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## APPENDIX B LAND DEVELOPMENT AND SUBDIVISION REGULATIONS \*

### SECTION 1.0. AUTHORITY AND INTENT

#### Sec. 1.1. Title

These regulations shall be known as the Exeter Land Development and Subdivision Regulations.

#### Sec. 1.2. Authority

The following regulations governing land development and subdivision have been adopted by the Exeter planning board in accordance with G.L. 1956, §§ 45-23-25--45-23-74, as amended, known as the "Rhode Island Land Development and Subdivision Review Enabling Act of 1992," (short title "Development Review Act").

#### Sec. 1.3. Applicability

These rules and regulations shall be applicable in all of the following instances:

- A. In all cases of subdivision of land in the town, including resubdivision;
- B. In all cases of land development projects, as provided for in G.L. 1956, § 45-24-47 of the Zoning Enabling Act of 1991; and/or
- C. In all cases of development plan review, as provided in Town of Exeter zoning ordinance.

#### Sec. 1.4. Continuation and superseded of regulations

- A. *Prior regulations superseded.* Any land development or subdivision submitted after the date of enactment shall conform to the provisions of these regulations. These regulations shall supersede all other subdivision regulations in effect at the time of such adoption.
- B. *Repeal of prior regulations.* All prior Exeter subdivision rules and regulations in effect on the date of enactment of these regulations are hereby repealed.
- C. *Recorded plans and plats unimpaired.* Nothing contained herein and no local ordinance, rule or regulation adopted under these regulations shall impair the validity of any plat legally recorded prior to the effective date of these regulations.
- D. *Vested rights.* Development applications shall have the right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project (see section 5.0 for specific vested rights for types of applications).

#### Sec. 1.5. General purposes of land development and subdivision regulations

These regulations have been enacted for the purpose of protecting the safety, health, convenience and general welfare of the inhabitants of Exeter by regulating land developments and subdivisions. The planning board, which shall have the authority to act on behalf of the Town of Exeter in all matters of land development and subdivision regulation, shall exercise that power

with due regard for the following purposes:

- A. To provide for the orderly, thorough and expeditious review and approval of land development projects and subdivisions;
- B. To promote high quality and appropriate design and construction of land development projects and subdivisions;
- C. To promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- D. To promote design of land development projects and subdivisions, which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reasons of natural characteristics and existing infrastructure;
- E. To encourage local design and improvement standards to reflect the intent of the community comprehensive plans, particularly with regard to the physical character of the various neighborhoods and districts of the town;
- F. To promote thorough technical review of all proposed land development projects and subdivisions by appropriate local officials;
- G. To establish effective requirements and procedures for dedications of public land and impact mitigation, which are based upon clear documentation of needs and fair administrative practices;
- H. To secure adequate, efficient and economic provisions for water, sewage, traffic circulation, storm water management, recreation, fire and police protection, in all new land development projects and subdivisions;
- I. To protect and enhance the natural resources and historic features of the town; and
- J. To establish procedures for, and require consistent application of, good record keeping practices on all matters of land development and subdivision review, approval, recording and construction.

#### **Sec. 1.6. Consistency with comprehensive plan**

These regulations have been found by the Exeter planning board to be consistent with the adopted Exeter comprehensive plan, the zoning ordinance of the Town of Exeter and are intended to be consistent with all other duly adopted local development regulations as well as with the general purposes stated in G.L. 1956, § 45-23-30, of the Land Development and Subdivision Review Enabling Act of 1992.

In case of uncertainty in the construction or application of any section of these local regulations, these regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Exeter comprehensive plan. Furthermore, these regulations shall be construed in a manner consistent with the legislative findings, intents, and purposes of the state enabling act, G.L. 1956, §§ 45-23-25--45-23-74.

## **SECTION 2.0. DEFINITIONS**

### **Sec. 2.1. Terms defined elsewhere**

Where words or phrases used in these regulations are defined in either the Rhode Island Comprehensive Planning and Land Use Regulation Act of 1988, or the Zoning Enabling Act of 1991, or the Town of Exeter zoning ordinance, they shall have the meanings stated therein.

### **Sec. 2.2. Terms defined**

For the purposes of these regulations, the following terms shall have the meanings stated herein:

*Administrative officer.* The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. In the Town of Exeter, the planning board has designated the chair of the planning board or the town planner as the administrative officer.

*Administrative subdivision.* Resubdivision of existing lots; which yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.

*Agricultural land.* Any land of five contiguous acres or larger that by reason of soil suitability or other natural characteristics is suitable for agriculture as defined in R.I. General Laws 45-22.2-4.

*Board of appeal.* The review authority for appeals of action of the administrative officer and the planning board on matters of land development or subdivision, which shall be the Exeter zoning board of review.

*Bond.* A type of *Improvement guarantee*.

*Buildable lot.* A lot where construction for the use(s) permitted on the site by the Exeter zoning ordinance is considered practicable by the planning board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state, and other Town of Exeter regulations and ordinances.

*Buffer.* Land which is maintained in a natural state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way. Refer to Section 5.14.

*Building setback line.* A line drawn parallel to the property line, establishing the minimum yard requirement on each side of the property. Structures shall not be built within the required yard areas.

*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 approval process.

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

*Conservation Development.* A type of land development project, which allows smaller lots in order to preserve meaningful open space, to guide growth to the most appropriate areas within a parcel of land, to avoid impacts to the environment and the community character, and to protect the character-defining features of the property in perpetuity.

*Conventional Subdivision.* A subdivision in which all land being subdivided is dedicated to either development lots or street right of way, with no common open space. Not a Conservation Development.

*Consistency with the comprehensive plan.* A requirement of these regulations, which means that these regulations and all subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive community plan.

*Cut.* An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade.

*Development.* The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land.

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

*Diversion.* A channel constructed across the slope for the purpose of intercepting surface or subsurface runoff and carrying the water, on a reduced grade, to a suitable outlet. Diversions generally have a supporting ridge on the lower side.

*Division of land.* A subdivision.

*Dwelling Unit.* 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.

*Easement.* A grant for an indefinite period of a right of use of land for drainage, utility, conservation or other purposes.

*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 as defined herein. See also *Physical constraints to development*.

*Erosion.* The removal of surface materials by action of natural elements.

*Excavation.* Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefore.

*Fill.* Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, and shall include the conditions resulting there from. The fill is also the difference in elevation between a point on the original undisturbed ground and a designated point of higher elevation of the final grade.

*Final plan.* The final stage of land development and subdivision review.

*Final plat.* The final drawing(s) of all or a portion of a subdivision to be recorded after

approval by the planning board or its agents and any accompanying material as required by these regulations and/or by the planning board.

*Floodplain.* The area along a natural watercourse which is periodically overflowed by water there from and as further defined by G.L. 1956, §§ 45-22-2--45-22-4.

*Floor area, gross.* See R.I. State Building Code.

*Frontage.* Property line where it abuts the street, distance between side lot lines at the street line.

*Grade stabilization structure.* A structure to stabilize the grade or control cutting by water in natural or manmade channels. Examples are headwalls, drop boxes, chute spillways, toe walls, and rip rapped sections of watercourses, etc.

*Governing body.* The body of the local government, in the case of these regulations, the Exeter town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

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

*Improvement guarantee.* A security instrument accepted by the planning board to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the planning board as condition of approval, will be completed in compliance with the approved plans and specifications of a development.

*Land Development Project.* A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to, planned development cluster and /or conservation development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance.

*Local regulations.* The Town of Exeter land development and subdivision review regulations adopted under the provisions of the G.L. 1956, §§ 45-23-25--45-23-74, including all related local ordinances and rules properly adopted pursuant to this act.

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

*Maintenance guarantee.* Any security instrument, which may be required and accepted by the planning board to ensure that necessary improvements will function as required for a specific period of time. See *Improvement guarantee*.

*Major land development plan.* Any land development plan not classified as a minor land development plan.

*Major subdivision.* Any subdivision not classified as either an administrative subdivision or a minor subdivision.

*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.

*Minor land development plan.* A development plan for a residential project, provided that such development does not require waivers or modifications, as specified in these regulations, and does not propose a new street. All nonresidential land development projects shall be considered as major land development plans.

*Minor subdivision.* A plan for a subdivision of land consisting of five or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in these regulations, and does not propose a new street.

*Modification of requirements.* See section 4.5.

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

*Parking area or lot.* All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

*Permitting authority.* The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.

*Phased development.* Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by sections subsequent to approval of a master plan for the entire site.

*Physical constraints to development.* Characteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also *Environmental constraints*.

*Planning board.* The official municipal planning agency of the Town of Exeter, hereinafter also referred to as "the board" or "board."

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

*Pre-application conference.* An initial meeting between developers and the planning board which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

*Preliminary plan.* The required stage of land development and subdivision review, which requires detailed engineered drawings and all required state and federal permits.

*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 or other governmental entity is presently responsible, or will ultimately assume the responsibility for maintenance and operation.

*Public informational meeting.* A meeting of the planning board preceded by a notice, open to the public, and at which the public shall be heard.

*Public water supply.* Any water system providing a potable supply to a segment of the population on a regular basis for domestic or industrial use, including supplies furnished by municipalities, special districts, authorities, associations, and privately owned water utilities.

*Rear setback line.* A line generally parallel to a rear lot line and which establishes the distance buildings must be constructed from the rear lot line.

*Rural residential compound.* A rural residential compound is a land development project containing lots for single family household structures, which are grouped on a portion or portions of a parcel, on smaller lots and within building envelopes and with flexible dimensional requirements other than those permitted in the underlying zoning district.

*Resubdivision.* Any change of an approved or recorded subdivision plat or in a lot recorded in the town land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of these regulations. For the purposes of these regulations, any such action shall constitute a subdivision.

*Runoff.* The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow and including seepage flows that do not enter the soil but run off the surface of the land. That portion of water that is not absorbed by the soil, but runs off the surface.

*Runoff from a fully developed area upstream.* The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by the town's zoning ordinance and comprehensive plan.

*Sedimentation.* The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or if remaining suspended in water), it is usually referred to as "sediment."

*Side setback line.* A line generally parallel to a side lot line and which establishes the distance buildings must be constructed from the side lot line.

*Sketch Plan Overlay Sheet.* A scaled drawing that illustrates conceptual layouts of house lots, buildings, streets and conservation areas.

*Slope.* The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance. Any natural landform that is not horizontal differs from the horizontal.

*Soil stabilization.* The Chemical, mechanical, or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties and reduce erosion.

*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 (*Castenata dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.

*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.

*Storm Water retention.* A provision for storage of storm water runoff.

*Street.* A public thoroughfare, accepted by the town, used or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See *Street classification*.

*Street, access to.* An adequate and permanent way of entering a lot. All lots of record shall

have access to a public street for all vehicles normally associated with the uses permitted for that lot.

*Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

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

*Street line.* A lot line that separates a lot from a street.

*Street right-of-way.* The area between street lines.

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

*Street classification.* A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The following are major categories and are further described in Section 7.2.B.

- a. *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the town and carries high volumes of traffic.
- b. *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- c. *Local.* Streets whose primary function is to provide access to abutting properties.

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

*Subdivision.* The division or re-division of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

*Swale.* A low-lying stretch of land, which gathers or carries surface water runoff.

*Temporary improvement.* Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

*Topsoil.* Surface soils and subsurface soils, which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A-horizon.

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

after the approval, the regulations change prior to the completion of the project.

*View-shed.* The primary area, which can be viewed from a defined observation point. To determine the extent of the view-shed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the view-shed.

*Waiver of requirements.* See section 4.5.

*Watercourse.* A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or manmade.

*Yield Plan.* A plan of a conventional (as opposed to a Conservation) subdivision or land development project that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development, such as wetlands, etc. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of biological wetlands, water bodies, street rights-of way, or electrical power line easements.

### **SECTION 3.0. GENERAL REQUIREMENTS**

The elements described within section 3.0 apply generally to all land development projects and subdivisions subject to these regulations.

#### **Sec. 3.1. Town regulatory officials**

- A. *Planning board.* The town planning board has been authorized as the local regulatory agency for all matters of land development and subdivision.
- B. *Administrative officer.* The planning board may designate the chair of the planning board or the town planner as administrative officer to work as their agent to oversee and coordinate all aspects of the review, approval and recording as well as the construction phases for all land development projects and subdivisions (see section 9.1, administrative officer).
- C. The qualifications for the town planner are set by the planning board and the appointment of the town planner shall be by the town council.

#### **Sec. 3.2. Required submission documents**

All applications subject to these regulations shall have specific submission requirements, depending upon the type of development proposed (see Section 12.0 for itemized lists of application requirements).

#### **Sec. 3.3. Fee structures and regulations**

- A. *General.* The planning board shall impose reasonable fees for the review of applications, which come before it. The planning board may impose administrative fees and project review fees as may be applicable to the types of applications set forth below. Each fee shall be submitted separately, in accordance with the following provisions.
- B. *Administrative fees.*
  - 1. *Applicability.* An administrative application fee shall be assessed at the time of application, to offset the expense of review by the planning board and its

office staff with regard to all applications set forth in subsection 2, below. Any application filed without this fee shall be deemed incomplete and no review work by the town shall commence until the fee has been paid in full.

2. *Application fees.* Application fees shall be as follows:

- A. Informal Concept Review: \$100.00
- B. Administrative Subdivision: \$100.00
- C. Minor Land Development Projects and Minor Subdivision (including all rural residential compounds):
  - 1. Pre-application meeting and informal concept review: \$100.00 (if more than two meetings, additional \$100.00 required per additional meeting)
  - 2. Preliminary Plan: \$200.00 plus \$50.00 per unit or lot
  - 3. Final Plan: \$100.00

D. Major Land Development Projects and Major Subdivision:

- 1. Pre-application meeting and concept review (if more than two meetings, additional fees required):

Residential: \$200.00 + \$20.00 per unit or lot

Non-residential: \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.

- 2. Master Plan:

Residential: \$300 + \$50.00 per unit or lot

Non-residential: \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.

- 3. Preliminary Plan:

Residential: \$500.00 plus \$100.00 per unit or lot.

Non-residential: \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.

- 4. Final Plan:

Residential: \$100.00 plus \$20.00 per unit or lot.

Non-residential: \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.

E. Development Plan Review:

1. Pre-application meeting and concept review: \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet. If more than two meetings, additional fees required.
2. Preliminary \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.
3. Final \$100.00 per 1,000 square feet gross floor area, up to 5,000 square feet; an additional \$50.00 per 1,000 square feet gross floor area above 5,000 square feet up to 20,000; and an additional \$10.00 per 1,000 square feet gross floor area above 20,000 square feet.

F. Extension requests: \$100.00

G. Any appeal filed pursuant to Section 10, documents and reproduction fees including, but not limited to stenographic, copying, and tape reproduction. Fee will commensurate with actual cost.

3. *Fees for revised applications.* Where an administrative fee has been calculated and the application is revised after payment of said fee, the following rules shall apply:

A. If the basis for calculating the fee increases after the initial submittal, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these revisions. No review of these revisions shall take place until this additional fee is paid. The application is incomplete until such fee is paid. Failure to make this payment after requesting additional revisions shall be grounds for denial of the application.

B. If the basis for calculating the fee decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the planning board, no cost associated with the review of those lots or units has been yet incurred. The application is incomplete if the fee is not paid.

4. *Fee waivers.* The planning board may waive or reduce any administrative fee, if, in the opinion of the board, unusual circumstances exist regarding the subject property or the applicant.

5. *Refund.* Once the review process has been commenced, the planning board shall not refund administrative fees, including the case of withdrawal of the application by the applicant, except as provided in subsection B.3.B, above.

C. *Project review, hearing and inspection fees.*

1. *Applicability.* In addition to the administrative fees cited in section 3.3.B.2, the

applicant shall also provide payment for all hearing costs, including the cost of legal ads and stenographers. The planning board shall also impose a project review fee on those applications which require, in the judgment and sole discretion of the planning board, analyses or review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, and/or because the town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the board may engage, including but not limited to, engineers, planners, lawyers, landscape architects, architects, geo-technical experts, hydrology experts, or other appropriate firms, persons or professionals able to assist the board in its review of the proposal or application and to ensure compliance with all relevant laws, ordinances, and regulations, as well as with the formulation of reasonable measures to assess and/or mitigate identified impacts. Such assistance may include, but shall not be limited to, analyzing an application, review of information submitted by an applicant, design review of applications to determine consistency with the town's design standards and objectives including those referenced in the community comprehensive plan, examining the adequacy and reasonable alternatives of measures to mitigate potential impacts, monitoring or inspecting a project or site for compliance with the board's decisions or regulations, or inspecting a project during construction or implementation, or such other similar technical assistance as the planning board may require.

2. *Submittal.* Project review fees shall be submitted at the time of the submittal of the application for deposit in an escrow account established by the town treasurer. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
3. *Schedule of project review fees.* The following schedule applies to the types of applications to the planning board set forth below. This schedule supersedes all previous schedules as they may have appeared in the zoning ordinance, the subdivision and land development regulations, and any listings, which may have been compiled from time to time for the benefit of applicants.
  - A. Conceptual master plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
  - B. Preliminary plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
  - C. Final plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
  - D. Development plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
4. *Replenishment.* When the balance in an applicant's escrow account falls below 25 percent of the initial project review fee, as imposed above, the planning board shall consider whether to require a supplemental project review fee to cover the cost of the remaining project review.
5. *Inspection phase.* After the granting of a final plan approval, or authorizing construction upon the acceptance of a performance guarantee, the planning board

may require a supplemental project review fee for the purpose of ensuring the availability of funds to cover the inspection phase of the review process.

6. *Handling of project review fees.* The project review fee is to be deposited into a special account as established by the town.
  - A. Project review fees shall be turned over to the town by the planning board for deposit into an escrow account.
  - B. Outside consultants retained by the planning board to assist in the review of an application shall be paid from this account.
  - C. A copy of the latest statement from the banking institution handling the escrow account shall be forwarded to the planning board office as soon as it is received for timely and accurate accounting.
  - D. A report on activity in the escrow account on an annual basis shall be submitted to the planning board and town council for review.
  - E. An accounting of an applicant's funds held in the escrow account may be requested by the applicant at any time.
    1. The planning board shall respond to the request in a timely fashion.
    2. This accounting may include the following information:
      - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicant's accounts.
      - b. A report of all checks authorized for issuance since that last banking statement.
  - F. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
  - G. Excess fees in the escrow account shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the board with documentation establishing such succession in interest. All accumulated interest shall accrue to the town to cover costs associated with the management and processing of those procedures.
    1. With the approval or disapproval of a preliminary subdivision plan.
    2. With the disapproval of a final subdivision plan.
    3. With the release of the performance bond at the end of construction of an approved final subdivision plan.
    4. With the final inspection or the approval or disapproval on all other types of applications under the zoning ordinance or subdivision and land development regulations, whichever comes

later.

7. *Appeal.* The choice of a consultant, selected by the planning board for project review, may be appealed in writing to the board of appeal by the applicant, providing such appeal is initiated in accordance with section 10.0 of these regulations.
  - A. Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
    1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Rhode Island Ethics Law.
    2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
  - B. The required time limits for action upon an application by the planning board shall be extended by duration of the appeal.
  - C. This appeal shall not preclude further judicial review, as an appeal of the Board of Appeal's decision.
- D. *Delinquent accounts.* The following rules apply to fees owed to the planning board by applicants:
  1. *Monthly interest charge.* All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 12 percent.
  2. *Costs of collection.* All costs of collection associated with past due accounts shall be borne by the applicant.

#### **Sec. 3.4. Project description and impact study**

Any application for a residential subdivision creating more than five lots, and all nonresidential subdivisions shall include a narrative describing the proposed project's major elements, potential significant impacts on the surrounding neighborhood and/or community and the means by which these identified impacts shall be mitigated by the project design or otherwise.

1. The planning board shall have the authority to require the applicant to prepare an Environmental and Community Impact Study (ECIS) to assess the potential short and long term effects of the proposed subdivision or land development project under any of the following conditions:
  - a. If all or part of the property that is the subject of the application includes land identified by any or all of following agencies; the Exeter planning board, the Exeter conservation commission, the Rhode Island Natural Heritage Program, the Rhode Island Historic Preservation and Heritage Commission, the Nature Conservancy, the RI Department of

Environmental Management, the U.S. Geological Survey, the U.S. Environmental Protection Agency, as unique natural areas or areas of critical and/or environmental concern; or

- b. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative environmental impact on natural systems located on the property or adjacent to the property that is the subject of the application or upon nearby properties or natural systems.
        - c. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative impact on community services and facilities.
2. The board shall make findings of fact in writing and shall identify the environmental resources found to be potentially threatened. The board's findings shall be made a part of the record of the application
3. An ECIS required under this section shall include research and documentation describing and assessing short and long-term cumulative environmental impacts, which may include but not be limited to impacts upon:
  - a. Freshwater wetlands;
  - b. Flooding and drainage;
  - c. Noise and air quality;
  - d. Solid waste generation;
  - e. Historic/archaeologic areas;
  - f. Traffic/road capacity;
  - g. Hydric soils;
  - h. Forests and agricultural lands;
  - i. Unique vegetation, significant trees, and important scenic or designed landscapes;
  - j. Natural heritage sites;
  - k. Wildlife and wildlife habitat;
  - l. Groundwater quality and quantity;
  - m. Surface water quality, streams and rivers;
  - n. Schools and other community facilities; and
  - o. Public wells and well fields.
4. If an ECIS is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the conceptual master plan stage for a major subdivision and shall be advised at that meeting as to the specific issues that the ECIS must address.
5. For any subdivision or land development project for which an ECIS is required, the board shall have the authority to impose conditions on approval, including but not limited to off-site improvements, that, based on the findings and analysis of the ECIS, are

reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.

6. All Environmental and Community Impact Studies shall be referred to the conservation commission and other appropriate town boards, commissions, or other local, state or federal, agencies for their review and comment prior to planning board approval of the preliminary plan.
7. It in the opinion of the planning board, impacts identified in the ECIS cannot be adequately mitigated so as to achieve compliance with each of the requirements specified in section 3.5, the planning board shall have the authority to deny approval of the proposed development design.

### **Sec. 3.5. Required findings for all approvals**

For all development and subdivision applications subject to these regulations the planning board, or its designated agents, shall address each of the general purposes stated in section 1.5, and shall make positive findings on the following standard provisions as part of the proposed project's record, prior to approval. If a negative finding for any of these standards is made, the planning board shall have grounds for denial of the project design:

1. The proposed development is consistent with the town's comprehensive plan and/or has to the board's satisfaction addressed the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform to the standards and provisions of these regulations and of the Town of Exeter 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 the Exeter 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 Exeter prohibiting any such present or future development.
3. There will be no significant negative environmental impacts from the proposed development as shown on the preliminary plan as determined by the planning board, with all required conditions for approval;
4. Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable (see definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on approved recorded plans;
5. All proposed land developments land development projects and all subdivision lots shall have adequate, permanent and safe physical vehicular access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement;
6. 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

7. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding, soil erosion, and shall embody to the degree feasible a design that minimizes future maintenance;
8. For each new lot frontage at the minimum setback or building line shall be not less than 75 percent of that required at the front lot line or street line;
9. Provisions may be required for specific developments for access to any area isolated from the frontage on an existing public street. This shall be accomplished by reservation of land within the development to provide future access to isolated, adjacent parcels through a de-feasible easement running with the deed in favor of the Town of Exeter;
10. The proposed development meets all of the design standards within section 7.0 of these regulations, including all approved waivers accepted and authorized by the planning board under section 4.5 of these regulations;
11. The open space within conservation developments meets the standards and requirements of these Regulations with regard to amount, location, use, nature and design.
12. The proposed development meets all other requirements of these regulations.

#### **SECTION 4.0. SPECIAL REQUIREMENTS**

The elements within section 4.0 may be applicable to individual land development projects and subdivisions, depending upon the individual site and project design.

##### **Sec. 4.1. Off-site improvements**

1. *Purpose.* This section is intended to ensure that sub-dividers provide off-site infrastructure improvements in order to mitigate the impacts that the development may have on the town's natural and manmade environment which are directly or indirectly attributable to new development. The planning board may require such improvements if the board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:
  - a. Utility structures;
  - b. Water supply systems;
  - c. Roadways;
  - d. Sidewalks;
  - e. Bicycle paths;
  - f. Drainage systems;
  - g. Bridge/culverts; and
  - h. Public safety.
2. *Definition and principles.* As a condition of final approval, the planning board may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The planning board shall provide in its resolution of preliminary approval, the basis for

requiring such off-site improvements. In its resolution, the board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character the Town of Exeter.

#### **Sec. 4.2. Improvement guarantees**

- A. The planning board shall approve agreements for the completion of all required public improvements prior to final plan approval in the form of (1) completion of actual construction of all improvements, (2) improvement guarantees, or (3) a combination thereof.
- B. Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval. All construction shall be inspected and approved under the direction of the public works director and according to these regulations. Before final approval the applicant must supply the planning board with a letter from the public works director certifying that the improvements have been completed in a satisfactory manner.
- C. 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 the required improvements, within the period specified by the planning board. The amount shall be based on actual cost estimates for all required public improvements. The guarantee shall enable the town to gain timely access to the secured funds, for cause. The public works director shall submit a written recommendation of the amount of the performance bond to the planning board for their approval. The board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions. The board shall review guarantees on a regular basis and upgrade them as necessary.
- D. The security shall be in the form of a certified check, payable to the Town of Exeter, to be deposited in an interest-bearing account. All accrued interest will be returned to the applicant.
- E. The planning board, in consultation with the public works director, shall set the amounts of improvement guarantees, review and approve the constructed improvements and release the improvement guarantee to the applicant.
- F. The applicant may apply to the board for a partial release of the bond upon completion of a portion of the required improvements. The public works director will notify the planning board in writing as to the amount of reduction recommended, if any, based upon the completion of improvements according to the required specifications.
- G. In the cases of developments and subdivisions, which are being approved and constructed in phases, the planning board shall specify improvement guarantee requirements related to each particular phase.
- H. Upon completion of all required improvements, the applicant may request the board to release 90 percent of the bond originally posted. The public works director will notify the board in writing as to whether the improvements have been satisfactorily completed. If all improvements are completed by the subdivider, a maintenance bond of ten percent of the improvement costs shall be required.
- I. One year from the date of completion of all of the required improvements as

provisionally certified by town's consulting engineer, the applicant may request the board to release the remaining bond. The public works director will notify the board in writing as to whether defects in the design or construction of the required improvements have become evident since the release of the original 90 percent of the bond.

- J. Until the required improvements have been completed and accepted by the town, no building permit shall be issued for the construction or alteration of any building on any lot in a development, unless an acceptable guarantee of performance of the subdivision has been received the town treasurer and approved by the planning board.
- K. Required improvements shall be completed within two years of final approval of the development by the board. The developer must request an extension of time from the board if additional time is needed. Any such extension request must be accompanied by a bond review, update, and posting of additional bond if so determined by the board. If the improvements are not completed within two years or time extensions arranged with the board, the bond will be forfeited to the town. Upon forfeiture, the board shall authorize the public works director to use the forfeited bond to oversee the completion of the required improvements.
- L. All such improvements, once inspected and approved, shall be accepted by the town or appropriate town agency for maintenance and/or as part of the town system.
- M. The town is hereby granted the power to enforce the guarantees by all appropriate legal and equitable remedies.

**Sec. 4.3. Phasing of major land developments land development projects and major subdivisions**

- 1. When a major land development project, or a major subdivision, is submitted for master plan approval as provided in section 5.5, the planning board shall review the adequacy of existing and projected future public improvements, services and facilities, which may be impacted by the proposed development in its entirety, and taking into account the cumulative impacts of the proposed subdivision or land development project on such services and facilities with regard to area growth and development. If the planning board determines that such improvements, services and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the planning board shall have the authority to establish a rate of development of the entire development 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 development projects and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments in writing to the planning board. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the administrative officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined as provided in section 5.5C, all comments from reviewing agencies shall be received prior to the date of the public hearing.

3. Each department or agency to which such a request for comments is made shall deliver to the administrative officer, in addition to the written correspondence, any supplementary material, which shall describe:
  - a. An estimate of the impact of the development on the facilities and/or services provided by the department or agency. Such estimate shall take into account the cumulative impacts of all growth and development in the area of the proposed development;
  - b. Whether existing facilities and/or services are adequate to serve the residents of the proposed development;
  - c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's capital improvement program or are otherwise planned; and
  - d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.
4. Based on the responses received from the various departments and agencies, the planning board shall establish, at the time of master plan approval, a rate of development of the entire development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the development. As part of such a growth rate plan, the planning board may require that improvements be installed, or lots sold, in two or more phases.
5. If phasing is required, the planning board shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the planning board in section 5.5, above. In such review and approval, the board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.
6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

#### **Sec. 4.4. Waiver of development plan approval**

- A. The planning board may waive requirements for development plan approval where there is a change in use or occupancy and not extensive construction of improvements is sought. The waiver may be granted only by a decision by the planning board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
- B. The application for a waiver of development plan approval review shall include documentation, as required by the planning board, on prior use of the site, the proposed use, and its impact.

#### **Sec. 4.5. Waiver and modification of requirements**

- A. The planning board shall have the authority to waive or modify one or more of the requirements for land development or subdivision approval contained in these regulations if the planning board finds, on the record that:
  - 1. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and
  - 2. Literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question, or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the town's comprehensive plan and zoning ordinance.
- B. The planning board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:
  - 1. The planning board's decision shall be made within 45 days of the day the request for the waiver or modification was first considered by the planning board, unless the applicant waives that deadline.
  - 2. The planning board's decision shall be in writing and shall contain findings of fact addressing the conditions contained in section 4.5.A.

#### **Sec. 4.6. Reinstatement of development applications**

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

#### **Sec. 4.7 Dedication of land for public purposes**

- 1. *Subdivider must provide open space.* The planning board may require all residential – land development projects and subdivisions, which are subject to the provisions of these regulations to dedicate a portion of the land being developed or subdivided for the

purpose of providing open space, conservation, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The planning board may, in its discretion, require the payment of a fee in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.

2. *Relationship to comprehensive plan.* No dedication of land to the public or payments-in-lieu-of such dedications shall be required unless the need for such is documented in the adopted plans of the town, i.e., the comprehensive community plan, the local recreation conservation and open space plan, or the capital improvement program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the above plans or in the CIP and shall reflect the character defined for the neighborhood or district in which the subdivision is located by the comprehensive community plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments, in-lieu-of-land dedications are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreational facilities.

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

Amount of dedicated land= Number of house lots x minimum lot size in the underlying zoning district x three percent. Further subdivision of such lot(s) may be subject to further fee(s).

4. *Ownership of land.* Land dedicated under the provisions of this Section may, subject to the approval of the planning board, be dedicated by transfer of fee simple ownership to the Town or, in the case of a conservation development, to an agency or organization as provided in Section 5.12.D.

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

Fee in-lieu dedication= Fair market value of land <sup>(1)</sup> X-Amount of dedicated land (acres or square feet)

(1) Fair market value of land in the parcel being subdivided after subdivision approval has been granted and which is suitable for use as open space, conservation, park, and recreation facilities. See 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. An annual review by the Exeter tax assessor of all sales of vacant building lots of at least 10,000 sq. ft. in area in town, assuming all subdivision improvements have been made and infrastructure is in place, has established a range of \$45,300.00 to \$56,600.00 per building lot (as of December 31, 1992 and depending on which zoning district the property is located in \$45,600.00 for RU-2 zone, \$48,400.00 for the RU-3 zone, \$52,300.00 for the RU-4 acre zone, and \$56,600.00 for CR-5 acre zone), and as may be updated by the assessor following

a town-wide revaluation. As such, the rate for fair market value shall range from \$0.52 to \$0.26 per square foot of land to be dedicated (depending on zoning district).

- b. If the sub-divider objects to such amount of evaluation, he/she may, at his/her own expense, obtain two separate independent appraisals of the property by qualified real estate appraisers, which appraisals may be accepted by the planning board, if found to be reasonable; or
- c. The planning board and sub-divider may agree as to the fair market value.

## **SECTION 5.0. CONSERVATION DEVELOPMENT**

### **Sec. 5.1. Purpose**

Pursuant to and consistent with Section 1.4.B.D of the Zoning Ordinance, the purposes of this section, Conservation Development, are:

- A. To protect natural resources, including but not limited to those areas containing woodlands, unique vegetation, streams, floodplains, wetlands, aquifers to their recharge areas, agricultural lands, wellheads and vernal pools, by setting them aside from development;
- B. To preserve cultural, historical and archaeological resources;
- C. To protect recreational resources;
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including wastewater disposal systems and wells, and to reduce length of roads, utility runs, and the amount of paving required for residential development;
- E. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;
- 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 contiguous greenway system within the Town;
- H. To implement adopted land use, transportation and community service policies, as set forth in the Comprehensive Plan,
- I. To protect areas of the Town with productive agricultural soils to encourage 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 with a strong neighborhood

identity;

- K. To provide for the maintenance of open land set aside for active or passive recreational use, storm water drainage or conservation lands;
- L. To conserve and create scenic views and preserve the rural character of the Town;
- M. To provide a buffer between new development and existing streets, neighborhoods, active farmland and adjacent park or conservation land.

### **Sec. 5.2. Applicability**

- A. In accordance with the standards set forth in this Section 5.0, the Planning Board shall allow all major subdivisions and major land development projects be developed as a conservation development, whether a subdivision or not. Major subdivisions and major land development projects shall be required to follow the procedure for review and approval prescribed in Section 6.5
- B. The Planning Board shall allow a minor subdivision or minor land development project to be developed as a conservation development, if it finds that a conservation development would a better form of development, after consideration of the general purposes and required standards for subdivisions and land development projects set forth in these regulations, and after consideration of the purposes of conservation developments set forth in Section 5.1.

### **Sec. 5.3. 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 Section 6.0 of these Regulations.

### **Sec. 5.4. 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 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 Board that this design process was considered in determining the layout of proposed streets, building locations, and open space. See Section 12 for specific requirements.

#### *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 Section 5.16.

*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 Section 5.6.

*Step 3 - Designate Potential Conservation Areas*

The third step is to identify the areas on the site to be preserved on the site 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 Exeter Comprehensive Plan.

*Step 4 - Determine Maximum Number of Units*

At the master plan stage for major subdivisions and major land development projects, and at the preliminary stage for minor subdivisions and minor land development projects, the applicant and Planning Board 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 Section 5.8. The number of units may be changed by the Planning Board 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 5.5. These alternative plans shall be substantially different. The Planning Board shall review how each alternative impacts the viability of the development plan, versus the benefits to the Town of one or another approach. This sketch plan shall be further refined for re-submission and discussion between the Board and applicant during subsequent stages of review, as an overlay to the Existing Resources and Site Analysis Map (Section 5.16).

*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 Exeter'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 storm water 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 Board 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 Section 5.12.H shall be submitted.

**Sec. 5.5. Sketch Plan Overlay Sheet**

The design process described above shall be documented by the applicant and presented to the Planning Board. 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).

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, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

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.

**Sec. 5.6. Site Context Map**

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 two miles of the subdivision parcel. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, Rhode Island Natural Heritage Areas, flood plains or flood hazard areas, aquifers, and significant public facilities shall be indicated on this Map. Topography at 10-foot contour intervals (from USGS maps) shall be shown.

A separate soils map of the surrounding area shall be prepared. If present, agricultural land (see definition in Section 2.0) and any very poorly drained soils shall also be shown on the Site Context Map.

**Sec. 5.7. Modification of Lot Requirements**

Applicants are encouraged to modify lot size, shape, and other dimensional characteristics within a Conservation Development. A Conservation Development may be developed with dwelling units on separate lots, a single lot, or a combination thereof.

Where dwellings are proposed to be located on individual lots, the following minimum dimensional regulations shall be applicable to dwellings within a Conservation Development.

<i>Use</i>	<i>Lot Area (sq. ft.)</i>	<i>Lot Frontage and Width (ft.) (see Note)</i>	<i>Front Yard Depth (ft.)</i>	<i>Rear Yard Depth (ft.)</i>	<i>Side Yard (each side) (ft.)</i>
<i>Single Household Dwelling</i>	43,560	150	40	40	20
<i>Two Household Dwelling (duplex)</i>	65,340	150	40	40	20

*Note: The Planning Board may authorize, through a request for waiver, modifications to the above lot frontage and width as provided in Section 2.4.3 of the Zoning Ordinance.*

### **Sec. 5.8. Basic Maximum Number of Dwelling Units**

The Basic Maximum Number of dwelling units allowed on a parcel of land proposed for development as a Conservation Development is defined as the maximum number of dwellings that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a 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 Board's determination of the Basic Maximum Number shall be conclusive.

Yield Plans shall be prepared as conceptual layout plans in accordance with the Pre-application Checklist (Checklist I). 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 Section 1.2 of the Zoning Ordinance), existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.

The Yield Plan shall also reflect the dimensional standards for uses being proposed, as contained in the Dimensional Regulations in Section 2.4.2 of the Zoning Ordinance, or other applicable dimensional requirement of the Zoning Ordinance. The Yield Plan must identify how conventional lots or uses could be developed having the required area, frontage and other dimensional requirements of the Zoning Ordinance. Although lots shown in the Yield Plan may contain land unsuitable for development as defined in Section 1.2 of the Zoning Ordinance, each lot shall have at a minimum, one acre of contiguous land that is suitable for development.

On sites served by Individual Sewage Disposal Systems (ISDS), density shall be further determined by evaluating the number of dwellings or other uses that could be supported by ISDS 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 ISDS that requires the granting of a variance by the RI Department of Environmental Management. The Planning Board 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 the site visit to the property, and/or upon other evidence available to the Board at any time during the development review process.

Upon completion of their review, the Planning Board shall determine the initial Basic Maximum

Number of lots/dwelling units permitted in a development. This initial determination shall be made at the master plan stage of review for major subdivisions and major land development projects, and at the preliminary stage of review for minor subdivisions and minor land development projects. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent stages of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent stages of review, the Planning Board may increase or reduce the number of lots/dwelling units contained in the initial Basic Maximum Number. For all developments, the final Basic Maximum Number shall be established by the Planning Board at the final stage of review.

In developments that require alterations to be made to freshwater wetlands, the Board may establish an initial Basic Maximum Number contingent upon confirmation by the RI Department of Environmental Management that such alterations are permitted under the provisions of the Freshwater Wetlands Act.

### **Sec. 5.9. Types and Location of Buildings**

A Conservation Development may contain only single household residential structures (permitted by right) or duplexes (permitted by special use permit) and uses customarily accessory thereto. The Planning Board may require the development plan to show the location of building footprints, and their relation to driveways and streets, and may approve, approve with modification, or deny such locations.

For the purposes of determining the Basic Maximum Number, a single household dwelling shall be counted as one dwelling. Accessory dwelling units shall not count towards the Basic Maximum Number, if constructed in accordance with Section 4.3 of the Zoning Ordinance

Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the Conservation Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

### **Sec. 5.10. Storm Water Management**

The storm water management system for a Conservation Development shall conform to the Town's Land Development and Subdivision Regulations, with particular regard for the need to encourage infiltration and groundwater recharge as opposed to detention or retention basins.

### **Sec. 5.11. Parking**

Each dwelling unit shall be served by off-street parking as provided in Article V. of the Zoning Ordinance; provided, however, that this requirement may be waived by the Planning Board where on-street parking, or parking in approved parking lots or structures is determined to be acceptable. Spaces in garages, or in driveways in front of garages may be counted in any computation of required parking.

### **Sec. 5.12. Open Space**

Every Conservation Development shall provide protected open space in accordance with the following standards:

- A. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.

- B. The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire Conservation Development as provided in the table below. None of the minimum required open space area shall be devoted to land unsuitable for development as defined in Section 1.2.of Zoning regulations.

Zoning District	Minimum Amount
CR-5	75%
RU-4	70%
RU-3	60%
RE-2	40%

- C. This minimum required area shall be in addition to any open space used for storm water drainage facilities. Provided, however, that the Planning Board may allow storm water drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, stream belts or greenways, and are designed to facilitate infiltration and recharge of water, and that such facilities are not in conflict with the intent and purpose of a Conservation Development as stated in Section 5.1 of these Regulations, or with the general purposes of these Regulations.
- D. Open space provided by a Conservation Development for public or common use, shall either (1) be conveyed to the Town and accepted by the Town for park, open space, agricultural, or other permitted use or uses; or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the Conservation Development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the Comprehensive Plan and Zoning Ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. The Planning Board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the Comprehensive Plan.
- E. In any case where the land is not conveyed to the Town, a restriction, in perpetuity, enforceable by the Town or by any owner of property in the land development project in which the land is located shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed.
- In addition, in any case where the land is not conveyed to the Town, the development rights and other conservation easements on the land may be held, in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.
- F. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five (5) percent of the total open space area of the Conservation Development.

G. All open space, regardless of whether it is conveyed to the Town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The Planning Board or Administrative Officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the open space, the Town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

H. The Planning Board 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 requirement within a Conservation Development shall not be excavated or re-graded, except as permitted by the Planning Board. 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 Board to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat. These disturbances shall be specifically shown on the open space use plan.

At the time of Master Plan review by the Planning Board for major subdivisions or land development projects, or preliminary review for minor subdivisions or land development projects, the applicant shall submit a separate open space use plan containing:

- a. the general location and area of all proposed open space;
- b. the general proposed use(s) of the open space;
- c. existing topography and existing ground cover of open space areas;
- d. the location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;
- e. areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
- f. generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas;
- g. the location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas recreation areas and,
- h. areas proposed to be left in their existing natural states without any disturbance.

At the time of preliminary review by the Planning Board, a more detailed management plan that specifies the use of the open space shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.

The Planning Board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.

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

In addition, 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 Board may permit grading that includes removal of earth materials. The Board shall, however, clearly indicate, as a condition of preliminary 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.

### **Sec. 5.13. Open Space Design Review Standards**

- A. List of Resources to Be Conserved - The design of open space lands in any Conservation Development shall reflect the standards set forth in this subsection 5.13 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 be consulting the Greenspace Maps for natural, cultural and recreational resources as identified in the Comprehensive Plan.
  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 groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
  7. 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;
  8. Active agricultural uses, pastures, croplands;
  9. 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 view sheds as seen from public roads (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

Board.

- 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, stonewalls, and structures related to open space uses. The Planning Board 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-adjoining lots shall be provided with safe and convenient pedestrian access to open space land;
  3. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Board, without interfering with adjacent dwelling units, parking, driveways, and roads;
  4. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision;
  5. They shall provide buffers to adjoining parks, preserves or other protected lands;
  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 or region. 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.
- C. Uses Permitted Within Open Space Areas - The open space in a Conservation Development shall be devoted only to conservation purposes or for park, recreation, forest management, and agricultural purposes.

#### **Sec. 5.14. Streets**

Streets within a Conservation Development may be publicly or privately owned and maintained and shall conform to the standards provided in 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 Board.

#### **Sec. 5.15. Decision**

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Development upon finding that the Conservation Development does or does not meet the purposes of these Land Development and Subdivision Regulations, after consideration of the general requirements set forth at Section 3.5, and after consideration of the purposes set forth in Section 5.1, herein.

## **Sec. 5.16 Existing Resources and Site Analysis Map**

All subdivisions and land development projects, whether or not proposed to be developed as a conservation development, shall be required to prepare an Existing Resources and Site Analysis Map. Provided, however that 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 Board 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.

An Existing Resources and Site Analysis Map is required to be prepared for the following types of Subdivisions and Land Development Projects:

- Pre-Application Meetings and Concept Review Checklist– Minor or Major Land Developments and Minor or Major Subdivisions (Checklist I)
- Preliminary Plat Checklist - Minor Land Developments and Minor Subdivisions Checklist- Creation or Extension of a Public or Private Street (Checklist J)
- Master Plan Checklist - Major Land Developments and Major Subdivisions (Checklist L)

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

The Planning Board shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). 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).

### **A. Topography and Slopes**

1. Topography, the contour lines of which shall generally be at 10-foot intervals, interpolated from U.S.G.S. published maps. More detailed topographic mapping determined by photogrammetry or on-site survey shall be required 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. 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. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

### **B. Natural Resources Inventory**

1. 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.
2. Vegetative cover conditions on the property according to general cover type including cultivated land, agricultural land, permanent grassland, 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 2.0 shall be identified.

3. 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
4. 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.
5. Ridgelines of existing hills and watershed boundaries shall be identified.

#### C. Cultural Resources Inventory

1. 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.
2. 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.
3. A view shed 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 Section 2.0.

#### D. Recreational Resources Inventory

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

#### E. Utilities and Infrastructure

1. 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.
2. Location of all streets and utilities

### **Sec. 5.17. Incentives**

The Planning Board may award a zoning incentive so as to increase the number of dwelling units beyond the Basic Maximum Number; provided, however, that the maximum number of permitted dwellings in the Conservation Development site shall not be increased by a factor of more than

1.3. An incentive may be awarded in the following circumstances:

- A. Where the Planning Board determines that the amount of open space area provided in the entire Conservation Development exceeds the minimum amount as provided in the Subdivision and Land Development Regulations, the Basic Maximum Number of permitted dwelling units in the development may be increased by a factor in accordance with the following table:

Amount of Open Space Provided	Permitted Increase in Density
5 to 10 percent more than minimum	Factor of 1.05
More than 10 to 20 percent more than minimum	Factor of 1.1
More than 20-50 percent more than minimum	Factor of 1.2
More than 50 percent above minimum	Factor of 1.3

- B. The Planning Board may determine that an existing dwelling which is currently located on the property being developed should be preserved for any of the following purposes: maintenance of historic or traditional development patterns; preservation of streetscape features; maintenance of building placement, setback and alignment on the site; preservation of historic structures that contribute to the character of an area; design of public or common open space; or other design or site planning issues identified in the Comprehensive Plan. In such cases, the Planning Board may allow the applicant to exceed the Basic Maximum Number of permitted dwelling units in the development by one (1). Any dwelling granted a zoning incentive under the provisions of this section shall be subject to deed restrictions prohibiting the removal or alteration of the dwelling except as may be approved by the Planning Board as a condition of approval. This dwelling may contain more than two bedrooms.

In computing the number of incentive dwelling units, all figures shall be rounded down to the nearest whole number

## **SECTION 6.0 DEVELOPMENT APPLICATION, REVIEW AND APPROVAL PROCESS**

The Exeter planning board, as a body, shall conduct all meetings and shall make decisions pertaining to the land development and subdivisions under the jurisdiction of these regulations. No approval authority shall be designated to any other official or committee. The administrative officer, and technical consultants to the planning board may act as the board's agents in administrative matters, plan review and construction inspection.

### **Sec. 6.1 Application for development and certification of completeness**

- A. *Classification.* The administrative officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development project or subdivision. The following types of applications, as defined in section 2.1, may be filed:
1. Administrative subdivision.
  2. Minor subdivision or minor land development project
  3. Major subdivision or major land development project
- 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. 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 shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in these regulations in Section 12.0 – Checklists, and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.
- C. Notwithstanding subsections A and B above, the planning board may subsequently

require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the administrative officer prior to certification, as is necessary to make an informed decision.

- D. Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the administrative officer or the planning board determines that the required application information is complete.

## **Sec. 6.2 Pre-application meetings and concept plan review**

- A. One or more pre-application meetings may be held for all major and minor land development or subdivision applications. Pre-application meetings may be held for administrative applications, upon request of either the town or the applicant. Pre-application meetings shall allow the applicant to meet with planning board for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

Where deemed appropriate by the Administrative Officer, town officials, other town boards and/or commissions, planning staff, state agencies and abutting property owners may be notified of the pre-application meetings by the Administrative Officer and invited to provide comments on the proposed subdivision or land development plan.

- B. Applicants seeking a pre-application meeting shall submit general conceptual materials in advance of the meeting(s) as requested by the planning board and as required by Checklist I - Checklist for Pre-Application Meetings and Concept Review in Section 12.0. At a minimum, the applicant shall follow *Steps 1-4* of the Design Process as provided in Section 5.4.
- C. Applicants seeking an informal concept review by the Planning Board shall submit the information and materials as provided in Checklist A – Informal Concept Review. This procedure is restricted only to minor land development projects or subdivisions, Development Plan Review and to rural residential compounds. After the Planning Board has conducted the informal concept review, the Board shall provide the applicant with direction regarding the necessary steps required to submit a full application for further review and approval.
- D. 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 Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.
- E. Provided that at least one pre-application meeting has been held for major land development or subdivision application, or 60 days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said 60-days, nothing shall be deemed to preclude an applicant from thereafter

filing and proceeding with an application for a land development or subdivision project in accordance with section 6.1.

### **Sec. 6.3 Administrative subdivision**

- A. Any applicant requesting approval of a proposed administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by Checklist B – Administrative Subdivision in Section 12.0.
- B. The application shall be certified as complete or incomplete by the administrative officer within a 15-day period from the date of its submission according to the provisions of section 6.1.B.
- C. Review process:
  - 1. Within 15 days of certification of completeness, the administrative officer shall review the application and refer it to the planning board.
  - 2. The application shall be placed on the agenda of the next regular planning board meeting.
- D. The board shall consider the application and the recommendations of the administrative officer and/or the technical consultants and shall either approve, approve with conditions, or deny the application within 65 days of certification of completeness. Failure of the planning board to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.
- E. Denial of an application shall not be appealable and shall require the plan to be submitted as a minor subdivision application.
- F. Any approval of an administrative subdivision shall be evidenced by a written decision, which shall be filed and posted in the office of the town clerk.
- G. Approval of an administrative subdivision shall expire 90-days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in section 9.7.

### **Sec. 6.4 Minor land development projects and minor subdivisions**

- A. *Review stages.* Minor plan review shall consist of at least two stages; preliminary including a site visit; and final, provided that if a street creation or extension is involved, a public hearing is required. The planning board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the planning board. A pre-application is recommended.
- B. Any applicant requesting approval of a proposed minor subdivision or minor land development project, as defined these Regulations, shall first follow the procedure specified for pre-application review as provided in section 6.2, above. If the creation or extension of a public or private street is involved, following the pre-application meeting(s), the applicant shall submit the information required in Checklist J - Preliminary Plat Checklist for Minor Land Development Projects and Minor Subdivisions as provided in section 12.0.

If a minor land development project or minor subdivision does not involve the creation or

extension of a public or private street, the applicant shall submit the information required in Checklist D -Preliminary Plat Checklist for Minor Land Development Projects and Minor Subdivisions (no street creation or extension) as provided in section 12.0.

- C. *Certification.* The preliminary application shall be certified complete or incomplete by the administrative officer within 25 days, or within 15 days if no street creation or extension is required, according to the provisions of section 6.1.B 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 14 days after its submission.
- D. *Site Visit.* After preparing the Existing Resources and Site Analysis Map, and before the preliminary plan is approved, the Planning Board shall schedule a site visit to the property. In order to facilitate the inspection of the site, the Planning Board may require field location of all proposed roads, improvements and site features consistent with the level of information required at this stage of review. The Existing Resources and Site Analysis Map shall be distributed at the site visit to those Town officials in attendance, if it has not been distributed earlier. It is strongly encouraged that the site visit be attended by members of the Planning Board, Town officials, the applicant and/or the applicant's representatives. Owners of property within the notice radius specified in section 6.5.1.C shall also be notified by the applicant and invited to attend. The site visit shall be considered a public meeting and shall be conducted in accordance with the Town's normal procedures for compliance with the State Open Meetings Law. Members of the public shall be permitted to attend the site visit.

Lack of a quorum of the Planning Board in attendance at this visit shall not constitute a failure on the part of the applicant to satisfy the requirements of a site visit. In the event that the Planning Board does not schedule a site visit, or that a scheduled site visit is not conducted within the prescribed time period through no fault of the applicant, the applicant shall not be found to be deficient in the application process, and shall be allowed to proceed with the application.

The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designed open space lands, buildings and street alignments. Comments made by Town officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendation can be offered, and no official decisions can be made at the site visit. Minutes of the site visit shall be kept in accordance with Title 42 Chapter 46 of the RI General Laws entitled Open Meetings.

- E. *Reassignment to major review.* The planning board may reassign a proposed minor project to major review only when the planning board is unable to make the positive findings required in section 3.5.
- F. *Decision.* If no street creation or extension is required, the planning board shall approve, deny, or approve with conditions, the preliminary plan within 65 days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of section 8.6. If a street extension or creation is required, the planning board shall hold a public hearing prior to approval according to the

requirements in section 6.5 and shall approve, deny, or approve with conditions, the preliminary plan within 95 days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of section 9.6.

- G. *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.
- H. *Final plan.* The applicant shall submit to the administrative officer the items required by these regulations on Checklist E – Final Plat Checklist as provided in section 12.0, as well as all material required by the planning board when the application was given preliminary approval. The planning board may delegate final plan review and approval to the administrative officer. The officer shall report his actions to the planning board at its next regular meeting, to be made part of the record.
- I. *Expiration of approval.* Approval of a minor land development or subdivision plan shall expire 90 days from the date of final approval unless within such period a plat or plan, in conformity with such approval, and as defined in these regulations, is submitted for signature and recording as specified in section 9.7. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the planning board.

#### **Sec. 6.5. Major land development projects and major subdivisions**

- A. Major plan review shall be required of all applications for land development and subdivision approval subject to these regulations, unless classified as an administrative subdivision or as a minor land development project or a minor subdivision
- B. Major Plan review shall consist of four stages of review listed below. Also required are a public informational meeting and a public hearing.
  - 1. Pre-application meeting(s);
  - 2. Master Plan, including a site visit;
  - 3. Preliminary Plan; and
  - 4. Final Plan
- C. The planning board may vote to combine review stages and to modify and/or waive requirements as specified in section 4.5. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.
- D. Submission requirements – pre-application – Any applicant requesting approval of a proposed major subdivision or major land development project, as defined in these Regulations, shall first submit to the administrative officer the plans and supporting materials provided in the Checklist C - Pre-application Meetings and Concept Review as provided in section 12.0. For a conservation development project, or conservation development subdivision, see Checklist I. The procedure and criteria for pre-application meetings and concept review as provided in Section 6.2 shall apply. At the conclusion of the pre-application meeting(s) the applicant may proceed to the master plan stage of review.

6.5.1 *Master plan review procedure*

A. *Submission requirements - master plan.*

1. The applicant shall first submit to the administrative officer the items required by these regulations for master plans on Checklist F – Master Plan Checklist in section 12.0. For a conservation development project, or conservation development subdivision, see Checklist L.
2. Master plan information and supporting material for this phase of review shall include, but not be limited to: information on the natural and built features of the surrounding neighborhood, existing natural and manmade 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.
3. Initial comments shall be solicited from:
  - (a) Town/local agencies and commissions, as appropriate;
  - (b) Adjacent communities;
  - (c) State agencies, as appropriate; and
  - (d) Federal agencies, as appropriate.

The administrative officer shall coordinate and review comments by local officials, adjacent communities, and state and federal agencies. If an agency fails to provide written comments prior to the date of a scheduled meeting at which an application is being discussed or heard, the applicant may not be found to be deficient in the application process, and the application shall not be found to be incomplete due to the failure of an agency to provide comment.

B. *Certification.* The application shall be certified complete or incomplete by the administrative officer within 60 days, according to the provisions of section 6.1.B. 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 14 days after its submission.

C. *Site Visit.* The Planning Board shall schedule a site visit in accordance with the procedure and requirements of Section 6.4.D, entitled Site Visit, provided, however that the site visit shall be scheduled before the Master Plan is approved. In order to facilitate the inspection of the site, the Planning Board may require field location of all proposed roads, improvements and site features consistent with the level of information required at this stage of review.

D. *Informational meeting.* A public informational meeting shall be held prior to the planning board decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon planning board determination that all necessary requirements for all stages so combined have been met by the applicant.

1. Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the town. Written notice shall be mailed by the applicant and to all property owners within 1,000 feet of the property proposed for development.

Certificates of mailing must be presented by the applicant to the administrative officer prior to the commencement of the Public Informational Meeting

2. The applicant shall also provide an on-site sign or signs notifying the public of the application pending before the Planning Board as specified in Section 6.5.3.C, below.
  3. At the public informational meeting the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.
  4. The costs of all informational meetings required by these regulations, including, but not limited to legal advertising, mailing, signage and stenographers shall be borne by the applicant.
- E. *Decision.* The planning board shall, within 120 days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of section 9.6.
- F. *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the master plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval shall be issued on request of the applicant.
- G. *Expiration of Master Plan Approval*
1. The approved master plan shall be vested for a period of one year, with a one-year extension upon written request by the applicant, who must appear before the planning board for the annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the planning board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.
  2. The initial two-year vesting for the approved master plan shall constitute the vested rights for the development.
- H. *Evidence of notice.* The applicant shall be responsible for all required notice for the public informational meeting and shall submit evidence of proper notice as required.

#### 6.5.2 Preliminary plan review procedures

- A. *Submission requirements.*
1. The applicant shall first submit to the administrative officer the items required by these regulations for preliminary plans on Checklist G – Preliminary Plat Checklist in section 12.0. For a conservation development project, or conservation development subdivision, see Checklist M.
  2. Requirements for the preliminary plan and supporting materials for this phase of the review shall include, but not be limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.
  3. At the preliminary plan review phase, the administrative officer shall solicit final written comments and/or approvals of all town departments and commissions, as

- appropriate.
4. Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights-of-way necessary for the proposed development.
- B. *Certification.* The application shall be certified as complete or incomplete by the administrative officer within 60 days, according to the provisions of section 6.1.B. 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 14 days after its submission.
  - C. *Public hearing.* Prior to [the] planning board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in section 6.5.3 below, must be held.
  - D. *Public improvement guarantees.* Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at preliminary plan approval.
  - E. *Decision.* A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied within 120 days of the date when it is certified complete, or within such further time as may be consented to by the developer.
  - F. *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.
  - G. *Expiration of preliminary approval.* The approved preliminary plan shall be vested for a period of one year, and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

#### 6.5.3 *Public hearing and notice*

- A. *Public hearing.* A public hearing shall be required for a major land development project or a major subdivision or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision.
- B. *Notice requirements.* Public notice of the hearing shall be given by the Town at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the town. Written notice shall be sent by the applicant, provided by the town, to each property owner within 1,000 feet of the proposed development, by certified mail, return receipt requested, not less than ten (10) days prior to the date of the hearing.

All mail and newspaper notices required by this subsection shall specify (1) the date, time and place of public hearing, (2) the assessor's plat and lot number of the subject property; (3) the street address of the subject property, or if not street address is available, the name of the street(s) on which or near which the subject property is located and the distance and direction from the nearest existing street intersection in tenths (1/10's) of a mile; (4) advise interested parties where and when a copy of the plans of the proposed major subdivision or major land development project may be examined; and (5) contain a

statement that the proposal major subdivision or major land development project may be revised by the Planning Board as a result of further study or because of the views expressed at the public hearing. Certificates of mailing must be presented by the applicant to the administrative officer prior to the commencement of the public hearing.

- C. *On-site sign.* The applicant shall also provide an on-site sign or signs notifying the public of the scheduled public hearing or informational meeting pending before the Planning Board. This sign(s) shall be considered to be supplemental notice and shall be of a weather-resistant design, measuring a minimum 20"x30" in size, erected in a location upon the site proposed for development which is visible from the nearest public or private street and fixed upon a support that is of sufficient height to make the sign visible from the nearest public or private street. The sign shall be placed on the site at least fourteen (14) days prior to the date of the hearing. Such sign shall contain a basic project description and notice of the public hearing or informational meeting, and shall be maintained on the site by the applicant until the public hearing or informational meeting is closed. The Administrative Officer shall determine if additional notification signs are required in order to provide sufficient public notice, up to a maximum of two (2) signs. The Administrative Officer shall provide signage specifications and content to the applicant.
- D. *Notice area*
1. The distance(s) for notice of the public hearing shall be 1,000 feet from the perimeter of the property proposed for development.
  2. Watersheds. Additional notice within watersheds shall also be sent as required in G.L. 1956, § 45-23-53(B) and (C) where a proposed project is located within 2,000 feet of an active or identified potential public water source.
  3. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.
- E. *Evidence of notice.* The applicant shall be responsible for all required notice for the public hearing and shall submit the returned receipts from the certified mail as evidence of the notice.
- F. The costs of all public hearings required by these regulations, including, but not limited to legal advertising, mailing, signage and stenographers shall be borne by the applicant.

#### 6.5.4 *Final plan*

- A. *Submission requirements.*
1. The applicant shall submit to the administrative officer the items required by these regulations on Checklist H – Final Plat Checklist as provided in section 12.0, as well as all material required by the planning board when the application was given preliminary approval.
  2. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
  3. Certification by the tax collector that all property taxes are current.
  4. For phased projects, the final plan for phases following the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

- B. *Certification.* The application for final plan approval shall be certified complete or incomplete by the administrative officer within 25 days, according to the provisions of section 6.1.B. This time period may be extended to 45 days by written notice from the administrative officer to the applicant when 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 14 days after its submission. If the administrative officer certifies the application as complete and does not require submission to the planning board as per subsection C. below, the final plan shall be considered approved.
- C. *Referral to the planning board.* If the administrative officer determines that an application for final approval does not meet the requirements set by local regulations or by the planning board at preliminary approval, the administrative officer shall refer the final plans to the planning board for review. The planning board shall, within 45 days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.
- D. *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the final plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval shall be issued on request of the applicant.
- E. *Recording.* The final approval of a major subdivision or land development project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in section 9.7. The planning board may, for good cause shown, extend the period for recording for an additional period.
- F. *Acceptance of public improvements.* Signature and recording as specified in section 9.7 shall constitute the acceptance by the town of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the governing body of the town accepts the completed public improvements as constructed in compliance with the final plans.
- G. *Validity of recorded plans.* The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in section 9.8 or a new plan is approved by the planning board.

## **SECTION 7.0 DESIGN AND IMPROVEMENT STANDARDS**

### **Sec. 7.1. Physical design requirements, general**

- A. These regulations, with their appendices, specify all physical design requirements for the subdivision and land development projects, which are to be reviewed and approved pursuant to these regulations. These regulations specify all requirements and policies for subdivisions and land development projects, which are not contained in the Town of Exeter zoning ordinance.

- B. The requirements and policies include, but are not limited to, requirements and policies for rights-of-way, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, and the relationship of proposed developments to natural and manmade features of the surrounding neighborhood.
- C. The regulations specify all necessary findings, formulas for calculations and procedures for meeting said requirements and policies. These requirements and policies shall apply to all subdivisions and land development projects reviewed and/or administered under these regulations.
- D. Public design and improvement standards for subdivisions and land development projects are specified in this section. Standards include, but are not limited to, specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control.
- E. All public improvements of a land development project or subdivision shall reflect the physical character and design for that district which is specified by the town's comprehensive plan. Public improvement requirements and standards may not be the same in all areas or districts of the town.
- F. The land development or subdivision developer, at his own expense, shall construct all improvements required by the planning board, as shown on the approved final plans of the development.

**Sec. 7.2. Land development and subdivision design standards, specific**

All land development projects and subdivisions shall conform to the following minimum design standards:

- A. *Easements.* The planning board may require the provision of easements for the installation and maintenance of utilities.
- B. *Streets*
  1. Street layout will be considered in relation to the official road map of the Town of Exeter and to any major street plan, which the Town of Exeter may adopt. The planning board may require limited access to major highways for safety and for other purposes as deemed necessary by the board.
  2. Street right-of-way, both existing and proposed, shall be maintained with at least the same width throughout the subdivision.
  3. Street centerlines shall coincide precisely at intersections or shall be offset by at least 150 feet.
  4. Streets shall intersect as nearly as possible at right angles. No intersection shall have an angle that is less than 60 degrees.
  5. No subdivisions shall be approved unless access to that subdivision is by way of a public street.
  6. Private streets and publicly accepted streets existing on the parcel of land to be subdivided shall be shown on the preliminary plat and must be clearly identified as such.
  7. Private streets shall not be permitted and shall not be shown on the final plans, except where allowed in a rural residential compound or conservation development.
  8. Driveways shall be shown on the subdivision plans, except in a rural residential

compound.

9. Street right-of-way may not be less than 50 feet in width; street pavements shall be 18 to 24 feet in width, as determined by the Planning Board, measured between curbs or edge of pavement.
10. The planning board will require additional right-of-way and pavement width for arterial streets subject to heavy traffic.
11. Grades of residential streets shall not be less than one percent nor more than eight percent on minor streets or five percent on arterial streets.
12. Dead-end streets shall not be more than 600 feet in length and shall have at their closed end a turnaround constructed as shown in Figure 1 (last page of this regulation). The interior of the turnaround shall not be paved, but rather it shall retain the natural vegetation or, if no natural vegetation exists, it shall be planted with native vegetation that is suitable to the site and adds to the character of the site as determined by the planning board. The shape of the turnaround may be modified, and/or the size of the turnaround may be increased, to accommodate existing trees, ledge, or other natural features. Where a dead-end street is to provide access to adjacent property, the planning board may require provision for a temporary turnaround or "tee" until such time as the adjacent tract is developed and the street is extended. Reservation of strips of land controlling access to a street or land dedicated for other public use will not be permitted.
13. Where a deflection angle of ten degrees or more occurs along the centerline of a street, a curve with a radius of less than 150 feet shall be introduced.
14. Corners at intersections shall be rounded to provide a curb radius of not less than 25 feet.
15. 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 Exeter.
16. In order to maintain a visual screen and rural character, the planning board will require the maintenance of an undisturbed natural vegetative buffer along the frontage of the lot in a range of 25 to 100 feet, as determined by the planning board.

C. *Lots.*

1. All lots shall abut an existing or a proposed public street, except where abutting a private street allowed in a rural compound or a conservation development.
2. Except for those sides bordering a street, lots shall not have interior angles of more than 200 degrees except as provided in section 2.4.3 of the Zoning Ordinance.
3. The proportion of average lot depth to average lot width shall not exceed 2.5 to one, except as provided in section 2.4.3 of the Zoning Ordinance.
4. All lots shall conform to the provisions of any zoning ordinance that may be adopted in the Town of Exeter.
5. Side lot lines shall be as near right angles to street lines as practical
6. Other than at corners, lots shall abut only one existing or proposed street.
7. Minimum lot dimensions and minimum building setback lines shall be established for all lots in the zoning ordinance of the Town of Exeter, unless the need for larger lots is indicated by the Standard Soil Survey.
8. The minimum lot dimensions established by these regulations or any zoning ordinance adopted by the Town of Exeter may be increased by the planning board if larger dimensions are warranted for the safe and effective operation of individual sewage disposal systems (ISDS). Lots shall be of such area, shape and

dimensions as will allow the operation of individual sewage disposal systems in such manner that the water supplies of said lots and all of the surrounding lots are adequately safeguarded. In addition, slopes over 12 percent, and bedrock areas may be a determining factor in affecting lot size due to the effect this has on onsite (proposed) sewage systems.

9. Lots in all subdivisions and land development projects created for the purpose of development shall be designed so as to contain the minimum land area required by the Zoning Ordinance.
10. Corner lot street lines shall be of sufficient length to accommodate the required front building setback lines.

- D. *Fresh water wetlands.* No fresh water wetlands, as defined in chapter 213 of the Public Laws of 1971 and as amended in the future, shall be excavated, drained or filled nor shall any extraneous materials be placed into these wetlands. Water flow shall not be diverted nor shall any change be made to the natural condition of fresh water wetlands without prior approval of the director of the state department of environmental management and the Exeter town council in accordance with the provisions of said chapter.
- E. *Sewage disposal fields.* The disposal field of any onsite sewage disposal system shall be in conformity with the provisions of the current state department of environmental management ISDS regulations and also be in compliance with any other applicable state or local code.
- F. *Standards for rural residential compounds.* Rural residential compounds, if permitted by the Planning Board under the provisions of section 5.2, shall be constructed to the standards and specifications provided in these regulations, and as provided in section 1.4.B.C. of the Exeter zoning ordinance entitled "Rural Residential Compounds".

### **Sec. 7.3. Construction of subdivision**

The sub-divider, at his own expense, shall construct the subdivision according to specifications of the Exeter planning board or otherwise designated town official or technical consultant. Required construction for each subdivision, according to the standards in section 7.2 shall be as follows:

- A. Streets shall be graded, graveled and paved and curbing installed where required.
- B. Water lines shall be installed in the street where connection to a public system is feasible. Installation shall precede road construction.
- C. Storm water and drainage impacts shall be mitigated in accordance with standards in the "Rhode Island Storm Water Design Manual," as amended.
- D. Walks or trails may be required where necessary to control and/or protect pedestrian traffic. Where provided, sidewalks shall have a minimum width of four feet.
- E. Special safety structures may be required, such as guardrails and other devices depending upon the nature of the terrain.
- F. Permanent monuments are to be set at every corner and angle point on the boundary line of the subdivision and at every angle point of curvature on the proposed street right-of-way. The Planning Board may also require monuments to be set as necessary along lot lines, which abut open space areas so as to clearly mark the location of the division between the lot and the open space.

- G. Street signs with sufficient supports consisting of two-inch galvanized pipe in cement; a minimum of three feet in the ground and of a type acceptable to the public works director shall be erected by the sub-divider at each street intersection in the subdivision. Street signs shall be six inches in height with letters four inches in height. Dead-end streets shall be clearly indicated as such at their entrances.
- H. Every effort shall be made to retain existing vegetation, especially significant trees, by limiting clearing to the minimum needed to construct the new road. Where existing vegetation is not preserved within the right-of-way, new shade trees shall be planted at intervals of one tree on an average of every 30 feet on both sides of the road. Shade trees shall be of indigenous species specified by the planning board and shall have a two and one half inch caliper when measured three feet above grade.

**Sec. 7.4. Completion of subdivision**

All road improvements shall be inspected and approved by the Exeter public works director and the planning board's consulting engineer in accordance with the procedures in sections 12.0 and 13.0 of these regulations.

Upon completion of all streets and other public improvements in the development, the public works director and the planning board's consulting engineer shall report in writing to the planning board as to the condition of the required improvements. The planning board will review the report and inspect the development and within 30 days from the receipt of their report, and at the next regular planning board meeting, will issue written notice to the sub-divider and to the town council, if the development improvements are found to be satisfactory by the board. If found acceptable; the planning board shall recommend that the town accept as town property the road and other required public improvements. (See section 4.2. improvement guarantees, item I, maintenance bond requirement).

**SECTION 8.0. ADOPTION AND AMENDMENT OF REGULATIONS**

**Sec. 8.1. Authority to create and administer regulations**

The Exeter town council shall empower, by ordinance, the Town of Exeter planning board to adopt, modify and amend regulations and rules governing land development and subdivision projects within the town and to control land development and subdivision projects pursuant to these regulations and rules.

**Sec. 8.2. Procedure for adoption and amendment**

- A. The planning board, once authorized by the ordinance required under G.L. 1956, § 45-23-51, shall adopt or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.
- B. The Exeter land development and zoning regulations and all the amendments thereto, shall be consistent with all provisions of the Land Development and Subdivision Review Enabling Act of 1992 as well as the Town of Exeter comprehensive plan and zoning ordinance.

### **Sec. 8.3. Public hearing and notice**

- A. No town land development and subdivision regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the planning board. The planning board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the town at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the statewide planning program of the Rhode Island Department of Administration at least two weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:
1. Specify the place of said hearing and the date and time of its commencement;
  2. Indicate that adoption, amendment or repeal of local regulations is under consideration;
  3. Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
  4. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
  5. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.
- B. Notice of the public hearing shall be sent by first class mail to the town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of the town boundaries.
- C. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the municipality or 2,000 feet of the town boundaries; provided, however, that a map survey has been filed with the building inspector as specified in G.L. 1956, § 45-24-53(E).
- D. No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

(Ord. of 9-14-00)

### **Sec. 8.4. Publication and availability of regulations**

- A. Printed copies of the Exeter land development and subdivision regulations shall be available for purchase by the general public in the Exeter town hall. The regulations shall be revised to include all current amendments and all appendices. There shall be a charge for a copy to cover the cost of printing.
- B. Upon publication of the local regulations and any amendments thereto, the town shall send a copy to the Rhode Island Department of Administration's Division of Planning and

to the state law library.

## **SECTION 9.0. ADMINISTRATION OF THE REGULATIONS**

### **Sec. 9.1. The administrative officer**

- A. Local administration of the Exeter land development and subdivision regulations shall be under the direction of the administrative officer.
- B. The administrative officer shall oversee and coordinate the review, approval, recording and enforcement provisions of the local regulations.
- C. The administrative officer shall be responsible for coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws and as directed by the planning board.
- D. The administrative officer may direct the planning clerk, other members of the planning board and/or professional consultants to the planning board to perform some of the clerical and technical tasks for which he/she is responsible.
- E. Enforcement of the local regulations shall be under the direction of the administrative officer.

(Ord. of 9-14-00)

### **Sec. 9.2. Board of appeal**

The town council shall establish the Exeter zoning board of review as the board of appeal to hear appeals of decisions of the planning board or the administrative officer on matters of review and approval of land development and subdivision projects.

### **Sec. 9.3. Violations and penalties**

- A. These regulations provide for a penalty for any violation of the regulations, or for a violation of any terms or conditions of any action imposed by the planning board or of any other agency or officer charged in the regulations with enforcement of any of the provisions, as follows.
- B. Violation of the regulations shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the planning board and recorded in the town's land evidence records, shall be in violation of the local regulations and subject to the penalties described in this chapter.
- C. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$1000.00 for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall accrue to the town.
- D. The town may also cause suit to be brought in the supreme or superior court, to restrain the violation of, or to compel compliance with, the provisions of these regulations. The town may consolidate an action for injunctive relief and/or fines under these regulations in the Washington County Superior Court.

[Sec. 9.4. Reserved.]

**Sec. 9.5. Precedence of approvals between planning board and other local permitting authorities**

- A. *Zoning board.*
  - 1. Where an applicant requires both a variance from the town's zoning ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional zoning board relief, and then return to the planning board for subsequent required approval(s).
  - 2. Where an applicant requires both a special use permit under the town's zoning ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special use permit from the zoning board, and then return to the planning board for subsequent required approval(s).
- B. *Town council.* Where an applicant requires both planning board approval and council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the planning board for subsequent required approval(s).

**Sec. 9.6. Meetings, votes, decisions and records**

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

**Sec. 9.7. Signing and recording of plats and plans**

- A. All approved final plans and plats for land development and subdivision projects shall be

signed by the planning board chairperson with the date of approval. Plans and plats for major land developments land development projects and subdivisions shall be signed by the planning board chairperson, the secretary or by the administrative officer with the authorization of the planning board. All minor land development or subdivision plans and plats and administrative plats shall be signed by the planning board chairperson or secretary, or by the administrative officer with authorization of the planning board.

- B. Upon signature, all plans and plats shall be submitted to the administrative officer prior to recording and filing in the appropriate town departments. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the town, permits and agreements with state and federal reviewing agencies, and other information as required by the planning board.
- C. Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the town departments responsible for implementation and enforcement.
- D. 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.
- E. All plans, plats, surveys, easements, or other graphic representations of land subdivisions that do not constitute a subdivision or land development project under these regulations shall be reviewed and authorized for recording in the office of the town clerk, only upon a finding by the administrative officer that planning board approval is not required under these regulations.

(Ord. of 9-14-00)

#### **Sec. 9.8. Changes to recorded plats and plans**

- A. For all changes to the approved plans of land development projects or subdivisions subject to this act, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in section 9.7.
- B. Minor changes, those included in the definition of administrative subdivision (see section 2) to a land development or subdivision plan may be approved upon written request and submittal of amended plans to the planning board, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the board. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the board determining that the proposed changes require planning board review as a major change.
- C. Major changes to a land development or subdivision plan, defined as all those changes, which are not included in the definition of administrative subdivision (see section 2) may only be approved by the planning board and must follow the same review and public hearing process required for approval of preliminary plans as described in section 6.4 or 6.5.

- D. Rescission procedure. The planning board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the comprehensive plan and is not in compliance with the standards and provisions of the town's zoning ordinance and/or land development and subdivision review regulations and shall hold a public hearing, which adheres to the requirements for notice described in section 6.4 or 6.5. The planning board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of section 9.6. If it is necessary to abandon any street, the planning board shall submit to the town council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in section 9.7.

## **SECTION 10.0. APPEALS**

### **Sec. 10.1. Right of appeal**

- A. An appeal from any decision of the planning board, or administrative officer charged in the regulations with enforcement of any provisions, except as provided herein, may be taken to the board of appeal by an aggrieved party. Appeals from a decision granting or changing approval of a final plan shall be limited to elements of such approval or disapproval not contained in the decision reached by the planning board at the preliminary stage providing that a public hearing has been held on the plan pursuant to section 6.4 or 6.5.
- B. An appeal from a decision of the board of appeal may be taken by an aggrieved party to the Washington County Superior Court.

(Ord. of 9-14-00)

### **Sec. 10.2. Process of appeal**

- A. An appeal to the board of appeal from a decision or action of the planning board or administrative officer may be taken by an aggrieved party to the extent provided in section 10.1. Such appeal must be taken within 20 days after the decision has been filed and posted in the office of the town clerk.
- B. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision, which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the board of appeal. The town clerk shall accept delivery of an appeal on behalf of the board of appeal.
- C. Upon receipt of an appeal, the board of appeal shall require the planning board or administrative officer to transmit forthwith to the board of appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action, which is being appealed.

(Ord. of 9-14-00)

### **Sec. 10.3. Stay of proceedings**

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

#### **Sec. 10.4. Public hearing**

- A. The board of appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The board shall render a decision within ten days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.
- B. The board of appeal shall only hear appeals of the actions of a planning board or administrative officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.
- C. The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes as required by section 10.5.C shall be maintained by the board of appeal.

#### **Sec. 10.5. Standards of review**

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

#### **Sec. 10.6. Appeals to the superior court**

- A. An aggrieved party may appeal a decision of the board of appeal, to the Washington County Superior Court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the office of the town clerk. The board of appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of

the planning board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders, as it deems necessary for an equitable disposition of the appeal.

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

**Sec. 10.7. Appeals to the superior court--Enactment of or amendment of local regulations**

- A. An appeal of an enactment of or an amendment of local regulations may be taken to the Washington County Superior Court filing a complaint, as set forth herein, within 30 days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the town or by any association of residents or landowners of the town. The appeal shall not stay the enforcement of the local regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.
- B. The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, G.L. 1956, § 45-22.2-1 et seq.; the Zoning Enabling Act of 1991, G.L. 1956, § 45-24-27 et seq.; the Town of Exeter comprehensive plan; or the Town of Exeter zoning ordinance.
- C. The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act, G.L. 1956, § 45-22.2-1, et seq.; the Zoning Enabling Act of 1991, G.L. 1956, § 45-24-27, et seq.; the Town of Exeter comprehensive plan; or the Town of Exeter zoning ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment, which are not consistent. The court shall not revise the local regulations to be consistent, but may suggest appropriate language as part of the court decision.

- D. The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including a municipality.

### **Sec. 10.8. Appeals to the superior court--Priority in judicial proceedings**

Upon the entry of any case or proceeding brought under the provisions of this chapter [Appendix B], including pending appeals and appeals hereinafter taken to the court, the court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

### **SECTION 11.0. SEVERABILITY**

If any provision of these regulations or of any rule, regulation or determination made hereunder, or if the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the regulations, rule, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these regulations shall not affect the validity of the remainder of the regulations.

### **SECTION 12.0 CHECKLISTS**

- A. Informal Concept Review Checklist - Minor Land Conventional Developments, Minor Subdivisions and Rural Residential Compounds
- B. Administrative Subdivisions
- C. Pre-Application Meetings and Concept Review Checklist -Minor or Major Conventional Land Developments and Minor or Major Subdivisions
- D. Preliminary Plat Checklist - Minor Land Conventional Developments and Minor Conventional Subdivisions (No Street Creation or Extension)
- E. Final Plat Checklist - Minor Land Conventional Developments and Minor Conventional Subdivisions
- F. Master Plan Checklist - Major Land Developments and Major Subdivisions
- G. Preliminary Plat Checklist - Major Land Conventional Developments and Major Conventional Subdivisions
- H. Final Plat Checklist - Major Land Conventional Developments and Major Conventional Subdivisions
- I. Pre-Application Meetings and Concept Review Checklist - Minor or Major Conservation Land Developments and Minor or Major Conservation Development Subdivisions
- J. Preliminary Plat Checklist -Minor Land Conservation Developments and Minor Conservation Development Subdivisions (Creation or Extension of a public or private street)
- K. Final Plat Checklist - Minor Land Conservation Development and Minor Subdivisions (See Checklist E. above)
- L. Master Plan Checklist - Major Land Conservation Developments and Major Conservation Development Subdivisions
- M. Preliminary Plat Checklist - Major Land Conservation Developments and Major Conservation Development Subdivisions
- N. Final Plat Checklist - Major Land Conservation Developments and Major Subdivisions (See checklist H above)

**A. Informal concept review checklist for a conventional development**

The submission materials for an informal concept review shall, at a minimum consist of the following maps and supporting information: The applicant shall submit to the Administrative Officer at least ten (10) black line copies required below, at a scale that is sufficient to clearly show all of the information required. The scale may be modified with the permission of Administrative Officer.

**Base Map**

The base map shows the principal existing features of the site including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1 inch = 100 feet or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. \_\_\_\_Name of the proposed subdivision
2. \_\_\_\_Name and address of property owner and applicant
3. \_\_\_\_Name, address and telephone number of the person or firm preparing the pre-application plan(s)
4. \_\_\_\_Date of plan preparation, with revision date(s) (if any)
5. \_\_\_\_Graphic scale and true north arrow
6. \_\_\_\_Plat and lot numbers(s) of the land being subdivided
7. \_\_\_\_Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown
8. \_\_\_\_Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. \_\_\_\_Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed
- 10 \_\_\_\_Area in acres of the parcel
11. \_\_\_\_Location and approximate size of existing structures
12. \_\_\_\_Known surface waters including rivers, streams, lakes, ponds and wetlands, it is not necessary to field verify wetlands at this stage

**Sketch Plan Overlay Sheet**

The site features described above have been documented by the applicant and presented to the Planning Board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are

not available, a separate diagrammatic sketch plan(s) may be presented.

13. \_\_\_ Identification of areas proposed for development
14. \_\_\_ Location of proposed open space areas, if any
15. \_\_\_ Initial layout of streets
16. \_\_\_ Initial number of dwelling units

**Supporting Materials**

17. \_\_\_ Administrative Fee See Sec. 3.3.B.

**B. Administrative subdivision checklist**

The applicant shall submit to the Administrative Officer at least five (5) black line copies and one (1) Mylar sheet, no larger than 24" by 36", 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 and address of the property owner and applicant
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 resubdivided -If more than one district, zoning boundary lines must be shown
6. \_\_\_ Existing property lines, easements and rights of way
7. \_\_\_ Proposed property lines, drawn so as to distinguish them from existing property lines
8. \_\_\_ Existing and proposed area(s) and dimensions of the parcel(s) being re-subdivided, for the entire extent of all lots included in the administrative subdivision
9. \_\_\_ Approximate location of wooded areas
10. \_\_\_ Approximate location of wetlands or other land unsuitable for development
11. \_\_\_ Location and size of existing buildings, structures, utilities and improvements
12. \_\_\_ Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided
13. \_\_\_ Certification (stamp) of a Professional Land Surveyor that the plan is correct, and that it conforms to a minimum of a Class I Survey
14. \_\_\_ Administrative fee
15. \_\_\_ RIDEM or RIDOT approvals, if necessary

16.\_\_\_\_The signature of the owner(s) of all existing lots involved in the subdivision shall appear on the Mylar plat prior to

**C. Pre-application and concept review checklist for a conventional development**

The applicant shall submit to the administrative officer at least seven 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:

**Concept plan**

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

- 1.\_\_\_\_Name and address of the proposed development.
- 2.\_\_\_\_Name and address of property owner and applicant.
- 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 developed.
- 6.\_\_\_\_Zoning district(s) of the land being developed. If more than one district, zoning boundary lines must be shown.
- 7.\_\_\_\_Perimeter boundary lines of the development drawn so as to distinguish them from other property lines.
- 8.\_\_\_\_Area of the development parcel and proposed number of buildable lots, dwellings or other proposed improvements.
- 9.\_\_\_\_Location and dimensions of existing property lines within or adjacent to the development parcel, easements and rights-of-way.
- 10.\_\_\_\_Location, width and names of existing streets within and immediately adjacent to the development parcel.
- 11.\_\_\_\_Name of abutting property owners and property, and property owners immediately across any adjacent streets.
- 12.\_\_\_\_Location of wooded areas and notation of existing ground cover.
- 13.\_\_\_\_Location of wetlands, watercourses or coastal features within and immediately adjacent to the development parcel.
- 14.\_\_\_\_Areas of agricultural use (if applicable).
- 15.\_\_\_\_Approximate topography.
- 16.\_\_\_\_Location and approximate size of existing buildings or significant aboveground structures

on or immediately adjacent to the development.

17. \_\_\_ Proposed locations of wells and ISDS systems.
18. \_\_\_ Provisions for collecting and treating storm water.
19. \_\_\_ Location of historic cemeteries within or immediately adjacent to the development (if any).
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. \_\_\_ Notation on plan if the development parcel(s) are located within any of the following areas:
  - a. \_\_\_ Natural heritage areas (RIDEM)
  - b. \_\_\_ Groundwater protection overlay district (town)

**Supporting materials**

The applicant shall submit to the administrative officer ten 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 copies of all plans required in no.1 above, plus the following:

22. \_\_\_ An aerial photograph or a copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area.
23. \_\_\_ 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.
24. \_\_\_ An estimate of the approximate population of the proposed subdivision.
25. \_\_\_ An estimate of the number of school-aged children to be housed in the proposed subdivision.
26. \_\_\_ Application fee. Sec. 3.3.B.

**D. Preliminary Plat checklist for a minor land development projects and minor subdivisions for a conventional development (no street creation or extension)**

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent.

The applicant shall submit to the Administrative Officer at least four (4) full-scale black line copies of preliminary plan maps required below. In addition, at least eight (8) copies of the narrative report, including supporting material and reduced sets of all drawings and plans required below on 11" x 17" sheets shall be submitted. Unless otherwise indicated, plans shall be 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.).

**Drafting Standards**

All sheets must contain the following basic information:

1. \_\_\_ Name of the proposed subdivision or development
2. \_\_\_ Name and address of property owner and applicant
3. \_\_\_ Name, address and telephone number of engineer, land surveyor or person preparing the 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 or developed
7. \_\_\_ Zoning district(s) of the land being subdivided or developed -If more than one district, zoning boundary lines must be shown
8. \_\_\_ Perimeter boundary lines of the subdivision or development, drawn so as to distinguish them from other property lines
9. \_\_\_ Area of the parcel(s) being developed, and proposed number of build able lots, dwellings or other proposed improvements
10. \_\_\_ Location and dimensions of existing property lines within or adjacent to the parcel(s) being subdivided or developed
11. \_\_\_ Easements and rights-of-way within or adjacent to the parcel(s) being subdivided or developed
12. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed
13. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
14. \_\_\_ Notation on plan if the parcel(s) being developed are located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Zoning Overlay Districts, if any
15. \_\_\_ Land Unsuitable for Development as defined in the Zoning Ordinance
16. \_\_\_ Certification by a Professional Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a Class I Survey

### **Preliminary Plan Application Checklist**

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

17. \_\_\_ Proposed improvements, including lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
18. \_\_\_ Proposed building envelopes or build-to lines shall be shown, if applicable.
19. \_\_\_ Grading plan showing existing and proposed contours at two-foot intervals for all grading proposed for on and offsite construction, drainage facilities, and grading on individual lots if part of the proposed subdivision improvement.
20. \_\_\_ Storm water management plan and drainage calculations prepared by a Registered Professional Engineer. The storm water management plan should emphasize infiltration and the low impact design, and how the selected management techniques will be operated and maintained during and after construction.
21. \_\_\_ Utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities as applicable.
22. \_\_\_ Landscaping plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation and/or landscaping along existing street right-of-way, buffers and upon individual lots, if part of proposed subdivision improvements. All proposed plantings should use only non-invasive plants (see URI Cooperative Extension's "Sustainable Plant List").
23. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space
24. \_\_\_ Open space use and management plan, if applicable (see Section 5.12.G).
25. \_\_\_ Limit of disturbance line/ limit of clearing, with method of tree protection if applicable.
26. \_\_\_ Location of proposed stump dumps
27. \_\_\_ Soil erosion and sediment control plan, including inspection and maintenance provisions.
28. \_\_\_ Construction plans for access road(s) or routes(s), temporary parking and storage areas, location of construction trailers, and stockpiles of soil, stone, or waste materials.
29. \_\_\_ Other (specify)

### **Supporting Materials**

30. \_\_\_ Administrative Fee. See Section 3.3.B.
31. \_\_\_ Project Review Fee. See Section 3.3.C.
32. \_\_\_ Yield Plan, modified from pre-application review (if necessary)
- 33 \_\_\_ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed)

- a. \_\_\_\_ Water Company or District \_\_\_\_\_
- b. \_\_\_\_ Date of Letter \_\_\_\_\_

34. \_\_\_\_ If Individual Sewage Disposal Systems are proposed, confirmation from the State Department of Environmental Management that the soils are adequate for the use of ISDS. Either of the following:

- a. \_\_\_\_ Preliminary Subdivision Suitability Report No. \_\_\_\_\_  
*(3-5 lots)*
- b. \_\_\_\_ Water table verification No. \_\_\_\_\_  
*(2 lots)*

35. \_\_\_\_ Either of the following:

- a. \_\_\_\_ A letter to the Planning Board indicating the subdivider's intent to complete the required improvements prior to endorsement and recording; or,
- b. \_\_\_\_ A letter to the Planning Board requesting that the amount of security sufficient to cover the cost of required improvements be established by the Board

**E. Final plat checklist minor land development projects and minor subdivisions for a conventional development**

This Checklist shall be used for conservation developments, rural residential compounds and conventional developments having five (5) or fewer lots or dwelling units and for which the creation or extension of a public or private street may or may not be involved.

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

**Plat Plans to be Recorded**

One (1) 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, seven (7) black line copies 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 Exeter, RI
3. \_\_\_\_ Name and address of property owner and applicant
4. \_\_\_\_ Name, address and telephone number of engineer or land surveyor
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 Board (if any)
18. \_\_\_ Notation of any permits and agreements with state and federal reviewing agencies(if any)
19. \_\_\_ Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to a minimum of a Class I Survey and 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
20. \_\_\_ Note on Plan: "The Town of Exeter currently has a Growth Management Ordinance in effect which may impact the ability to obtain building permits for lots shown on this plan".

#### **Construction Drawings**

Seven (7) black line copies 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.).

21. \_\_\_ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval.
22. \_\_\_ Certification (stamp) of a Registered Professional Engineer that the construction drawings are correct

- 23. \_\_\_ Proposed street plan and profiles drawn at a scale of 1"=40' horizontal and 1"=4' vertical if required by the Planning Board
- 24. \_\_\_ Street cross-sections, if required by the Planning Board
- 25. \_\_\_ Proposed landscaping plan, if required by the Planning Board
- 66. \_\_\_ Soil erosion and sediment control plan (if required)
- 27. \_\_\_ Proposed street trees

**Supporting Materials**

- 28. \_\_\_ Two original signed copies of all legal documents describing the property, including proposed homeowners association by-laws, easements and rights-of-way, dedications, restrictions, or other required legal documents  
Specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 29. \_\_\_ Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes (if necessary)
- 30. \_\_\_ 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 development, 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.
- 31. \_\_\_ In lieu of item 4 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided
- 32. \_\_\_ 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)
- 33. \_\_\_ Certificate of the Tax Collector showing that all taxes due on the parcel being developed 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
- 34. \_\_\_ 911 Emergency Numbers. Proof of notification to Police, Fire, Ambulance and the Planning Board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling.

**Payment of Required Fees**

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans:

- 35. \_\_\_ Administrative fee See Section 3.3.B.

36. \_\_\_ Final plat recording fee  
Amount \_\_\_\_\_
37. \_\_\_ Financial guarantees  
Initial amount \_\_\_\_\_  
Date set by Planning Board \_\_\_\_\_
38. \_\_\_ Fees in-lieu-of land dedication (if required)  
Amount \_\_\_\_\_
39. \_\_\_ Project review inspection fee. See Section 3.3.  
Amount \_\_\_\_\_
40. \_\_\_ Maintenance bond for acceptance of public improvements (if applicable)  
Amount \_\_\_\_\_  
Date of Council Acceptance \_\_\_\_\_  
Description \_\_\_\_\_  
Date of Expiration of Maintenance Bond \_\_\_\_\_

**F. Master plan checklist for major land conventional developments and for major conventional subdivisions**

The applicant shall submit to the administrative officer at least seven copies 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, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors. At a minimum, the following information shall be provided:

**Master plan drawing(s)** A map or plan of the development parcel showing the following information:

1. \_\_\_ Name and address of the proposed development
2. \_\_\_ Name and address of property owner and applicant.
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 development, drawn so as to distinguish them from other property lines.

9. \_\_\_Area of the development parcel and proposed number of buildable lots, dwellings or other proposed improvements.
10. \_\_\_Location and dimensions of existing property lines within or adjacent to the development parcel, easements and rights-of-way.
11. \_\_\_Location, width and names of existing streets within and immediately adjacent to the development parcel.
12. \_\_\_Names of abutting property owners and property owners immediately across any adjacent streets.
13. \_\_\_Location of wooded areas and notation of existing ground cover.
14. \_\_\_Location of wetlands, watercourses or coastal features present on and/or within 200 feet of the property being subdivided.
15. \_\_\_Areas of agricultural use.
16. \_\_\_Existing topography with minimum contour intervals of two feet.
17. \_\_\_Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the development.
18. \_\_\_Proposals [for] locations of wells and ISDS systems.
19. \_\_\_Provisions for collecting and discharging storm water.
20. \_\_\_Location of historic cemeteries on or immediately adjacent to the development (if any).
21. \_\_\_Location of any unique natural and/or historic features, including stonewalls.
22. \_\_\_Notation on plan if the development parcel(s) are located within any of the following areas:
  - a. \_\_\_ Natural heritage areas (RIDEM)
  - b. \_\_\_ Groundwater protection overlay district (town)
23. \_\_\_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.
24. \_\_\_Base flood elevation data.
25. \_\_\_Identified wellhead protection areas within 500 feet of the development site.

**Supporting materials.**

The applicant shall submit to the administrative officer 15 copies of a project description and impact statement 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 (see section 3.4).

26. \_\_\_ Application fee; project review fee where required in accordance with section 3.3.C.
27. \_\_\_ An aerial photograph or a copy of an existing aerial photograph of the proposed development parcel and surrounding area.
28. \_\_\_ A copy of the soils map of the development 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 development parcels, the soils map shall be marked to show the location of said prime agricultural soils.
29. \_\_\_ An estimate of the approximate population of the proposed development.
30. \_\_\_ An estimate of the number of school-aged children to be housed in the proposed development.
31. \_\_\_ Fiscal impact statement.
33. \_\_\_ Proposed phasing, if any.
34. \_\_\_ Project description and impact statement (see section 3.4).
35. \_\_\_ A vicinity (locus) map, drawn to a scale of one inch = 400 feet or as necessary to show the area within one-half mile of the development parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Significant public facilities shall be identified.
36. \_\_\_ An area context map to shown the proposed developed site and the 500 feet immediately surrounding the site. The [sic] map shall contain information on all significant topographic, natural and built features.
37. \_\_\_ Initial written comments on the master plan from the following agencies:

Local agencies:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation commission	Date: _____
D. _____	Fire districts (2)	Date: _____
F. _____	911 Supervisor	Date: _____
G. _____	Other (specify) _____	Date: _____

Adjacent communities, if applicable (specify):

A. _____	Date: _____
B. _____	Date: _____
C. _____	Date: _____
D. _____	Date: _____
E. _____	Date: _____

State agencies:

A. _____	Environmental management	Date: _____
B. _____	Transportation	Date: _____

C. _____	Other (specify) _____	Date: _____
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Federal agencies:

A. _____	U. S. Army Corps Engineers	Date: _____
B. _____	FEMA	Date: _____
C. _____	Soil Conservation Service	Date: _____

**G. Preliminary Plan Checklist For Major Land Development projects and Major Conventional Subdivisions**

**Preliminary plat map(s)**

The applicant shall submit to the administrative office[r] at least seven copies of the preliminary site plans drawn to a scale of one 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, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors, in accordance with a Class 1 survey.

**[All maps]** All maps required by this checklist shall show the following information:

1. \_\_\_\_ Name of the proposed development, including phase number.
2. \_\_\_\_ Name and address of property owner and applicant.
3. \_\_\_\_ Name, address and telephone number of engineer or land surveyor.
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 developed.
7. \_\_\_\_ Zoning district(s) of the parcel being developed. If more than one, administrative, zoning boundary lines must be shown.
8. \_\_\_\_ Perimeter boundary lines of the development or phase, drawn so as to distinguish them from other property lines.
9. \_\_\_\_ Location and dimensions of existing streets within and 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.

**[Existing conditions map]** An existing conditions map(s) to show the following:

12. \_\_\_\_ Date of the existing conditions shown.

13. \_\_\_ Area of the parcel being developed.
14. \_\_\_ Name, address and telephone number of engineer or land surveyor.
15. \_\_\_ Areas of agricultural use (if any).
16. \_\_\_ Location of any unique natural and/or historic features, including stonewalls.
17. \_\_\_ Location of wetlands, watercourses or coastal features present on or within 200 feet of the property being subdivided.
18. \_\_\_ Existing topography with minimum contour intervals of two feet.
19. \_\_\_ Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the development.
20. \_\_\_ Location and dimension of all existing utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other existing above [ground] or underground utilities.
21. \_\_\_ Location of historic cemeteries on or immediately adjacent to the development (if any).
22. \_\_\_ Base flood elevation data.
23. \_\_\_ Certification by a registered land surveyor, and/or a professional engineer, that the subdivision plan and a perimeter survey of the land being developed has been performed and conforms to the survey requirements of these regulations, for a Class 1 survey.

**[Proposed conditions map]**

A proposed conditions map(s) to show the following:

24. \_\_\_ Proposed improvements including streets; lot lines shall be drawn so as to distinguish them from existing lot lines.
25. \_\_\_ Location and dimension of all proposed utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other proposed above [ground] or underground utilities.
26. \_\_\_ Grading plan to show proposed contours at two-foot intervals for all grading proposed for on[site] and off-site street construction, drainage facilities and upon individual lots if part of proposed development improvements.
27. \_\_\_ Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed development improvements.
28. \_\_\_ Soil erosion and sediment control plan.
29. \_\_\_ Proposed street plan and profiles drawn at a scale of one inch = 40 feet horizontal and one inch = four feet.

- 30. \_\_\_ Proposed street cross sections.
- 31. \_\_\_ Proposed street names
- 32. \_\_\_ Proposed sidewalks or bike paths
- 33. \_\_\_ Proposed street trees, if required by the planning board
- 34. \_\_\_ Proposed drainage plan and drainage calculations prepared by a registered professional engineer.
- 35. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space.
- 36. \_\_\_ Location of proposed stump dumps.

**Supporting materials.**

- 37. \_\_\_ Application fee; project review fee where required in accordance with section 3.3.C.
- 38. \_\_\_ Written confirmation from the state department of environmental management pursuant to the state department of environmental management Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, 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.
- 39. \_\_\_ 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).
- 41. \_\_\_ Preliminary development suitability determination by the Department of Environmental Management for the use of individual sewage disposal systems (if proposed).
- 42. \_\_\_ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations.
- 43. \_\_\_ Copies of return receipts for certified mail notices.
- 44. \_\_\_ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

Specify \_\_\_\_\_

- 45. \_\_\_ Either of the following:
  - \_\_\_\_\_ a. A letter stating it is the intent of the applicant to complete the required improvements prior to the planning board's endorsement of the final plans; or
  - \_\_\_\_\_ b. A letter requesting the security sufficient to cover the cost of required improvements be set by the planning board.

Initial amount set by the board \_\_\_\_\_

Date \_\_\_\_\_

46. \_\_\_ Final written comments on the preliminary plan by the following:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation commission	Date: _____
D. _____	Fire districts (2)	Date: _____
E. _____	911 Supervisor	Date: _____
F. _____	Other (specify) _____	Date: _____

### H. Final Checklist For Major Land Development Projects And Major Subdivisions

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

#### Plat Plans to be Recorded

One (1) 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) black line copies 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 and address of the proposed development
2. \_\_\_ Notation that the subdivision is located in the Town of Exeter, RI
3. \_\_\_ Name and address of property owner and applicant
4. \_\_\_ Name, address and telephone number of engineer or land surveyor
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(s) being developed
8. \_\_\_ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown
9. \_\_\_ Perimeter boundary lines of the subdivision or land development project, 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 developed

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 easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated
17. \_\_\_ Location and notation of type of proposed open space areas
18. \_\_\_ Notation of special conditions of approval imposed by the Planning Board (if any)
19. \_\_\_ Notation of any permits and agreements with state and federal reviewing agencies (if any)
20. \_\_\_ Phasing schedule (if any)
21. \_\_\_ Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a Class I Survey, including the location of all proposed permanent monuments, and are certified as being correct.
22. \_\_\_ Note on Plan: "The Town of Exeter currently has a Growth Management Ordinance in effect which may impact the ability to obtain building permits for lots shown on this plan".

**Construction Drawings**

Seven (7) black line copies 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.).

23. \_\_\_ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval.
24. \_\_\_ Certification by a Registered Professional Engineer that the plans are correct
25. \_\_\_ Proposed street plan and profiles drawn at a scale of 1"=40' horizontal and 1"=4' vertical if required by the Planning Board
26. \_\_\_ Street cross-sections, if required by the Planning Board
27. \_\_\_ Proposed landscaping plan, if required by the Planning Board
28. \_\_\_ Soil erosion and sediment control plan (if required)

29. \_\_\_ For phased projects, as-built drawings for the previous phase (if applicable)

30. \_\_\_ Proposed street trees

**Supporting Materials**

31. \_\_\_ 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

32. \_\_\_ Two original signed copies of all legal documents describing the property, creating a Homeowners' Association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents

Specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. \_\_\_ 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

34. \_\_\_ Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes

35. \_\_\_ 911 Emergency Numbers. Proof of notification to Police, Fire, Ambulance and the Planning Board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.

**Payment of Required Fees**

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans:

36. \_\_\_ Administrative Fee See Section 3.3.B

37. \_\_\_ Final plat recording fee - Amount \_\_\_\_\_

38. \_\_\_ Performance bond or other financial guarantees

a. Initial amount \_\_\_\_\_

b. Date set by Planning Board \_\_\_\_\_

c. Date of Expiration of Surety \_\_\_\_\_

39. \_\_\_ Fees in-lieu-of land dedication (if required)

a. Amount \_\_\_\_\_

40. \_\_\_ Inspection fee - Amount \_\_\_\_\_

41 \_\_\_\_ Maintenance bond for acceptance of public improvements (if applicable)

- a. Amount \_\_\_\_\_
- b. Date of maintenance bond expiration \_\_\_\_\_
- c. Date of Planning Board approval of public improvements \_\_\_\_\_
- d. Description. \_\_\_\_\_
- e. Date of recommendation of acceptance from Planning Board to the Town Council \_\_\_\_\_
- f. Date of Council acceptance of public improvements \_\_\_\_\_

### **I. Pre-application and concept review checklist conservation development projects**

The submission materials for the Pre-Application Meeting consist of the following maps, at a minimum, which correspond to Steps 1-3 of the Conservation Development design process: The applicant shall submit to the Administrative Officer at least ten (10) black line copies of pre-application maps required below. The scale of all plans shall be as indicated below and shall be sufficient to clearly show all of the information required. The scale may be modified with the permission of Administrative Officer.

At a minimum, the following information shall be provided:

1. Site Base Map
2. Existing Resources and Site Analysis Map (See Section 5.16)
3. Site Context Map (see Section 5.6)
4. Potential Site Conservation Areas Map
5. Sketch Plan Overlay Sheet

#### **Base Map**

The base map shows the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1 inch = 100 feet or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. \_\_\_\_ Name of the proposed subdivision
2. \_\_\_\_ Name and address of property owner and applicant
3. \_\_\_\_ Name, address and telephone number of the person or firm preparing the pre-application plan(s)
4. \_\_\_\_ Date of plan preparation, with revision date(s) (if any)
5. \_\_\_\_ Graphic scale and true north arrow
6. \_\_\_\_ Plat and lot numbers(s) of the land being subdivided

7. \_\_\_\_ Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown
8. \_\_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. \_\_\_\_ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed
10. \_\_\_\_ Area in acres of the parcel
11. \_\_\_\_ Location and approximate size of existing structures
12. \_\_\_\_ Known surface waters including rivers, streams, lakes, ponds and wetlands; it is not necessary to field verify wetlands at this stage

*Step 1: Existing Resources and Site Analysis Maps*

During Site Analysis, information about natural and cultural factors is collected and mapped, creating an objective basis of facts to inform discussions and support fair decisions. In this first step, the focus is on the site itself, its features and capabilities. The Site Analysis process is described in detail in Section 5.4, Step 1 of these Regulations. The number of Site Analysis maps required will vary with the complexity of each site. The following maps should be prepared as separate overlays, which can be combined in different ways using Geographic Information System Technology (GIS) to better understand the interaction of the various site features and resource types. GIS maps are recommended. For further information and illustrated examples regarding suggested GIS maps refer to RIDEM Conservation Development Manual 2003.

**Topography and Slopes**

The form of the land is fundamental to understanding both natural systems and suitability for construction. USGS topographic maps provide 10' contours (elevation lines); these can be traced manually or digitized for use as an overlay. In addition, a slope map provides a general assessment of development suitability, or potential hazards, based on slope.

13. \_\_\_\_ Existing topography with 10' contour lines
14. \_\_\_\_ Slope map, with slopes grouped according to five categories based on development suitability: 0-3%, 3-8%, 8-15%, 15-25%, and over 25%. Steeper slopes should be shown in progressively darker colors or shades of gray.
15. \_\_\_\_ Existing drainage and drainage structures, such as culverts and pipes, etc

**Natural Resource Inventory**

Unique features and local priorities for natural resources can be found in the Comprehensive Plan. Smaller parcels in particular may contain only a portion of a resource area or buffer zone, which may be shown more clearly on a separate map showing the site within a larger district or watershed. Subsurface groundwater aquifers and surface water supplies should be indicated in a gradation of blue colors, tones or hatching where the surface water supply reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, respectively, with an indication of underlying soil types with hatching and/or labels. Natural Heritage areas can be shown with a red outline around the

designated area.

16. \_\_\_ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RI DEM Water Quality Regulations
17. \_\_\_ Groundwater aquifers, recharge areas and wellhead protection areas
18. \_\_\_ State-designated Natural Heritage Sites
19. \_\_\_ Un-fragmented forest tracts
20. \_\_\_ Prime farmland soils
21. \_\_\_ Land in active agricultural use
22. \_\_\_ State, regional, or community greenways and greenspace priorities
23. \_\_\_ 100-year floodplains as shown on federal flood protection maps

#### **Cultural Resource Inventory**

State and local records of historic features can be transferred to a base map by hand or as GIS layers. Site-level features, such as stonewalls, agricultural elements, historic houses and outbuildings, and other landscape features can be located on RIGIS orthophotos or transferred to an overlay map based on a site walk. Scenic roads and areas are identified in state and local plans, and specific views on the parcel can be identified with arrows and text description.

24. \_\_\_ State or locally designated historic sites, districts, cemeteries or landscapes
25. \_\_\_ Archaeological sites
26. \_\_\_ Scenic road corridors and state-designated scenic areas
27. \_\_\_ Approximate location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel

#### **Recreational Resource Inventory**

Trails and recreational areas can be identified based on site observation, USGS maps, and aerial photography. Regional trails, boat launches and recreational sites may be found on RIGIS, and in the Comprehensive Plan or other Greenspace Plans, which indicate existing and potential trails and recreation areas within the Town. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

28. \_\_\_ Existing hiking, biking, and bridle trails within and adjacent to site
29. \_\_\_ Boat launches, lake and stream access points, beaches and water trails
30. \_\_\_ Existing play fields and playgrounds adjacent to the site

#### **Utilities and Infrastructure (if available)**

Utility information available on RIGIS is 14 years old, and therefore lacking more recent extensions. The Comprehensive Plan contains more recent maps of utilities, and the Exeter Department of Public Works and public utility companies maintain the most up-to-date records.

A quick field survey of manholes and utility poles can often provide a good approximation of available utilities.

31. \_\_\_\_ Size and approximate location of public or private water lines
32. \_\_\_\_ Size and approximate location of public or private sewer lines
33. \_\_\_\_ Gas service
34. \_\_\_\_ Electrical service
35. \_\_\_\_ Telephone, cable, and other communication services
36. \_\_\_\_ Width and surfacing material of existing road(s) at access points

### *Step 2: Site Context Map*

In Step 2, attention shifts to what's around the site in the larger context of the neighborhood and town. Objective data is collected for natural, cultural and recreational resource systems that surround the site, as well as the social structure and visual character of the neighborhood. The Contextual Analysis process is described in detail in Section 5.6 and in Section 5.4, Step 2 of these Regulations. It can include many of the same features and resources mapped for the site analysis, but this time with a focus on the area surrounding the site.

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within 1 or 2 miles of the site at a scale of one inch equals 400 feet. Outline the parcel boundary. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. Resources, which extend over large areas, such as public drinking water supply watersheds, groundwater aquifers, wellhead protection areas, and agricultural districts, may also be shown more effectively at the context scale than on the site analysis maps in Step 1. A USGS map should be submitted with the parcel boundary outline. This will show many key features surrounding the

### *Step 3: Potential Conservation Areas*

Based on the data mapped as part of the analysis of the site and its context in Steps 1 and 2, respectively, an assessment map of potential conservation areas shows that part of the site which must be protected by law, that which cannot be built on because of physical constraints, or which represents an important resource or neighborhood feature to be protected. Together, these represent the most logical potential conservation areas. While the first two steps consist of a straightforward inventory of resources, opportunities and constraints, for Step 3 planners must reach a consensus about which areas have high value for conservation. Designation of Potential Conservation Areas is described in detail in Section 5.4, Step 3 of these Regulations.

Graphic and coloring schemes, as suggested below, can help keep this information legible as the information is combined on the maps. Separate overlays may be required to illustrate more complicated situations, but where possible try to keep these coverages on the same map.

### **Non-Buildable Areas**

Land Unsuitable for Development is defined in Section 1.2 of the Zoning Ordinance. These areas shall be shown as follows:

- 37 \_\_\_\_ Freshwater wetlands, surface waters and vernal pools, including local and state regulated setbacks. Surface waters can be mapped in blue, with wetlands in blue/green and setback lines in darker blue/green
- 38. \_\_\_\_ Land located in any floodway
- 39 \_\_\_\_ Existing utility easements and power line right-of-ways
- 40. \_\_\_\_ Unique sites having historical, archaeological or values protected by Local, State or Federal Regulations

Since soil conditions are fundamental both to natural resources and construction suitability, the statewide soil survey available on RIGIS can yield an approximate idea of areas where construction will be difficult or impossible. The soils data also shows where development may be most appropriate, particularly for on-site wastewater treatment systems. The applicant must show soils as a function of the soil properties, not the individual soil type. Several ways of grouping and assessing soils have been prepared by state agencies to aid in this assessment. RIGIS provides a grouping scheme based on water table, slope, bedrock, and miscellaneous severe constraints. The Cooperative Extension Service at the University of Rhode Island has developed a grouping scheme based on hydrological characteristics, from well-drained soils with a deep water table to hydric soils that are essentially wetlands. (A comparison of these methods may be found at the Rhode Island Cooperative Extension's web site [www.uri.edu/ce/wq/mtp/rapid/sscomp.html](http://www.uri.edu/ce/wq/mtp/rapid/sscomp.html).) The extent of hazard or constraint will depend to some degree on local conditions and availability of public sewer and water, etc. Items to be identified as potential conservation areas will therefore need to be identified in consultation with town staff or the Planning Board.

**Partially Constrained Areas**

- 41 \_\_\_\_ Slopes in excess of 15% - can be mapped in yellow
- 42. \_\_\_\_ 100-year flood plains - can be indicated with blue cross-hatching.
- 43. \_\_\_\_ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly permeable "hardpan" soils - can be shown with orange cross-hatching (primarily a constraint on the construction of septic systems).

**Important Natural, Cultural, and Recreational Resource Areas**

Identify the resources in each category, which are the most important to protect, based on an assessment of the natural, cultural and recreational resources mapped for Step 1; these can be indicated with transparent tones and/or written annotations on the map.

- 44. \_\_\_\_ Natural resource areas - can be shown in green transparent tones
- 45. \_\_\_\_ Cultural resource areas - can be shown in red transparent tones.
- 46. \_\_\_\_ Recreational resources - can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

**Sketch Plan Overlay Sheet**

The site features described above have been documented by the applicant and presented to the Planning Board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay

sheets to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

47. \_\_\_ Identification of areas proposed for development

48. \_\_\_ Location of proposed open space areas

49. \_\_\_ Initial layout of streets

50. \_\_\_ Initial number of dwelling units

### **Supplementary Information**

51. \_\_\_ Administrative Fee

### **Conclusions/outcomes from Pre-Application Review**

\_\_\_ Agreement on areas for further investigation, necessary detail of field surveys, etc

\_\_\_ Approximate location of natural, cultural and recreational resources and agreement on the Town's priorities for resource protection in the areas of the site

\_\_\_ Understanding of resource systems within the site's larger context

\_\_\_ Preliminary location of potential conservation and open space areas

\_\_\_ Preliminary location potential development areas

\_\_\_ Agreement on type of development (conservation development, conventional development or rural residential compound)

\_\_\_ Agreement on initial basic maximum number of units: Refer to Section 5.8

\_\_\_ Agreement regarding the consultants, if any, the Town will use to assist in the review process. Refer to Section 3.3.C – Project Review, Hearing and Inspection Fees

\_\_\_ Other

### **J. Preliminary Plat Checklist For Minor Land Conservation Development Projects And Minor Conservation Development Subdivisions (Creation or Extension of a Public or Private Street)**

This Checklist shall be used for conservation developments, rural residential compounds and conventional developments having five (5) or fewer lots or dwelling units and for which the creation or extension of a public or private street is involved.

Each of the ten steps in the Conservation Development process is reflected in Preliminary Plan Review for minor land development projects and minor subdivisions, where the creation or extension of a public or private street is involved. Many of the same maps and overlays submitted for Pre-Application can be reused as they are, or updated with such additional field surveys and research as may be agreed to by the applicant and the Planning Board during pre-application review. Looking ahead to the Final Plan submission the applicant may commission

detailed topographic, wetlands, and boundary surveys - especially for areas of the site where development is proposed.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced sets of all drawings and plans required below on 11" x 17" sheets. The number of reduced copies shall be determined by the Administrative Officer, based upon the required distribution to the Planning Board, and other municipal, public or private agencies involved in the development review process.

Initially, the applicant shall submit to the Administrative Officer at least four full-scale (4) black line copies of master plan maps required below. In addition, at least eight (8) reduced copies of the narrative report, including reduced maps shall be submitted.

At a minimum, the following information shall be provided:

**Base Map**

Unless otherwise indicated, plans shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a standard size sheet (24 inches x 36 inches), unless otherwise approved by the Administrative Officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). At this stage the basic features such as roads, parcel boundaries, topography, vegetation and water features are best redrawn as a clean base map, or used as overlays to the Existing Resources and Site Analysis Map.

All sheets must contain the following basic information:

1. \_\_\_Name of the proposed subdivision or development
2. \_\_\_Name and address of property owner and applicant
3. \_\_\_Name, address and telephone number of engineer, land surveyor or person preparing the plan(s)
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 or developed
7. \_\_\_Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown
8. \_\_\_Perimeter boundary lines of the subdivision or development, drawn so as to distinguish them from other property lines
9. \_\_\_Area of the parcel(s) being developed, and proposed number of buildable lots, dwellings or other proposed improvements
10. \_\_\_Location and dimensions of existing property lines within or adjacent to the parcel(s) being subdivided or developed
11. \_\_\_Easements and rights-of-way within or adjacent to the development parcel(s)

12. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed
13. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
14. \_\_\_ Notation on plan if the parcel(s) being developed are located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Zoning Overlay Districts, if any
15. \_\_\_ Location and approximate size of existing structures.
16. \_\_\_ Location of land unsuitable for development, including known surface waters including rivers, streams, lakes, ponds, wetlands and vernal pools. It is advisable to have wetland edges field surveyed and verified by the RI Department of Environmental Management at this point, especially within or adjacent to proposed development zones.

#### **The 10-Step Design Review Process (refer to Section 5.4)**

*Step 1: Existing Resources and Site Analysis Map - Refer to Section 5.16*

#### **Topography and Slopes**

After the pre-application meeting and concept review, the Planning Board and the applicant should agree on the necessary accuracy and detail of topographic data for the Preliminary Plan submission. 10' contours (elevation lines) based on USGS surveys can be traced manually or digitized for use as an overlay, and may be sufficient if proposed development zones fall in areas of moderate slopes. For planning roads and building sites within areas over 8% grade, or to discern gently-sloping areas near wetlands, vernal pools or intermittent streams, a field survey of topography to map the 2' or 5' contour interval may be necessary to ensure a buildable Preliminary Plan. This can be the basis for a more accurate slope map depicting a general assessment of development suitability, or potential hazards, based on slope or hydrologic conditions.

17. \_\_\_ Topography with contour lines at 10' interval, or more detailed, if necessary.
18. \_\_\_ Slopes grouped according to five categories based on development suitability: 0-3%, 3-8%, 8-15%, 15-25%, and over 25%. Steeper slopes should be shown in progressively darker colors or shades of gray.
19. \_\_\_ Existing drainage and drainage structures.

#### **Natural Resource Inventory**

Based on the preliminary designation of development zones, further site investigation and surveys may be necessary to establish the limits of natural resource areas such as wetlands, streams, vernal pools, and vegetation. These overlays can be updated with the more accurate information, using the same graphic schemes as the Pre-Application submission. Subsurface aquifers and surface water supplies should be indicated in a gradation of colors, tone or hatching where the reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, with an indication of

underlying soil types with hatching and/or labels. Natural Heritage areas can be shown with a red outline around the designated area.

20. \_\_\_ Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
21. \_\_\_ Groundwater aquifers, including state-designated “groundwater reservoirs,” recharge areas, wellhead protection areas and groundwater elevation, or “water table.”
22. \_\_\_ State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
23. \_\_\_ Unfragmented forest tracts.
24. \_\_\_ Prime farmland soils.
25. \_\_\_ Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
26. \_\_\_ Large or unusual trees, shrubs or other unique vegetation.
27. \_\_\_ State, Regional, or community greenways and greenspace priorities.
28. \_\_\_ 100-year floodplains and base flood elevation data, as shown on FEMA maps.

#### **Cultural Resource Inventory**

Cultural features identified on the site, such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features may need to be more carefully surveyed in the field, along with other special features, views, etc. identified during the Site Visit and Pre-Application review. This is especially important if these features fall within proposed development areas, and could be incorporated into the proposed development.

29. \_\_\_ State or locally-designated historic sites, districts, cemeteries, or landscapes.
30. \_\_\_ Archaeological sites.
31. \_\_\_ Scenic road corridors and state-designated scenic areas.
32. \_\_\_ Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

#### **Recreational Resource Inventory**

Trails identified in Pre-Application may need to be more carefully surveyed in the field especially where they cross into proposed development areas. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

33. \_\_\_ Existing hiking, biking, and bridle trails within the site, or in the vicinity, where there is an opportunity to link the site with established trails.
34. \_\_\_ Boat launches, stream access locations and water trails.

35. \_\_\_ Existing play fields and playgrounds adjacent to the site.

**Utilities and Infrastructure (if available)**

Utility should be shown to the level of detail necessary for planning the most efficient connections to the development, but need not be surveyed in the field. Documentation of capacities of various services should be provided, if applicable.

36. \_\_\_ Size and location of public or private water lines.

37. \_\_\_ Size and location of public or private sewer lines.

38. \_\_\_ Gas service.

39. \_\_\_ Electrical service.

40. \_\_\_ Telephone, cable, and other communication services.

41. \_\_\_ Width and surfacing materials of existing road(s) at access points.

*Step 2: Site Context Map – Refer to Section 5.6*

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within one-half mile of the development parcel at a scale of 1"=400' or as necessary. Outline the parcel boundary. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. After Pre-Application Review, the Planning Board may request that other resources be overlaid with the context map in order to better understand how the development will affect its surroundings. This may be particularly important in showing how the site fits into surrounding ecological or cultural systems. These may include regionally important surface or subsurface water supplies, large stream/wetland systems, continuous blocks of forested land, or extended areas in agricultural use.

*Step 3: Potential Conservation Areas*

The Pre-Application Review, especially Step 3, the designation of potential conservation and development areas, will serve to focus the more detailed mapping of potential conservation areas during Preliminary Plan. More detailed assessment of soils and slope constraints should be based on the specific character of the site and the type of development proposed. Conclusions about "non-buildable" and "partially-constrained" areas of the site will thus be calibrated to fit the specific situation. At a minimum, the Planning Board and the applicant should agree as to the method for evaluating soil constraints, using either the RIGIS suitability model or a soil-hydrology scheme, depending on site conditions. At the same time, the Planning Board can identify locations where field-testing of soils and water table will be necessary and the extent of such investigation required for the Preliminary Plan submission.

**Non-Buildable Areas**

42. \_\_\_ Wetlands and surface waters including local and state regulated setbacks.

43. \_\_\_ Surface waters - can be mapped in blue, wetlands in blue/green and setback lines in darker blue/green.

44. \_\_\_ Existing land restrictions such as utility easements, power line right-of-ways, etc.

48. \_\_\_ Any other land unsuitable for development, as defined in the Zoning Ordinance

**Partially Constrained Areas (Physical Constraints to Development)**

49. \_\_\_ Slopes in excess of 15% - can be mapped in yellow.

50. \_\_\_ 100-year flood plains - can be indicated with blue cross-hatching

51. \_\_\_ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable “hardpan” soils - can be shown with orange cross-hatching.

**Important Natural, Cultural and Recreational Resource Areas**

Identify the resources in each category which are the most important to protect; these can be indicated with transparent tones and/or written annotations on the map.

52. \_\_\_ Natural resource areas can be shown in green transparent tones. The natural, cultural, and recreational inventories from Step 1 should be used here, and supplemented as necessary with field surveys.

53. \_\_\_ Cultural resource areas can be shown in red transparent tones.

54. \_\_\_ Recreational resources can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

**Summary Map**

A Summary Map should be prepared, combining non-buildable, partially constrained and important resource areas into a single overlay. The Summary Map represents a synthesis of the principal conclusions drawn from the previous maps. It therefore serves as a record of what the applicant and the Planning Board agree are the areas, which should be preserved as open space, and likewise clearly identifies the areas most suited for development. It also allows for an agreement on what areas of the site may need to be investigated in further detail, either to better locate the edges of a sensitive resource or to perform a more detailed survey of features, which might be incorporated in the proposed development.

**The Summary Map simplifies the previous overlays into three colors:**

55. \_\_\_ Non-Buildable Areas - shown in red or red hatching

56. \_\_\_ Partially-Constrained Areas - shown in orange or orange hatching

57. \_\_\_ Important Natural, Cultural and Recreational Resource Areas - shown in green tone or line work, as appropriate.

*Step 4: Determine Maximum Number of Units*

The applicant and the Planning Board shall agree on the Basic Maximum Number of Dwelling Units, if changed from the pre-application stage of review. Refer to the discussion of Step 4 in Section 5.4, and to Section 5.8, entitled Basic Maximum Number of Dwelling Units.

58. \_\_\_ Yield Plan drawings, with indication of number of units. : \_\_\_\_\_

*Step 5: Locate Development Areas and Explore Conceptual Alternatives.*

Development of a conceptual neighborhood layout can provide a framework to tie the proposed

community together into a unified whole, and to link it with the larger neighborhood of which it is a part. Based on the results of Steps 1-3, the applicant prepares a Sketch Plan Overlay Sheet to overlay the Existing Resources and Site Analysis Maps showing the potential development areas, for the general layout of the proposed development. Refer to Section 5.5 entitled Sketch Plan Overlay Sheet. The focus of this Sketch Plan is to demonstrate how the development areas will avoid or minimize impacts to the potential conservation areas as shown on the Summary Map in Step 3. The plan should also demonstrate how the proposals would fit into the context as described in Step 2. The Sketch Plan Overlay Sheet shall be prepared for review by the Planning Board during the site visit.

59. \_\_\_ Potential development areas - show as a tone or boundary line.

60. \_\_\_ Conceptual alternatives - specify number and variables, if possible.

61. \_\_\_ Describe overall themes and organizing principles.

62. \_\_\_ Describe house types and/or architectural themes.

#### *Step 6: Locate House Sites*

Once a preferred concept is in place, attention turns to selecting house sites that provide high value to potential buyers, with opportunities for creative design, privacy, attractive views, and yard space. Potential house sites are also evaluated for potential access, drainage, availability of utilities, and suitability for wells and septic systems. The process of locating house sites should be documented by describing the potential of proposed locations to avoid or minimize impacts to the resources identified in Steps 2 and 3, as well as the visual effect from within and outside the development, and livability for future residents.

A site visit is required at this point and prior to establishing final locations to verify that locations avoid or minimize impacts to the conservation areas identified in Steps 2 and 3. Refer to Section 6.4.D.

63. \_\_\_ Development Suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.

64. \_\_\_ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.

65. \_\_\_ Views and visual character of house sites - describe with arrows and annotation.

66. \_\_\_ Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.

67. \_\_\_ Indicate site access, service and parking alternatives.

68. \_\_\_ Indicate how the house sites will be connected to or benefit from the dedicated open space.

### *Step 7: Lay Out Streets, Trails and other Infrastructure*

The layout of streets and trails is based on providing efficient access to the preferred house sites, organized by the overall design concept or theme. Several alternatives may need to be explored to find the best balance of community design with physical goals of minimizing pavement and limiting disturbance of the site.

69. \_\_\_ Alternatives for location and alignment of proposed roads and pedestrian system.
70. \_\_\_ Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.
71. \_\_\_ Alternatives for storm water treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to Step 7 in Section 5.4, and to Section 7.3.C. for further information regarding alternative storm water treatment methods. The most recent edition of the Rhode Island Storm Water Design and Installation Standards Manual should also be consulted.
72. \_\_\_ Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

### *Step 8: Design Open Space*

Proposed uses and design guidelines for open space areas to be preserved by the project should be carefully planned to take advantage of existing natural, cultural and historical features and the potential for active agriculture and forestry, and active or passive recreation. The design of open space should flow directly from its proposed use -- farming, storm water management, habitat protection, recreation, etc. - and respond to the needs of the community.

73. \_\_\_ Map the proposed open space and indicate the proposed uses and design criteria.
74. \_\_\_ Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.
75. \_\_\_ Show proposed facilities for active sports, playgrounds, stream fishing access, etc.
76. \_\_\_ Plan for active agriculture, or forestry.
77. \_\_\_ Conceptual management criteria, including protection of the natural and cultural resources identified in Step 3.

### *Step 9: Draw in the Lot Lines*

As one of the last steps in the design process, the location of lot lines should flow logically from the location of resources, proposed house sites, and existing features of the site. Lot lines should reflect logical boundary locations in the field, such as drainages, stonewalls, and tree lines. Easements for utilities and trails are also set down to preserve access to important corridors. If

the best locations for lot lines are still unclear at the Preliminary Plan stage, criteria or guidelines for their placement should be described.

Depending on the size of individual lots, building envelopes may be necessary to ensure that houses are built in the desired area of each lot. This can take the form of a “build-to line” showing where the front wall of each house should be placed, a “limit of disturbance line” showing the area that should not be altered, or a building envelope zone, within which the builder can vary the final location and orientation of the house and appurtenances.

78. \_\_\_ Alternatives for location of lot lines.

79. \_\_\_ Criteria or statement of design intent for locating lot lines.

80. \_\_\_ Location of rights-of-way, utility or trail easements.

81. \_\_\_ Building envelopes or build-to lines.

*Step 10: Establish Ownership and Maintenance of Open Space*

In the final step of the process, the applicant should suggest the alternatives for ownership and maintenance of designated open space areas. This may only be conceptual during Preliminary Plan stage, with the goal of revealing opportunities for ownership that may take advantage of unique site features, or which makes a particularly good fit with one of the design alternatives under consideration.

82. \_\_\_ Open space use plan. See Section 5.12.G

83. \_\_\_ Maintenance alternatives, including potential funding sources.

84. \_\_\_ Show potential open space to be preserved, conservation easements or other restrictions.

**Conclusions/outcomes from Preliminary Plan Review**

Following certification of a complete Preliminary Plan submission, the town has 95 days to approve the Preliminary Plan as submitted, deny the plan, or approve with conditions. As this formal approval proceeds, it is critical to the ongoing design process that the applicant and the town reach a clear and mutual understanding about the character of the site and the best way to develop it. Whether incorporated into the written approvals or not, these agreements record the conclusions of the Preliminary Plan review and establish review criteria for the Final Plan:

The review and approval of the Final Plan may be delegated by the Planning Board to the Administrative Officer. The Board may elect, however, to conduct final plan review itself. Agreement on the basic issues listed below at the time of preliminary review, may result in expedited review of the final plan. With the majority of the planning and design issues resolved at preliminary review, the final plan review may be simply be approval of final engineering and legal details already approved in conceptual form during earlier reviews.

\_\_\_ Agreement on basic maximum number of units

\_\_\_ Agreement on location and design of streets, drainage, utilities and other infrastructure elements.

\_\_\_ Agreement on location of home sites, lots and lot lines

\_\_\_ Agreement on ownership, maintenance and management responsibility of open space areas.

\_\_\_ Agreement on required approvals from state and other reviewing agencies

**Supplementary Information**

- 85. \_\_\_ Yield Plan, modified from pre-application review (if necessary)
- 86. \_\_\_ Preliminary 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)
- 87. \_\_\_ Preliminary drainage plan and drainage calculations prepared by a Registered Professional Engineer, if required.
- 88. \_\_\_ 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
- 89. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space
- 90. \_\_\_ Base flood elevation data
- 91. \_\_\_ Certification by a Professional Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a Class I Survey
- 92. \_\_\_ Open space use and management plan. See Section 5.12.G

**Supporting Materials**

- 93. \_\_\_ Administrative Fee, plus any required mailing and advertising expenses
- 94. \_\_\_ Project Review Fee. See Section 3.3.C
- 95. \_\_\_ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed)
  - a. Water Company or District \_\_\_\_\_
  - b. Date of Letter \_\_\_\_\_
- 96. \_\_\_ If Individual Sewage Disposal Systems are proposed, confirmation from the State Department of Environmental Management that the soils are adequate for the use of ISDS. Either of the following:
  - a. \_\_\_ Preliminary Subdivision Suitability Report No. \_\_\_\_\_  
(3-5 lots)
  - b. \_\_\_ Water table verification No. \_\_\_\_\_  
(2 lots)
- 97. \_\_\_ The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations
- 98. \_\_\_ Copies of return receipts for certified mail notices
- 99. \_\_\_ Either of the following:

- a. \_\_\_\_\_ A letter to the Planning Board indicating the sub-divider's intent to complete the required improvements prior to endorsement and recording; or,
- b. \_\_\_\_\_ A letter to the Planning Board requesting that security sufficient to cover the cost of required improvements be established by the Board

**K. Final Checklist Minor Land Conservation Development Projects And Minor Conservation Development Subdivisions (Creation or Extension of a Public or Private Street)**

*See Checklist E above*

**L. Master Plan Checklist For Major Land Conservation Development Projects And Major Conservation Development Subdivisions**

Each of the ten steps in the Conservation Development process is reflected in Master Plan Review. Many of the same maps and overlays submitted for Pre-Application can be reused as they are, or updated with such additional field surveys and research as may be agreed to by the applicant and the Planning Board during pre-application review. Looking ahead to Preliminary and Final Plan submissions, the applicant may commission detailed topographic, wetlands, and boundary surveys - especially for areas of the site where development is proposed.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced sets of all drawings and plans required below on 11" x 17" sheets. The number of reduced copies shall be determined by the Administrative Officer, based upon the required distribution to the Planning Board, and other agencies listed in D. Supporting Materials, below.

Initially, the applicant shall submit to the Administrative Officer at least four full-scale (4) black line copies of master plan maps required below. In addition, at least eight (8) reduced copies of the narrative report, including reduced maps shall be submitted.

**Base Map**

Unless otherwise indicated, plans shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a standard size sheet (24 inches x 36 inches), unless otherwise approved by the Administrative Officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). At this stage the basic features such as roads, parcel boundaries, topography, vegetation and water features are best redrawn as a clean base map, or used as overlays to the Existing Resources and Site Analysis Map.

1. \_\_\_\_\_ Name of the proposed subdivision.
2. \_\_\_\_\_ Name and address of property owner and applicant.
3. \_\_\_\_\_ Name, address and telephone number of the person or firm preparing the master plan(s)
4. \_\_\_\_\_ Date of plan preparation, with revision date(s) (if any).
5. \_\_\_\_\_ Graphic scale and true north arrow.

6. \_\_\_Plat and lot numbers(s) of the land being subdivided.
7. \_\_\_Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines shall be shown
8. \_\_\_Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. \_\_\_Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed
10. \_\_\_Area in acres of the parcel.
11. \_\_\_Names of abutting property owners and property owners immediately across any adjacent streets.
12. \_\_\_Location and approximate size of existing structures.
13. \_\_\_Location of land unsuitable for development, including known surface waters including rivers, streams, lakes, ponds, wetlands and vernal pools. It is advisable to have wetland edges field surveyed and verified by the RI Department of Environmental Management at this point, especially within or adjacent to proposed development zones.

**The 10-Step Design Review Process (refer to Section 5.4)**

*Step 1: Existing Resources and Site Analysis Map - Refer to Section 5.16*

**Topography and Slopes**

After the pre-application meeting and concept review, the Planning Board and the applicant should agree on the necessary accuracy and detail of topographic data for the Master Plan submission. 10' contours (elevation lines) based on USGS surveys can be traced manually or digitized for use as an overlay, and may be sufficient if proposed development zones fall in areas of moderate slopes. For planning roads and building sites within areas over 8% grade, or to discern gently-sloping areas near wetlands, vernal pools or intermittent streams, a field survey of topography to map the 2' or 5' contour interval may be necessary to ensure a buildable Master Plan. This can be the basis for a more accurate slope map depicting a general assessment of development suitability, or potential hazards, based on slope or hydrologic conditions.

14. \_\_\_Topography with contour lines at 10' interval, or more detailed, if necessary.
15. \_\_\_Slopes grouped according to five categories based on development suitability: 0-3%, 3-8%, 8-15%, 15-25%, and over 25%. Steeper slopes should be shown in progressively darker colors or shades of gray.
16. \_\_\_Existing drainage and drainage structures.

**Natural Resource Inventory**

Based on the preliminary designation of development zones, further site investigation and surveys may be necessary to establish the limits of natural resource areas such as wetlands, streams, vernal pools, and vegetation. These overlays can be updated with the more accurate information, using the same graphic schemes as the Pre-Application submission. Subsurface aquifers and

surface water supplies should be indicated in a gradation of colors, tone or hatching where the reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, with an indication of underlying soil types with hatching and/or labels. Natural Heritage areas can be shown with a red outline around the designated area.

17. \_\_\_ Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
18. \_\_\_ Groundwater aquifers, including state-designated “groundwater reservoirs,” recharge areas, wellhead protection areas and groundwater elevation, or “water table.”
19. \_\_\_ State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
20. \_\_\_ Unfragmented forest tracts.
21. \_\_\_ Prime farmland soils.
22. \_\_\_ Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
23. \_\_\_ Large or unusual trees, shrubs or other unique vegetation.
24. \_\_\_ State, Regional, or community greenways and greenspace priorities.
25. \_\_\_ 100-year floodplains and base flood elevation data, as shown on FEMA maps.

#### **Cultural Resource Inventory**

Cultural features identified on the site, such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features may need to be more carefully surveyed in the field, along with other special features, views, etc. identified during the Site Visit and Pre-Application review. This is especially important if these features fall within proposed development areas, and could be incorporated into the proposed development.

26. \_\_\_ State or locally-designated historic sites, districts, cemeteries, or landscapes.
27. \_\_\_ Archaeological sites.
28. \_\_\_ Scenic road corridors and state-designated scenic areas.
29. \_\_\_ Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

#### **Recreational Resource Inventory**

Trails identified in Pre-Application may need to be more carefully surveyed in the field especially where they cross into proposed development areas. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

30. \_\_\_ Existing hiking, biking, and bridle trails within the site, or in the vicinity, where there is an opportunity to link the site with established trails.

- 31. \_\_\_ Boat launches, stream access locations and water trails.
- 32. \_\_\_ Existing play fields and playgrounds adjacent to the site.

**Utilities and Infrastructure (if available)**

Utility should be shown to the level of detail necessary for planning the most efficient connections to the development, but need not be surveyed in the field. Documentation of capacities of various services should be provided, if applicable.

- 33. \_\_\_ Size and location of public or private water lines.
- 34. \_\_\_ Size and location of public or private sewer lines.
- 35. \_\_\_ Gas service.
- 36. \_\_\_ Electrical service.
- 37. \_\_\_ Telephone, cable, and other communication services.
- 38. \_\_\_ Width and surfacing materials of existing road(s) at access points.

*Step 2: Site Context Map – Refer to Section 5.6*

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within one-half mile of the development parcel at a scale of 1"=400' or as necessary. Outline the parcel boundary. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. After Pre-Application Review, the Planning Board may request that other resources be overlaid with the context map in order to better understand how the development will affect its surroundings. This may be particularly important in showing how the site fits into surrounding ecological or cultural systems. These may include regionally important surface or subsurface water supplies, large stream/wetland systems, continuous blocks of forested land, or extended areas in agricultural use.

*Step 3: Potential Conservation Areas*

The Pre-Application Review, especially Step 3, the designation of potential conservation and development areas, will serve to focus the more detailed mapping of potential conservation areas during Master Plan. More detailed assessment of soils and slope constraints should be based on the specific character of the site and the type of development proposed. Conclusions about "non-buildable" and "partially-constrained" areas of the site will thus be calibrated to fit the specific situation. At a minimum, the Planning Board and the applicant should agree as to the method for evaluating soil constraints, using either the RIGIS suitability model or a soil-hydrology scheme, depending on site conditions. At the same time, the Planning Board can identify locations where field-testing of soils and water table will be necessary, and the extent of such investigation required for the Master Plan submission.

**Non-Buildable Areas**

- 39. \_\_\_ Fresh water wetlands and surface waters including local and state regulated setbacks, verified by the Rhode Island Department of Environmental Management.
- 40. \_\_\_ Surface waters - can be mapped in blue, wetlands in blue/green and setback lines in

darker blue/green.

41. \_\_\_ Existing land restrictions such as utility easements, power line right-of-ways, etc.

45. \_\_\_ Any other land unsuitable for development, as defined in the Zoning Ordinance

**Partially Constrained Areas (Physical Constraints to Development)**

46. \_\_\_ Slopes in excess of 15% - can be mapped in yellow.

47. \_\_\_ 100-year flood plains - can be indicated with blue cross-hatching

48. \_\_\_ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable “hardpan” soils - can be shown with orange cross-hatching.

**Important Natural, Cultural and Recreational Resource Areas**

Identify the resources in each category, which are the most important to protect; these can be indicated with transparent tones and/or written annotations on the map.

49. \_\_\_ Natural resource areas can be shown in green transparent tones. The natural, cultural, and recreational inventories from Step 1 should be used here, and supplemented as necessary with field surveys.

50. \_\_\_ Cultural resource areas can be shown in red transparent tones.

51. \_\_\_ Recreational resources can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

**Summary Map**

A Summary Map should be prepared, combining non-buildable, partially constrained and important resource areas into a single overlay. The Summary Map represents a synthesis of the principal conclusions drawn from the previous maps. It therefore serves as a record of what the applicant and the Planning Board agree are the areas, which should be preserved as open space, and likewise clearly identifies the areas most suited for development. It also allows for an agreement on what areas of the site may need to be investigated in further detail, either to better locate the edges of a sensitive resource, or to perform a more detailed survey of features which might be incorporated in the proposed development.

The Summary Map simplifies the previous overlays into three colors:

52. \_\_\_ Non-Buildable Areas - shown in red or red hatching

53. \_\_\_ Partially-Constrained Areas - shown in orange or orange hatching

54. \_\_\_ Important Natural, Cultural and Recreational Resource Areas - shown in green tone or line work, as appropriate.

*Step 4: Determine Maximum Number of Units*

The applicant and the Planning Board shall agree on the Basic Maximum Number of Dwelling Units, if changed from the pre-application stage of review. Refer to the discussion of Step 4 in Section 5.4, and to Section 5.8, entitled Basic Maximum Number of Dwelling Units.

55. \_\_\_ Yield Plan drawings, with indication of number of units. : \_\_\_\_\_

*Step 5: Locate Development Areas and Explore Conceptual Alternatives.*

Development of a conceptual neighborhood layout can provide a framework to tie the proposed community together into a unified whole, and to link it with the larger neighborhood of which it is a part. Based on the results of Steps 1-3, the applicant prepares a Sketch Plan Overlay Sheet to overlay the Existing Resources and Site Analysis Maps showing the potential development areas, and at least three conceptual alternatives, where applicable, for the general layout of the proposed development. Refer to Section 5.5 entitled Sketch Plan Overlay Sheet. The focus of this Sketch Plan is to demonstrate how the development areas will avoid or minimize impacts to the potential conservation areas as shown on the Summary Map in Step 3. The plan should also demonstrate how the proposals would fit into the context as described in Step 2. The Sketch Plan Overlay Sheet shall be prepared for review by the Planning Board during the site visit.

56. \_\_\_ Potential development areas - show as a tone or boundary line.

57. \_\_\_ Conceptual alternatives - specify number and variables, if possible.

58. \_\_\_ Describe overall themes and organizing principles.

59. \_\_\_ Describe house types and/or architectural themes.

*Step 6: Locate House Sites*

Once a preferred concept is in place, attention turns to selecting house sites that provide high value to potential buyers, with opportunities for creative design, privacy, attractive views and yard space. Potential house sites are also evaluated for potential access, drainage, availability of utilities, and suitability for wells and septic systems. The process of locating house sites should be documented by describing the potential of proposed locations to avoid or minimize impacts to the resources identified in Steps 2 and 3, as well as the visual effect from within and outside the development, and livability for future residents.

A site visit is required at this point and prior to establishing final locations to verify that locations avoid or minimize impacts to the conservation areas identified in Steps 2 and 3. Refer to Section 6.4.D.

60. \_\_\_ Development Suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.

61. \_\_\_ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.

62. \_\_\_ Views and visual character of house sites - describe with arrows and annotation.

63. \_\_\_ Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.

64. \_\_\_ Indicate site access, service and parking alternatives.

65. \_\_\_ Indicate how the house sites will be connected to or benefit from the dedicated open space.

*Step 7: Lay Out Streets, Trails and other Infrastructure*

The layout of streets and trails is based on providing efficient access to the preferred house sites, organized by the overall design concept or theme. Several alternatives may need to be explored to find the best balance of community design with physical goals of minimizing pavement and limiting disturbance of the site.

66. \_\_\_ Alternatives for location and alignment of proposed roads and pedestrian system.

67. \_\_\_ Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.

68. \_\_\_ Alternatives for storm water treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to Step 7 in Section 5.4, and to Section 7.3.C. for further information regarding alternative storm water treatment methods. The most recent edition of the Rhode Island Storm water Design and Installation Standards Manual should also be consulted.

69. \_\_\_ Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

*Step 8: Design Open Space*

Proposed uses and design guidelines for open space areas to be preserved by the project should be carefully planned to take advantage of existing natural, cultural and historical features and the potential for active agriculture and forestry, and active or passive recreation. The design of open space should flow directly from its proposed use -- farming, storm water management, habitat protection, recreation, etc. - and respond to the needs of the community.

70. \_\_\_ Map the proposed open space and indicate the proposed uses and design criteria.

71. \_\_\_ Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.

72. \_\_\_ Show proposed facilities for active sports, playgrounds, stream fishing access, etc.

73. \_\_\_ Plan for active agriculture, or forestry.

74. \_\_\_ Conceptual management criteria, including protection of the natural and cultural resources identified in Step 3.

*Step 9: Draw in the Lot Lines*

As one of the last steps in the design process, the location of lot lines should flow logically from the location of resources, proposed house sites, and existing features of the site. Lot lines should reflect logical boundary locations in the field, such as drainages, stonewalls, and tree lines. Easements for utilities and trails are also set down to preserve access to important corridors. If the best locations for lot lines are still unclear at the Master Plan stage, criteria or guidelines for their placement should be described.

Depending on the size of individual lots, building envelopes may be necessary to ensure that houses are built in the desired area of each lot. This can take the form of a “build-to line” showing where the front wall of each house should be placed, a “limit of disturbance line” showing the area that should not be altered, or a building envelope zone, within which the builder can vary the final location and orientation of the house and appurtenances.

75. \_\_\_ Alternatives for location of lot lines.

76. \_\_\_ Criteria or statement of design intent for locating lot lines.

77. \_\_\_ Location of rights-of-way, utility or trail easements.

78. \_\_\_ Building envelopes or build-to lines.

#### *Step 10: Establish Ownership and Maintenance of Open Space*

In the final step of the process, the applicant should suggest the alternatives for ownership and maintenance of designated open space areas. This may only be conceptual during Master Plan stage, with the goal of revealing opportunities for ownership that may take advantage of unique site features, or which makes a particularly good fit with one of the design alternatives under consideration.

79. \_\_\_ Open space use plan. See Section 5.12.G

80. \_\_\_ Maintenance alternatives, including potential funding sources.

81. \_\_\_ Show potential open space to be preserved, conservation easements or other restrictions.

#### **Conclusions/outcomes from Master Plan Review**

Following certification of a complete Master Plan submission, the town has 120 days to approve the Master Plan as submitted, deny the plan, or approve with conditions. As this formal approval proceeds, it is critical to the ongoing design process that the applicant and the town reach a clear and mutual understanding about the character of the site and the best way to develop it. Whether incorporated into the written approvals or not, these agreements record the conclusions of the Master Plan review and establish review criteria for the Preliminary Plan:

\_\_\_ Agreement on areas for further investigation, soil tests, borings, necessary detail of field surveys, etc. to be done for the Preliminary Plan submission.

\_\_\_ Agreement on location and function of natural, cultural and recreational resources.

\_\_\_ Agreement on function and value of resource systems within the site’s larger context.

\_\_\_ Agreement on location of potential conservation and development areas.

\_\_\_ Agreement on basic maximum number of units

\_\_\_ Agreement on design and uses of open space areas, trail connections, and other shared amenities.

\_\_\_ Agreement on location and design of streets, home sites and other elements.

- \_\_\_ Agreement on criteria for establishing lot lines, pending further site surveys and analysis.
- \_\_\_ Agreement on ownership, maintenance and management responsibility of open space areas.
- \_\_\_ Agreement on relevant town goals for the area.

**Supplementary Information**

- 82. \_\_\_ An estimate of the approximate population of the proposed subdivision
- 83. \_\_\_ An estimate of the number of school-aged children to be housed in the proposed subdivision
- 84. \_\_\_ Fiscal impact statement, if required
- 85. \_\_\_ Proposed phasing, if any

**Supporting Materials**

- 86 \_\_\_ Administrative Fee, plus required mailing and advertising expenses
- 87 \_\_\_ Project Review Fee. See Section 3.3
- 88. \_\_\_ The names and addresses of owners of all property owners, agencies or communities requiring notification as required by these Regulations
- 89. \_\_\_ Initial written comments on the Master Plan from the following agencies:  
*(Provided by the Administrative Officer)*

Local Agencies:

A. ___ Town engineer (consulting)	Date: _____
B. ___ Public Works Director	Date: _____
C. ___ Conservation Comm.	Date: _____
D. ___ Fire Districts (2)	Date: _____
E. ___ 911 Supervisor	Date: _____
F. Other (specify) _____	Date: _____

Adjacent communities (specify):

A. _____	Date: _____
B. _____	Date: _____
C. _____	Date: _____
D. _____	Date: _____
E. _____	Date: _____

State agencies:

A. ___ Environmental Management	Date: _____
B. ___ Transportation	Date: _____
C. ___ Other (specify) _____	Date: _____
_____	_____

Federal agencies:

A. _____ U.S. Army Corps Engineers	Date: _____
B. _____ FEMA	Date: _____
C. _____ Soil Conservation Service	Date: _____

**M. Preliminary Checklist for Major Land Conservation Development Projects And Major Conservation Development Subdivisions**

Under state law, submission requirements for Preliminary Plan are determined by each town, but should include the following, as listed under Section 45-23-41:

“...engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic systems, public water systems, and connections to state roads.”

Preliminary Plan Review is thus concerned with the details of engineering and permitting necessary to ensure construction of the plans set down by the Master Plan. Barring surprises that turn up in more detailed surveys of the site, the conclusions reached in Master Plan will not change much, but they will need to be developed in more detail to explain exactly how each feature of the proposed development will be constructed. Under Section 45-23-44, state law lists requirements towns may adopt for physical design:

“Such requirements may include, but shall not be limited to, requirements and policies for rights-of-way, open space, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, public access through property to adjacent public property, and the relationship of proposed developments to natural and man-made features of the surrounding neighborhood.”

Section 45-23-45 expands this list to include standards for public design and improvements, including “...specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control.” What these requirements and standards imply is that the focus on community context and the environment that was so important to the development of the design during Pre-Application and Master Plan should not be lost as the project proceeds into Preliminary and Final Plan. Rather, as each aspect of engineering and construction is worked out, the Master Plan can and should continually be the basis of decision making, and the means by which each of the various aspects of construction, drainage, and environmental protection are coordinated into a unified whole.

At the conclusion of Master Plan all ten steps of the Conservation Development design process have been completed. The purpose of the Preliminary Plan stage is to do the detailed engineering and any remaining site analysis to determine that the Master Plan works. If not done previously, further site surveys may be required for a thorough assessment of whether there are additional natural or physical constraints, such as vernal pools or presence of ledge, that will require the Master Plan to be revised.

The following checklist repeats those elements of the Master Plan submission that are necessary to describe the basic information about the project and summarize existing conditions on the site. The Preliminary Plan submission will include these maps, and additional plans describing

proposed conditions, as well as supporting materials necessary to record review and approvals by various state and local boards and officials.

### **Preliminary Plat Application Submission Requirements**

Initially, the applicant shall submit to the Administrative Officer at least four full-scale (4) black line copies of all information required below. In addition, at least eight (8) reduced copies of the narrative report, including reduced maps shall be submitted.

### **Base Information**

Unless otherwise indicated, plans shall be drawn to a scale of 1 inch to 40 feet. 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. Scale and sheet size may be modified with permission of the Administrative Officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The information below should appear on all sheets.

1. \_\_\_ Name of the proposed subdivision, including phase number.
2. \_\_\_ Name and address of property owner and applicant.
3. \_\_\_ Name, address, and telephone number of engineer, land surveyor, and landscape architect.
4. \_\_\_ Date of plan preparation, with revision dates.
5. \_\_\_ Graphic scale and true north arrow.
6. \_\_\_ Plat and lot numbers(s) of the land being subdivided or developed
7. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets, with plat/lot numbers.
8. \_\_\_ Boundary lines of the parcel, with dimensions and bearings, drawn so as to distinguish them from other property lines.
9. \_\_\_ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown
10. \_\_\_ Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a Class I survey.
11. \_\_\_ Location of public rights-of-way and/or easements.
12. \_\_\_ Area of the parcel(s) being developed and proposed number of buildable lots, dwellings  
or other proposed improvements
13. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided.

**Existing Conditions Plan(s):**

14. \_\_\_ Streams and water bodies.
15. \_\_\_ Wetland lines with regulated setbacks, including areas within 200 feet of the perimeter of the project site.
16. \_\_\_ Existing topographic contours for all areas proposed for development or site alteration, at intervals of two feet in elevation.
17. \_\_\_ Boundaries of wooded areas with notation of species of existing vegetation.
18. \_\_\_ Large or unusual trees, shrubs or other unique vegetation.
19. \_\_\_ Prime Farmland Soils and areas in active or recent agricultural use, with notation of use and condition.
20. \_\_\_ Location and approximate dimensions of existing buildings or significant above ground structures on or immediately adjacent to the subdivision.
21. \_\_\_ Location and dimension of all existing utilities within and adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, storm water drainage facilities or other above or underground utilities.
22. \_\_\_ Location of any unique natural and/or historic features, including stone walls, cemeteries, and archaeological sites.
23. \_\_\_ Base flood elevation data and floodplain lines.
24. \_\_\_ Notation on plan if the subdivision is located within or contains any of the following areas:
  - a. \_\_\_ Natural Heritage Areas (RIDEM).
  - b. \_\_\_ Area of Planning Concern (Town).
  - c. \_\_\_ Groundwater Protection Overlay District
  - d. \_\_\_ Public Drinking Supply Watershed.
  - e. \_\_\_ Groundwater aquifers, state-designated “groundwater reservoirs,” recharge areas and wellhead protection areas.
  - f. \_\_\_ State, regional, or local greenways and greenspace priorities.

**Proposed Design Conditions Plan(s):**

25. \_\_\_ Proposed improvements, including streets, sidewalks, trails, or bike paths, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.

26. \_\_\_ Proposed building envelopes or build-to lines shall be shown, if applicable.
27. \_\_\_ Grading plan showing existing and proposed contours at two-foot intervals for all grading proposed for on and offsite construction, streets, drainage facilities, and grading on individual lots if part of the proposed subdivision improvement.
28. \_\_\_ Storm water management plan and drainage calculations prepared by a Registered Professional Engineer. The storm water management plan should emphasize infiltration and the low impact design, and how the selected management techniques will be operated and maintained during and after construction.
28. \_\_\_ Utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities as applicable.
29. \_\_\_ Landscaping plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation and/or landscaping on street right-of-way and upon individual lots, if part of proposed subdivision improvements. Include proposed street tree plantings, with species and size indicated. All proposed plantings should use only non-invasive plants (see URI Cooperative Extension's "Sustainable Plant List").
30. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space
31. \_\_\_ Open space use and management plan. See Section 5.12.G
32. \_\_\_ Limit of disturbance line/ limit of clearing, with method of tree protection if applicable.
33. \_\_\_ Location of proposed stump dumps
34. \_\_\_ Soil erosion and sediment control plan, including inspection and maintenance provisions.
35. \_\_\_ Construction plans for access road(s) or routes(s), temporary parking and storage areas, location of construction trailers, and stockpiles of soil, stone, or waste materials.
36. \_\_\_ Proposed street plans and profiles drawn at a scale of 1"=40' horizontal and 1"=4' vertical.
37. \_\_\_ Proposed street cross section(s) with location of utilities indicated.
38. \_\_\_ Proposed street names
39. \_\_\_ Yield Plan, if modified from the master plan stage of review.
40. \_\_\_ Other(s)

**Supporting Materials**

41. \_\_\_ Administrative Fee, plus required mailing and advertising expenses.
42. \_\_\_ 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 offsite construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that the approval has been granted for the proposed site alteration.

43. \_\_\_ In lieu of item 2 above, an affidavit signed by a qualified professional (a Wetlands Biologist, Registered Professional Engineer or Registered Landscape Architect) stating that there are no freshwater wetlands present or within 200 feet of the property being subdivided.
44. \_\_\_ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed).
  - a. Water Company or District: \_\_\_\_\_
  - b. Date of Letter: \_\_\_\_\_
45. \_\_\_ Written confirmation that the Department of Public Works has reviewed and approved the plans for proposed sewer service, storm water management, erosion and sediment control, road construction and indicating any bond or surety amounts to be posted by the applicant.
46. \_\_\_ Written confirmation that the Fire Chief has reviewed and approved all plans and proposed improvements (dry hydrants etc.) for fire protection.
47. \_\_\_ If Individual Sewage Disposal Systems are proposed, confirmation from the State Department of Environmental Management that each proposed lot is suitable to support an on-site wastewater treatment system. For subdivisions of 3 lots or more, provide a Preliminary Subdivision Suitability Determination
48. \_\_\_ 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 applicable.
49. \_\_\_ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid and that there are no outstanding municipal liens on the parcel.
50. \_\_\_ The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations.
51. \_\_\_ Copies of return receipts for certified mail notices.
52. \_\_\_ Either of the following:
  - a. \_\_\_ A letter to the Planning Board stating it is the intent of the applicant to complete the required improvements prior to endorsement of the final plat; or,
  - b. \_\_\_ A letter to the Planning Board requesting that security sufficient to cover the cost of required improvements be established by the Board according to the Regulations.
53. \_\_\_ Owner Authorization Form.
54. \_\_\_ Subdivision Notification Form.
55. \_\_\_ Water Quality Certification for construction activities that may temporarily affect surface waters in the vicinity of the site work to be performed (if applicable)

56. \_\_\_ Any permits required under federal statute, including Section 404 Clean Water Act for Fill of Wetlands and Waters of the U.S. issued by the U.S. Army Corps of Engineers.

57. \_\_\_ Final written comments on the Preliminary Plan by the following:  
(Provided by the Administrative Officer)

A. ___ Town engineer (consulting)	Date: _____
B. ___ Public Works Director	Date: _____
C. ___ Conservation Comm.	Date: _____
D. ___ Fire Districts (2)	Date: _____
E. ___ 911 Supervisor	Date: _____
F. Other (specify) _____	Date: _____

58. \_\_\_ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

59. \_\_\_ Proposed ownership scheme for open space areas, with draft legal documentation, such as Homeowner's Association bylaws.

60. \_\_\_ Plan location and draft legal language of proposed conservation easements or restrictions to be applied to open space areas.

61. \_\_\_ Open Space Use and Management Plan, including standards and methods, specific responsibilities, and funding sources.

**N. Final Major Land Conservation Development Projects And Major Conservation Development Subdivisions**

*See Checklist H. above*

**SECTION 13.0 CONSTRUCTION SPECIFICATIONS**

**Sec. 13.1. General construction specifications for subdivisions and land development projects, Town of Exeter, R.I**

**A. Streets.**

1. *Dimensions.* All streets constructed within a land development or subdivision shall conform to the design standards as listed in section I3.A.6 of these regulations.

2. *Notification and inspections.* The public works director of the Town of Exeter shall be notified one week before the commencement of the total project and 24 hours before each of the street construction phases identified and enumerated below. Authority to proceed with any succeeding phase will be granted only upon approval and acceptance in writing of the phase just completed. A decision shall be submitted within one business day for each construction phase. A copy of each acceptance shall be submitted in duplicate to the planning board.

a. Sub-grade preparation in compliance with item I3.A. 4.

- b. Before any base course gravel is placed in the excavated area, a sample of gravel shall be inspected to ensure the use of approved gravel.
  - c. When the base is thoroughly compacted and ready for the tack coat.
  - d. The public works director shall be notified at least 24 hours before bituminous concrete pavement is to be applied,
  - e. before curbing or waterways are installed,
  - f. before drainage pipes, dry wells, and other drainage structures are installed and backfilled.
3. *Clearing.* The entire right-of-way area as shown on the approved final plans shall be cleared and grubbed as required to construct roadway grading and other improvements.
4. *Excavation.*
- a. All loam and unsanitary material shall be scraped and removed from the right-of-way area, and all excavations shall conform to the lines and grades as shown on the plan, profile and cross section. Rock, stone or ledge that require drilling or blasting shall be excavated to a depth of at least six inches below finished grade when within the street pavement area. Earth, subsoil and stones shall be excavated to a depth of at least ten inches below finished grade within the street pavement area. Where free water is encountered within three feet of finished grade, adequate drainage shall be constructed at a depth of at least four feet below finished grade.
  - b. Road grade stakes must be planted at 50-foot increments and at all radii.
5. *Gravel foundation.*
- a. It shall be practically free of foreign materials such as loam, silt, clay and organic matter.
  - b. It shall contain no cobbles larger than four inches in diameter.
  - c. At least 40 percent by weight of the gravel shall be of sizes retained upon one-quarter-inch sieve.
  - d. The gravel base course shall have a minimum thickness of 12 inches after grading and compaction. A minimum thickness of 15 inches after grading and compaction is required when drilling or blasting is required in the excavation stage.
  - e. The base course shall be rolled to the designed grade, overlapping on successive trips by at least one-half the width of the rear wheels of the roller, with a self-propelled, three-wheel roller weighing at least ten tons. Rolling shall continue until the base course is fully compacted. Any depressions that develop due to the rolling shall be filled, rolled, and shaped until the base course is true to cross section and grade.
6. *Surface treatment.*
- a. When the gravel base course has been finally compacted and brought to the designed grade, it shall be approved by the public works director. After approval by the public works director, a tack coat of heated asphalt oil (Mo-1) or equivalent shall be applied to the base course at a rate of 0.25 gallons per square yard. After the tack coat has been applied, it must be rolled again in preparation for the bituminous concrete pavement. All traffic shall be kept off the treated surface until the tack coat is set and the surface has been rolled.
  - b. Bituminous concrete (hot mix) pavement shall consist of two-inch binder using three-fourths-foot[inch] stone and one inch "I" type 1-1 asphalt

concrete and after rolling and final compaction must have a uniform thickness of three inches. This item shall be class "I" type 1-1 asphalt concrete and after rolling and final compaction must have a uniform thickness of 2½ inches.

- c. Spread equipment. The spreading and finishing equipment shall be of the self-powered type and shall have a floating screen assembly controlled as to elevation strike off. The use of any spreading and finishing equipment, which causes blemishes or conditions of non-uniformity, which are not satisfactorily corrected by the scheduled operations, shall be discontinued and other satisfactory spreading and finishing equipment shall be provided by the contractor.
- d. Compacting surface course. While hot, and as soon as it will bear the roller without displacement or hair cracking, the surface course shall be uniformly compressed by a power driven tandem roller, mechanically wetted, weighing not less than 350 pounds per lineal inch width of tread, and the roller shall weigh not less than ten tons. Rolling shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least one-half of the width of the rear wheels of the roller. Rolling shall be continued until all roller marks are eliminated. The motion of the roller shall at all times be slow enough to avoid displacement of the hot mixture and to prevent adhesion of the surface mixture to the roller; the wheels shall be kept properly moistened with water or oil.

- B. *Concrete curbing.* Curbing shall be installed whenever the grade is over five percent and is required for adequate gutter flow. All curbing shall be 18-inch pre-cast concrete curbing at least 60 inches long, with returns to all driveways over five percent grade.

The trench for setting the curb shall be excavated so that it shall be 18 inches wide and its sub-grade at least 24 inches below the finished curbing grade. Upon this sub-grade, a foundation is to be made consisting of clean coarse gravel thoroughly rammed so that it will be at least six inches when compacted. Upon this foundation the curbing is to be laid, the joints made as close as possible and all spaces under the curb filled with gravel and tamped so that the curbing will bear throughout its entire length and be at the line and grade required.

The trench on each side of the curbing is then to be filled to the sub-grade of the roadway and the sidewalk, respectively, with clean coarse gravel laid in four-inch layers, each layer thoroughly rammed and tamped under and around the curbing. Clean gravel is then to be rammed against and up to a point six inches below the top of the curbing on the sidewalk side. Bituminous concrete curbing laid with an extruding machine, the shape of the extruded curb is to be approved by the public works director prior to the start of the curbing work. The contractor must protect the new work until the asphalt has taken its permanent set.

Any damaged curb must be removed and replaced prior to the acceptance of the development.

- C. *Sidewalk areas.* Where no paved sidewalks are to be constructed, the area between the curb line and the street right-of-way line shall be loamed to a depth of four inches and uniformly seeded with suitable grass seed. Where sidewalks are to be constructed, the location and construction of such sidewalks must be approved by the public works director.

Trimming and fine grading shall consist of loam and seeding, trimmings, dressings of all shoulders, ditches and side slopes, whether in excavation or embankment, and the work shall be

performed in a neat and workmanlike manner to the lines and grades of the typical sections shown on the plans and as the public works director may direct.

- D. *Drainage, culverts and bridges; general criteria.* All necessary drainage structures, culverts, and bridges shall conform to the "State Standard Specifications for Road and Bridge Construction," latest published edition by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, and shall be used as a guide in the case of any questions or disputes that may arise during the construction of a project.

Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed as necessary to provide adequate disposal of surface water from all streets within the subdivision and adjacent land as shown on plan. Proper connection shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the project site is not developed, provision shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the development at such size and grade as will allow for such projection.

In no case shall pipe of less than 12-inch diameter be used for storm drainage, and it shall be larger when deemed necessary by the public works director. The developers shall show the size and location of existing storm drain facilities that the proposed new development will tie into and shall plot these on the preliminary and final plans submitted to the planning board for approval. Such subdivision shall have a storm water drainage system capable of accommodating the maximum storm water flow from higher regions of the drainage area or watershed in which the development is located. The system shall be based on a hydraulic study. Complete runoff computations for designing pipe sizes will be submitted. These computations will be based on the Burkli-Zeigler or Rational formula and will be based on a storm frequency of 15 years.

1. *Maximum groundwater levels.* If the groundwater or spring groundwater elevation in any portion of a new road, or contributing runoff to a new road, is less than seven feet below the finished grade of the nearest street, no road shall be constructed in such area unless satisfactory sub-drainage facilities are constructed to lower such groundwater to acceptable levels.
2. *[Contours or grades.]* No natural contours or grades in a development shall be altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests may be required in areas where the contours or grades have been altered.
3. *Pipe culverts and drains.* Pipe for the construction of culverts and drains shall be not less than 12 inches in diameter and shall be reinforced concrete. All pipes shall be laid true to line and grade as shown on plans. Each section of pipe shall have a full firm bearing throughout its lengths. All joints shall be made of Portland cement mortar or shall be of acceptable ring type joints. All pipes shall have at least two feet, six inches of cover above the top of the pipe.
4. *Catch basins and manholes.* Catch basins and manholes shall be built to the lines, grades, dimensions and designs shown on the plans and as directed, with the necessary approved frames, grating, curb inlets and covers, and shall be constructed of clay brick masonry, concrete brick masonry, or pre-cast concrete masonry and shall not be less than four feet in diameter at a point 2<sup>1</sup>/<sub>2</sub> feet below the bottom of the frame. Catch basins shall be placed on the street, so that the greatest gutter length of water will have to flow over the surface and shall not be over 300 feet, or as demonstrated otherwise by a hydraulic study. Whenever grade is five percent and over on each side of the catch basin, high capacity frame and grate will be required. Catch basins and manholes shall have concrete bottoms. Manholes are required at all points in the main drains where there is a

- change of grade or a change in line; also at all points where feeder pipes enter the main drain.
5. *Concrete headwalls.* Concrete headwalls or flare ends shall be constructed at the open ends of any drainpipe where the same serve as outlets to the drainage system. These headwalls shall be of the shape and size as directed by the public works director.
  6. *Gutter flow.* Surface drainage in gutters shall be limited to a flow not to exceed five inches in depth in the case of concrete curb or two inches in the case of bituminous berm, at the curb, based on the individual condition of road grade, runoff factor, rainfall intensity and tributary area and inlet capacity.
  7. *Catch basins.* No more than two catch basins shall be interconnected before being connected to a manhole.
  8. *Lot drainage.* Lot drainage shall be as required and specified by the planning board.
  9. *Valley gutters.* Valley gutters will be permitted at "T" intersections where they will be parallel to the centerline of the through road and shall be installed only after design approval by the public works director. In general, the crown of the intersection road shall be gradually eliminated starting from a point about 30 feet back from the flow line of the through street. At other than "T" intersections, valley gutters will be permitted only when warranted by limited traffic use as approved by the public works director.
  10. *Brooks, ditches and streambeds.* Existing brooks, natural waterways and dry streambeds shall be maintained for drainage purposes or provisions for needed drainage shall be installed at the developer's expense. A right-of-way or public utility easement of sufficient minimum width to include a 12-foot access strip in addition to the width of the ditch, brook or stream bed, as measured from bank top to bank top, shall be required by the town for drainage purposes. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan, with proper bearings and distances indicated.
  11. *Drainage structures on state land.* Drainage structures, which are located on state highway rights-of-way shall be submitted to the appropriate highway engineer's office, and a letter of approval from that office shall be filed with the planning board and the public works director.
  12. *Crossing a brook, stream or other natural waterway.* Whenever it is required or necessary that a developer cross any brook stream or other natural waterway with construction of any type, a culvert or bridge completely spanning such brook, stream or other natural waterway shall be used. Based on terrain of the upstream or downstream conditions, the culvert shall be designed to pass any portion of the runoff of any flood frequency storm up to, and including a 100-year flood frequency storm, and the design and specifications of the same shall be approved by the public works director.
  13. *Easement and rights-of-way for watercourses.* Where a development road drains into a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse shall be provided, together with access strips. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan with proper bearing and distance indicated.
  14. *Fees for downstream improvements.* Whenever a development will increase the burden on downstream drainage facilities or watercourses, either by increasing surface water runoff or otherwise, the developer shall make the necessary improvements, to the satisfaction of the public works director, or shall pay a sum

of money to the town to be used for future improvement of such facilities or watercourses. Said sum of money shall be computed on the basis of the projected costs of the anticipated downstream improvement and the proportionate burden contributed by the development.

15. *Barricades, guardrails and fences.* The developer shall provide guardrails in areas where the street embankment exceeds five feet. In addition, the board may require fencing around easements, drainage areas, waterways, walkways and other such facilities where deemed necessary to promote public safety.

E. *Permanent monument.*

1. *Materials.* Permanent monuments shall be granite or pre-cast reinforced cement concrete, which shall conform in size and shape to the specifications below:
2. *Dimensions.*
  - a. Monuments shall be 36 inches in length and four inches square in cross section.
  - b. A drill-hole one-half inch in diameter and three-quarters of an inch deep shall be placed and centered on the top surface of the monument.
  - c. Monuments shall be installed at all points indicated on the final plat.
3. *Setting monuments.* All monuments installed adjacent to a highway shall be installed so that the top surface of the monuments shall be one inch above the finished grade of the sidewalk area at the property line. All other monuments not adjacent to a highway shall be installed so that the top surface is level with the finished grade of the surrounding land.

### **Sec. 13.2 Erosions and sediment control standards**

The following standards are established to ensure the control of erosion and sediment thereby ensuring a stable soil during and following development. These standards shall be applied to the following uses and developments: Subdivisions; land development projects; industrial developments, including factories, warehouses, storage facilities, landfills, gravel banks, and associated roads and parking lots; [and] business developments, including shopping centers, supermarkets, department stores, trailer parks, and associated roads and parking lots.

A. *General requirements.*

1. For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the planning board and Southern Rhode Island Conservation District or there has been a determination by the board that such plans are not necessary.
2. No development qualifying tract or land development plan shall be approved unless the following requirements have been met:
  - a. There has been a plan, approved by the planning board that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with the town in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or
  - b. There has been a determination by the planning board that a plan for minimizing erosion and sedimentation is not necessary.
  - c. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Southern Rhode

Island Conservation District. The town engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the district or the town clerk of the Town of Exeter.

B. *Performance principles.* The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in [the] control plan:

1. Stripping of vegetation, re-grading, or other development shall be done in such a way that will minimize erosion.
2. Development plans shall preserve salient natural features, keep cut and fill operations to a minimum and ensure conformity with topography so as to adequately handle the volume and velocity of surface water runoff, and create the least erosion potential.
3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
4. In the disturbed area the duration of exposure shall be kept to a practical minimum.
5. Disturbed soils shall be stabilized as quickly as practicable within the year.
6. Temporary vegetation and/or mulching, or both, shall be used to protect exposed critical areas during development.
7. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
8. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the quantity of surface water runoff will be temporarily stored.
9. Sediment carried by runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.

C. *Grading for drainage.* In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without pending, and all land within a qualifying tract, subdivision, or land development shall be graded to drain and dispose of surface water without pending, except where approved by the board.
2. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings they shall be seeded or planted or lined as required and shall be of such slope, shape and size as to conform with the requirements of the town.
3. Concentration of surface water runoff shall be permitted only in swales, watercourses, diversions or holding ponds.
4. Excavations and fills:
  - a. Cut and fill slopes shall not be steeper than two horizontal to one vertical unless stabilized by a retaining wall or cribbing, except as approved by the board.
  - b. Adequate provisions shall be made to prevent surface water from damaging the cut face to excavations or the sloping surface of fills.
  - c. Cut or fills shall not endanger adjoining property.

- d. Fill shall be placed and properly compacted so as to minimize sliding or erosion.
- e. Fill shall not encroach on natural watercourses or constructed channels.
- f. Fill placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during [the] period of flooding. They may include: riprap, gabions, retaining walls and vegetative stabilization.
- g. Grading will not be done in such a way so as to divert water onto the property of another landowner without the written approval of the board and the landowner, and without appropriate legal documentation, if necessary.
- h. During grading operations, necessary measures for dust control will be exercised.
- i. Provision will be made for the installation of culverts or bridges to permit grading equipment to cross over live streams.

D. *Responsibility.*

- 1. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage caused by the sediment or its removal at his expense as quickly as possible.
- 2. Maintenance of all drainage facilities and watercourses within any qualifying tract, subdivision or land development is the responsibility of the developer until they are accepted by the town or some other official agency, after which they become the responsibility of the town or accepting agency.
- 3. After the required state and town permits are obtained, it is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state, the stream, watercourse, swale, floodplain or right-of-way during the pending activity and to return it to its original or equal condition after such activity is completed.
- 4. Maintenance or drainage facilities of watercourses originating and completely located on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- 5. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing, or commit any act which will effect normal or flood flow in any communal stream or watercourses without having obtained prior approval and/or permit from the Department of Natural Resources and the planning board.
- 6. Where a subdivision, qualifying tract or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.
- 7. Each person, corporation, or other entity which makes any surface changes shall or may be required to:
  - a. Collect on-site surface runoff and safely dispose of it at the point of discharge into the common natural watercourse of the drainage area.
  - b. Handle existing and potential off-site runoff through the development by design to adequately handle storm runoff from a fully developed area



approved plans or without satisfying conditions specified, the town may revoke the approval of the preliminary plan and have all activity on the tract or parcel of land cease or be stopped by order of the court.

### **Sec. 13.3. Standards for the installation of fire water tanks**

- A. It is required that all new subdivisions and land development projects consisting of five or more homes shall install underground firewater tanks for fire protection as follows:
1. An underground water tank with minimum capacity of 10,000 gallons for fire protection is required for each five homes. Pre-cast reinforced concrete is the preferred construction material. The plans and specifications for the materials, location, and installation of the tank must be approved by the fire chief and the planning board before installation.
  2. All tanks shall be installed in accordance with the National Fire Protection Association Standard, "Suburban Water Supplies," as amended.
  3. Year-round access to water tanks and/or ponds is required. Access areas shall be paved where necessary.
  4. An existing pond may be used in place of a water tank if prior approval is granted by the fire chief. The installation of a dry hydrant shall be in accordance with NFPA Standard, as amended.
  5. A water tank or pond may be located within the ten-foot right-of-way, or elsewhere, as determined by the fire chief. Regardless of location, the developer shall grant an easement to the town for purposes of access to the tank or pond.
  6. Before surface treatment is commenced, the appropriate tank or pond must be completed, in service, and approved by the fire chief.
  7. A copy of the final plat plans must be submitted to the fire chief for his records.
  8. Additional and/or larger water tanks may be required by the fire chief using the guidelines of the fire flow formula or NFPA, as amended.
  9. Location of the underground water tanks and/or ponds in any subdivision or land development project of five or more homes shall be the responsibility of the fire chief and his determination shall be forwarded to the Exeter Planning Board in writing.
  10. The developer shall provide a certified check or cash as a financial guarantee, in an amount determined by the fire chief sufficient to assure the satisfactory completion, maintenance, and operation of the water tanks and improvements required by this section for five years. The financial guarantee shall be provided before approval of the final plans by the planning board. The fire chief may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.
- B. It is required that the following new subdivisions and land development projects with a total of 5,000 square feet or greater; detention and correctional facilities with a total of 5,000 square feet or greater; business/industrial/storage/mixed occupancy with a high hazard with a total of 5,000 square feet or greater as defined in NFPA 101, Life Safety Code, 1994 edition, or as amended, shall install underground fire water tanks for fire protection as follows:
1. The number and size of water tanks will be determined by the fire chief using the guidelines of the fire flow formula or NFPA Standard, as amended, and in any case shall be a minimum of 10,000 gallons.
  2. The plans and specifications for the materials, location, and installation of the tank(s) must be approved by the fire chief and planning board before installation.

3. All tanks shall be installed in accordance with National Fire Protection Association Standard, "Suburban Water Supply," as amended.
  4. Year-round access to the water tanks is required. Access areas shall be paved where necessary. A copy of the final plat plans must be submitted to the fire chief for his records.
  5. Location of the water tanks in any land development projects shall be the responsibility of the fire chief and his determination shall be forwarded to the Exeter Planning Board in writing.
  6. The developer shall provide a certified check or cash as a financial guarantee, in an amount determined by the fire chief sufficient to assure the satisfactory completion, maintenance, and operation of the water tanks and improvements required by this section for five years. The financial guarantee shall be provided before approval of the final plans by the planning board. The fire chief may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.
  7. Maintenance and upkeep of the water tanks are to be the responsibility of the property owner.
  8. Ponds or alternate water supply on site may be used, if approved by the fire chief and meets NFPA Standard, as amended.
  9. A water tank or pond may be located within the ten-foot right-of-way, or elsewhere, as determined by the fire chief. Regardless of location, the developer shall grant an easement to the town for purposes of access to the tank or pond.
- C. An exception may be made to the requirements of section III if a class A, supervised fire alarm system installed and operated in accordance with Rhode Island Life Safety Codes, is installed. Whether a Class A supervised fire alarm system may be substituted for the fire water tanks required in section 3(B) is at the discretion of the fire chief.