordinance shall include a copy of a current zoning certificate issued by the Building Official.

Sec. 17-25. Local regulations--Authority to create and administer regulations.

The town council has empowered, under the town Charter, section 1605, the planning board to adopt, modify and amend regulations and rules governing land development and subdivision projects within the town and to control land development and subdivision projects pursuant to those regulations and rules and to applicable state laws and the town comprehensive plan.

Sec. 17-26. Local regulations--Procedure for adoption and amendment.

(A) The planning board, as authorized by the town Charter, shall adopt, amend, or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.

(B) Provisions of these local regulations and appendices shall be as set forth in this chapter. The procedure to adopt, amend or repeal these regulations are set forth in section 17-27.

Sec. 17-27. Local regulations--Public hearing and notice requirements.

(A) These regulations shall not be adopted, repealed, or amended until after a public hearing has been held upon the question before the planning board. The planning board

shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the municipality at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the associate director of the division of planning of the Rhode Island Department of Administration at least two weeks prior to the hearing. Advertising shall be conducted by the town clerk upon written request of the administrative officer. 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 said 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;
- (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 thereon 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 such alteration or amendment must be presented for comment in the course of said 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 2,000 feet of the town 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 2,000 feet of the town municipal boundaries; provided, however, that a map survey has been filed with the building official as specified in G.L. 1956, § 45-24-53(E).

(D) No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

(E) The above requirements are to be construed as minimum requirements.

Sec. 17-28. Local regulations--Publication and availability.

(A) 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.

(B) Upon publication of local regulations and any amendments thereto, the town clerk shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the state law library.

Sec. 17-29. Administration--The administrative officer.

(A) *Designation.* Administration of these subdivision and land development regulations shall be under the direction of the administrative officer, who shall report to the planning board. The town planner of the town is hereby designated as the administrative officer.

(B) *Appointment.* Appointment of the town planner shall be by the town council upon recommendation of the town manager as designated in the town Charter.

(C) *Duties and responsibilities.* The duties and responsibilities of the administrative officer shall include, but shall not be limited to:

(1) Coordination of the review, approval, recording, and enforcement provisions of these regulations; including, coordinating the enforcement efforts of the zoning enforcement officer, the building official, the planning department staff, the town engineer, the department of public works, 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;

(3) Enforcement of these regulations as provided in section 17-33 of these regulations; and,

(4) Serve as the chairperson of the technical review committee.

(D) *Qualifications.* The qualifications of the administrative officer shall be as provided in the official job description for the town planner in the town Charter.

Sec. 17-30. Administration--Technical Review Committee.

(A) *Establishment.* There is hereby established a subcommittee of the planning board, to be known as the technical review committee, which is established to conduct technical reviews of applications for subdivisions and land development projects subject to planning board jurisdiction. All such reviews shall be advisory in nature, and in no case shall the recommendations of the technical review committee be binding on the planning board in its activities or decisions.

(B) *Membership of the technical review committee shall consist of the town planner, the director of public works, town engineer, superintendant of sewers, chief of police, fire chief, and such other town officials as the planning board may from time to time designate.* The town planner or his or her designee shall be chairperson. The technical review committee shall establish its rules and procedures subject to approval by the planning board.

(C) Records of the technical review committee to the planning board shall be in writing and shall be kept as part of the permanent documentation on the development application. All reports of the technical review committee shall be made available to the applicant prior to the meeting of the planning board at which the reports are first considered.

Sec. 17-31. Administration--The board of appeal.

The town council shall establish the town zoning board of review 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.

Sec. 17-32. Administration--Administrative fees.

(A) Pursuant to G.L. 1956, § 45-23-58, the Town Council shall set reasonable fees, in an amount not to exceed actual costs incurred, to be paid by the applicant for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon. These fees, payable to the town, shall be paid at the stages established in this chapter. The Planning Board, with input from the technical review committee, shall provide recommendations to the town council on the fees. The town council shall provide a list of fees to both the planning board and the technical review committee.

(B) The applicant shall also be required to bear the expense of any outside technical assistance which the Planning Board or the Technical Review Committee deems necessary to assist the Planning Board or the Technical Review Committee.

Sec. 17-33. Administration--Violations and penalties.

(A) Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the planning board or the administrative officer shall be in violation of this chapter.

(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 by the planning board and recorded in the municipal land evidence records, shall be in violation of the local regulations and subject to the penalties described in this chapter.

(C) Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision development, or constructs any structure or improvement on the parcel, without having first received approval from the planning board or the administrative officer, shall be in violation of this chapter.

(D) The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$500.00 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 supreme or Kent County Superior Court, or West Warwick Municipal Court, to restrain the violation of, or to compel compliance with, the provisions of this chapter. The town may consolidate an action for injunctive relief and/or fines under this chapter in Kent County Superior Court.

Sec. 17-34. Reserved.

Sec. 17-35. Procedure--Precedence of approvals between planning board and other local permitting authorities.

(A) *Zoning board.*

(1) Where an applicant requires both a variance from the zoning ordinance and planning board approval, 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, 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).

(B) 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 town council, and then return to the planning board for subsequent required approval(s).

Sec. 17-36. Procedure--Waivers; modifications and reinstatement of plans.

(A) *Waiver of development plan approval.*

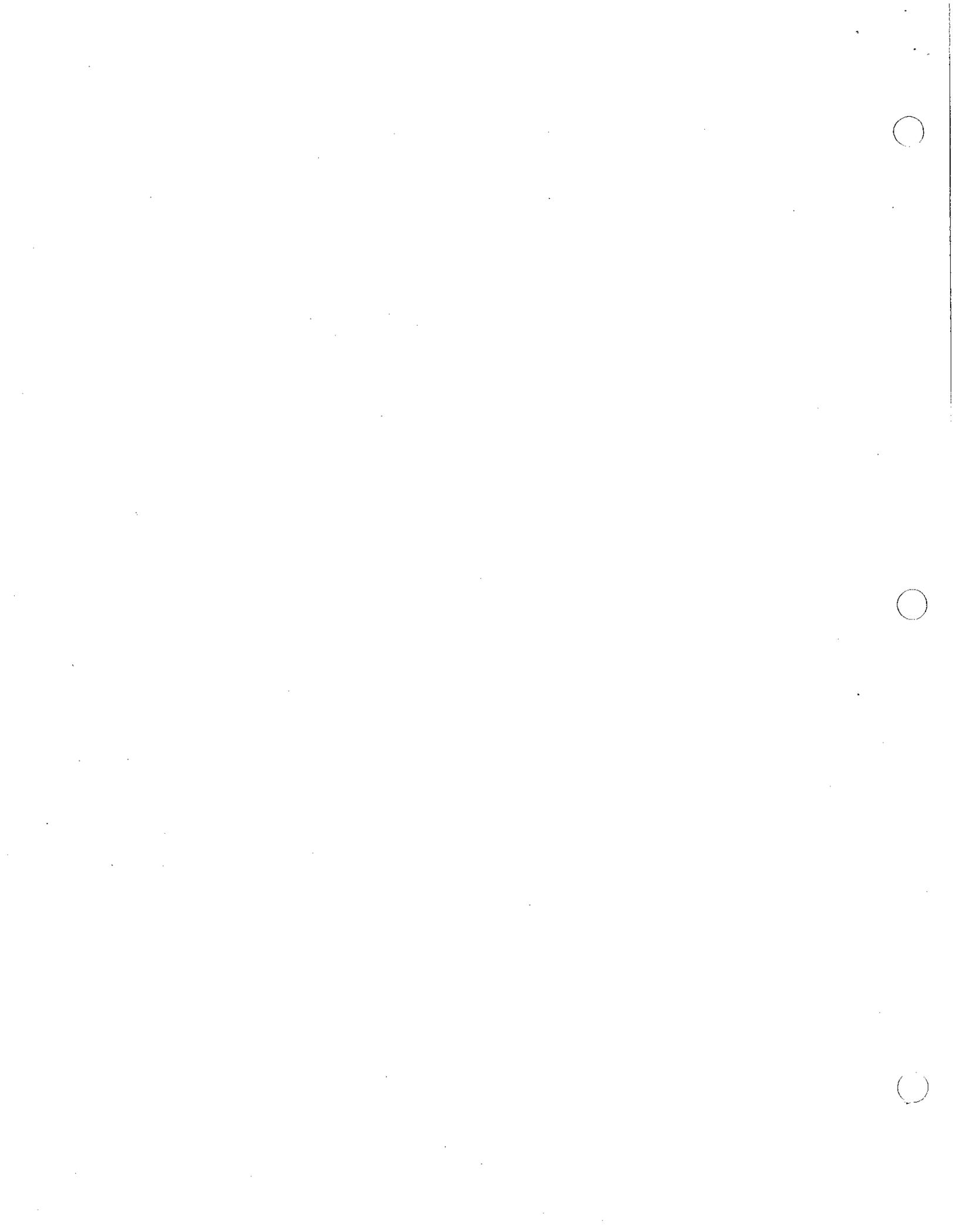
(1) The planning board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the planning board finding that the use will not affect existing drainage, circulation, 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.

Pursuant to the provision of RIGL §45-22-5(a) Organization, technical assistance and cooperative agreements and West Warwick Home Rule Charter §1604. Planning board; membership, appointment, term the West Warwick Land Development and Subdivision Review Regulations are hereby amended as follows:

Sec. 17-34. Reserved

Sec. 17-34. Administrative - Election of officers.

The Planning Board at its first meeting on or after April 1st of each year shall organize by electing from its membership a chairperson, a vice chairperson and a secretary.



(2) The application for a waiver of development plan approval review shall include documentation, as required by the planning board, on prior use of the site, the proposed use, and its impact. Such documentation shall include a zoning certificate for the existing use; fully completed building permit application for the proposed use including all plans and documents as required by the building official for a building permit; letter requesting a waiver stating all reasons therefor; a survey of existing site conditions showing all data requested under section 17 of the zoning ordinance; and written evaluation by the building official of the proposed permit application.

(B) Waiver and/or modification of requirements. The planning board shall have the power to grant such 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 such waivers and/or modifications shall be 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 such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the town's comprehensive plan and zoning ordinance.

(C) 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 planning board under the following conditions:

- (a) If the subdivision is consistent with the comprehensive plan;
- (b) If the land development and subdivision 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;
- (c) If the zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
- (d) If physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and,
- (e) If any applicable state or federal regulations are substantially the same as they were at the time of original approval.

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

(D) Decisions on waivers and modifications.

(1) The planning board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:

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

- (b) The planning board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in section 17-36(A).

Sec. 17-37. 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 subdivision 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 shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
- (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 shall be 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 shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require a vote for approval by a majority of the current planning board membership.
- (E) All written decisions of the planning board shall be recorded in the land evidence records within 35 days after the planning board vote. A copy of the recorded decision shall be mailed with 1 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.

Sec. 17-38. 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 by the planning board, with the date of approval. Plans and plats for major land developments and subdivisions shall be signed by the planning board chairperson or the secretary of the planning board attesting to the approval by the planning board. All minor land development or subdivision plans and plats and administrative plats shall be signed by the planning board chairperson or secretary or other planning board member as shall be designated by the planning board.
- (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 notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the municipality, permits and

agreements with state and federal reviewing agencies, and other information as required by the planning board. 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 applications 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, town engineering department, and building department. 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 blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details, and specifications required as a condition of approval shall be 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 mentioned in section 17-38(C) above.

(E) The administrative officer shall notify the statewide 911 emergency authority and the town police and fire departments servicing the new plat with the information required by each of the authorities.

Sec. 17-39. 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 section 17-38.

(B) *Minor changes.* 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. 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:

- (1) Amendments to utility plans which are acceptable to the town public works director and/or town engineer or to the appropriate utility company;
- (2) Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of section 17-11;
- (3) Amendments to grading plans or drainage plans which are acceptable to the director of public works and/or town engineer and which do not require approval of any state or federal reviewing authorities;
- (4) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided which are acceptable to the department of public works and /or town engineer and/or superintendent of sewers;
- (5) Modifications to any construction plans which are acceptable to the director of public works and/or town engineer; or,
- (6) 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.* Major changes to a land development or subdivision plan may be approved only by the planning board. The procedure for approval of any such major changes shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in section 17-15.

For the purpose of these regulations, the term "major changes" shall mean changes which, in the opinion of the administrative officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to, the following:

- (1) Changes which would have the effect of creating additional lots or dwelling units for development;
- (2) 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;
- (3) Changes which may have significant adverse impacts on abutting property or property in the vicinity of the proposed subdivision or land development project; or,
- (4) Changes which may have a significant adverse impact on any public service, utility, or road.

Sec. 17-40. Appeals--Right of appeal.

(A) An appeal from any decision of the planning board, or administrative officer charged in the regulations with enforcement of any provisions, except as provided herein, may be taken to the board of appeal by an aggrieved party.

(B) An appeal from a decision of the board of appeal may be taken by an aggrieved party to the Kent County Superior Court.

Sec. 17-41. Appeals--Process of appeal.

(A) An appeal to the board of appeal from a decision or action of the planning board or administrative officer may be taken by an aggrieved party. Such appeal must be taken within 20 days after the decision has been recorded and posted in the office of the town clerk.

(B) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which 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 shall be hand delivered to the board of appeal. The town clerk shall accept delivery of an appeal on behalf of the board of appeal.

(C) Upon receipt of an appeal, the board of appeal shall require the planning board or administrative officer to transmit forthwith 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.

Sec. 17-42. Appeals--Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action being appealed.

Sec. 17-43. Appeals--Public hearing.

(A) The board of appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The board shall render a decision within ten days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.

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

(C) The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes as required by section 17-44 shall be maintained by the board of appeal.

Sec. 17-44. Appeals--Standards of review.

(A) As established by this chapter, in instances of a board of appeal's review of a planning board or administrative officer's decision on matters subject to this chapter, the board of appeal shall not substitute its own judgment for that of the planning board or the administrative officer but must consider the issue upon the findings and record of the

planning board or administrative officer. The board of appeal shall not reverse a decision of the planning board or administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

(B) The concurring vote of three of the five members of the board of appeal sitting at a hearing shall be necessary to reverse any decision of the planning board or administrative officer.

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

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

Sec. 17-45. Appeals to the superior court--Process generally.

(A) An aggrieved party may appeal a decision of the board of appeal to the Kent County Superior Court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the office of the town clerk. The board of appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 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, such original applicant or appellant and the members of the planning board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

(B) 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 shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

(C) 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 or other 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.

Sec. 17-46. Appeals to the superior court--Enactment of or amendment of local regulations.

(A) An appeal of an enactment of or an amendment of West Warwick 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 set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, G.L. 1956, § 45-22.2-1 et seq.; the Zoning Enabling Act of 1991, G.L. 1956, § 45-24-27 et seq.; the town comprehensive plan; or the town 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, G.L. 1956, § 45-22.2-1 et seq.; the Zoning Enabling Act of 1991, G.L. 1956, § 45-24-27 et seq.; the town comprehensive plan; or the town 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.

Sec. 17-47. Appeals to the superior court--Priority in judicial proceedings.

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.

Sec. 17-48. Severability.

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.

Sec. 17-49. Fee schedule.

(A) Fixed fee with application:	
(1) Administrative subdivision	\$300.00
(2) Minor subdivision:	
Preliminary	\$200.00, plus \$25.00 per lot
Final	\$100.00, plus \$25.00 per lot
(3) Major subdivision:	
Master plan	\$200.00, plus \$25.00 per lot
Preliminary	\$200.00, plus \$25.00 per lot
Final	\$100.00, plus \$25.00 per lot
(B) Variable fee paid prior to each approval:	
Advertising, clerical and hearing costs	as incurred by town
(C) Outside consulting services	as required
(D) Inspection fees, as incurred by town	2% of road bond
(E) Recording fees	\$30.00
(F) Sewer fees:	
(1) Minor subdivision:	
Preliminary	\$575.00
Final	\$300.00
(2) Major subdivision:	
Master plan	\$300.00
Preliminary	\$875.00
Final	\$575.00

APPENDIX A

SPECIFICATIONS FOR TREE PLANTING IN NEW SUBDIVISIONS

Varieties Recommended. The following varieties of trees are recommended for front yard planting:

Norway Maples

Cleveland Maple	(<i>Acer platanoides</i> Cleveland)
Irish Maple	(<i>Acer platanoides</i> Irish)
Almira Maple	(<i>Acer platanoides</i> Almira)
Upright Maple	(<i>Acer platanoides</i> ascendens)
Globe-head Maple	(<i>Acer platanoides</i> globosum)
Schwedler Maple	(<i>Acer platanoides</i> schwedleri)
Summer Shade Maple	(<i>Acer platanoides</i> Summershade)
Crimson King Maple	(<i>Acer platanoides</i> Crimson King)

Red Maples

Tilford Maple	(<i>Acer rubrum</i> Tilford)
Armstrong Red Maple	(<i>Acer rubrum</i> Armstrong)
Bowhall Red Maple	(<i>Acer rubrum</i> Bowhall)

Elms

Japanese Keaki or Zelkova	(<i>Zelkova serrata</i>)
Buisman Elm	(<i>Ulmus carpinifolia</i> Buisman)

Small Trees

Little Leaf Linden	(<i>Tilia cordata</i>)
White Bean Mountain Ash	(<i>Sorbus aria</i> lutescens)
Chinese Cork Tree	(<i>Pellodendron amurense</i>)
Golden Rain	(<i>Koelreuteria paniculata</i>)
"Kwanzan" Japanese Flowering Cherry	(<i>Prunus serrulata</i> Kwanzan)
Flowering Ash	(<i>Fraxinus ornus</i>)

Locust

Globe Locust	(<i>Robina pseudo-acacia umbraculifer</i>)
Thornless Honey Locust	(<i>Gleditsia</i>)
Shademaster Locust	(<i>Gleditsia triacanthos inermis</i> Shademaster)
Sunburst Locust	(<i>Gleditsia triacanthos inermis aurea</i>)
Moraine Locust	(<i>Gleditsia triacanthos inermis</i> Moraine)

Small Flowering Trees

American Hop Hornbean	(Ostrya virginiana)
Ruby Red Horse Chestnut	(Aesculus briotti)
Lavalle Hawthorn	(Crataegus lavalley)
Paul's Scarlet Hawthorn	(Crataegus oxyacantha Pauli)
Double White English Hawthorn	(Crataegus oxyacantha albi-plena)
European Mountain Ash	(Sorbus aucupatia)
Flowering Crabapple	(Malus species)
Eley Crab	(Malus)
Fruitless Mulberry	(Morus alba Kingan)
Idaho Locust	(Robina hispida)
Wheatly Elm	(Ulmus carpinifolia sarniensis)
Flowering Peaches	(Prunus persica)

Larger Trees

Upright Beech	(Fagus sylvatica Dawyck)
European Beech	(Fagus sylvatica)

Miscellaneous

Columnar White Birch	(Betula pendula fastigiata)
Clump Birch	(Betula pendula)
European Birch	(Betula pendula)
Upright American Linden	(Tilia americana pyramidalis)
Saw Tooth Oak	(Quercus acutissima)
Shingle Oak	(Quercus imbricaria)
Sour Wood	(Oxydendrum arboreum)
Gingko	(Gingko Biloba)
London Plane	(Platanus x acerifolia)
Katsura	(Ceridiphyllum japonicum)
Pin Oak	(Quercus palustris)