

CHANGES APPROVED BY PLANNING COMMISSION AT AUGUST 7, 2024
PLANNING COMMISSION MTG.

TOWN OF JAMESTOWN
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

Public Hearing to be held October 16, 2024

Adopted by the Jamestown Planning Commission
Date:

JAMESTOWN SUBDIVISION REGULATIONS

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ARTICLE I. - AUTHORITY AND INTENT

These Subdivision and Land Development Regulations are adopted pursuant to the authority contained in Title 45, Chapter 23, Sections 25 through 74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and Chapter 14, Section 14-1 of the Jamestown Code of Ordinances.

A. Purpose

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

1. Protect the public health, safety and welfare of the community;
2. Provide for the orderly, thorough and expeditious review and approval of subdivisions and land development projects;
3. Promote high quality and appropriate design and construction of subdivisions and land development projects;
4. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;
5. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure;
6. Provide for design and construction standards that are appropriate to the community;
7. Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
8. Direct the development of land consistent with state-of-the-art practices that promote and foster growth in a manner that protects the Town's rural character while at the same time

accommodating economic growth;

9. Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features;
10. Insure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting.

B. Construction and Intent

1. These regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the Town of Jamestown.
2. Sections I-III and V-XIV of these regulations are intended to provide general requirements applicable to all subdivisions. Section IV of these regulations, governing Residential Cluster Developments, certain Minor Subdivisions, and Land Development Projects, are intended to provide regulations that are supplementary to the general requirements. In the event of a conflict between a general regulation and a regulation applicable to a specific type of subdivision, the more specific regulation shall be controlling.
3. These regulations are intended to be interpreted so as to be consistent with, and further the implementation of, the Comprehensive Community Plan and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the Comprehensive Plan means in accordance with the goals, policies, procedures, maps and other policy statements in the plan.
4. If any section or subsection of these regulations is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of these regulations.

C. Effective Date

These regulations shall take effect upon adoption by the Planning Commission, and shall supersede all other subdivision regulations in effect at the time of such adoption.

D. Vested Rights-Continuation of Prior Regulations

Subdivisions which have been submitted to the Planning Commission for approval under the provisions of the Regulations in effect prior to December 31, 1995 may be continued to be reviewed by the Planning Commission and approved under those Regulations in accordance with the following:

1. Final Approvals - Any subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Planning Commission, may initiate or construct any part of the development, or record said plans in accordance with the Subdivision Regulations in effect at the time final approval was granted. The Planning Commission, may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of final approval.

2. Preliminary Approvals - Any subdivision which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Planning Commission, may continue to be reviewed by the Commission in accordance with the Subdivision Regulations in effect at the time preliminary approval was granted provided any one of the following conditions have been met:
 - a. The final plat, including all the material required in the Final Plat Check-list, is filed with the Planning Department within one (1) year from the date of preliminary approval; or,

 - b. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Coastal Resources Management Council (CRMC) and the preliminary plans as approved by the Planning Commission, have been filed with CRMC for an Assent as required by the Coastal Resources Management Program; or,

 - c. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM) and the preliminary plans as approved by the Planning Commission have been filed with RIDEM for approval as required by the Freshwater Wetlands Act; or,

 - d. The applicant has expended significant monies in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and re-application under the revised subdivision regulations were to be required, a

significant economic hardship would result. The Planning Commission shall determine what constitutes "significant economic hardship".

3. Other Status - Any subdivision which, at the time of adoption of these Regulations, has not received final or preliminary approval; or has been reviewed by the Planning Commission for preliminary review but no approval therefor has been granted; or has received preliminary approval more than one year prior to the date of adoption of these regulations; or for which only pre-application conference(s) has (have) been conducted shall be required to be reviewed under the revisions to the Subdivision and Land Development Regulations described herein pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992.

The Planning Commission shall determine vested rights for subdivisions submitted for approval prior to December 31, 1995. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Zoning Board of Appeals as herein provided.

ARTICLE II - DEFINITIONS

The following words or phrases, when used in these regulations, shall have the following meaning, unless otherwise specifically provided:

- (1) *Administrative Officer.* The municipal official designated by the local regulations to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff, and state agencies as set forth herein. The administrative officer may be a member of, or the chair of the Planning Commission, or an appointed official of the municipality.
- (2) *Administrative subdivision.* Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves divisions, mergers, mergers and division or adjustments of boundaries of existing lots.
- (3) *Agricultural land.* Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the soil conservation service of the United States department of agriculture.
- (4) *Applicant.* A person who applies to the Planning Commission for subdivision approval.
- (5) *Areas of Secondary Importance.* Any of the following natural and cultural features of the landscape: mature woodlands, significant wildlife habitats, prime farmland or open meadows and their defining treelines/hedgerows and/or stonewalls, historic structures or community landmarks, and scenic views to, from, or within the property.
- (6) *Board of Appeal.* The local review authority for appeals of actions of the administrative officer, which shall be the local zoning board of review constituted as the board of appeal (see § 45-23-57).
- (7) *Bond.* A type of improvement guarantee.
- (8) *Buildable lot.* A lot where construction for the use(s) permitted on the site under the Zoning Ordinance is considered practicable by the Planning Commission, considering the physical constraints to development of the site as well as the requirements of pertinent federal, state and local regulations.
- (9) *Certificate of Completeness.* A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the review process.
- (10) *Coastal feature.* Coastal beaches, dunes, wetlands, cliffs, bluffs, embankments, rocky shores, and manmade shorelines as defined in Chapter 23 of Title 46, General Laws of Rhode Island, as amended.
- (11) *Concept plan.* A drawing with accompanying information showing the basic elements of a

proposed subdivision or land development plan, in the context of existing site conditions as used for pre-application meetings and early discussions, and classification of the project within the approval process.

(12) *Conservation Development.* A residential development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment and to protect the character-defining features of the property.

(13) *Conventional Subdivision.* A residential subdivision in which all land being subdivided is dedicated to either development lots or street right of way. Not a Conservation Development.

(14) *Conventional Yield Plan.* A plan of a conventional subdivision or land development project (as opposed to a Conservation Development) that depicts the maximum number of single-family building lots or dwelling units that could reasonably be built on a parcel of land under conventional zoning of the Town, taking into account the presence of physical constraints to development, such as wetlands, or other land unsuitable for development.

(15) *Cul-de-sac.* The terminus of a street that has only one outlet, laid out to provide a circular or other type of turn-around for vehicles at the closed end. The center of cul-de-sacs shall not be paved but shall contain a landscaped inner island. See Article XIII.

(16) *Dedication, fee in-lieu-of.* Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations. See Article III.

(17) *Development plan review.* Development plan review. Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for the following categories of developments:

- a. A change in use at the property where no extensive construction of improvements is sought;
- b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
- c. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
- d. Institutional development for educational or hospital facilities;
- e. Any substantial modification of a municipal property;
- f. Any development proposals specifically designated for DPR specific to individual districts or uses including, but not limited to, the Jamestown Village Special Development District, the High Groundwater Overlay, and Wind Energy Facilities;
- g. Proposal for any new multi-family residential building;
- h. Accessory structures exceeding 1,000 square feet of gross floor area;

- i. Exterior addition with a gross floor area of more than 500 but less than 1,000 square feet;
 - j. Development within RR-200 Zoning Districts.
- (18) *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.
- (19) *Division of land.* A subdivision: separating one parcel into 2 or more parts or rearranging property lines that already separate parts or one property from another.
- (20) *Easement.* The right of a party to use all or part of the property of another for a specific purpose.
- (21) *Endorsement.* The signature of the Administrative Officer or Planning Commission Chairperson on an approved plat, permitting recording of the plat, or as further provided in Article VI.
- (22) *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.
- (23) *Final plan.* The final stage of subdivision or land development review or a formal development plan review application.
- (24) *Final plat.* The final drawing(s) of all or a portion of a subdivision or land development project, and any accompanying materials, to be recorded in the Land Evidence Records after approval by the administrative officer, TRC or planning commission.
- (25) *Floodplain or flood hazard area.* An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et. seq.].
- (26) *Improvement.* That which is built upon or which changes the natural or existing condition of a site to enhance its value as real estate.
- (27) *Improvement guarantee.* A security instrument accepted by the Finance Director to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will be completed in compliance with the approved plans and specifications.
- (28) *Land Development Project.* A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including, but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses.
- (29) *Land disturbing activity.* Any physical land development activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources or similar activities.
- (30) *Land suitable for development.* The total land area, less land unsuitable for development.
- (31) *Land Unsuitable for Development.* Shall be defined as follows:

- a. Wetlands as defined in Title 2, Chapter 1 of the General Laws of Rhode Island, and Intertidal Salt marshes as defined by Title 46, Chapter 213 of said General Laws as the same is or may be from time to time amended, and in any rules or regulations adopted pursuant thereto. For the purposes of delineating suitable land for the computation of the maximum number of dwelling units, land encompassed by any setback requirement or banks, as set forth in Title 2, Chapter 1 and Title 46, Chapter 23 of the General Laws, need not be excluded from consideration as developable land area.
- b. Land located within any Special Flood Hazard (SFHA) shown on the Newport County flood insurance rate map, and any revisions thereto.
- c. An area of the tract proposed to be developed equal to: 20% of that portion of a tract which is located in an R-20 District; 10% of that portion of a tract which is located in an R-40 District; and 5% of the portion of a tract which is located in an RR-80 District, as an allowance for public streets or in the alternative the area of any public street rights-of-way actually designed for the proposed project in accordance with applicable Subdivision Regulations.

(32) *Lot.* Either:

- a. The basic development unit for determination of lot area, depth, and other dimensional regulations; or
- b. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

(33) *Maintenance guarantee.* A security instrument accepted by the Finance Director to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will function as required for a specified period of time.

(34) *Major land development project.* A land development project which exceeds the thresholds for a minor land development project, and any land development project as set forth in this section.

(35) *Major subdivision.* A subdivision creating ten (10) or more buildable lots.

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

(37) *Minor land development project.* A land development project involving any one of the following categories which has not otherwise been specifically designated by local ordinance as development plan review:

- a. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- b. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or

- c. Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.
 - d. Multi-family residential or residential condominium development of nine (9) units or less.
 - e. Change in use at the property where no extensive construction of improvements are sought.
 - f. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought.
 - g. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- (38) *Minor subdivision*. A subdivision of land creating nine (9) or fewer buildable lots.
- (39) *Non-buildable lot*. A parcel of land recorded in the Land Evidence Records that is created or reserved for a purpose other than present or future construction of buildings or structures.
- (40) *Onsite Wastewater Treatment System (OWTS)*. Any system of piping, tanks, dispersal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat or disperse wastewater by means other than discharge into a public sewer system.
- (41) *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.
- (42) *Parking area or lot*. All that portion of land development project that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.
- (43) *Permitting authority*. The local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.
- (44) *Phase*. A portion of a subdivision or land development to be developed, or sold as lots, at a particular time, as part of an effort to coordinate population growth with the availability of facilities and services.
- (45) *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.
- (46) *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.
- (47) *Planning Commission*. The official planning agency of the Town of Jamestown as established in the Town Charter.
- (48) *Plat*. A drawing or drawings of a land development project or subdivision showing the location, boundaries, and lot lines of individual properties, as well as other necessary information to be filed in town records as specified in these regulations.
- (49) *Pre-application conference*. An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposals informally and to

receive comments and directions from the municipal officials and others.

(50) *Preliminary plan.* A required stage of land development and subdivision which generally requires engineered drawings.

(51) *Prime farmlands and farmlands of statewide importance.* Those lands which meet the applicable criteria, as established by the U.S.D.A., Soil Conservation Service. Specific map units are listed in the Soil Conservation Service fact sheet "Identification of Important Farmlands", issued 1980 as amended. See "Agricultural Land".

(52) *Public improvement.* Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the Town of Jamestown or other governmental entity is presently responsible, or will ultimately assume responsibility for maintenance and operation upon municipal acceptance.

(53) *Residential development.* Development consisting entirely of single-family, duplex or multiple-family dwelling units. A dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

(54) *Right-of-Way.* An easement for the purpose of passing through, or crossing, property belonging to another.

(55) *Specimen Vegetation.* Rhode Island Natural Heritage Program plant species listed as either state endangered, state threatened, state interest species of concern, or state extirpated; plant species providing habitat for animal species listed by the Heritage program in the above mentioned categories; species such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*) which are at the limits of their natural range; any species such as American Elm (*Ulmus americana*) and American Chestnut (*Castanea dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.

(56) *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.

(57) *Storm water retention.* A provision for storage of storm water runoff.

(58) *Street.* A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

(59) *Street, access to.* An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

(60) *Street, limited access highway.* A freeway or expressway providing for through traffic. Owners or occupants of abutting property and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

(61) *Street, private.* A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards. Driveways are

excluded from this definition.

(62) *Street, public.* All public property reserved or dedicated for street traffic.

(63) *Street right-of-way.* The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

(64) *Street, stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.

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

- a. *Minor Arterial.* A public street that serves as an avenue for the circulation of traffic into, out of or around the town and carries relatively high volumes of traffic while also providing direct access to abutting properties.
- b. *Collector.* A public street whose principal function is to carry traffic between local streets and arterial streets while also providing but that may also provide direct access to abutting properties.
- c. *Local.* Public or private streets whose primary function is to provide access to abutting properties.
- d. *Minor.* Public or private streets whose sole function is to provide access to abutting properties. Minor streets could be through, loop, cul-de-sac or shared driveway types.

(66) *Subdivider.* A person who:

- a. having an interest in land, causes it, directly or indirectly, to be separated into 2 or more parts, or who:
- b. directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit, or plat in a subdivision, or who:
- c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision.

(67) *Subdivision.* The division of a lot, tract, or parcel of land into two or more lots, tracts or parcels or any adjustment to existing lot lines is considered a subdivision.

(68) *Vested rights.* The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to completion of the project.

(69) *Viewshed.* The primary area which can be viewed from a defined observation point. To determine the extent of the viewshed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the viewshed.

ARTICLE III - GENERAL REQUIREMENTS

A. General Requirements

The requirements listed below shall be applicable to all subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if Planning Commission approval is required) the Commission 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 Commission shall have grounds for denial of the project design.

1. Each subdivision shall be consistent with the requirements of the Jamestown Comprehensive Community Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform to the standards and provisions of the Jamestown Zoning Ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of Section 302 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. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the Town of Jamestown prohibiting any such present or future development.
3. In subdivisions requiring Onsite Wastewater Treatment Systems (OWTS), no building lot shall be designed and located in such a manner as to require relief from Article 3, Section 802 of the Zoning Ordinance, as amended;
4. There shall be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
5. Subdivision, as proposed, shall not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See definition of "*buildable lot*". Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
6. All proposed land developments and all 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 compliance with this requirement;
7. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for

adequate surface water run-off, 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 and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion.
9. All lots shall have access to sufficient potable water for the intended use.

B. Required Phasing of Major Land Developments and Major Subdivisions

1. When a Major Land Development or Major Subdivision is submitted for Master Plan approval as provided in Section C.4.c. of Article V, the Planning Commission 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 Commission 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 Commission shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases.

2. When an application is submitted for Master Plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the Master Plan Checklist for Major Land Developments and Major Subdivisions, a copy of the Master Plan narrative report for their review and comment. Each agency so notified by the applicant shall write its comments on a form to be provided to the applicant by the Administrative Officer. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the Administrative Officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined as provided in Article V, Section C4.f.) all comments from reviewing agencies shall be received prior to the date of the public hearing.

3. Each department or agency to which such a request for comments is made shall deliver to the Administrative Officer a completed written form, and any supplementary material, which shall describe:

- a. An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
- b. Whether existing facilities and/or services are adequate to serve the subdivision's residents;
- c. Whether plans for the necessary improvements to existing facilities and/or services are included in the Town's Capital Improvement Program or are otherwise planned; and,

- d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

All such written forms and supplementary material shall be delivered to the Administrative Officer by the reviewing agency within the time limits prescribed.

4. Based on the responses received from the various departments and agencies, the Planning Commission shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such a growth rate plan, the Planning Commission may require that improvements be installed, or lots sold, in two or more phases.
5. If phasing is required, the Planning Commission 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 Commission in Section B.4. of this Article, above. In such review and approval, the Commission may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.
6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

C. Land Unsuitable for Development

1. When calculating the number of residential building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the minimum building acreage of the parcel:
 - a. Wetlands as defined in Title 2, Chapter 1 of the General Laws of Rhode Island, and intertidal salt marshes as defined by Title 46, Chapter 213 of said General Laws as the same is or may be from time to time amended, and in any rules or regulations adopted pursuant thereto. For the purposes of delineating suitable land for the computation of the maximum number of dwelling units, land encompassed by any setback requirement or banks, as set forth in Title 2, Chapter 1 and Title 46, Chapter 23 of the General Laws, need not be excluded from consideration as developable land area.
 - b. Land located within Zone A8 as shown on the Town of Jamestown Flood Insurance Rate Map, and any revisions thereto.
 - c. An area of the tract proposed to be developed equal to: 20% of that portion of a tract which is located in an R-20 District; 10% of that portion of a tract which is located

in an R-40 District; and 5% of the portion of a tract which is located in an RR-80 District, as an allowance for public streets or in the alternative the area of any public street rights-of-way actually designed for the proposed dwelling project in accordance with applicable Subdivision Regulations.

- 2. Land described in Subsection 1(a), 1(b), and 1(c), 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 302 of the zoning ordinance.

D. Dedication of Land for Public Purposes

1. Subdivider Must Provide Recreation/Park Space

The Planning Commission 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 park and recreational land and/or facilities to serve present and future residents of the proposed land development or subdivision. The Planning Commission may, in its discretion, require the payment of a fee in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.

2. Relationship to Comprehensive Plan

No dedication of land to the public or payments-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the Town, i.e., the Comprehensive Community Plan, the Local Recreation, Conservation and Open Space Plan, or the Capital Improvement Program (CIP). The requirement for dedication of land for park and recreation facilities shall be based upon the policies and standards set forth in the above plans and shall reflect the character defined by the Comprehensive Community Plan for the neighborhood or district in which the subdivision is located. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments in lieu of land dedication are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing park and/or recreational facilities.

3. Amount of Land to be Dedicated

The minimum amount of land to be dedicated shall be based upon the following formula:

$$\begin{array}{rcl}
 \text{Amount of} & & \text{Maximum No.} & & \text{Persons} & & \text{Land} \\
 \text{Dedicated Land} & = & \text{of DU's in the} & \times & \text{per} & \times & \text{Need}^{(3)} \\
 \text{(Acres)} & & \text{Subdivision}^{(1)} & & \text{DU}^{(2)} & &
 \end{array}$$

DU = Dwelling Units

- (1) The maximum number of dwelling units in all phases of the land development project or subdivision.
- (2) Persons per Dwelling Unit. See subsection 8 below.
- (3) Land Need. See subsection 7 below.

4. Ownership of Land

Land dedications required by this Section may be made by transfer of fee simple ownership to the following:

- a. The Town of Jamestown
- b. A private Homeowner's Association
- c. A private not-for-profit corporation or organization

5. Fees-in-Lieu of Land Dedication

Where a fee is required by the Planning Commission to be paid in lieu of land dedication, the amount of such fee shall be based on the fair market value of the amount of land which would otherwise be required to be dedicated under subsection D.3 hereof. The amount of such fee shall be determined by the following formula:

$$\begin{array}{rclcl} \text{Fee in-lieu} & & \text{Area of Dedicated} & \times & \text{Fair Market} \\ \text{of Dedication} & = & \text{Land Required}^{(1)} & & \text{Value of Land}^{(2)} \end{array}$$

- (1) Land Required as per Subsection D.3 of this Article.
- (2) Fair market value of land in the parcel being subdivided after subdivision approval has been granted, and which is suitable for use as open space, conservation, park and recreation facilities. See subsection 6 below.

6. Fair market value

Fair market value of the land assuming subdivision approval has been granted shall be determined at the time of filing of the final plan in accordance with the following:

- a. Annual review by the Jamestown Tax Assessor of all sales of vacant lots of at least 10,000 sq. ft. in Town assuming all subdivision improvements have been made and infrastructure is in place.

- b. If the subdivider objects to such amount of evaluation, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser which appraisal may be accepted by the Planning Commission if found to be reasonable; or
- c. The Planning Commission and subdivider may agree as to the fair market value.

7. Land Need

The actual need for park and recreation space land as expressed in acres per 1,000 population in the Comprehensive Community Plan. The 1990 Town-wide need is 10.0 acres per 1,000 population.

8. Persons per Dwelling Unit

The applicant may provide an estimate of the projected number of persons (D.U.) in the proposed land development project or subdivision and shall state the basis for such estimate. The Planning Commission shall review and approve of such estimate. Otherwise, the figure of 2.3 persons per household from the 2020 Census shall be used.

9. Time of Dedication or Payment

All land dedications required by this Section shall be made at the time of recording of the plat.

ARTICLE IV - SPECIAL REQUIREMENTS

A. Conservation Developments

1. Definition and Purpose

Conservation Development is a Residential land development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment and to protect the character-defining features of the property. The overall residential density on the parcel shall not exceed that permitted in the zoning district. See Article 15.

Conservation Developments are intended to promote the health, safety and welfare of the residents of Jamestown by encouraging harmonious, efficient and convenient living environments and communities; increasing housing opportunities by increasing variety in residential housing types and design; facilitating the economical and efficient provision of necessary community services, recreational facilities and open space; preserving features and sites that have natural, ecological, cultural, historical, agricultural, scenic, or other interest or value; and encouraging innovative residential design.

Conservation Developments are required for all subdivisions of 5 lots or more.

2. Purpose

The purposes of this article, entitled Conservation Developments, are:

- a. To conserve open land by setting aside from development those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, wetlands, reservoirs and their drainage areas, and agricultural lands;
- b. To preserve historical, agricultural and archaeological resources;
- c. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of streets, utility runs, and the amount of paving required for residential development;
- d. To provide for a diversity of lot sizes and layouts;
- e. To provide housing choices for various age and income groups and residential preferences to maintain population diversity in the community;
- f. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the Comprehensive Plan;
- g. To provide reasonable incentives for the creation of a greenbelt/trails system within the Town;

- h. To implement land use, housing, environmental and open space policies as set forth in the Comprehensive Plan;
- i. To protect areas with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
- j. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and strong neighborhood identities;
- k. To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage or conservation;
- l. To conserve and create scenic views and preserve the rural character of the Town, particularly along existing streets;
- m. To provide buffers between new developments and existing neighborhoods, delicate natural features and habitats, and,
- n. To encourage low impact development (LID) techniques to control and reduce stormwater impacts.

4. Applicability

The Planning Commission may approve a proposed land development project or subdivision in the form of a conservation development only in accordance with the provisions of Article 16, Section 82-1601 of the Zoning Ordinance.

5. Procedures

Applications for conservation development approval shall be made in accordance with the procedures for approval of a major or minor subdivision or land development project based on the number of lots or dwellings in the development as provided in Article V of these Regulations.

6. Uses, Lot Area and Dimensional Regulations

The permitted uses, maximum number of units, minimum lot areas and dimensional regulations applicable to conservation development shall be those provided in Article 16 of the Zoning Ordinance.

7. Design Process

The design of a conservation development shall follow the design process specified in the following steps. As a guide in designing conservation developments, applicants are encouraged to review the provisions of the Rhode Island Conservation Development

Manual, RIDEM, June 2003, as amended, in the preparation of plans. The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the Master Plan is submitted for major land development projects or subdivisions, or preliminary plans for minor land development projects or subdivisions, applicants shall demonstrate to the Planning Commission that this design process was considered in determining the layout of proposed streets, building locations, and open space. Checklists #8 and #9 provide the specific information that must be provided.

Step 1 - Analyze the Site

The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other and strategies for protection. For pre-application meetings, the applicant shall submit the information required by the Pre-Application Checklist. For master plan meetings, this information shall be submitted in the form of an Existing Resources and Site Analysis Map, as specified in §IV.A.12

Step 2 - Evaluate Site Context

The second step is to evaluate the site in its larger context of the neighborhood and Town by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., street and bicycle networks), and cultural (e.g., open spaces, recreational opportunities) connections to surrounding land uses and activities. This information shall be submitted in the form of a Site Context Map, as specified in § IV.A.7.

Step 3 - Designate Potential Conservation Areas

The third step is to identify the areas on the site to be preserved as open space. The open space shall at a minimum include portions of the site that are unsuitable for development, and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the Town of Jamestown Comprehensive Plan.

Step 4 - Determine Maximum Number of Units

During the pre-application stage of review, the applicant and Planning Commission shall agree upon an initial number of dwelling units that will be permitted in the conservation development or subdivision, using the Yield Plan approach as described in § IV.A.8. The number of units may be changed by the Planning Commission during subsequent stages of review, as more information is provided, until the final Basic Maximum Number of Dwelling Units is determined.

Step 5 - Locate Development Areas and Explore Conceptual Alternatives

As part of the Pre-Application submission, the applicant shall show a minimum of two alternative proposed development layouts in the form of a Sketch Plan(s), or Sketch Plan Overlay Sheet(s), as described in Section § IV.A.6. These alternative plans shall be substantially different. The Planning Commission shall review how each alternative impacts the viability of the development plan, and how each benefit the Town. This sketch plan

shall be further refined for re-submission and discussion between the Commission and applicant during subsequent stages of review, as an overlay to the Existing Resources and Site Analysis Map described in § IV.A.12.

Step 6 - Locate the House Sites

The sixth step is to locate building sites, using the proposed open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with Jamestown's rural character.

Step 7 - Lay Out Streets, Trails and Other Infrastructure

Upon designation of the building sites, a street plan shall be designed to provide vehicular access to each building, complying with the standards herein and bearing a logical relationship to topographic conditions. Detailed information regarding stormwater drainage, water supply and sewage disposal, trails, sidewalks and other infrastructure are also provided during this step.

Step 8 – Design and Program Open Space

Details regarding the use, design, ownership and management of proposed open spaces shall be developed during the review process. Starting with conceptual proposals at the early stages of review, the function of open space areas shall be developed and refined. Based on review by the Planning Commission and other reviewers, these concepts shall be clarified during the review process to establish as clear an approach to the use and maintenance of open space as it does for development areas.

Step 9 - Draw in the Lot Lines

Upon completion of the preceding 8 steps, the next step is simply to draw in the lot lines to delineate the boundaries of individual residential lots (if applicable).

Step 10 - Establish Ownership and Management of Open Space and Other Community Elements

At the time of preliminary review for major land development projects or major subdivisions, or at the time of final review for minor land development projects or minor subdivisions, a more detailed open space use and management plan as described in § IV.A.9 shall be submitted.

8. Sketch Plan Overlay Sheet

- a. The design process described above shall be documented by the applicant and presented to the Planning Commission. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of more detailed site surveys and environmental data (at the

same scale).

- b. At the pre-application stage of review, the initial sketch plan may be presented as an overlay to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development. As an alternative, a separate diagrammatic sketch plan(s) may be presented.
- c. At the preliminary stage of review for minor land development projects and subdivisions, and at the master plan stage of review for major land development projects and subdivisions, the sketch plan of development shall be presented as an overlay to the Existing Resources and Site Analysis Map.

9. Site Context Map

- a. A map showing the location of the proposed development within its neighborhood context shall be submitted. The Site Context Map, which may be superimposed on an aerial photograph, shall be drawn to a scale of 1"= 400' or as necessary to show the area within a ½-mile radius of the subdivision parcel. It shall show the locations of major streets and zoning district boundaries. Major features that surround the site shall also be indicated on this Map. Topography at 10-foot contour intervals (from USGS maps) shall be shown.
- b. A separate soils map of the site and surrounding area shall be prepared, along with a general analysis of soil types and suitability for the development proposed. If present, agricultural land as defined in Article II and any very poorly drained soils shall also be shown on this map.

10. Basic Maximum Number of Dwelling Units

- a. The Basic Maximum Number of dwelling units allowed on a parcel of land proposed as a conservation development is defined as the maximum number of single-family building lots or dwelling units that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a Conventional Yield Plan as defined herein. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such Yield Plan; provided, however, that the Planning Commission's determination of the Basic Maximum Number shall be conclusive.
- b. The Yield Plan shall be prepared as conceptual layout plans in accordance with the Pre-application Checklist (Checklist #8). Yield plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. The Yield Plan must be drawn to scale, and it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of land unsuitable for development (as defined in Sec. 82-103 of the Zoning Ordinance), existing easements or encumbrances and the

suitability of soils for subsurface sewage disposal.

- c. The Yield Plan shall also reflect the dimensional standards for uses being proposed, as contained in § 82-302 District Dimensional Regulations (Table 3-2) of the Zoning Ordinance. The Yield Plan must identify how conventional lots or uses could be developed having the required area, frontage and other zoning dimensional requirements. Although lots shown in the Yield Plan may contain land unsuitable for development, this area shall not be counted towards the minimum lot area as provided in the Zoning Ordinance.
- d. On sites served by Onsite Wastewater Treatment System (OWTS), density shall be further determined by evaluating the number of dwellings or other uses that could be supported by OWTS on lots in a conventional subdivision. Lots or dwelling units shown on a Yield Plan shall not include dwellings proposed to be serviced by an OWTS that requires a RIDEM or Town variance. The Planning Commission shall determine the suitability of the parcel to be developed as a conventional subdivision, based on the soils information provided by the applicant, upon observations made during a site visit to the property, and/or upon other evidence available to the Commission at any time during the development review process.
- e. The Planning Commission shall determine an initial basic maximum number of lots/dwelling units permitted in the development at the pre-application stage of review. The applicant shall base all subsequent submissions of more detailed information on this initial number. The Commission may increase or reduce this initial number after further investigation and receipt of more detailed soils and environmental information. A final basic maximum number shall be established at the final stage.
- f. The initial basic maximum number may be made contingent on confirmation by RIDEM that such alterations are permitted under the provisions of the Freshwater Wetlands Act, if applicable.

9. Open Space

Every conservation development shall provide protected open space lot or lots in accordance with the standards set forth below, and in § 82-1609 of the Zoning Ordinance.

- a. The Planning Commission shall specifically authorize plans for the use, ownership, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirements shall not be excavated or regraded, except as permitted by the Planning Commission. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the Planning Commission to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat. These disturbances shall be specifically shown on an open space

use and management plan as described below.

- b. At the time of Master Plan review by the Planning Commission for major conservation developments, or preliminary review for minor conservation developments, the applicant shall submit a separate open space use plan containing:
 - (1) General location and area of all proposed open space;
 - (2) General proposed use(s) of open space;
 - (3) Proposed ownership of open space;
 - (4) Existing topography and existing ground cover of open-space areas;
 - (5) Location and nature of existing buildings, structures, stone walls, or other unique natural and/or historic features;
 - (6) Open-space areas from which existing vegetation is to be removed or altered, and/or areas that are to be graded, excavated, altered, or otherwise disturbed;
 - (7) Generalized proposals for the regrading, revegetating and/or landscaping of areas to be disturbed;
 - (8) Location and nature of proposed buildings, structures, parking areas, streets or roadways, impervious areas, and/or recreation areas; and
 - (9) Areas to be left in existing natural states without any disturbance.

- c. At preliminary/major or final/minor review, applicants shall submit a more detailed open space use and management plan specifying use of open space that may be combined with required grading, landscaping, soil erosion, or drainage plans. Legal documents describing ownership, maintenance and management responsibility shall be provided.

- d. As a condition of final approval, the Commission shall require final construction plans to show proposed open-space use(s) and alterations. A final open space use and management plan shall be recorded along with the Final Plan as required by these Regulations.

- e. Clearing and excavation of open space areas may be permitted only for the installation of stormwater retention or detention facilities, other drainage facilities, or for permitted utilities, park, open space, recreational, agricultural or forest management uses in accordance with a plan approved by the Planning Commission.

- f. Where feasible, the use of low impact development (LID) techniques shall be used to control and reduce stormwater impacts, in accordance with applicable state and federal regulations.
- g. No commercial earth removal, even if permitted by the Zoning Ordinance in the zoning district in which the development is proposed, shall be permitted within any open space areas. In approving an open space use plan, the Commission may permit grading that includes removal of earth materials. The Commission shall, however, clearly indicate, as a condition of approval, the approximate quantities of material and the general areas from which earth removal is authorized and shall only authorize the minimal amount of earth removal required to grade the land for the intended purpose.

10. Open Space Design Review Standards

- a. Resources to Be Conserved - The design of open space lands in any conservation development shall reflect the standards set forth in this Article, and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant should consult the Inventory of Conservation and Open Space Land as identified in the Comprehensive Plan for natural, cultural and recreational resources.
 - (1) Stream channels, floodplains, hydric soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection;
 - (2) Wellhead protection areas;
 - (3) Special aquatic sites, vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Heritage Inventory;
 - (4) Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;
 - (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats;
 - (6) Areas where precipitation is most likely to recharge local watersheds and public reservoirs because of topographic and soil conditions;
 - (7) Areas where open space will mitigate the effects of stormwater runoff, avoid

or reduce non-point sources of watershed pollution; or buffer surface watersheds or groundwater resources;

- (8) Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;
- (9) Active agricultural uses, pastures, croplands, prime farmland soils and farmland soils of statewide importance;
- (10) Historic structures and archaeological sites;
- (11) Visually prominent topographic features such as knolls, hilltops and ridges;
- (12) Geologic features such as eskers or kettle holes;
- (13) Scenic viewsheds as seen from public streets (particularly those with historic features);
- (14) Existing or potential trails connecting the parcel to other locations in the Town;
- (15) Any other natural, cultural or recreational resources determined by the Planning Commission.

b. Other Design Considerations - The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:

- (1) They shall be free of all structures except historic buildings or structures, stone walls, and structures related to open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
- (2) They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land;
- (3) They shall be suitable for park or passive recreational uses to the extent deemed necessary by the Planning Commission, without interfering with adjacent dwelling units, parking, driveways, streets and roads;
- (4) They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the development;
- (5) They shall provide buffers to adjoining residential property or neighborhoods, and along existing streets;
- (6) They shall provide for pedestrian pathways for use by the residents of the

development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the Town. Provisions should be made for access to the open space lands, as required for land management and emergency purposes;

- (7) Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation;
- (8) They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources;
- (9) They shall be consistent with the Comprehensive Community Plan.

11. Streets

Streets within a conservation development may be publicly or privately owned as determined by the Planning Commission, and maintained and shall conform to the standards of Article XIII of these Regulations. Streets shall be designed to conform to the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Commission.

12. Existing Resources and Site Analysis Map

- a. Applicants for all conservation developments shall be required to prepare an Existing Resources and Site Analysis Map. Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to provide such Map. The purpose of this Map is to provide the Planning Commission with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.
- b. An Existing Resources and Site Analysis Map is required to be prepared at the following stages of review of conservation developments:
 - (1) Checklist #8 - Checklist for Pre-application Meetings and Concept Review (Conservation Developments only)
 - (2) Checklist #9 - Master Plan Checklist for Major Land Development Projects and Major Subdivisions (Conservation Developments only)

The checklists referenced above provide guidance to the applicant regarding preparation and use of the Map and its components.

- c. The Planning Commission shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The scale and sheet size of all Maps shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. Where necessary for clarity, the Map may be submitted as a series of more than one map.

The following information shall be included in this Map(s).

(1) Topography and Slopes

- (a) Topography shall be indicated at the early stages of review. The contour lines shall generally be shown in at least 10-foot intervals. More detailed topographic mapping with contour intervals of 2 feet, as determined by photogrammetry or on-site survey, shall be required during later stages of review in areas proposed for development. The determination of appropriate contour intervals shall be made by the Administrative Officer, who may require greater or lesser intervals on exceptionally steep or flat sites.
- (b) Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated by shading on the map, and the area thereof in acres shall be indicated.
- (c) Consult the appropriate Checklist for requirements for the different types of conservation developments and stages of review.

(2) Natural Resources Inventory

- (a) The location and delineation of ponds, streams, ditches, drains, special aquatic sites, vernal pools, natural drainage swales, 100-year floodplains and freshwater wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- (b) Vegetative cover conditions on the property according to general cover type including cultivated land, agricultural land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland. Trees with a caliper in excess of eighteen inches DBH, if located within an area proposed for disturbance or alteration shall also be indicated. Vegetative types shall be described by plant

community, relative age and condition. Specimen vegetation as defined in Section I, Article D shall be identified.

- (c) Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the State, and accompanying data published for each soil relating to its suitability for construction and for septic suitability
- (d) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, kettle holes, eskers, etc. based on available published information or more detailed data obtained by the applicant.
- (e) Ridge lines of existing hills and watershed boundaries shall be identified. Where applicable, the watershed boundary of public reservoirs shall be indicated.

(3) Cultural Resources Inventory

- (a) All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers.
- (b) Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, cellar holes and foundations, and known archaeological resources.
- (c) A viewshed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties. See definition in Article II.

(4) Recreational Resources Inventory

- (a) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- (b) Boat launches, stream access locations and water trails
- (c) Existing play fields and recreation areas

(5) Utilities and Infrastructure

- (a) Location of all easements and other encumbrances of property which are or have been filed of record with the Land Evidence Records of the Town.
- (b) Location of all streets and utilities

13. Decision

The Planning Commission may approve, approve with conditions, or deny an application for a conservation development. In making this decision, the Commission shall make findings on the record as to whether the conservation development better promotes the objectives of the Subdivision and Land Development Regulations than would a conventional development, after consideration of the general purposes of these Regulations as set forth in § I.A herein, and after consideration of the purposes of conservation developments set forth in § IV.A.1 herein.

B. Minor Subdivision Involving No Street Creation or Extension

Any subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of development, all of which have frontage on a public street, which meet all applicable area and dimensional requirements of the Zoning Ordinance but which do not require the extension or creation of a street shall be considered to be a minor subdivision and shall be reviewed according to the applicable provisions of Article V, Section C.3., and Section C.1 or C.2. of this Article below.

Subdivisions described above which create more than five (5) lots for the purpose of development shall be considered to be a major subdivision, and shall be reviewed according to the provisions of Article V, Section C.4.

1. Minor Subdivisions Involving the Creation of 2 lots

Minor subdivisions described above involving the creation of no more than 2 lots (one original lot plus one new lot) shall first be reviewed by the Technical Review Committee in accordance with the procedure established in Article V, Section C.3.d.). The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Appendix A.3.).

If the Technical Review Committee determines that the parcel being subdivided has the potential under the existing applicable zoning regulations to be developed for no more than 2 lots (one original lot plus one new lot) the application shall be forwarded to the Planning Commission with a recommendation for preliminary approval without further review as provided in Article V, Section C.3.d.) (1). Provided however, that the Committee, in forwarding the application to the Planning Commission, may also recommend conditions for approval as provided in subsection b. of this Section entitled Lot Development Standards, below.

Any further subdivision of either of the 2 lots created hereunder at any time after the effective date of these Regulations, whether immediate or future, shall be considered to be a minor subdivision of 3 or more lots or a major subdivision and shall be reviewed under the applicable provisions of these Regulations. The option of land dedication in lieu of fees, as provided by Article III. Section D.5. of these Regulations shall not be applicable to minor subdivisions involving the creation of 2 lots pursuant to this subsection. The subdivider shall be required to pay a fee in lieu of land dedication.

a. Criteria for Review

The following criteria shall be used by the Technical Review Committee and Planning Commission in their review of any 2-lot minor subdivision:

(1) Potential for Further Subdivision

The Planning Commission shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the Technical Review Committee and the Planning Commission shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided in section b. below as necessary to mitigate such impacts.

(2) Adequacy of the street on which the proposed lots front

- (a) The lots must be provided with access to a street which is adequate for access for vehicular traffic; and,
- (b) The frontage must provide safe and adequate access to a public street.

(3) Adequacy of the access from the lots onto the street

- (a) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and,
- (b) The lots must be physically accessible from the street upon which it fronts i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street.

(4) Conformity to zoning

The proposed lots must be in conformity with all applicable zoning ordinance requirements;

(5) Relationship to adjacent or nearby uses

The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.

a. Lot Development Standards

Standards which may be recommended by the Technical Review Committee to be imposed by the Planning Commission on any 2-lot minor subdivision as a condition of approval may include the following:

- (1) The location of the proposed access driveway along the road frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
- (3) Driveways of adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;
- (4) Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;
- (5) Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or,
- (6) Provisions may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

2. Minor Subdivisions Involving the Creation of 3 to 5 lots

Minor subdivisions described in Section B. above involving the creation of 3, 4 or 5 lots for the purpose of development shall first be reviewed by the Technical Review Committee in accordance with the procedure established in Article V, Section C.3.d.). The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Article XV). Any further subdivision of any lot(s) at any time after the effective date of these Regulations, whether immediate or future, so as to create a total of 6 lots or more from the original lot, after the effective date of adoption of these Regulations shall be considered to be a major subdivision and shall be reviewed under the provision of Article V, Section C.4.

a. Criteria for Review

In their review of any 3 to 5-lot minor subdivision, the Technical Review Committee and Planning Commission shall use the same criteria for review of a 2-lot minor subdivision involving no street creation or extension as provided in Section 1.a., entitled Criteria for Review above. In addition, the Committee and Planning Commission may also consider the following:

(1) Preservation of Agricultural Land

The preservation of land in agricultural use or which contains Prime Farmland or Farmland of Statewide Importance soils shall be maximized wherever possible by means of clustering lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

(2) Areas of Secondary Importance

In addition to the land unsuitable for development, the developer shall also note the location of any of the following natural and cultural features of the landscape: mature woodlands, significant wildlife habitats, prime farmland or open meadows and their defining treelines/ hedgerows and/ or stone walls, historic structures or community landmarks, and scenic views to, from, or within the property. These features add character and value to the community and help maintain the rural character. Efforts shall be made by the developer to minimize adverse impacts to these areas by use of design which is sensitive to existing site conditions.

(3) Feasibility of Internal Access Streets

Wherever possible and practical, the lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector street. In such cases, the Technical Review Committee shall require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as a 3 to 5-lot minor subdivision with an internal street, residential cluster development or a conventional subdivision. If the Planning Commission determines that such development is feasible and practical, the creation of frontage lots shall be prohibited and the applicant shall be required to develop the property in an alternative fashion.

b. Lot Development Standards

If the creation of 3 to 5 frontage lots is not prohibited under the provisions of 2a.(3) above, the Planning Commission shall review the proposed frontage lots as a 3 to 5-lot minor subdivision. Standards which may be recommended by the Technical Review Committee to be imposed by the Planning Commission as a condition of

approval of any 3 to 5-lot minor subdivision involving no street creation or extension may include the following:

- (1) Any of the standards for the development of a 2-lot minor subdivision as provided in Section 1.b (1)-(6) above, plus any of the following:
- (2) Improvements to the street on which the proposed lot(s) front(s) may be required in order to provide safe vehicular access. Provided, however that the standards for construction or upgrading of any such access street(s) shall not exceed those standards required by Article XIII of these Subdivision Regulations for construction of streets in minor subdivisions.
- (3) Provisions shall be made for construction of a private street to provide vehicular access to multiple frontage lots from a common access point (or points) on to the public street on which the lots front. Minimum standards for the design and construction of such service roads may be imposed by the Planning Commission in order to provide safe vehicular access. Provided, however that such standards shall not exceed those standards required by Article XIII of these Regulations for construction of streets in minor subdivisions.
- (4) Easements may be required to be granted to the Town to prohibit individual driveway access from lots onto frontage streets if adequate provision is made for access from individual lots to service roads required in (3), above.
- (5) Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the Planning Commission. Such provisions may include the following:
 - (a) preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;
 - (b) reservation of land or easements to provide for future access from access streets to contiguous land.

C. Minor Subdivisions Involving Street Creation or Extension

Any subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of development and which requires the creation or extension of a public or private street shall be considered a minor subdivision and shall be reviewed by the Planning Commission in accordance with the procedures set forth in Article V, Section C.3. Standards for the design and required improvements of such minor subdivisions shall be as follows:

1. Creation or Extension of a Public Street

Any minor subdivision which proposes the creation or extension of a public street shall be required to meet the design improvement standards for public streets as provided in Article XIII.

2. Creation or Extension of a Private Street

- a. Land being subdivided pursuant to this subsection (D.2.) shall have frontage on a street which has been officially accepted for ownership and maintenance by the Town of Jamestown or the State of Rhode Island. The minimum required frontage shall be equal to fifty percent (50%) of the minimum required lot width (frontage) required for single family dwellings in Section 302 of the Zoning Ordinance for the zoning district in which the subdivision is located. All lots in the subdivision shall be served by a private street connecting directly to the public street as herein defined at the point where said frontage is located.
- b. Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of Section 302 of the Zoning Ordinance. The area of the private street shall not be included in the calculation of the minimum required area of any lot.
- c. As a condition of final approval, the subdivider shall be required to record a covenant, binding on his successors and assigns, that the Town of Jamestown shall not be asked or required to accept or maintain the private streets within the parcel that do not meet the engineering and design requirements for town-accepted streets, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years.
- d. The option of land dedication in lieu of fees, as provided by Article III, Section D. of these Regulations shall not be available to minor subdivisions created pursuant to this subsection (D.2.). The subdivider shall be required to pay a fee in lieu of land dedication.
- e. Street design and improvement standards shall be as provided in Article XIII for local or minor streets. Where common driveways are required for 2-lot minor subdivisions, there are no minimum improvement standards for the driveway established in these Regulations. Provided, however, that the Planning Commission may prohibit individual driveway access on to the public street and require that a 20-foot

wide right-of-way or access easement for a common driveway be created.

3. Provisions for Future Access

In minor subdivisions of 3 to 5 lots, the Commission may require a street right-of-way width up to 50 feet, if it is determined by the Commission that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

ARTICLE V - PROCEDURE FOR REVIEW AND APPROVAL OF PLATS AND PLANS

A. General Requirements

1. The Planning Commission shall consider each application for subdivision approval according to the procedure set forth in this section, unless otherwise specifically provided.

2. Classification

The administrative officer shall advise the applicant as to which category of approval is required for a project. An applicant shall not be required to obtain both land development review and development plan review for the same project. The following categories of applications may be filed:

 - a. Subdivisions:

Administrative subdivisions, minor subdivisions, or major subdivisions;
 - b. Land development projects:

Minor land development or major land development; and
 - c. Development plan review.

3. An applicant for subdivision approval who wishes the Planning Commission to take some official action on his or her application shall submit all of the materials required by the applicable section of Appendix A of these Regulations (Checklists) to the Administrative Officer. If the requested action is not applicable under any of the Checklists provided in Appendix A, such as a request for an extension of an approval, the applicant shall submit a written request to the Administrative Officer describing the requested action to be taken by the Planning Commission. The matter will be placed on the next available agenda of the Planning Commission only if the Administrative Officer determines that all of the required material has been submitted and only after a Certificate of Completeness has been issued in accordance with the applicable provisions of these Regulations.

4. Any submission of materials to the Administrative Officer shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. No materials shall be accepted by the Administrative Officer without said cover letter. Upon receipt of any materials, the Administrative Officer shall stamp the date of receipt upon them.

5. If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a notarized written statement from the

owner authorizing such application.

6. The Planning Commission and/or Town Planner have the authority to engage professionals to assist them with the review of and recommendation concerning any application which, in the judgment of the Planning Commission and/or Town Planner, requires review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. Such professionals may include but may not be limited to Architects, Engineers, Lawyers, Landscape Architects, Planners and the like. Such assistance may include, but not be limited to, analyzing an application, determining consistency with the purposes and design standards for cluster developments, assessing the economic, archaeological, traffic or environmental impact of a development proposal, review of unique site features including trees, or for monitoring a project or site for compliance with the Commission's decisions or regulations. The fee for such services shall be the responsibility of the applicant and shall be equal to the actual cost to the Town for such consultant. These project review fees are separate from, and in addition to, other fees imposed by the Town for reviewing a proposed project or application or inspecting a project during construction or implementation.

B. Certification of a Complete Application

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. Every certification of completeness required by this chapter shall be in writing. In the event such certification of the application is not made within the time specified in these Regulations 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 Appendix A (Checklists), and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

Notwithstanding the paragraph above, the Planning Commission may subsequently require the applicant to correct any information found to be in error and/or to submit additional information specified in the Regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

Where review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Planning Commission determines that the required application information is complete.

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

C. Procedure for Approval

The Planning Commission shall consider applications for subdivision approval according to the following procedures:

1. Pre-Application Meetings and Concept Review

- a. An applicant wishing to obtain subdivision approval shall first contact the Administrative Officer to arrange a meeting with the Planning Department and other Town staff. At the staff meeting, the applicant and planning staff shall determine if a pre-application meeting with the Planning Commission is required by these regulations or is desired by either the applicant or the Town.
- b. If a pre-application meeting is required or requested, the applicant shall submit all the information required by the Checklist for Pre-application Meetings and Concept Review in Appendix A.2. The planning staff will review and comment on the checklist information and, if determined to be complete, will schedule the applicant to appear before the Planning Commission.
- c. If no pre-application meeting is required or requested, the applicant will be advised by the Administrative Officer as to the requirements of the Subdivision Regulations and the procedure to be followed by the applicant for subdivision approval.
- d. One or more pre-application meetings shall be held before the Planning Commission for all major land development or subdivision applications. Pre-application meetings may be held for administrative subdivisions and minor land development and minor subdivision applications, upon request of either the Town, acting through the Planning Department, or the applicant. Preapplication meetings shall allow the applicant to meet with the Planning Commission for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commissions, planning staff and state agencies shall be notified of the pre-application meetings and invited to provide comments on the proposed subdivision or land development plan.

- e. At the pre-application stage of an application, the applicant may request the Planning Commission 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 the applicant with Planning Commission or Technical Review Committee input in the formative stages of subdivision and land development concept design.
- f. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the Planning Commission regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Commission at the pre-application meeting.

2. Administrative Subdivision

- a. Any applicant requesting approval of a proposed administrative subdivision as here in defined shall submit to the Administrative Officer the items required by the Checklist for Administrative Subdivisions in Appendix A.1.
- b. The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section B. of this Article.
- c. Within fifteen (15) days of certification of completeness the Administrative Officer or Technical Review Committee shall review the application and approve, deny, or refer it to the Planning Commission with recommendations. The Officer or Committee shall report its actions to the Planning Commission at its next regular meeting, to be made part of the record.

If no action is taken by the Administrative Officer or Technical Review Committee, within the fifteen (15) day mandatory review period, the application shall be placed on the agenda of the next regular Planning Commission meeting.

- d. If referred to the Planning Commission, the Commission 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 sixty-five (65) days of the certification of completeness. Failure of the Planning Commission 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 Commission 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 ninety (90) days from the date of approval unless within such period of time a plat in conformity with such approval is submitted for signature and recording as provided in Article VI.

3. Minor Land Development and Minor Subdivision Review

- a. Review Stages.
Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted pursuant to a unified development application, a public hearing is required by the planning commission. Where a street creation or extension is involved, the public hearing process shall be per Article V Section D. Where variances and/or special-use permits are submitted pursuant to a unified development application, the public hearing process for unified development shall be followed per Article V Section C.6.
- b. Application types.
 - (1) Applications requesting relief from the zoning ordinance.
 - i. Applications under this section which require relief which qualifies only as a modification may proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the

modification is denied or an objection is received, such application shall proceed under unified development plan review.

- ii. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning commission under unified development review, and a request for review shall accompany the preliminary plan application.
- iii. Any application involving a street creation or extension shall be reviewed by the planning commission and require a public hearing per Article V Section D.

(2) Other applications. The administrative officer shall review and grant, grant with conditions or deny all other applications under this section. The administrative officer may utilize the technical review committee for initial review and recommendation.

b. Submission requirements. Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the Town of Jamestown Subdivision and Land Development Application.

c. Certification. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is granted. If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

d. Decision on preliminary plan. If no street creation or extension, variance or special use permits are required, the administrative officer will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the

administrative officer. If a street extension or creation is required, or the application is reviewed under the unified development review or the application seeks waivers from design standards and/or requirements of the land development and subdivision regulations that are beyond the authority of the administrative officer to grant, the planning commission will hold a public hearing prior to approval according to the requirements in Article V Sec. D Public Hearings and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the commission, according to the requirements of Article III, Sec. A General Requirements and Article XI, Sec. E. Meetings, Votes, Decisions, and Records.

- e. Failure to act. Failure of the planning commission or administrative officer to act within the period prescribed constitutes approval of the pending stage of review and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval will be issued on request of the applicant.
- f. Re-assignment to major review. The planning commission may re-assign a proposed minor project to major review only when the planning commission is unable to make the positive findings required in Article III, Sec. A. General Requirements.
- g. Final plan. Final plans shall be reviewed and approved by the administrative officer. The officer will report its actions, in writing to the planning commission at its next regular meeting, to be made part of the record. The administrative officer shall approve, deny, approve with conditions, or refer the application to the planning commission based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
- h. Appeal. Decisions under this section shall be considered an appealable decision pursuant to Article XII Appeals.
- j. Expiration of approvals. Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in Article VI Recording of Plats and Plans. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing and approved by the planning commission.

4. Major Land Development and Major Subdivision Review

- a. Stages of review. Major land development and major subdivision review consists of three stages of review, master plan, preliminary plan, and final plan, following the pre-application meeting(s). Also required is a public hearing at the master plan stage of review or, if combined at the first stage of review.

- b. The administrative officer may combine review stages, but only the planning commission may waive submission requirements as specified in Article VIII Waivers and Modifications. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the planning commission has waived any submission requirements not included by the applicant.

- c. Master plan review.
 - (1) Submission requirements.
 - (a) The applicant shall first submit to the administrative officer the items required by the checklist for master plans.
 - (b) Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the checklist.
 - (c) Initial comments will be solicited from:
 - i. Local agencies including, but not limited to, the planning department, the building department, the department of public works, and the fire and police departments;
 - ii. Adjacent communities;
 - iii. State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and
 - ix. Federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

- d. Applications requesting relief from the zoning ordinance.
 - (1) Applications under this chapter which require relief which qualifies only as a modification in the Town's Zoning Ordinance under Sec. 82-309. Modifications granted by building official may proceed by filing a master plan application under this section and a request for a modification to the administrative officer and, separately, a for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning commission pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in the Town's Zoning Ordinance under Sec. 82-309, such application shall proceed under unified development review pursuant to Article V, Sec. C.6 Development Plan Review.
 - (2) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning commission under unified development review pursuant to Article V, Sec. C.6 Development Plan Review.

- e. Certification. The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission, according to the provisions of Article V, Sec. B. Certification of a Complete Application, so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made as set forth in Article VIII.

- f. Technical review committee. The technical review committee shall review the application prior to the first planning commission meeting and shall comment and make recommendations to the planning commission.

- g. Public hearing.
 - (1) A public hearing shall be held per Article V, Sec. D prior to the planning commission decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during

the combined stage of review.

- (2) At the public hearing, the applicant will present the proposed development project. The planning commission must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.
- i. Decision. The planning commission shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Article III, Sec. A. General Requirements and Article XI, Sec. E. Meetings, Votes, Decisions, and Records.
 - j. Failure to act. Failure of the planning commission to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officer as to the failure of the planning commission to act within the required time and the resulting approval will be issued on request of the applicant.
 - j. Vesting.
 - (1) The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning commission for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the planning commission. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.
 - (2) The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.
 - k. Preliminary plan review.
 - (1) Submission requirements.
 - (a) The applicant shall first submit to the administrative officer the items required by the Town of Jamestown Subdivision and Land Development Application.
 - (b) Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans

depicting the proposed development project, and a perimeter survey, as included on the checklist.

- (c) At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the town engineer, the town solicitor, and other local government departments, commissions, or authorities as appropriate.
 - (d) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements, and rights-of-way.
 - (e) Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.
 - (f) If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to Article V, Sec. C.6. Unified development review.
- k. Certification. The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- l. Technical review committee. The technical review committee shall review the application prior to the first planning commission meeting and shall comment and make recommendations to the planning commission.
- m. Public notice. Prior to the first planning commission meeting on the preliminary

plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.

- n. 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 commission at preliminary plan approval.

- o. Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied, in accordance with the requirements of Article III, Sec. A. General Requirements and Article XI, Sec. E. Meetings, Votes, Decisions, and Records, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.

- p. Failure to act. Failure of the planning commission to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning commission to act within the required time and the resulting approval shall be issued on request of the applicant.

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

- s. Final plan.
 - (1) Submission requirements.
 - (a) The applicant shall submit to the administrative officer the items required by the checklist for the final plan, as well as all material required by the planning commission when the application was given preliminary approval.
 - (b) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.

- (c) Certification by the tax collector that all property taxes are current.
 - (d) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.
- t. Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the planning commission, the final plan shall be considered approved.
- u. Decision. The administrative officer, or, if referred to it, the planning commission, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve or deny the final plan as submitted.
- v. Failure to act. Failure of the administrative officer or, if referred to it, the planning commission to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure of the to act within the required time and the resulting approval shall be issued on request of the applicant.
- w. Expiration of approval. The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning commission for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording. Thereafter, the planning commission may, for good cause shown, extend the period for recording.
- x. Acceptance of public improvements. Signature and recording constitute the

acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the applicant dedicates those improvements through the proper legal instrument and the Town Council accepts the completed public improvements as constructed in compliance with the final plans.

- y. Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved, or a new plan is approved by the planning commission.
- z. Appeal. Decisions under this section shall be considered an appealable decision pursuant to Article XII Appeals.

5. Development Plan Review

- a. Applicability. The following categories of projects shall be subject to the provisions of this chapter:
 - (1) A change in use at the property where no extensive construction of improvements is sought.
 - (2) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
 - (3) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
 - (4) Institutional development design review for educational or hospital facilities.
 - (5) Development in a historic district.
 - (6) Any substantial modification of a municipal property.
 - (7) Any development proposals specifically designated for DPR specific to individual districts or uses including, but not limited to, the Jamestown Village Special Development District, the High Groundwater Overlay, RR-200 Zoning District, and Wind Energy Facilities.
 - (8) Proposal for any new two-family residential building.
 - (9) Accessory structures exceeding 1,000 square feet of gross floor area.
 - (10) Exterior addition with a gross floor area of more than 500 but less than 1,000 square feet.
- c. Permitting authority. The administrative officer shall approve administrative

projects submitted, and the planning commission with recommendation by the technical review committee shall approve formal projects as described herein.

- c. Development plan review consists of two review processes, administrative and formal.
 - (1) Administrative development plan review consists of one stage of review and the authorized permitting authority is the administrative officer. The following activities are subject to administrative development plan review:
 - (a) A change in use at the property where no extensive construction of improvements is sought.
 - (b) Proposal for any new two-family residential building.
 - (c) Exterior addition with a gross floor area of more than 500 but less than 1,000 square feet.
 - (2) Formal development review consists of the preliminary stage and final stage of review. The authorized permitting authority is the planning commission with technical review committee review. The following activities are subject to formal development review:
 - (a) An adaptive reuse project located in a commercial zone where extensive exterior construction of improvements is sought.
 - (b) An adaptive reuse project located in a residential zone.
 - (c) Institutional development design review for educational or hospital facilities.
 - (d) Development in a historic district.
 - (e) Any substantial modification of a municipal property.
 - (f) Any development proposals specifically designated for DPR specific to individual districts or uses including, but not limited to, the Jamestown Village Special Development District, the High Groundwater Overlay, and Wind Energy Facilities.
 - (3) The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer.
- d. Waivers
 - (1) Requirements for development approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting

authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

- (2) The application for a waiver of development plan review shall include documentation on prior use of the site, the proposed use, and its impact.
- (3) The permitting authority may grant waivers of design standards per the Jamestown Village Special Development Overlay District Design Guidelines or per Article XIII - Design and Public Improvement Standards.

e. Application requesting relief from the zoning ordinance.

- (1) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in the Town's Zoning Ordinance under Sec. 82-309 Modifications granted by building official, such application shall proceed under unified development review and be reviewed by the planning commission.
- (2) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning commission under unified development review, and a request for review shall accompany the preliminary plan application.

f. Submission requirements.

- (1) Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officer the items required by the Town of Jamestown Development Plan Review checklist.
- (2) Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits or use variances related to projects qualifying for development plan review shall be submitted and reviewed under unified development review.

g. Certification.

- (1) The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days. If no street creation or

extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made.

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

h. Application review and decision

- (1) Administrative development plan review. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.
- (2) Formal development plan review.
 - (a) Preliminary plan. Unless the application is reviewed under unified development review, the Planning Commission with Technical Review Committee review will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
 - (b) Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the planning commission at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- (3) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

- (4) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.
- (5) Appeal. A decision under this section shall be considered an appealable decision.

- i. Design Standards. Standards for design of development for applications subject to development plan review in the Jamestown Village Special Development Overlay District are provided in the Jamestown Village Special Development Overlay District Design Standards. Other more generally applicable design standards are found in Article XIII - Design and Public Improvement Standards. The planning commission may adopt additional design standards as needed.

6. Unified Development Review – Review Procedures

- a. Review of projects submitted under this section shall adhere to the procedures, timeframes, and standards of the underlying category of the project, but shall also include the following procedures:
 - (1) Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection 5. of this section shall be held prior to consideration of the preliminary plan by the planning commission. The planning commission shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
 - (2) Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the

requirements of subsection 5. of this section shall be held prior to consideration of the preliminary plan by the planning commission; see RIGL §45-23-50(d)(1)(ii). The planning commission shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.

- (3) Major subdivisions and land-development projects.
 - (a) Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection 5. of this section, shall be held prior to consideration of the master plan by the planning commission. The planning commission shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - (b) Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the planning commission during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection 5. of this section, shall be held prior to consideration of the preliminary plan by the planning commission. The planning commission shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of

the final plan of the major subdivision or land-development project. If the planning commission denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning commission shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the planning commission denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period, per §45-23-39 so that additional information can be provided and reviewed by the planning commission.

- (4) Decision. The time periods by which the planning commission must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the planning commission must make a decision on the applicable review stage of the category of project under review.
- (5) Public Hearing. Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to subsections 1. – 4. of this section. The public hearing must meet the following requirements:
 - (a) Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
 - (b) The notice area for notice of the public hearing shall be 200 feet and notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
 - (c) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
 - (d) The cost of all public notice is to be borne by the applicant.
- (6) The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the planning commission must make a decision on the applicable review stage of the underlying type of project under review.
- (7) The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute

for the underlying type of project under review.

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

D. Public Hearings

1. The following standards apply for any public hearing required for a Minor Subdivision/Minor Land Development, Major Subdivision/Major Land Development or Development Plan Review. Public hearings required in the unified development review process shall follow the standards of Article V Section C.5.
2. Notice requirements. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation. The same notice shall be posted in the town clerk's office and one other municipal building and the notice must be accessible on the home page of the Town's website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.
3. Notice area.
 - a. The distance(s) for notice of the public hearing shall be 200 feet from the project site.
 - b. Watersheds. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
 - c. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.
 - d. Notice cost. The cost of all newspaper and mailing notices shall be borne by the applicant.

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

E. Modifications and Changes to Plans

Minor changes to the plans for Major Subdivision/Major Land Development, Minor Subdivision/Minor Land Development, and Development Plan Review approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning commission meeting/hearing, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from the technical review committee. Denial of the proposed change(s) shall be referred to the planning commission for review as a major change.

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

Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change. Major changes to the plans approved at any stage may be approved only by the planning board and must include a public hearing per Article V Section D (Public Hearings). Major changes include the following:

1. Changes that have the effect of creating additional lots or units.
2. Changes to any dimension contained in the plan exceeding 20%.
3. Changes that would require a waiver from these Regulations or a variance or special use permit.
4. Significant realignment of streets or entrance changes.
5. Exceeding the limits of disturbance as specified in the Final Plan.

The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the written request for change if the administrative officer determines the change to be a major change of the approved plans.

F. Precedence of Approvals Between Planning Commission and Other Local Permitting Authorities

1. Zoning Board of Review

- a. Where an applicant requires both a variance from the Zoning Ordinance and Planning Commission approval, the application shall be reviewed under unified development review pursuant to §45-23-50.1 and 45-24-46.4.
- b. Where an applicant requires both a special-use permit under the Zoning Ordinance and Planning Commission approval, the application shall be reviewed under unified development review pursuant to §45-23-50.1 and 45-24-46.4

2. Town Council

Where an applicant requires both Planning Commission approval and Town Council approval for a Zoning Ordinance or Zoning Map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Commission as well as conditional Planning Commission 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 Commission for subsequent required approval(s).

ARTICLE VI - RECORDING OF PLATS AND PLANS

A. Signing and Recording of Plats and Plans

1. Endorsement

All approved final plans and plats for land development and subdivision projects shall be endorsed (signed) by the appropriate Planning Commission or Town official as an indication of final approval. Plats and plans for major land developments and major subdivisions, and for minor land developments and minor subdivisions shall be signed by the Planning Commission chairperson, or in the absence of the chairperson, by the secretary of the Planning Commission. Plats and plans for administrative subdivisions shall be signed by the Administrative Officer or his/her designee. All endorsements shall include the date of such endorsement.

No endorsement of plans and plats shall be made until (a) the Administrative Officer has certified in writing that all of the required improvements have been made, or (b) the Finance Director has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of Article VII.

2. Recording

Upon endorsement, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the land evidence records of the Town. The material to be recorded shall include all plat drawings and other pertinent information as indicated on the appropriate Final Plat Checklist in Appendix A.7. A copy of the written decision of the Commission, signed by the appropriate Planning Commission or Town official, including all conditions of approval, shall also be recorded. No plans, plats or supporting materials shall be recorded until the Administrative Officer has certified, in writing, that all required fees have been paid.

Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, environmental impact statements, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the Town departments responsible for implementation and enforcement. One copy shall be kept on file by the Planning Department.

Construction drawings need not be recorded. However, a complete blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscape plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval shall be filed with the Administrative Officer prior to recording of the plat. One copy of all construction drawings shall be kept by the Department of Public Works.

The Administrative Officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

B. Changes to Recorded Plats and Plans

1. General

For all changes to the approved, recorded plans of land development projects or subdivisions subject to these Regulations, an amendment of the final development plans shall be required prior to the issuance of any building permits for construction upon the subject property. The procedure for approval and the categorization of whether such change is minor or major shall be in accordance with §45-23-38(h), 45-23-39(F) or 45-23-50(j), whichever is applicable based on the underlying type of application. Any such changes approved to the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats and plans as provided in Section A. of this Article, above.

ARTICLE VII - GUARANTEES OF PUBLIC IMPROVEMENTS

A. Definition and Purpose

An *improvement guarantee* is a security instrument accepted by the Town to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval of a subdivision plan by the Planning Commission 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 Commission, and before the recording of any subdivision plats, the Planning Commission 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 Commission indicating his/her intent to complete the required improvements prior to the Planning Commission'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 Commission.

1. If improvements are to be constructed without a financial guarantee, all work shall be completed prior to endorsement and recording. Inspections shall be made by the Public Works Department or town-designated Registered Professional Engineer at all required stages of construction as specified in Article XIII. Upon completion of all required improvements, the Administrative Officer shall certify in writing of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate Planning Commission or Town official and the plat shall be recorded as provided in Article VI, at which time the lots within the subdivision may be transferred or sold.

2. If improvements are to be guaranteed, the provisions of Section C. of this Article, below, shall apply.
3. Improvements which are proposed to be privately owned and maintained, such as, but not limited to, streets, utilities, and drainage systems, may be covered by an improvement guarantee if requested by the subdivider.

C. Procedures for Financial Guarantees

1. Amount

Improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in Article V. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the Director of Public Works and submitted to the Administrative Officer, who shall review the estimates, if requested, with the subdivider. If the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The Technical Review Committee shall review the Director of Public Works' amount of the improvement guarantee, or the subdivider's revision, and make a recommendation to the Planning Commission, who shall review and approve the final amount. The Commission may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed 120 percent of the estimated cost of improvements as recommended by the Technical Review Committee.

At the expiration of the final plan approval period, if all required improvements are not complete, the Planning Commission 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 Commission not to be in compliance with the approved plans, the Commission 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. Security bond. The subdivider may obtain a security bond from a surety bonding company authorized to do business in the State of Rhode Island.
- 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 shall refer such request to the Technical Review Committee. After inspection of all required improvements, the Committee shall recommend that the Planning Commission (a) authorize the Finance Director to return all improvement guarantees to the subdivider, (b) that the amount of the guarantee being held by the Town be reduced to cover the estimated cost of remaining improvements; or (c) that no releases or reductions be made. The Planning Commission shall act on all such releases or reductions of improvement guarantees.

4. Phased Subdivisions

In the case of land development projects or subdivisions which are approved and constructed in phases, the Planning Commission 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 Commission shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.

5. Maintenance Guarantees

The Planning Commission 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 not exceed ten percent of the original guarantee amount. The initial period for such maintenance guarantee shall be one (1) 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 Commission finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

6. Acceptance of Improvements

Upon completion of all required improvements, the subdivider shall convey all public improvements to the Town for ownership and maintenance. Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the Town. The applicant shall first request the Department of Public Works to conduct a final inspection as provided in Article XIII, Section J. 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 drawing(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance upon the next available agenda of the Technical Review Committee. If all requirements of these Regulations 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 these Regulations 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 Section 5 of this Article.

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.

ARTICLE VIII. WAIVERS AND MODIFICATIONS

A. Waiver or Modification of Regulations

1. The Planning Commission shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these regulations if the Planning Commission finds that:
 - a. the waiver or modification is reasonable and within the general purposes and intents of these regulations; and,
 - b. literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

B. Reinstatement of Applications

1. When an applicant has exceeded a deadline established by these regulations for submission of material for a subdivision or land development, thereby rendering a previously-granted approval invalid, the application may be reinstated by the Planning Commission under the following conditions:
 - a. the subdivision is consistent with the Comprehensive Community Plan;
 - b. the Subdivision Regulations are substantially the same as they were at the time of original approval;
 - c. the zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
 - d. physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and,

- e. any applicable State or federal regulations are substantially the same as they were at the time of original approval.
2. Application for reinstatement of a previously-approved subdivision shall be made to the Planning Commission in writing by the subdivider. The Planning Commission, in approving or denying the request for an extension, shall make findings of fact which shall be made part of the record.

C. Decisions on Waivers and Modifications

1. The Planning Commission shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:
- a. The Planning Commission's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the Planning Commission, unless the applicant waives that deadline.
 - b. The Planning Commission's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in Section VIII.B.1.

ARTICLE IX. ENFORCEMENT AND PENALTIES

A. Violations

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

B. Penalties for Violations

Any person adjudged in violation of these regulations shall be liable for penalties not to exceed Five Hundred Dollars (\$500) per day, and each day of existence of a violation shall be deemed a separate offense.

C. Injunctive Relief

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

ARTICLE X. ADOPTION AND AMENDMENT OF REGULATIONS

A. Procedures

The Planning Commission shall adopt and amend these Subdivision and Land Development Regulations according to the following procedure:

1. Notice of a public hearing on any proposed adoption or amendment shall be published in a newspaper of general circulation within the town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles. The advertisement shall:
 - a. specify the date, time and place of the public hearing;
 - b. indicate that adoption, amendment or repeal of the Jamestown Subdivision and Land Development Regulations is under consideration;
 - c. contain a statement of the proposed amendment that may be printed once in its entirety, or may summarize or describe the matter under consideration;
 - d. advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and,
 - e. state that the proposed amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, provided that any such alteration or amendment must be presented for comment in the course of the public hearing.
2. Notice of the public hearing shall be sent to the following:
 - a. The Associate Director of the Division of Planning of the Rhode Island Department of Administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two (2) weeks prior to the public hearing.
 - b. The Jamestown Water Department, provided that it has filed with the Jamestown Building Official a map survey showing the areas of surface water resources and/or watersheds, and parcels of land within two thousand (2,000) feet of the areas of surface water resources and/or watersheds, pursuant to R.I. Gen. Laws Sec. 45-24-53(E).

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

B. Availability

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

ARTICLE XI - ADMINISTRATION OF THE REGULATIONS AND AMENDMENTS

A. The Administrative Officer

1. Administration

Administration of these Subdivision and Land Development Regulations shall be under the direction of the Administrative Officer, who shall report to the Planning Commission. The Town Planner of the Town of Jamestown is hereby designated as the Administrative Officer.

2. Appointment

Appointment of the Town Planner shall be the responsibility of the Town Administrator as designated in the Town Charter.

3. Duties and Responsibilities

The duties and responsibilities of the Administrative Officer shall include, but shall not be limited to:

- a. Coordination of the review, approval, recording, and enforcement provisions of these Regulations;
- b. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the Planning Commission;
- c. Enforcement of these Regulations as provided in Article IX of these regulations; and,
- d. Serve as the chair of the Technical Review Committee.

4. Qualifications

The qualifications of the Administrative Officer shall be determined by the Town Administrator as provided in the official job description for the Town Planner.

B. The Technical Review Committee

1. Establishment

There is hereby established, in accordance with RIGL §45-23-56, a subcommittee of the Planning Commission, to be known as the Technical Review Committee, which is established to conduct technical reviews of all applications for subdivisions and land development projects subject to Planning Commission 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 Commission in its activities or decisions.

2. Membership

Membership of the Technical Review Committee shall consist of (1) Town Planner; (2) the Director of Public Works; and (3) the Building Official of the Town of Jamestown. Written procedures shall be adopted by the Planning Commission establishing the Committee's responsibilities and procedures. The administrative officer shall serve as chair of the TRC.

3. Records

Recommendations of the Technical Review Committee to the Planning Commission shall be in writing and shall be kept as part of the permanent record of the development application. The recommendation of the TRC shall be made available to the applicant prior to a decision by the permitting authority.

C. The Zoning Board of Review

Appeals of decisions of the Planning Commission or the Administrative Officer on matters of review and approval of land development and subdivision projects shall be made to the Zoning Board of Review in accordance with the provisions of Title 45, Chapter 23 of the General Laws of RI, and with this Ordinance.

D. Administrative Fees

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

1. Administrative Subdivision: (\$100)

2. Minor Land Development and Minor Subdivision
 - a. Pre-application Meeting and Concept Review: (\$0)
 - b. Preliminary: (\$300 + \$50 per acre)
 - c. Final: (\$300 + \$50 per acre)

3. Major Land Development and Major Subdivision
 - a. Pre-application Meeting and Concept Review: (\$200)
 - b. Master Plan: (\$300 + \$50 per acre)
 - c. Preliminary: (\$300 + \$50 per acre)
 - d. Final: (\$300 + \$50 per acre)

4. Reinstatement of Application (\$600)

5. Any Land Development Project or Development Plan Review by the Planning Commission:
The Sum of:
 - a. Residential: \$250 per proposed lot or proposed unit
 - b. Non-Residential: \$0.20 per square foot of GFA, not to exceed \$500.

6. Recording of Subdivision Plan: As provided in Title 34, Chapter 13 of the General Laws of Rhode Island.

7. Inspection Fees: Two percent (2%) of the total amount of the original performance bond including all required improvements. In the absence of a performance bond, inspection fees in the amount of two percent (2%) of the total estimated cost of all required improvements as estimated in accordance with the procedure established in Article VII. Inspection fees shall be paid in full before construction begins of any improvements requiring inspection.

E. Meetings, Votes, Decisions, and Records

1. All records of the Planning Commission 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 Commission shall also be available for public review.
2. Participation in a Planning Commission meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
3. All final written comments to the Planning Commission from the Administrative Officer, municipal departments, the Technical Review Committee, state and federal agencies, and local boards of commissions shall be part of the permanent record of the development application.
4. All votes of the Planning Commission shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Commission to approve any land development or subdivision application shall require a vote for approval by a majority of the Planning Commission members present at the time of the vote. A decision by the planning board to approve a variance or special-use permit pursuant to unified development review requires a vote for approval by a majority of the planning board members that were present at the public hearing at which the request was heard.

ARTICLE XII. APPEALS

A. Appeals from Decision of Administrative Officer

1. Decisions by the administrative officer approving or denying projects made pursuant to shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71
 - a. An appeal to the board of appeal from a decision or action of the administrative officer may be made by an aggrieved party to the extent provided in RIGL §45-23-67. The appeal must be taken within twenty (20) days after the decision has been recorded in the Town's land evidence records and in the office of the Town Clerk.
 - b. The appeal shall be in writing, on a form provided by the clerk of the Zoning Board, and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.
 - c. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered, to the office of the clerk of the Zoning Board.
 - d. Upon receipt of an appeal, the clerk of the Zoning Board of Review shall require the Planning Commission or the Administrative Officer to transmit forthwith to the Zoning Board of Review all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.
2. An appeal stays all proceedings in furtherance of the action being appealed.

B. Public Hearings on Appeals to the Zoning Board of Review

1. The Zoning Board of Review shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, and give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.

2. The Zoning Board of Review shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.
3. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the board of appeal.
4. Standards of Review
 - a. As established by this chapter, in instances of the Zoning Board of Review's review of an administrative officer's decision on matters subject to this chapter, the Zoning Board of Review shall not substitute its own judgment for that of the Administrative Officer, but must consider the issue upon the findings and record of the Administrative Officer. The Zoning Board of Review shall not reverse a decision of the Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
 - b. The concurring votes of three (3) of the five (5) members of the board sitting at the hearing is necessary to reverse any decision of the Administrative Officer.
 - c. In the instance where the Zoning Board overturns a decision of the Administrative Officer, the proposed project application shall be remanded to the Administrative Officer at the stage of processing from which the appeal was taken, for further proceedings before the Administrative Officer and/or for final disposition, which shall be consistent with the Zoning Board of Review's decision.
 - d. The Zoning Board of Review 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 shall include in the written record the reasons for each decision.

C. Appeals to the Superior Court

1. Appeals of decisions
 - a. An aggrieved party may appeal a decision of the Jamestown Zoning Board of

Review, a decision of an administrative officer made pursuant to RIGL §§45-23-38 or §45-23-50 where authorized to approve or deny an application, a decision of the technical review committee, where authorized to approve or deny an application, or a decision of the planning commission, to the Newport County Superior Court by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Town Clerk's Office. Recommendations by any public body or officer under this chapter are not appealable under this section.

- b. The Zoning Board of Review shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the Planning Commission shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section.
- c. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.
- d. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the planning commission at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.
- e. The court shall review the appeal pursuant to R.I. Gen. Laws Sec. 45-23-71.

ARTICLE XIII - DESIGN AND PUBLIC IMPROVEMENT STANDARDS

A. General

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

B. Street Design Standards

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

1. Frontage on Improved Streets

The area to be subdivided shall have frontage on an existing improved public street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Commission 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 Commission. See Section H of this Article.

For purposes of these Regulations, streets platted but not improved or accepted for maintenance by the Town, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the Subdivision Regulation standards.

2. Street Classification

Street design within a proposed subdivision shall conform to a street hierarchy system as established herein. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to street function.

Street classification shall be determined by the Planning Commission according to the following:

- a. Minor Arterial - A public street that serves as an avenue for the circulation of traffic into, out of or around the town and carries relatively high volumes of traffic while also providing direct access to abutting properties.
- b. Collector - A public street whose principal function is to carry traffic between local streets and arterial streets while also providing direct access to abutting properties. (Walcott Avenue, Hamilton Avenue, Narragansett Avenue west, Seaside Drive, High Street, Frigate Street, Highland Drive or Carr Lane).
- c. Local - Public or private streets whose primary function is to provide access to abutting properties.
- d. Minor - Public or private streets whose sole function is to provide access to abutting properties. Minor streets could be through, loop, cul-de-sac or shared driveway types.

3. Street Rights of Way

Street rights-of-way are intended to be of sufficient width to accommodate pavement and travel surfaces and the areas on both sides of the pavement or travel surfaces which may be reserved for the installation of sidewalks, utilities, drainage improvements or other purposes. In order to facilitate adequate and appropriate design within a subdivision or land development project, the following rights-of-way widths shall be required:

| <u>Project Classification</u> | <u>ROW Width</u> |
|---|------------------|
| a. Major subdivision or land development project | 40-50' |
| Minor subdivision with public streets (3-5 lots) (with further development potential) | |
| b. Minor subdivisions with public streets (3-5 lots) (with no further development potential) | 40-44' |

- c. Minor subdivision with private streets 30-40'
 Minor subdivision (2 lots)

Specific design criteria will be determined by the Commission on a case-by-case basis. Typical cross sections of streets may be found in the appendix. Where the subdivider proposes the use of grass swales in lieu of a continuous piped stormwater drainage system, an alternative cross section may be used, subject to the approval of the Planning Commission.

4. Geometric Data

The table below shall be used as a guide in designing streets within a subdivision.

| | Collector Streets | Local Streets | Minor Streets |
|--|----------------------|------------------|------------------|
| R.O.W. Width | 50' | 44' | 40' |
| Pavement width (includes berms) | 26' | 24' | 20' |
| Cul-de-sac: | | | |
| Min. Sight Distance to | | | 100' |
| R.O.W minimum radius | | | 50' |
| Outside curb minimum radius | | | 40' |
| *Landscaped center island minimum radius | | | 20' |
| Intersection Fillet Curve: | | | |
| R.O.W. minimum radius | 25' | 15' | 15' |
| Pavement minimum radius | 35' | 25' | 25' |
| Pavement Crown | 5" | 4" | 3" |

* The Planning Commission will determine landscape requirements for the unpaved center.

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; and to create an attractive streetscape.

6. Private Streets

Private streets may be considered for any subdivision.

7. Street Intersections

Street intersections shall either coincide precisely with, or be offset by at least 200 feet from other intersections. Intersections shall be at 90 degree angles. Lesser angles between 75 degrees and 90 degrees may be approved by the Director of Public Works.

8. Cul-de-sacs

All dead-end streets shall end in a cul-de-sac turnaround with center island constructed according to the table of Geometric Data above and Appendix B.2. The Planning Commission may limit the length of the dead-end street where necessary to ensure the adequate and safe circulation of vehicular traffic.

9. Street Names

An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the Town of Jamestown.

10. Access to Adjoining Property

When considered desirable by the Planning Commission 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 Commission 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 Commission determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to 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, 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.

13. Street Trees

Where natural tree growth is determined by the Planning Commission to be insufficient, the developer shall be required to plant street trees in accordance with the following standards:

a. Location

Street trees, where required, shall be planted within street rights-of-way along the sides of the street pavement and located within the planting strip, as shown in the appendix.

b. Materials

Trees shall be of nursery stock grown under local climatic conditions. Such trees shall be selected from appropriately sustainable cultivars, such as: Red Maple, Red Oak, Tupelo, London Plane, Zelkova, Honey-locust, Linden, Aristocrat Callery Pear.

Trees shall be of symmetrical growth, free of insect pests and of disease, suitable for street tree use and durable under the maintenance contemplated. The average trunk diameter measured at a height of six (6) inches above the finished grade shall be a minimum of two to two and one-half (2-2½) inches. Loam shall be clean, of good quality and of such fertility and composition that it will continuously support plant growth.

c. Construction Methods

(1) Spacing

Trees shall be planted at a distance of not less than thirty-five (35) feet and no more than sixty (60) feet apart along each side of the street pavement. At street corners, trees shall not be planted within fifteen (15) feet on the intersecting rights-of-way lines.

(2) Planting

Each tree shall be planted plumb at the same height that it stood in the nursery (in relation to finished grade) and shall be thoroughly watered when the hole is two-thirds (2/3) full of loam. After watering the filling shall be completed and the loam thoroughly tamped. After planting, a three (3) inch mulch of well-seasoned shredded bark shall be applied over the disturbed ground and a shallow watering basin provided around the tree.

(3) Staking

Each tree shall be double staked in such a manner as to insure maximum stability and to prevent whipping of the tree in high winds. Such double staking shall be accomplished with a pair of two- and one-half inches by eight feet (2 1/2" x 2 1/2" x 8') stakes driven plumb two and one half (2 1/2) feet into the ground, and tied at the tops and bottoms with figure eight hitches of #14 gauge wire encased in rubber hose or its equivalent.

(4) Maintenance

All trees shall be guaranteed for one year from the time of installation.

(5) Seasonal Limits

Planting shall be done during the proper seasons. No planting shall be done in frozen soil or during unfavorable weather conditions.

(6) Other

Where trees will be subject to more than occasional salt spray and high winds, the more salt resistant trees such as the Sycamore Maple (a. pseudo-platinus) shall be planted.

14. Landscaping Standards

- a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.
- b. Landscaping may include plant materials such as trees, shrubs, ground covers, grass, flowers, etc. but may also include other materials such as rocks, wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to the following:
 - (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. Landscape Plan - A landscape plan prepared by a registered landscape architect shall be submitted to the Planning Commission when the Commission 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 protect, preserve, or enhance significant visual characteristics of the site. If a landscape plan is required by the Commission, 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 contour intervals; lighting; specifications for loaming, fertilizing and seeding; and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.

15. Monuments

Monuments (concrete boundary markers) shall be of the type 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 five hundred feet apart. Monuments shall be set four inches above finished grade of the center of the street and shall be installed prior to final inspection.

16. Sidewalks

When located within the street right-of-way, sidewalks shall be located as shown in Illustration 6 and 7 and shall conform to the dimensional specifications shown in Illustration 10.

Unless otherwise specified herein, all materials and methods used in the construction of concrete sidewalks shall be in conformance with the Rhode Island Standard Specifications for Road and Bridge Construction. Sidewalks shall be constructed of 4" thickness of material with a width of 4 feet, and shall be set in minimum base of 6" bank run gravel. A pitch of 3/16 inch to 1/4 inch per foot shall be directed toward the road.

17. Curbs - Collector Streets

Where deemed necessary by the Planning Commission for proper control of traffic or drainage, collector streets shall be constructed with precast concrete curbs to Rhode Island Standard 7.11 set in 4'-0" lengths. Appropriate radius curbs shall be used on all curves. At the option of the applicant, quarry split granite curbs may be used, of Rhode Island Standard 7.51. At all street intersections, circular curbs of at least thirty-five (35) foot radius shall be used. At all proposed driveways, with a minimum of one per lot, precast concrete curb

returns, using a two (2) foot minimum radius corner of Rhode Island Standard 7.14 shall be used.

18. Cape Cod Curbing

Where deemed necessary by the Planning Commission for proper control of traffic or drainage, Cape Cod curbing formed of asphaltic concrete shall be placed in all streets where concrete or granite curbing is not required. Such curbing shall be installed in accordance with the Typical Street Cross-Section found in the appendix.

19. Engineering and Land Survey

Wherever it is mandated by these Regulations that certain tasks associated with subdivision plans and improvements be performed by registered professional engineers and/or registered land surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Commission of Registration for Professional Engineers and Commission 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 to curved street lines unless the Planning Commission 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 at a minimum the land area required by the Zoning Ordinance exclusive of Land Unsuitable for Development as defined in Article III.C.

3. Easements

Easements may be required by the Planning Commission where necessary for the proper location and placement of improvements on private land as described below. The Commission may, in its own discretion, require the dedication of land to the Town in lieu of recorded easements if such dedication would provide greater control over and access to the intended use.

a. Water Courses

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and of such width as will be adequate for the purpose.

b. Sanitary Sewers

Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The Planning Commission 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 twenty (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 twenty (20) feet. Where above-ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the Town over the area and at a location adequate for the intended purpose. Easements into and upon above-ground drainage facilities such as stormwater detention or retention basins shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is intended to be directed to such basins.

d. Shoreline Access

Where a subdivision has waterfront shoreline, there shall be provided a pedestrian easement for access to the shore by the general public. Where the shoreline of the

proposed development exceeds 1000 feet, the Planning Commission may require additional easements to ensure adequate public access to the shore.

e. Grading Easements

The Planning Commission 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.

f. Sight Distance Easements

Where deemed necessary by the Planning Commission 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.

g. 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.

h. Other Easements

All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet and contain at least one concrete bound.

4. Lot Configurations

The Planning Commission shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in creating residential lots. Unusual shapes, angles, and dimensions shall be avoided in lot layout and design. Where considered feasible by the Planning Commission, lots shall not have a depth

to width ratio greater than 2.5 to 1. The Commission may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these Regulations.

D. Drainage

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

Where a drainage plan and drainage calculations are required by the appropriate Plat Checklist in Appendix A, the plan and calculations shall be prepared by a Registered Professional Engineer. The drainage plan shall contain the following elements:

1. Vicinity sketch at a suitable scale showing that area within a half-mile of the perimeter of the land being subdivided showing all existing and proposed watercourses, wetlands, sanitary and storms drains, culverts, and all surface and subsurface drainage patterns from the property being subdivided to either the Jamestown sewer system or to Narragansett Bay.
2. 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 twenty-five (25) year frequency rainfall.
3. 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 twenty-five (25) year frequency rainfall.
4. 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 2. and 3. above and proposals to handle such surface run-off.
5. Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements.

6. 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 Commission;
 - d. That all new open watercourses will be seeded, sodded, or paved, depending on grades and soil types;
 - e. That an adequate drainage system will be installed and connected to a defined and approved watercourse;
 - f. Where any part of the drainage system is proposed for locations outside the public street right-of-way, provisions for future maintenance approved by the Planning Commission will be provided;
 - g. That all necessary easements to off-site watercourses will be obtained by the applicant, and granted to the Town of Jamestown;
 - h. Where volume/velocity of the surface run-off is high, the flow thereof shall be controlled by silting/sedimentation basins, or flow spreaders.

7. The Planning Commission may require whenever necessary the provision of an easement of a suitable width across any portion of the land being subdivided for the purpose of providing adequate drainage. Such easement shall guarantee access to the Town of Jamestown to any proposed storm water drainage facility or shall guarantee the right to construct, maintain or alter any such facility. The location of such easement shall be specifically delineated by the Planning Commission before the preparation of final plans.

E. Utilities

1. Sanitary Sewers

Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is available. Sewer systems shall be designed to the approval of the Jamestown Board of Water and Sewer Commissioners and the Public Works Director.

2. Water Lines

Where public water system is available, water lines shall be installed and water stops shall be provided for each lot in accordance with standards of the Jamestown Water Department. Water lines shall be generally located on the southerly or westerly side of the street wherever possible or as required by the Planning Commission.

3. Communication Lines (Electric, Telephone, and Cable TV)

All electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be installed underground. In cases where underground installation is not feasible due to physical conditions of the site or other limitation, an alternative location for these utility lines shall be approved by the Planning Commission, if prior approval thereof has been obtained by the utility company involved.

4. 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 Assn. or as directed by the appropriate Fire District.

F. Erosion and Sediment Control

1. Applicability

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 100 feet of any wetland or coastal feature;
- b. Slopes at the site of land disturbance do not exceed ten percent (10%);
- c. The total area of such activity does not exceed ten thousand (10,000) square feet;
- d. Proposed grading does not exceed two (2) feet of cut or fill at any point;
- e. The grading does not involve a quantity of fill greater than sixty (60) cubic yards; except where fill is excavated from another portion of the subdivision parcel and the quantity of fill does not exceed one hundred eighty-five (185) cubic yards.
- f. Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.

2. Plan preparation

The erosion and sediment control plan shall be prepared by a registered professional engineer, a registered landscape architect, a soil and water conservation society certified erosion and sediment control specialist, or a certified professional soil scientist.

3. Plan contents

The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to 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 stormwater management measures to be installed to

control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site conditions, and soil maps shall be provided as required by the Planning Commission.

- 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 stormwater 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 Commission for thorough review of the plan prior to action being taken as prescribed in these Regulations.

4. Performance Principles

The contents of the erosion and sediment control plan shall clearly demonstrate how the principles, outlined below, have been met in the 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 shall be avoided.
- c. The grade of slopes created shall be minimized.
- d. Post development runoff rates should not exceed pre-development rates, consistent with other stormwater 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 drains, 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.
- g. All drainage provisions 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 non-growing 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 of Measures

Maintenance of all erosion-sediment control devices under this ordinance 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 their point of open discharge at the property line or at a communal water-course within the

property. If proper maintenance procedures are not followed, the Planning Commission may authorize the Administrative Officer to take the steps necessary to ensure proper maintenance by using improvement guarantee funds as provided in Article VII.

6. Periodic Inspections

The Director of Public Works 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 upon request.

G. Site Design

1. Purpose

The purpose of good subdivision 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 subdivisions shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

2. Site Analysis

An analysis of the subdivision site and nearby areas shall be required by the Planning Commission 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 Commission for minor subdivisions if the Commission 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 graphic analysis of the following characteristics of the development site: site context; geology and soil; agricultural lands; wetlands; coastal features; topography; climate; ecology; existing vegetation, structures, and road networks; visual features; and past and present use of the site.

3. Design Parameters

- a. Design of the development shall take into consideration all existing Town and regional plans for the surrounding community.
- b. Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.
- c. The following specific areas shall be preserved as undeveloped open space or lot area, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or Town regulations:
 - (1) Unique and/or fragile areas, including freshwater wetlands and coastal features;
 - (2) Significant trees or stands of trees or other vegetative species that have particular horticultural, environmental or landscape value.
 - (3) Lands in the flood plain, as defined in Article II;
 - (4) Steep slopes in excess of 20 percent as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken
 - (5) Habitats of endangered plants or 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.
- d. The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; to protect viewshed and; to mitigate adverse effects of shadow, traffic, drainage, and utilities on neighboring properties.

4. Residential Development Design

- a. The Planning Commission 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. 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.
- c. The placement of dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values.
- d. Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets.
- e. Vegetated buffer areas shall be required where necessary to avoid adverse impacts from adjacent uses.

5. 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; to continue existing neighborhood patterns; and to present an attractive streetscape.
- b. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, as shown in the typical street cross-sections in Appendix A.6-8, with exceptions permitted to preserve natural features, to continue existing neighborhood patterns or to provide visual interest. In Residential Cluster Developments and Land Development Projects, walks or trails may be placed away from the road system with permission of the Planning Commission.

6. Landscape Design

- a. Landscaping should be provided; the type and amount required shall be allowed to vary with the type of development, proposed architecture and natural features of the site.
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses and/or native plants that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.
- c. Street trees may be required.
- d. If ponds are required for detention or retention they should be bio-engineered to assume the most natural appearance possible.

H. Off-Site Improvements

1. Purpose

This section is intended to ensure that subdividers provide off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to new development. Such improvements may be required by the Planning Commission if the Commission 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 Commission may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The Planning Commission shall provide in its resolution of final approval the basis for requiring such off-site improvements. In its resolution, the Commission must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for that neighborhood or district by the Comprehensive Community Plan.

I. Areas of Special Flood Hazard

The Planning Commission shall examine each proposed subdivision to ensure that:

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

J. General Construction Procedures

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

1. Pre-construction meeting - A pre-construction meeting shall be held with the Director of Public Works at least seven (7) days prior to the start of any subdivision improvements. The subdivider (or his duly authorized representative) and the on-site project manager shall attend this meeting.
2. Notification - No step in the construction of required improvements shall commence until the Director of Public Works has been notified at least twenty-four (24) hours in advance of the phases of construction listed in 3. below.
3. Inspection of Improvements - Inspection and certification by the town-designated registered professional engineer shall be required for the following phases of subdivision improvements:
 - a. During and following installation of all underground drainage structures, systems and utilities prior to backfilling;
 - b. During and following the preparations of the road subgrade and shoulders;
 - c. During and following the spreading and compaction of the sub-base course;
 - d. During and following the spreading and compaction of the base course prior to the application of the asphalt binder course;
 - e. Immediately prior to and during the application and compaction of the asphalt surface course on the roadway and, if required, sidewalks; and,
 - f. Following completion of all improvements and installation of bounds.
 - g. At periodic intervals as required to ensure compliance with the approved Erosion and Sediment Control Plan.

The Director of Public Works may require inspection at such other intervals as he may deem necessary to assure proper construction of improvements.
4. Request for Inspection - Whenever an inspection is required the developer shall request

the Director of Public Works to make such inspection. The Director of Public Works or his representative shall within 48 hours exclusive of Saturday, Sunday and holidays, make such inspection and give to the developer written approval or disapproval of the improvements inspected by him. No subsequent step or phase shall commence until an inspection has been made and approval granted.

5. As-Built Drawings - Upon completion of construction of all required improvements, and before the performance bond is released and the maintenance bond is accepted, the developer shall furnish two sets of transparent mylar as-built drawings of required improvements to the Administrative Officer.
6. Inspection Fees - Inspection fees shall be paid in the amount established in Article XI, and shall be paid in full before construction begins of any improvements requiring inspection.

ARTICLE XIV - CONSTRUCTION METHODS AND SPECIFICATIONS

A. Specifications

Construction of streets and sidewalks shall be in accordance with the Typical Cross Section of a street contained herein and the "Standard Specifications for Road and Bridge Construction" 1971 ed.) published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges unless otherwise noted. Drainage systems shall be constructed in accordance with the standards of the Jamestown Department of Public Works.

B. Soil Erosion and Sediment Control

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

APPENDIX A.

CHECKLIST #1 - ADMINISTRATIVE SUBDIVISION

The applicant shall submit to the Administrative Officer at least five (5) blue-line or photocopies of the proposed plat. The scale shall be sufficient to show all of the information required and shall be subject to the approval of the Administrative Officer. At a minimum, the following information shall be provided:

1. ___ Name(s) and address(s) of the property owner(s) and applicant(s)
2. ___ Date of plan preparation, with revision date(s) (if any)
3. ___ Graphic scale and true north arrow
4. ___ Plat and lot numbers of the parcel being re-subdivided
5. ___ Zoning district(s) of the parcel being re-subdivided. 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 re-subdivided
9. ___ Approximate location of areas unsuitable for development (Article III.C.) or areas of secondary importance (Article IV.B.2.a.(1)).
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 re-subdivided
12. ___ Certification (stamp) of a Registered Land Surveyor that the plan is correct
13. ___ Filing fee (\$100)

CHECKLIST #2 - PRE-APPLICATION MEETINGS AND CONCEPT REVIEW

The applicant shall submit to the Administrative Officer at least five (5) blue-line or photocopies of conceptual plans. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. At a minimum, the following information shall be provided:

1. Concept Plans - A map or plan of the subdivision parcel showing the following information:

1. ___ Name of the proposed subdivision
2. ___ Name(s) and address(s) of property owner(s) and applicant(s)
3. ___ Date of plan preparation, with revision date(s) (if any)
4. ___ Graphic scale and true north arrow
5. ___ Plat and lot number(s) of the land being subdivided
6. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
7. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
8. ___ Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements
9. ___ Location and dimensions of existing property lines within or adjacent to the subdivision parcel, easements and rights-of-way
10. ___ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
11. ___ Names of abutting property owners and property owners immediately across any adjacent streets
12. ___ Location of wooded areas, open meadows, significant wildlife habitats, tree lines, hedgerows and/or stone walls and notation of existing ground cover
13. ___ Location of wetlands, watercourses or coastal features present on or within 200 ft. of the perimeter of the subdivision parcel

14. ___ Areas of agricultural use, existing or potential (Article II)
15. ___ Approximate topography including notation of scenic views to, from or within the parcel.
16. ___ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision and proposed buildings or structures within the subdivision
17. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and Onsite Wastewater Treatment Systems (OWTS) are proposed
18. ___ Provisions for collecting and discharging stormwater
19. ___ Location of community landmarks, historic cemeteries, historic structures within or immediately adjacent to the subdivision parcel(s)
20. ___ Proposed improvements including 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.
- 21.-- Location, dimension & area of any land proposed to be set aside as Open Space (if any).

2. Supporting Materials - The applicant shall submit to the Administrative Officer ten (10) 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. The narrative report shall include reduced copies of all plans required in No. 1 above plus the following:

1. ___ An aerial photograph or a blue line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area
2. ___ 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
3. ___ An estimate of the approximate population of the proposed subdivision
4. ___ Filing Fee - \$100

PRELIMINARY PLAT CHECKLIST #3
MINOR LAND DEVELOPMENTS AND MINOR SUBDIVISIONS

1. Preliminary Plat Map(s)

The applicant shall submit to the Administrative Officer at least five (5) copies of the preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. 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. ___ Name of the proposed subdivision
2. ___ Name(s) and address(s) of property owner(s) and applicant(s)
3. ___ Name, address and telephone number of engineer, land surveyor, architect or landscape architect.
4. ___ Date of plan preparation, with revision date(s) (if any)
5. ___ Graphic scale and true north arrow
6. ___ Plat and lot number(s) of the land being subdivided
7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. ___ Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements
10. ___ Location and dimensions of existing property lines within or forming the perimeter of the subdivision parcel(s)
11. ___ Easements and rights-of-way within or adjacent to the subdivision parcel(s)
12. ___ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
13. ___ Names of abutting property owners and property owners immediately across any adjacent streets
14. ___ Location of wooded areas, open meadows, significant wildlife habitats, treelines, hedgerows and/or stone walls and notation of existing ground cover
15. ___ Location of wetlands, watercourses or coastal features present on or within 200 feet of the

- perimeter of the subdivision parcel
16. ___ Areas of agricultural use, existing or potential (Article II)
 17. ___ Existing contours at intervals of two feet
 18. ___ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision and proposed buildings or structures within the subdivision
 19. ___ Location and dimension of all existing utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other above or underground utilities
 20. ___ Location of community landmarks, historic cemeteries, historic structures, on or immediately adjacent to the subdivision parcel(s)
 21. ___ Location of scenic views to, from or within the parcel(s)
 22. ___ 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
 23. ___ Grading plan in sufficient detail to show proposed contours for all grading proposed for on and off-site street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements (if applicable)
 24. ___ Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer, if required by the Technical Review Committee
 25. ___ Proposed utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities, as applicable
 26. ___ Location, dimension and area of any land proposed to be set aside as open space
 27. ___ Up to fifteen (15) copies of the proposed subdivision plan reduced to no larger than 11" x 17" (actual number of copies to be determined by the Administrative Officer)
 28. ___ Base flood elevation data
 29. ___ 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

2. Supporting Materials

1. ___ Filing Fee: - \$300 + \$50 per acre
2. ___ A vicinity map, drawn to a scale of 1"=400' or as necessary to show the area within one-half

mile of the subdivision parcel showing the locations of all streets, existing lot lines, and zoning district boundaries.

Preliminary Plat Checklist - Minor Subdivisions

3. ___ Soils map of the area. If any prime agricultural soils are within the subdivision parcel(s) the soils map shall be marked to show location of said prime agricultural soils

4. ___ Written confirmation that the Jamestown Water Department has reviewed the plan and is able to provide water service (if proposed)

Date of Letter _____

5. ___ Written confirmation that the Public Works Director has reviewed plans for proposed sewer service, and indicating whether sewer service is (is not) available and will (will not) be required.

6. ___ If Onsite Wastewater Treatment Systems (OWTS) are proposed, confirmation from the State Department of Environmental Management that the soils are adequate for the use of OWTS. Either of the following:

___ Preliminary Subdivision Suitability Report No. _____

___ Water table verification No. _____

7. ___ Written comments from the Technical Review Committee (*provided by the Administrative Officer*)

8. ___ The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations (*required only if a street extension or creation is involved*)

___ Notification Required ___ Notification Not Required

9. ___ Copies of return receipts for certified mail notices (*if required in No. 8, above*)

10. ___ Either of the following:

___ A letter to the Planning Commission stating the subdivider's intent to complete the required improvements prior to endorsement and recording; or,

___ A letter to the Planning Commission requesting that security sufficient to cover the cost of required improvements be established by the Commission.

Preliminary Plat Checklist - Minor Subdivisions

FINAL PLAT CHECKLIST #4
MINOR LAND DEVELOPMENTS AND MINOR SUBDIVISIONS

The applicant shall submit to the Administrative Officer copies of final site plans and supporting materials as indicated below:

1. Plat Plans to be Recorded - One copy of the final plat plan drawn on mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. In addition, five (5) blue-line or photocopies shall also be submitted. 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.). The following information shall be shown on the plans:

1. ___ Name of the proposed subdivision
2. ___ Notation that the subdivision is located in the Town of Jamestown, RI
3. ___ Name(s) and address(es) of property owner and applicant
4. ___ Name, address and telephone number of engineer, or land surveyor, architect or landscape architect
5. ___ Date of plan preparation, with revision date(s) (if any)
6. ___ Graphic scale and true north arrow
7. ___ Plat and lot number(s) of the parcel being subdivided
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, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
11. ___ Location, width and names of 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

Final Plat Checklist - Minor Subdivisions

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 Commission (if any)
18. ___ Notation of any permits and agreements with state and federal reviewing agencies (if any)
19. ___ 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., May 1992, as amended

2. Construction Drawings - Five blue-line or photocopies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. 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 Commission 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 scale of 1"=40' horizontal and 1"=4' vertical if required by the Planning Commission
4. ___ Street cross-sections, if required by the Planning Commission
5. ___ Proposed landscaping plan, if required by the Planning Commission
6. ___ Soil erosion and sediment control plan (if required)

Final Plat Checklist - Minor Subdivisions

3. Supporting Materials

1. ___ Filing Fee - \$300 + \$50 per acre
2. ___ Two original signed copies of all legal documents describing the property, including proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

Specify: _____

3. ___ Written confirmation from the RI 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 (a wetlands biologist, a Registered Professional Engineer or a Registered Landscape Architect) stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided
5. ___ Written approval of the proposed subdivision, including any required off-site construction, from the RI Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, or any subsequent amendments thereto.
6. ___ In lieu of item 5 above, an affidavit signed by a qualified professional or a letter from the Coastal Resources Management Council indicating that the provisions of the Coastal Resources Management Program do not apply.
7. ___ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or other right-of-way (if necessary)

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 Commission and recording of final plans:

1. ___ Final plat recording fee - Amount _____

2. ___ Performance bond or other financial guarantees

Initial amount _____

Date set by Planning Commission _____

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 _____

MASTER PLAN CHECKLIST #5
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

The applicant shall submit to the Administrative Officer at least five (5) blue-line or photocopies of master plan maps required below. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Commission of Registration for Professional Engineers and Board of Registration of Land Surveyors.

At a minimum, the following information shall be provided:

1. Master Plan Drawing(s) - A map or plan of the subdivision parcel showing the following information:
 1. ___ Name of the proposed subdivision
 2. ___ Name(s) and address(s) of property owner(s) and applicant(s)
 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 and true north arrow
 6. ___ Plat and lot number(s) of the land being subdivided
 7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
 8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
 9. ___ Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements
 10. ___ Location and dimensions of existing property lines within or adjacent to the subdivision parcel, easements and rights-of-way
 11. ___ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
 12. ___ Names of abutting property owners and property owners immediately across any adjacent

streets

13. ___ Location of wooded areas, open meadows, significant wildlife habitats, treelines, hedgerows and/or stone walls and notation of existing ground cover
14. ___ Location of wetlands, watercourses or coastal features present on or within 200 feet of the perimeter of the subdivision parcel
15. ___ Areas of agricultural use, existing or potential (Article II)
16. ___ Existing topography with minimum contour intervals of two feet
17. ___ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision and proposed buildings or structures within the subdivision
18. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and OWTS are proposed
19. ___ Provisions for collecting and discharging stormwater
20. ___ Location of community landmarks, historic cemeteries, historic structures on or immediately adjacent to the subdivision parcel(s)
21. ___ Location of scenic views to, from or within the parcel(s)
22. ___ Proposed improvements including 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
23. ___ Base flood elevation data
24. ___ Location of Open space and use plan

2. Supporting Materials - The applicant shall submit to the Administrative Officer up to twenty (20) copies of a narrative report (actual number of copies to be determined by the Administrative Officer) 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. The narrative report shall include reduced copies of all plans required in No. 1 above plus items 2-7, below:

1. ___ Filing Fee: - \$300 plus \$50 per acre
2. ___ An 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. ___ Proposed phasing, if any

6. ___ Site Analysis (see Article XIII, Section G.)

7. ___ A vicinity map, drawn to a scale of 1"=400' or as necessary to show the area within one-half mile of the subdivision parcel showing the locations 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 labelling the specific use.

8. ___ Initial written comments on the Master Plan from the following agencies:

(Provided by the Administrative Officer)

Local Agencies

- | | |
|----------------------------|-------------|
| A. ___ Planning Department | Date: _____ |
| B. ___ Town Administrator | Date: _____ |
| C. ___ Public Works | Date: _____ |
| E. ___ Building Official | Date: _____ |
| K. ___ Police Dept. | Date: _____ |
| L. ___ Fire Dept. | Date: _____ |
| N. Other (specify) _____ | Date: _____ |
-

State agencies

- | | |
|---------------------------------|-------------|
| A. ___ Environmental Management | Date: _____ |
| B. ___ Transportation | Date: _____ |
| C. ___ Coastal Resources | Date: _____ |
| D. ___ Other (specify) _____ | Date: _____ |

Federal agencies

A. _____ U.S. Army Corps Engineers

Date: _____

B. _____ FEMA

Date: _____

PRELIMINARY PLAT CHECKLIST #6
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

1. Preliminary Plat Map(s) - The applicant shall submit to the Administrative Officer at least five (5) copies of the preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. 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.). Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Commission of Registration for Professional Engineers and Commission of Registration of Land Surveyors.
 - A. All maps required by this Checklist shall show the following information (if applicable):
 1. ___ Name of the proposed subdivision, including phase number
 2. ___ Name(s) and address(s) of property owner(s) and applicant(s)
 3. ___ Name, address and telephone number of engineer, land surveyor, architect or landscape architect
 4. ___ Date of plan preparation, with revision date(s) (if any)
 5. ___ Graphic scale and true north arrow
 6. ___ Plat and lot number(s) of the parcel being subdivided
 7. ___ Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
 8. ___ Perimeter boundary lines of the subdivision or phase, drawn so as to distinguish them from other property lines
 9. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
 10. ___ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided
 11. ___ Names of abutting property owners and property owners immediately across any adjacent streets

B. An Existing Conditions Map(s) to show the following:

1. ___ Date of the existing conditions shown
2. ___ Area of the parcel being subdivided
3. ___ Location of wooded areas, open meadows, significant wildlife habitats, treelines, hedgerows and/or stone walls and notation of existing ground cover
4. ___ Areas of agricultural use or potential use (Article II)
5. ___ Location of scenic views to, from or within the parcel(s)
6. ___ Location of wetlands, watercourses or coastal features present on or within 200 feet of the perimeter of the subdivision parcel
7. ___ Existing topography with minimum contour intervals of two feet
8. ___ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
9. ___ Location and dimension of all existing utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other existing above or underground utilities
10. ___ Location of community landmarks, historic cemeteries, historic structures on or immediately adjacent to the subdivision parcel(s)
11. ___ Base flood elevation data
12. ___ 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

C. A Proposed Conditions Map(s) to show the following:

1. ___ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing lot lines
2. ___ Location and dimension of all proposed utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, street lights, stormwater drainage facilities or other proposed above or underground utilities

3. ___ Grading plan to show proposed contours at two-foot intervals for all grading proposed for on and off-site street construction, drainage facilities and upon individual lots if part of proposed subdivision improvements
4. ___ Landscape Construction plan to show all significant proposed clearing of land, removal of existing vegetation, revegetation and/or planting on street rights-of-way and upon individual lots if part of proposed subdivision improvements
5. ___ Soil erosion and sediment control plan
6. ___ Proposed street plan and profiles drawn at a scale of 1"= 40' horizontal and 1" = 4' vertical
7. ___ Street cross-sections
8. ___ Proposed street names
9. ___ Proposed sidewalks or bike paths
10. ___ Proposed street trees, if required by the Planning Commission
11. ___ Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer
12. ___ Location, dimension and area of any land proposed to be set aside as open space
13. ___ Location of proposed stump dumps
14. ___ Twenty (20) copies of the proposed subdivision plan reduced to no larger than 11" x 17"
15. ___ Proposed structures, buildings, recreational facilities

D. Supporting Materials

1. ___ Filing Fee: - \$300 plus \$50 per acre plus required mailing and advertising expenses.
2. ___ Written confirmation from the RI 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.

3. ___ Written approval of the proposed subdivision, including any required off-site construction, from the RI Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, or any subsequent amendments thereto.

4. ___ Written confirmation that the Jamestown Water Department has reviewed the plan and is able to provide water service (if proposed)

Date of Letter _____

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 other right-of-way (if necessary)

6. ___ Preliminary Subdivision Suitability Determination by the Department of Environmental Management for the use of Onsite Wastewater Treatment Systems (OWTS) (if proposed).

7. ___ Written confirmation that the Town Engineer has reviewed plans for proposed sewer service, and indicating whether sewer service is (is not) available and will (will not) be required.

8. ___ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these Regulations

9. ___ Copies of return receipts for certified mail notices (above)

10. ___ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, open space use and maintenance plan or other required legal documents

Specify _____

11. Either of the following:

___ a. A letter stating it is the intent of the applicant to complete the required improvements prior to the Planning Commission's endorsement of the final plat; 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 Commission

Initial amount set by Commission _____

Date _____

14. _____ Final written comments on the Preliminary Plan by the Technical Review Committee, plus the following:

(Provided by the Administrative Officer)

A. _____ Planning Department Date: _____

B. _____ Public Works Director Date: _____

D. _____ Building Official Date: _____

F. _____ Solicitor Date: _____

G. _____ Conservation Comm Date: _____

I. _____ Other (specify) _____ Date: _____

FINAL PLAT CHECKLIST #7
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

The applicant shall submit to the Administrative Officer copies of final site plans and supporting materials as indicated below:

1. Plat Plans to be Recorded - One copy of the final plat plan drawn on mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. In addition, five (5) blue-line or photocopies shall also be submitted. 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.). Upon final acceptance of record of plat, all subdivisions are required to be published in RI State Plane Coordinate System. The following information shall be shown on the plans:

1. ___ Name of the proposed subdivision
2. ___ Notation that the subdivision is located in the Town of Jamestown, RI
3. ___ Name(s) and address(s) of property owner(s) and applicant(s)
4. ___ Name, address and telephone number of engineer, land surveyor, architect or landscape architect
5. ___ Date of plan preparation, with revision date(s) (if any)
6. ___ Graphic scale and true north arrow
7. ___ Plat and lot number(s) of the parcel being subdivided
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, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
11. ___ Location, width and names of 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 Commission (if any)
18. ___ Notation of any permits and agreements with state and federal reviewing agencies (if any)
19. ___ Phasing schedule (if any)
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 survey requirements of these Regulations and are certified as being correct

2. Construction Drawings - Five blueline or photocopies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. 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 Commission as a condition of approval.
2. ___ Certification by a Registered Professional Engineer that the plan is correct
3. ___ For phased projects, as-built drawings for the previous phase (if applicable)

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 (5) years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel
2. ___ Filing Fee: \$300 + \$50 per acre
3. ___ Performance bond or other financial guarantees (if applicable)
4. ___ Two original signed copies of all legal documents describing the property, creating a maintenance of common land guarantee, 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 and final legal documents transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes
7. ___ Upon final acceptance of record of plat, all subdivisions are required to be published in RI State Plane Coordinate System.
- 8.--- For conservation developments, a final open space use, ownership, maintenance and management plan suitable for recording.
- 9.--- For conservation developments, final legal documents related to ownership of open space, and all required conservation restrictions and easements.

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 Commission and recording of final plans:

1. ___ Final plat recording fee - Amount _____

2. ___ Performance bond or other financial guarantees
Initial amount _____
Date set by Planning Commission _____
Date of Expiration of Bond _____
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 _____

Appendix B – Illustrations

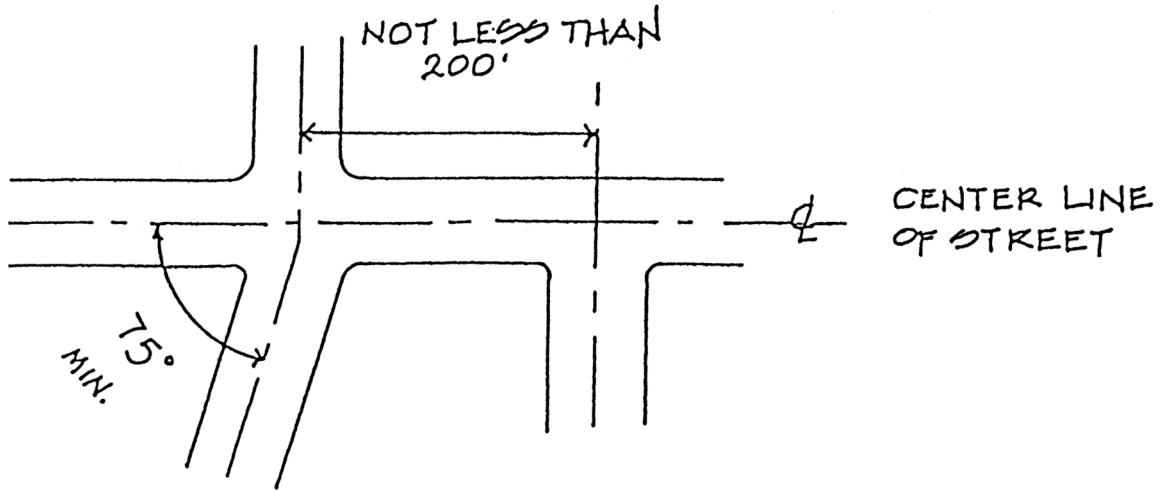


Illustration #1 – Street Intersections

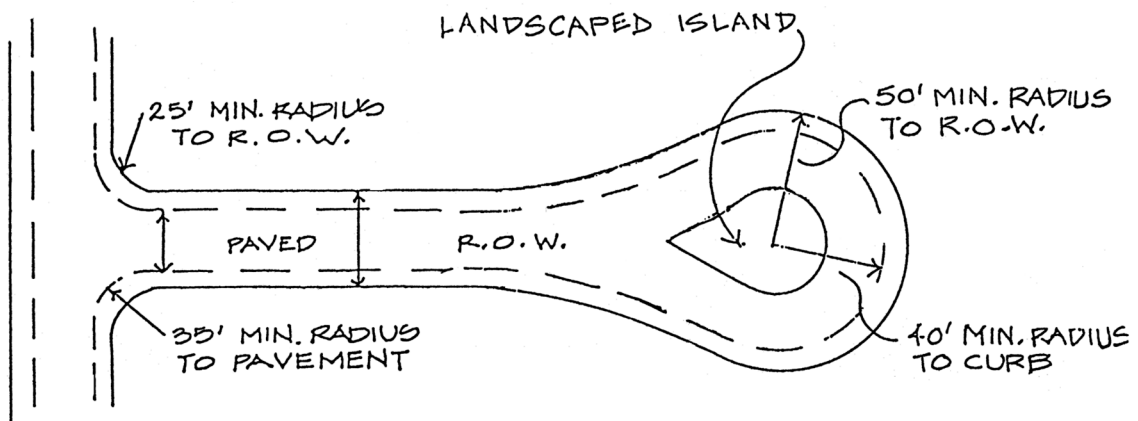


Illustration #2 – Permanent Cul-de-Sac Street

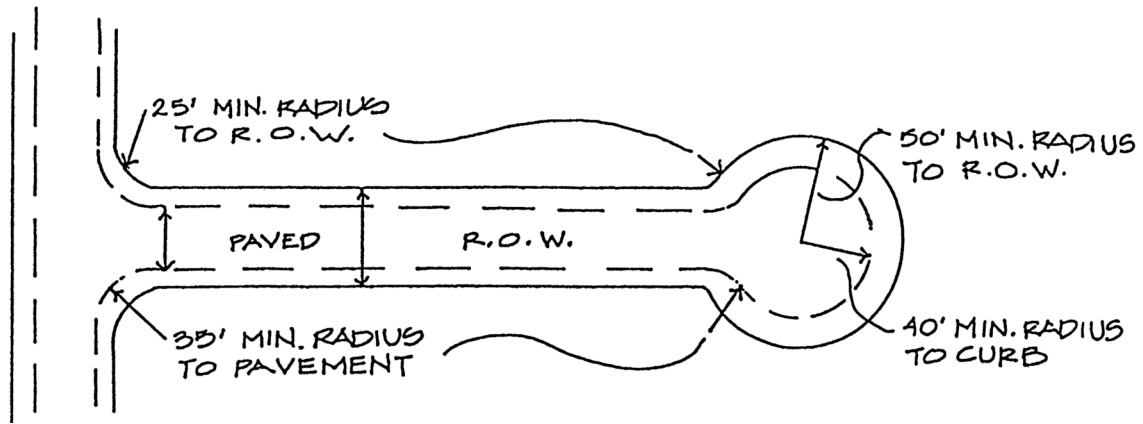


Illustration #3 – Temporary Cul-de-Sac Street

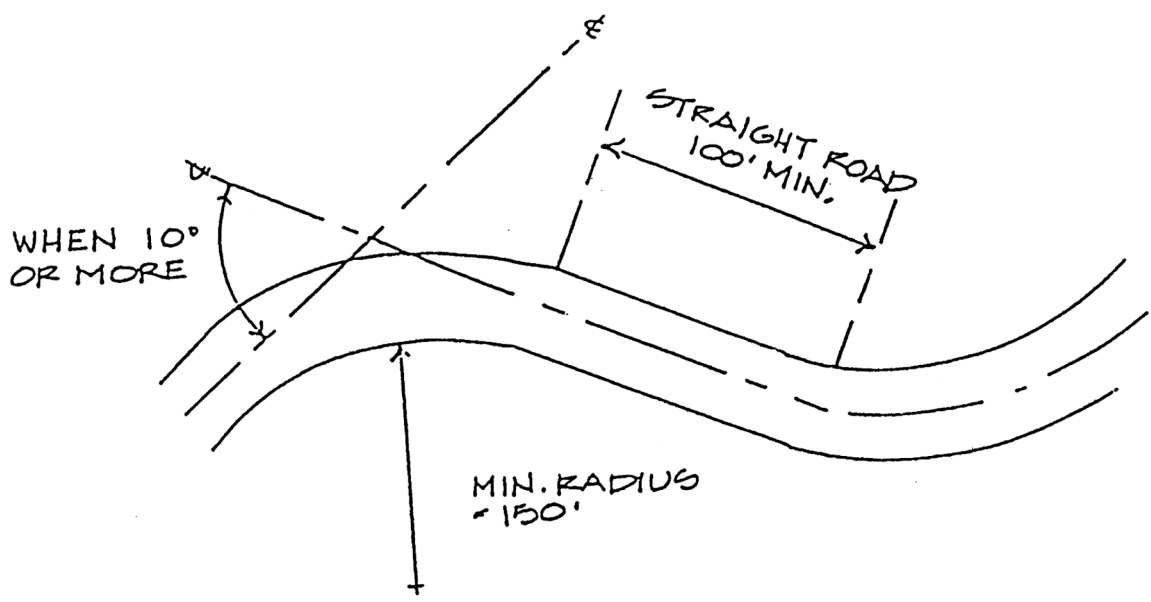


Illustration #4 – Deflection Angle

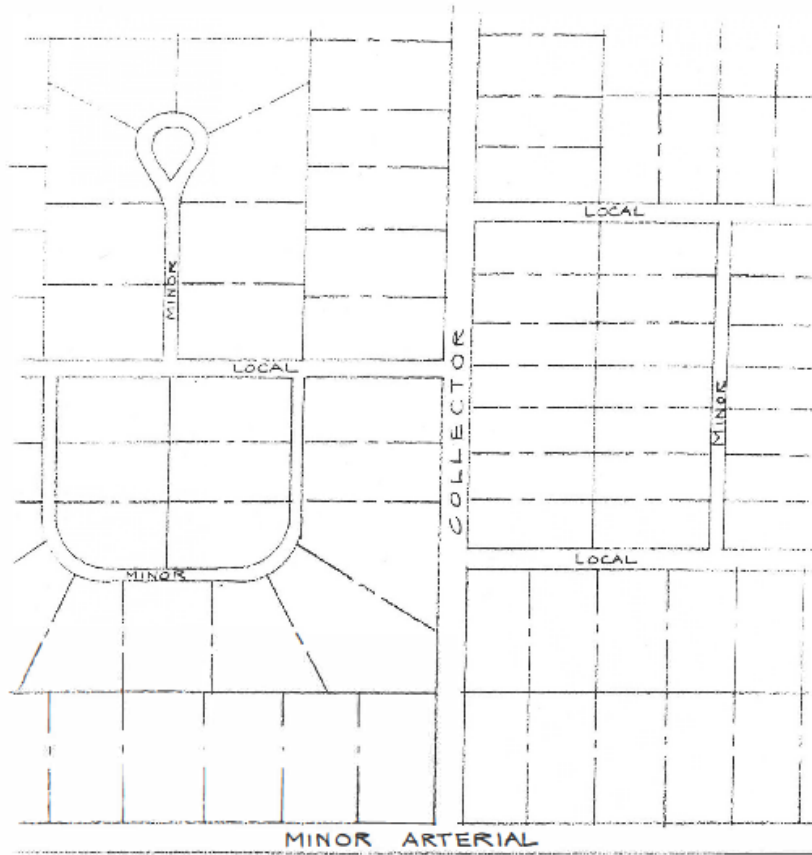


Illustration #5 – Types of Streets

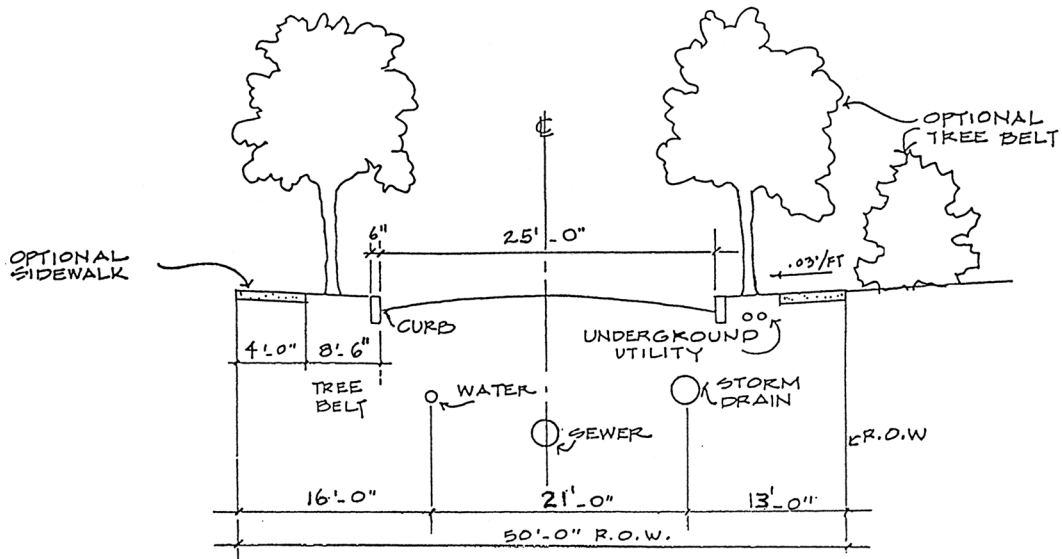


Illustration #6 – Collector Street, Typical Street Cross Section

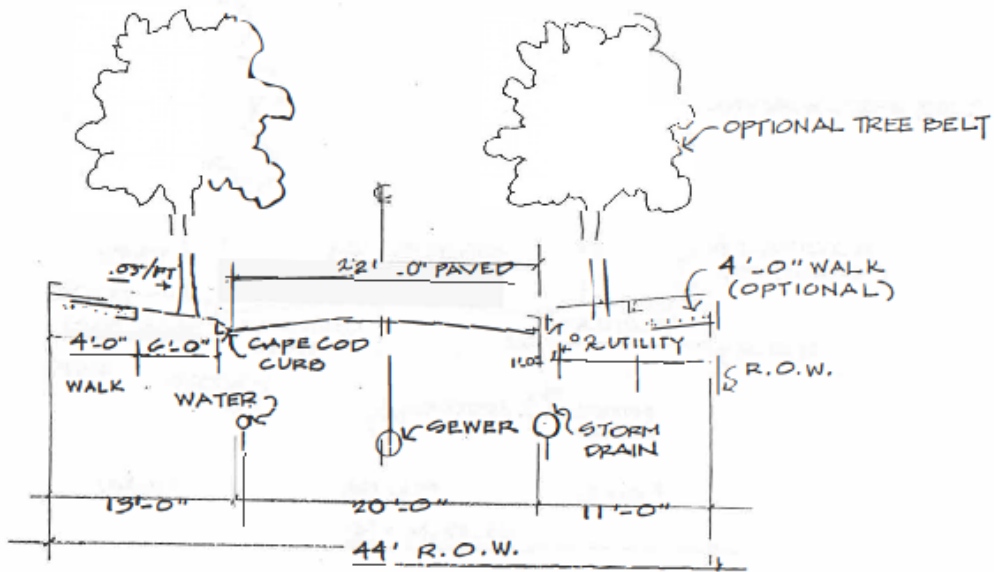


Illustration #7 – Local Street, Typical Cross Section

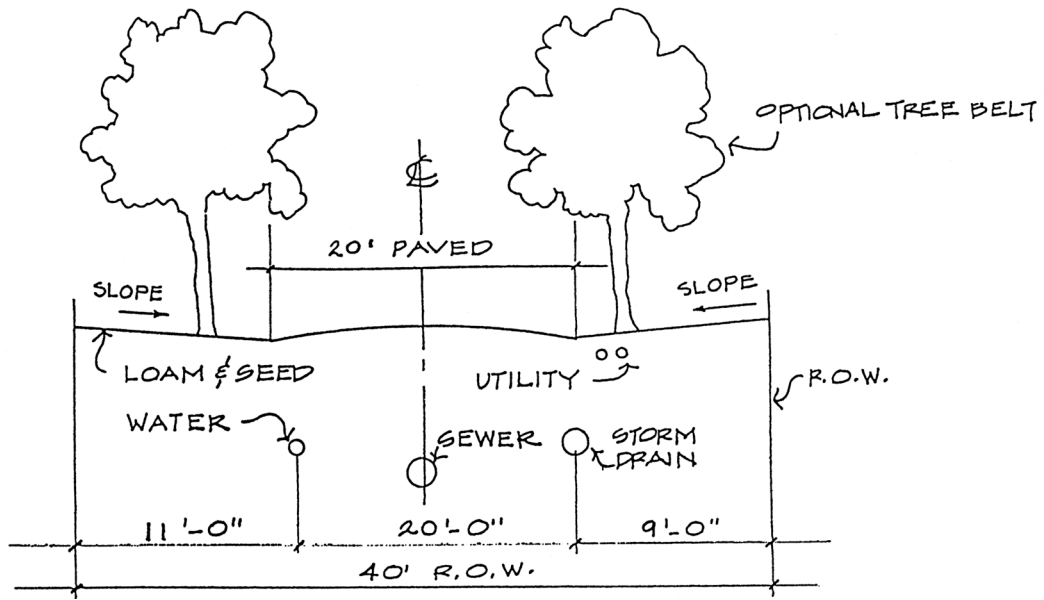


Illustration #8 – Minor Street, Typical Street Cross Section

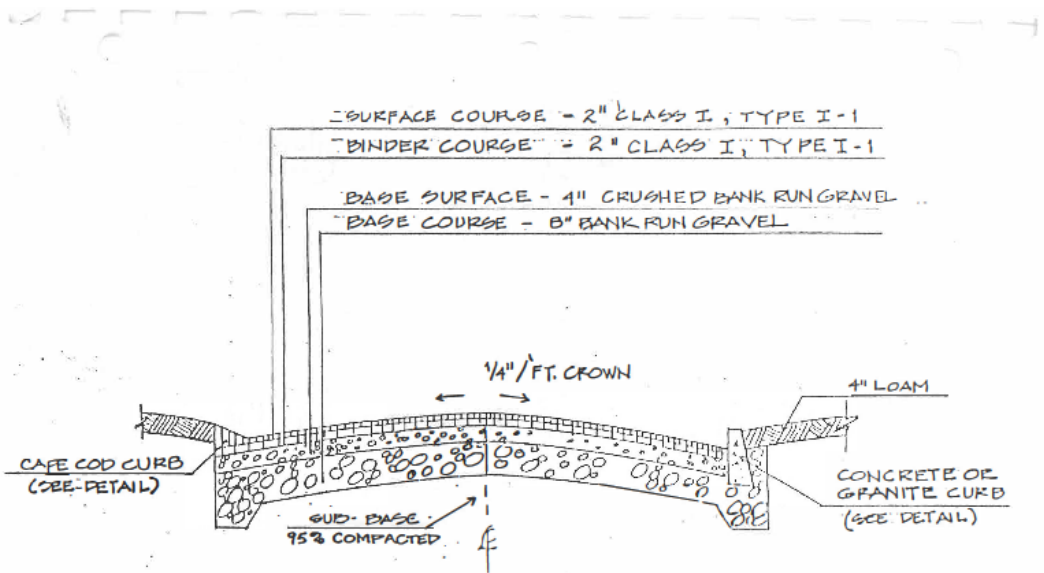


Illustration #9 – Typical Street Cross Section

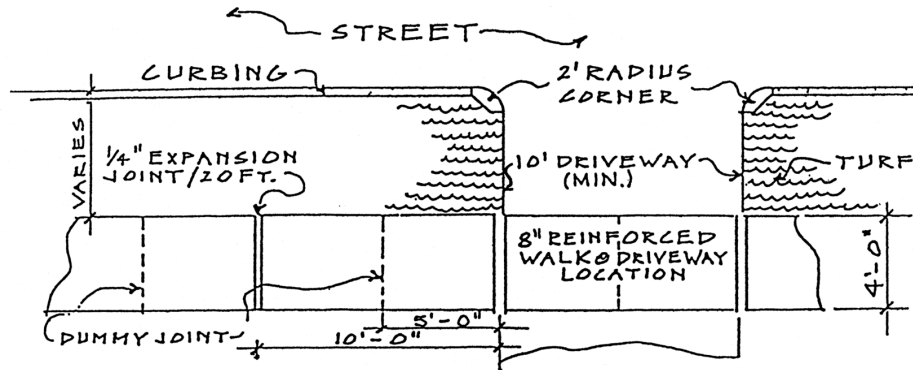
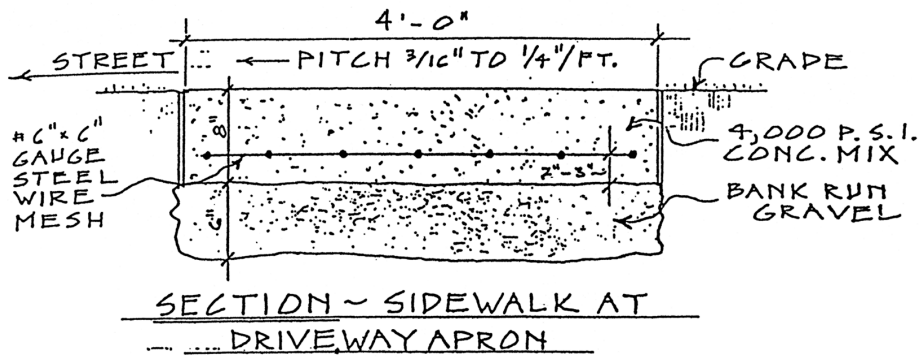
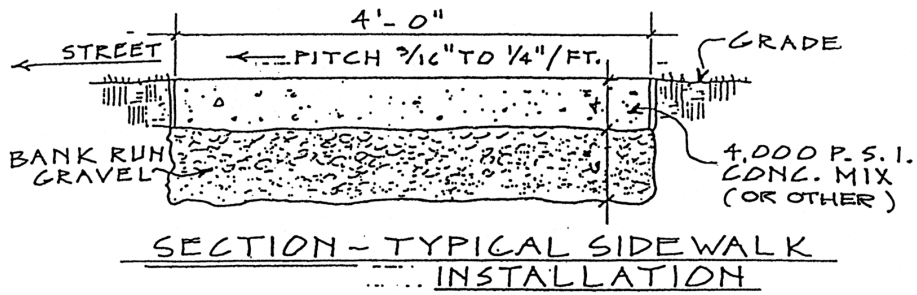


Illustration #10 – Sidewalk Installation Detail

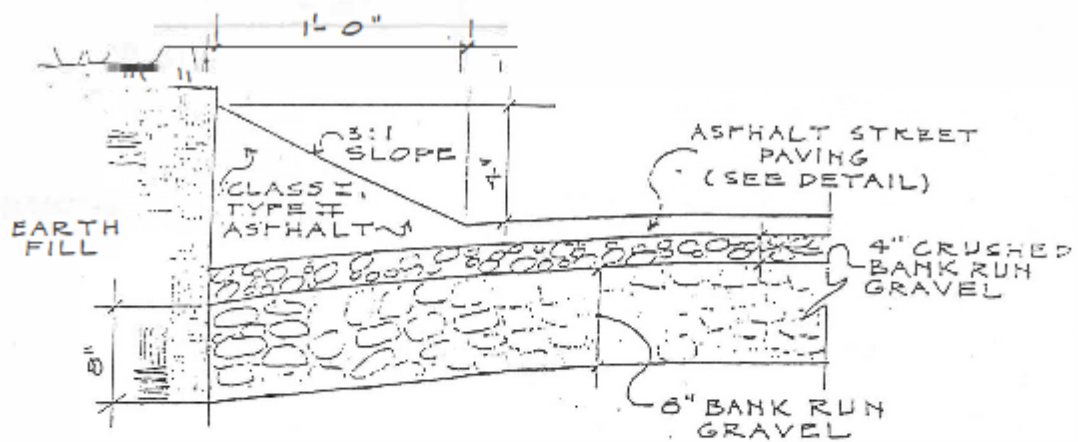


Illustration #11 – Detail, Cape Cod Curbing

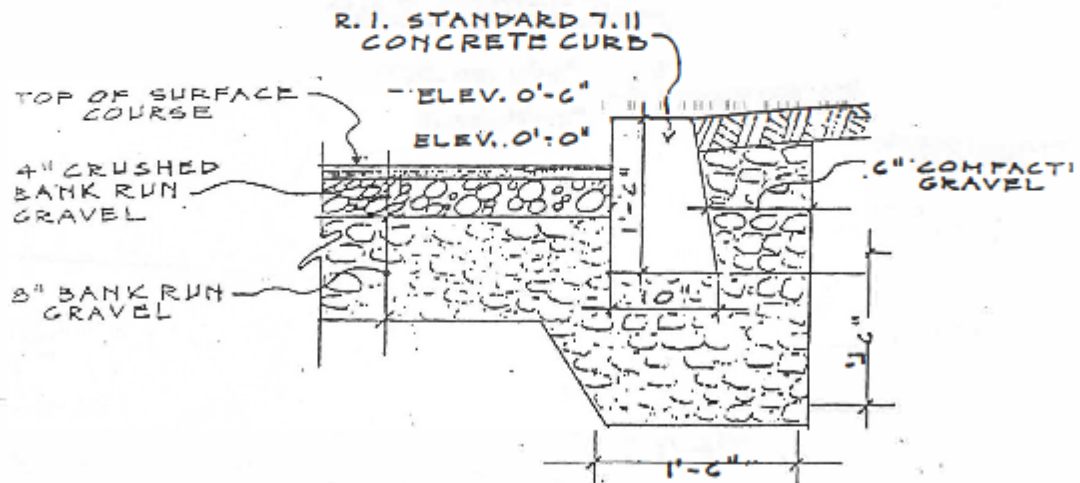


Illustration #12 – Detail, Concrete Curbing

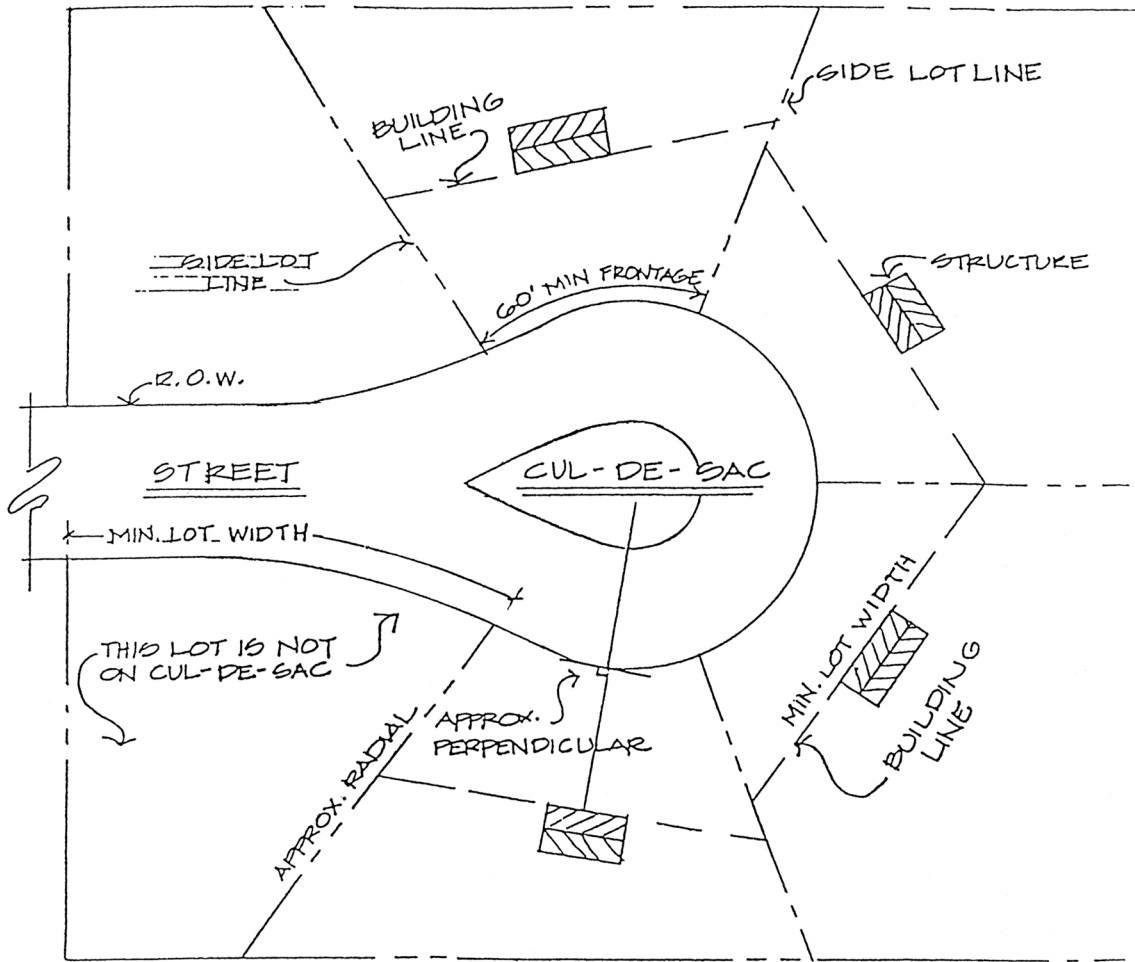
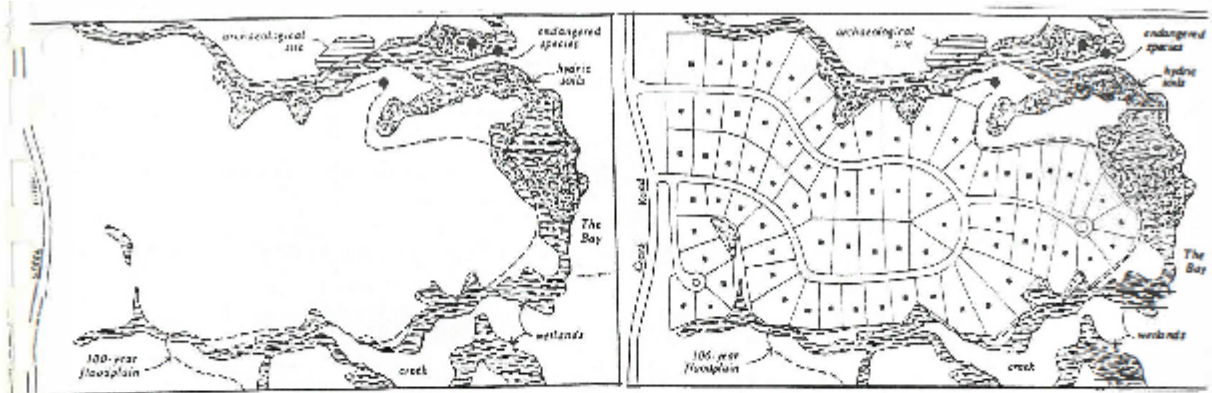


Illustration #13 – Lot Frontage on Cul-de-Sac

Illustration # 14 – Design Process for Conservation Development



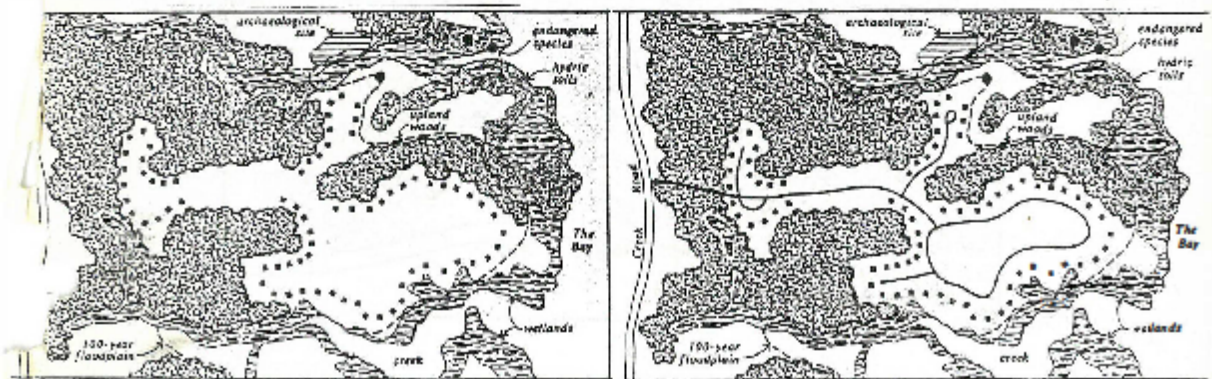
Identifying unbuildable areas

Density calculation (72 lots)



Identifying areas of secondary importance

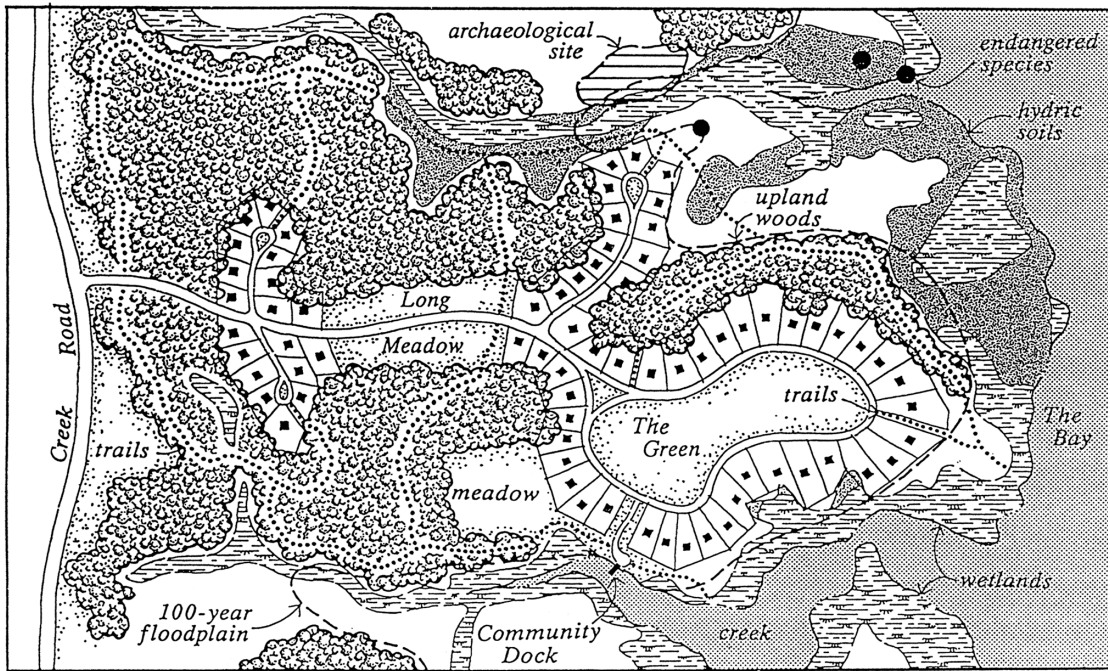
Identifying potential development areas



Locating potential house sites

Designing road alignments and trail links

Illustration # 15 –Conservation Development Master Plan



Drawing in the lot lines to provide

- * protection for unbuildable areas
- * contiguity between unbuildable areas and areas of secondary importance
- * benefits of both areas to each lot as well as to entire cluster