

Town of Bristol Rhode Island

Subdivision & Development Review Regulations



Adopted by the
Planning Board

September 27, 1995
Amended September 8, 2009
Amended May 9, 2017
Amended January X, 2024

TABLE OF CONTENTS

Page

ARTICLE 1 - PURPOSES AND GENERAL STATEMENTS

Section 1.1 General Purposes1
1.2 Consistency with the Comprehensive Plan,
Zoning Ordinance & State Enabling2

**ARTICLE 2 - APPLICABILITY OF REGULATIONS AND
CLASSIFICATION OF SUBDIVISIONS
AND DEVELOPMENTS**

Section 2.1 Applicability of Regulations - Subdivisions3
2.2 Applicability of Regulations - Land Development Project and
Development Plan Review4
2.3 Classification of Subdivisions5

**ARTICLE 3 - APPLICATION PROCEDURES AND REQUIREMENTS,
ADMINISTRATIVE SUBDIVISIONS AND DEVELOPMENT
PLAN REVIEW BY TECHNICAL REVIEW COMMITTEE**

Section 3.1 Administrative Subdivisions6
3.2 Development Plan Review by Technical Review
Committee8

**ARTICLE 4 - APPLICATION PROCEDURES AND REQUIREMENTS,
MINOR SUBDIVISIONS AND DEVELOPMENT PLAN REVIEW**

Section 4.1 Submission Requirements10
4.2 Certification10
4.3 Technical Review Committee10
4.4 Review Process11
4.5 Expiration of Approval12

**ARTICLE 5 - APPLICATION PROCEDURES AND REQUIREMENTS,
MAJOR LAND DEVELOPMENT PROJECTS AND
MAJOR SUBDIVISIONS**

Section 5.1 Review Stages13
5.2 Pre-Application13
5.3 Master Plan14
5.4 Preliminary Plan16
5.5 Final Plan18

ARTICLE 6 - POWERS OF THE PLANNING BOARD

Section 6.1 Dedication of Land for Public Purposes.....20

6.2 Fees in lieu of Dedication of Land for Public Purposes.....20

6.3 Mitigation of Negative Impacts.....22

6.4 Restricted Accounts22

6.5 Performance and Maintenance Guarantees22

6.6 Impact Statements24

6.7 Approval and Acceptance of Improvements26

6.8 Waivers and Modifications27

ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT OF REGULATIONS

Section 7.1 Administrative Officer28

7.2 Certification and Time Periods29

7.3 Pre-Application Meetings and Concept Review29

7.4 Technical Review Committee30

7.5 Administrative Fees.....31

7.6 Violations and Penalties34

ARTICLE 8 - PROCEDURES OF THE PLANNING BOARD

Section 8.1 Composition of the Board35

8.2 Publication and Availability of Regulations35

8.3 Records of the Board.....36

8.4 Meetings and Votes.....36

8.5 Public Hearings ~~and Public Information Meetings~~37

8.6 Required Findings40

8.7 Waiver, Modification, Reinstatement and Extension.....41

8.8 Signing and Recording of Plats and Plans43

8.9 Changes to Recorded Plats and Plans43

8.10 Precedence of Approvals with other Local Permitting Authorities44

8.11 Appeal of Planning Board Action45

~~8.12~~ Appeal of Board of Appeals to Superior Court.....47

~~8.12, 13~~ Unified Development Review

ARTICLE 9 - ADOPTION, AMENDMENT AND APPEAL OF REGULATIONS

Section 9.1 Authority to Adopt49

9.2 Procedure for Adoption and Amendment49

9.3 Public Hearing and Notice Requirements49

9.4 Appeals to Superior Court.....51

9.5 Pending Applications52

9.6 Severability.....53

9.7 Effective Date.....53

	Page
ARTICLE 10 - DEFINITIONS	
Section 10.1 Terms Defined.....	54
APPENDIX A - PRE-APPLICATION CONFERENCE AND CONCEPT REVIEW	
Application and Checklist	62
APPENDIX B - ADMINISTRATIVE SUBDIVISION	
Application and checklist	67
APPENDIX C - MINOR SUBDIVISION	
Application and checklist	71
APPENDIX D - MAJOR SUBDIVISION AND LAND DEVELOPMENT	
Application and Checklist	80
APPENDIX E - DEVELOPMENT PLAN REVIEW	
Application and Checklist	91
APPENDIX F - DESIGN AND CONSTRUCTION STANDARD	
Section F.1 General Provisions - Standards for Review	100
F.2 Public Improvements and Design Standards.....	106
F.3 General Construction Standards.....	125
F.4 Street Construction Standards.....	127
F.5 Surface and Subsurface Storm Drainage Structures and Facilities Construction Standards.....	133
APPENDIX G – METACOM AVENUE OVERLAY ZONE DESIGN GUIDELINES	
Part 1 Context.....	137
2 Site Design / Layout.....	138
3 Architecture	140
4 Lighting	142
5 Landscaping	144
6 Design & Regulation Review Procedure.....	145
 FIGURE I - TYPICAL SECTION	
Local Residential Street	147

ARTICLE 1

PURPOSES AND GENERAL STATEMENTS

1.1 GENERAL PURPOSES

In accordance with the Rhode Island General Law Section 45-23-30, the purpose of these Regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the Comprehensive Community Plan and the Zoning Ordinance, accomplish the following purposes:

- A. Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- B. Promote high quality and appropriate design and construction of subdivisions and land development projects;
- C. 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. Promote subdivision and land development designs which are well-integrated into the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use because of natural characteristics and existing infrastructure;
- E. Encourage design and improvement standards to reflect the intent of the Bristol Comprehensive Plan with regard to the physical character of the various neighborhoods and planning areas of the Town;
- F. Promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- G. Encourage Town requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered;
- H. Guide land development and subdivision review with an emphasis on siting improvements to allow for the maximum protection of critical landscapes and resources, as they relate to Bristol's historic and cultural values;

- I. Continue the Town’s historic policy of providing public access to the water; and,
- J. Encourage the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.
- K. Promote sustainable development practices through the use of design standards that encourage and accommodate alternative transportation, pedestrians connectivity, and energy efficiency.

1.2 CONSISTENCY WITH THE COMPREHENSIVE PLAN, ZONING ORDINANCE AND STATE ENABLING

In the instance of uncertainty in the construction or application of any Section of these regulations, they 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 Bristol Comprehensive Plan and of the Bristol Zoning Ordinance. Furthermore, these regulations shall be construed in a manner that is consistent with the legislative findings, intents, and purposes of Sections 45-23-25 through 45-23-74 of the Land Development and Subdivision Review Enabling Act of 1992, as amended.

ARTICLE 2

**APPLICABILITY OF REGULATIONS
AND CLASSIFICATION OF SUBDIVISIONS AND DEVELOPMENTS**

2.1 APPLICABILITY OF REGULATIONS - SUBDIVISION

These Development Review Regulations ("Regulations") shall apply to any adjustment, alteration or change of any existing lot line, and to the creation of any new lot lines, including, but not limited to, the following:

A. Adjustment of Existing Lot Line

Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision and subject to these Regulations, even if no new lot is created.

B. Division or Subdivision

The division or subdivision, of a lot, tract or parcel of land into two or more lots, tracts, or parcels shall be considered a subdivision and subject to these Regulations.

~~**C. Re-subdivision**~~

~~All re-subdivision activity shall be considered a subdivision and subject to these Regulations.~~

~~**D. C. Financing**~~

The division of land for purposes of financing or mortgaging shall be considered a subdivision and subject to these Regulations.

~~**E. D. Leasing**~~

The division of land for purposes of leasing for a term of more than ten (10) years shall be considered a subdivision and subject to these regulations.

2.2 APPLICABILITY OF REGULATIONS - LAND DEVELOPMENT PROJECT AND DEVELOPMENT PLAN REVIEW

These regulations shall also apply to any Land Development Project ("LDP") or Development Plan Review ("DPR") set forth in the Zoning Ordinance. The term "Development Project" shall hereinafter be used to apply generally to both LDP's and DPR's. Development Projects shall include, but not be limited to, the following:

A. Land Development Projects (LDP)

The development of any Land Development Project (LDP), pursuant to Article VIII of the Bristol Zoning Ordinance shall be subject to these Regulations as a Major or Minor Land Development Review, as appropriate.

B. Development Plan Review (DPR)

Development Plan Review (DPR) shall be required for certain uses identified in Article V of the Bristol Zoning Ordinance, prior to development or expansion of such uses. There are two different DPR procedures. Technical Review Committee DPR shall be for those uses that are permitted as of right (i.e. that are classified with a "Y" in the Use Table of the Zoning Ordinance). Planning Board DPR shall be for those uses that require a variance or special use permit under the Zoning Ordinance. DPR shall be subject to these regulations as follows:

(1) Technical Review Committee DPR

The Development Plan Review of any development permitted by right in the zone in which it is located, and which does not require any waivers, shall be reviewed by the Technical Review Committee (TRC) pursuant to the procedures set forth for such review in Article 3 of these Regulations.

(2) Planning Board DPR

The Development Plan Review of any development requiring either a variance or a special use permit in the zone in which it is located, or requiring a waiver, shall be reviewed by the Planning Board pursuant to the procedures set forth in Article 4 of these Regulations for Minor Land Development Review.

(3) DPR with Subdivision or LDP - One Review

Any subdivision or LDP that is also subject to review under the DPR provisions of Article V of the Zoning Ordinance shall only have one combined review under the procedures for subdivision or LDP review, whichever may apply; ~~provided that the Planning Board shall make an affirmative finding of fact that the subdivision or LDP has met the intent and spirit of the requirements of DPR.~~

2.3 CLASSIFICATION OF SUBDIVISIONS

All subdivisions shall be classified according to criteria set forth below. ~~If any subdivision does not otherwise fit into a classification, it shall be considered a Major Subdivision.~~ The term "subdivision" shall hereinafter be used to apply generally to all three classes of subdivisions.

A. Administrative Subdivision

An Administrative Subdivision shall include only divisions, mergers, mergers and re-division and adjustment of existing lot lines, and only when no additional lots for development are created. A lot for development, as defined in Article 10, shall not include any lot which is to be donated to or acquired by the Town, the Rhode Island Department of Environmental Management, or any recognized conservation organization, provided that such lot shall be conveyed with appropriate access and deed restrictions forbidding any development thereon. In any case where the land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway.

B. Minor Subdivision

A Minor Subdivision shall include only ~~a subdivision creating nine (9) or fewer buildable lots a residential subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in these Regulations.~~ Minor Subdivisions shall be further classified as follows:

(1) Minor Subdivision ~~-- Two to Five Lots On Existing Street~~ Zoning Relief Required

~~This shall include the division of land into not more than five lots, and where street creation or extension is NOT required. This classification of Minor Subdivision would include that which was, prior to September 27, 1995, considered to be a division of land with frontage along an existing street. No public hearing is required for this classification. Applications that require zoning relief that qualifies only as a modification as set forth in the Zoning Ordinance shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the administrative officer as set forth in [INSERT REFERENCE]. If the modification is denied or an objection is received, such application shall proceed under unified development plan review pursuant to [INSERT REFERENCE].~~

Applications that require relief from the Zoning Ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant [INSERT REFERENCE], and a request for review shall accompany the preliminary plan application.

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

(2) Minor Subdivision -- ~~Two to Five Lots With New Street~~ Street Creation or Extension

~~This shall include the division of land into not more than five lots, where street creation or extension is required. A public hearing is required for this classification. Any application involving a street creation or extension shall be reviewed by the planning board and require a public hearing.~~

(3) Minor Subdivision – Other Applications

~~The administrative officer shall review and grant, grant with conditions, or deny all other applications and may grant waivers of design standards as set forth in [INSERT REFERENCE].~~

C. Major Subdivision

~~A Major Subdivision shall include any subdivision- creating ten (10) or more buildable lots. ~~not classified as either an Administrative Subdivision or a Minor Subdivision, including, but not limited to, a subdivision in which more than five lots are resultant, a subdivision requiring a waiver or modification of these regulations, or a subdivision with phasing.~~~~

ARTICLE 3

**APPLICATION PROCEDURES AND REQUIREMENTS,
ADMINISTRATIVE SUBDIVISIONS AND
DEVELOPMENT PLAN REVIEW BY
TECHNICAL REVIEW COMMITTEE**

3.1 ADMINISTRATIVE SUBDIVISIONS

A. Submission Requirements

Any applicant requesting approval of a proposed Administrative Subdivision, as defined in these Regulations, shall submit to the Administrative Officer the items and plans as provided in Appendix B of these Regulations.

Any applicant requesting Development Plan Review approval by the TRC shall submit to the Administrative Officer the items and plans as provided in Appendix E of these Regulations.

B. Required Design and Construction Standards

Any proposed Administrative Subdivision shall meet the design and construction requirements as provided in Appendix F of these Regulations.

C. Certification

The application shall be certified in writing as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission. In the event such certification of the application is not made within the time specified, the application shall be deemed complete for purposes of commencing the review period.

D. Review Process

(1) Administrative Officer

Within fifteen (15) days of certification of completeness, the Administrative Officer shall review the application and approve, deny or refer it to the Planning Board with recommendations. The Administrative Officer shall report all actions to the Planning Board at its next regular meeting, to be made part of the record.

(a) Approval in Writing

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.

(b) No Action

If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be deemed to be referred to the Planning Board and placed on the agenda of the next regular Planning Board meeting.

(c) Denial

Denial of an application by the Administrative Officer shall not be appealable and shall require the plan to be submitted as a Minor Subdivision application.

E. Review By Planning Board

If referred to the Planning Board, either by the Administrative Officer or by default, the Board shall consider the application and the recommendations of the Administrative Officer, if any, and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Denial of an Administrative Subdivision by the Planning Board shall be an appealable action.

F. Failure To Act

Failure of the Planning Board to act within the period prescribed shall constitute approval of the Administrative Subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board or Administrative Officer to act within the required time and the resulting approval shall be issued on request of the applicant.

G. Expiration of Approval

Approval of an Administrative Subdivision shall expire ninety (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 8.8.

3.2 DEVELOPMENT PLAN REVIEW BY TECHNICAL REVIEW COMMITTEE

When Development Plan Review ("DPR"), as set forth in Article V of the Bristol Zoning Ordinance, requires the review to be conducted by the Technical Review Committee ("TRC") [See Section 7.4.], such review shall be conducted pursuant to the procedures and time periods set forth below.

A. Failure to Act

The time periods specified herein are maximum time periods only and are not meant to indicate the time expected to be taken by the average application. These time periods may be extended by mutual consent between either the TRC or the Board and the applicant. However, failure of either the TRC or the Planning Board to act within the periods prescribed herein shall constitute approval of the Development Plan and a certificate of the Administrative Officer as to the failure of the Planning Board or TRC to act within the required time and the resulting approval shall be issued on request of the applicant.

B. Pre-application Meeting Required

Any applicant requiring DPR shall first meet with the Administrative Officer in order to review the procedure and required application materials.

C. Required Submissions and Design Guidelines

Any applicant requesting DPR approval shall submit to the Administrative Officer the items and plans as provided in Appendix E of these Regulations. Any proposed DPR shall meet the design and construction requirements as provided in Appendix F of these Regulations.

D. Certification

The application shall be certified in writing as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission. Failure to provide required materials shall cause an application to be certified incomplete. In the event such certification of the application is not made by the Administrative Officer within the time specified, the application shall be deemed complete for purposes of commencing the review period.

E. Review by TRC

Within forty five (45) days of certification of completeness, the TRC shall review the application and either approve it, deny it, or refer it to the Planning Board with a written finding setting forth special conditions which exist and which require that the Planning Board review the application. If approved or denied, the Administrative Officer shall

report in writing the actions of the TRC to the Planning Board at its next regular meeting, to be made part of the record.

F. Review by Planning Board

If referred to the Planning Board by the TRC, the Board shall consider the application, and shall either approve, approve with conditions, or deny the application within a maximum of ninety (90) days of the date of certification of completeness by the Administrative Officer.

G. Expiration of Approval

Approval of a Development Plan shall expire ninety (90) days from the date of approval unless within such period an application for a building permit or certificate of occupancy is applied for and diligently pursued. Denial of such building permit or certificate of occupancy on grounds unrelated to the DPR shall not effect the validity of the DPR approval, provided that a building permit or certificate of occupancy is eventually issued no later than one hundred and eighty (180) days from the date of DPR approval.

H. Scope of Review

The decision by the TRC shall be binding upon the permitting authority, being that officer responsible to issue the building permit or certificate of occupancy. Such decision shall be in writing and shall comply with all requirements of these Regulations, including those for filing of records and decisions. The permitting authority may not issue a permit contrary to the decision of the TRC, but such decision may be considered an appealable decision, appealable to the Zoning Board of Review, pursuant to the procedures set forth for the review of a decision of the Planning Board.

I. Specific and Objective Guidelines for Review

The guidelines for review are set forth in Appendices E and F of these Regulations.

ARTICLE 4

**APPLICATION PROCEDURES AND REQUIREMENTS,
MINOR SUBDIVISIONS AND DEVELOPMENT PLAN REVIEW
BY PLANNING BOARD**

4.1.1 Minor land development and minor subdivision review.

Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted pursuant to a unified development application, a public hearing is required by the planning board.

4.2. Application types.

1. Applications requesting relief from the zoning ordinance.

i. Applications under this section which require relief which qualifies only as a modification shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development plan review.

ii. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review, and a request for review shall accompany the preliminary plan application.

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

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

- [ADD WHAT TYPES OF WAIVERS THE AO MAY GRANT HERE]

b. Submission requirements. Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the [INSERT CHECKLIST REFERENCE].

- c. Certification. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- d. Decision on preliminary plan. If no street creation or extension or unified development review is required, the administrative officer will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the board. If a street extension or creation is required, and/or the application is reviewed under the unified development plan review, the planning board will hold a public hearing prior to approval according to the requirements in [INSERT FOR PUBLIC HEARING NOTICE] and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board, according to the requirements of [INSERT SECTIONS RELATING TO REQUIRED FINDINGS AND DECISIONS AND VOTES OF PLANNING BOARD; see §§ 45-23-60 and 45-23-63].
- a. Failure to act. Failure of the planning board or administrative officer to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval will be issued on request of the applicant.
- b. Re-assignment to major review. The planning board may re-assign a proposed minor project to major review only when the planning board is unable to make the positive findings required in [INSERT SECTION RELATING TO REQUIRED FINDINGS; see § 45-23-60].
- c. Final plan. Final plans shall be reviewed and approved by either the [CHOOSE: ADMINISTRATIVE OFFICER OR TECHNICAL REVIEW COMMITTEE]. The officer or committee will report its actions, in writing to the [planning board] at its next regular meeting, to be made part of the record. The [CHOOSE: ADMINISTRATIVE OFFICER OR TECHNICAL REVIEW COMMITTEE] shall

approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.

d. Modifications and changes to plans.

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

- [LIST MINOR CHANGES]

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

- [LIST MAJOR CHANGES; INCLUDE "CATCH-ALL" THAT ANYTHING NOT LISTED AS A MINOR CHANGE IS A MAJOR CHANGE]

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

- Appeal. Decisions under this section shall be considered an appealable decision pursuant to [INSERT SECTION].
- Expiration of approvals. Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in [INSERT SECTION]. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the planning board.

4.1 — SUBMISSION REQUIREMENTS

A. ~~Required Items Checklist and Plans~~

~~Any applicant requesting approval of a proposed Minor Subdivision or Minor Land-~~

~~Development Project, as defined in these Regulations, shall submit to the Administrative Officer the items as provided in Appendix C of these Regulations.~~

~~Any applicant requesting Development Plan Review approval by the Planning Board shall submit to the Administrative Officer the items and plans as provided in Appendix E of these Regulations.~~

~~B. Required Design and Construction Standards~~

~~Any proposed Minor Subdivision and Development Review shall meet the design and construction requirements as provided in Appendix E of these Regulations.~~

4.2 — CERTIFICATION

~~The application shall be certified in writing as complete or incomplete by the Administrative Officer within twenty five (25) days from the date of its submission, or within fifteen (15) days if no street creation or extension is required. In the event such certification of the application is not made within the time specified, the application shall be deemed complete for purposes of commencing the review period. 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 fourteen (14) days after its resubmission.~~

4.3 — TECHNICAL REVIEW COMMITTEE

~~The Technical Review Committee ("TRC"), as set forth in Section 7.4, shall review the application, may call upon other Town or State officials for assistance, and shall comment and make recommendations to the planning board.~~

~~A. Approval by TRC~~

~~If the development project or subdivision plan is approved by a majority of the TRC members, the application shall be forwarded to the Planning Board with a recommendation for preliminary plan approval without further review.~~

~~B. Disapproval by TRC~~

~~If the plan is not approved by a majority vote of all of the TRC members, the minor development project or subdivision application shall be referred to the Planning Board, together with the advisory recommendation of the TRC.~~

4.4 — REVIEW PROCESS**~~A. Stages~~**

~~Review shall consist of two stages, preliminary and final, provided, that if a street creation or extension is involved, a public hearing is required. The Planning Board may combine the approval stages, provided that requirements for both stages have been met by the applicant to the satisfaction of the Planning Board.~~

~~(1) Preliminary Plan~~

~~If no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness or within such further time as is agreed to by the applicant and the Board.~~

~~(2) Public Hearing~~

~~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 8.5B, and shall approve, deny, or approve with conditions, the preliminary plan within ninety five (95) days of certification of completeness or within such further time as is agreed to by the applicant and the Board.~~

~~(3) Expiration of Approval — Vesting~~

~~The approved preliminary plan shall be valid and vested for a period of one (1) year and vesting may be extended for a longer period, although not for more than one (1) year at a time, for good cause shown. Any extension shall be requested in writing by the applicant pursuant to Section 8.7. 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.~~

~~(4) Final Plan~~

~~The Final Plan shall meet all of the requirements provided in Appendix C of these Regulations. Final plan review and approval shall be conducted by the Administrative Officer, who shall then report all actions to the Planning Board at its next regular meeting, to be made part of the record. In the event that the Administrative Officer determines that all of the requirements for final plan approval have not been met, then the Administrative Officer shall refer the final plan to the Planning Board for Final Plan Review, with any deficiencies specified in writing.~~

~~B. Re-assignment to Major Subdivision and Development Review~~

~~If the Planning Board is unable to make the positive findings required by Section 8.6, or if the Planning Board determines that a waiver or modification of these Regulations is necessary, it may, in lieu of denial, re-assign a proposed Minor Subdivision and Development Review to Major Subdivision and Development Review.~~

~~C. 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.~~

4.5 — EXPIRATION OF APPROVAL

Approval of a Minor Subdivision and Development Review Plan shall expire ninety (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 this act, is submitted for signature and recording as specified in Section 8.8. Validity may be extended for a longer period, but not for more than one year at a time, for good cause shown, if requested by the applicant in writing, and approved by the Planning Board pursuant to Section 8.7.

ARTICLE 5**APPLICATION PROCEDURES AND REQUIREMENTS,
MAJOR LAND DEVELOPMENT PROJECTS
AND MAJOR SUBDIVISIONS****~~5.1 REVIEW STAGES~~**

~~Major land development and major subdivision plan review shall be required of all applications for major land development and major subdivision approval subject to these Regulations, unless classified as an administrative subdivision or as a minor land development or minor subdivision. Major land development and major subdivision plan review shall consist of four (4) stages of review: (1) pre application, (2) master plan, (3) preliminary plan and (4) final plan. The Planning Board may vote to combine review stages and to modify and/or waive requirements. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant. The Planning Board is required to hold at least one public informational meeting at the master plan stage and one public hearing at the preliminary plan stage, unless these two stages are combined such that the public information meeting and the public hearing may be combined as well into one public hearing.~~

~~5.2 PRE-APPLICATION~~

~~Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall first contact the Administrative Officer and follow the procedure and criteria provided below:~~

~~A. Meetings~~

~~One or more pre-application meetings shall be held with the Department staff for all major land development and major subdivision applications. Pre-application meetings shall allow the applicant to meet with Department staff for advice as to the required steps in the subdivision approval process. Where appropriate, other Town officials, boards and/or commissions, may be notified of the pre-application meetings and invited to provide comments on the proposed major land development or major subdivision plan.~~

~~B. Purpose~~

~~The applicant shall submit all of the information as provided in Appendix A of these Regulations. The Administrative Officer will review and comment on the checklist information and, if determined to be complete, will schedule a meeting with the Technical Review Committee. At the pre-application meeting, the applicant may request the Department and Technical Review Committee for an informal concept plan review for a development. The purpose of the concept plan review is to provide the applicant with staff and Technical Review Committee input in the formative stages of major land development and major subdivision concept design. 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 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.~~

~~C. No Formal Action~~

~~A Pre-application discussion shall be intended for the guidance of the applicant and shall not be considered approval or denial of a project or of any of its elements. No formal action need be taken at the pre-application meeting. At the conclusion of the pre-application meeting(s) the applicant may proceed to prepare and file a master plan as required in Section 5.3.~~

~~5.3 MASTER PLAN~~

~~Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials as provided in Appendix D of these Regulations.~~

~~A. Purpose~~

~~The purpose of master plan review is to provide the applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The master plan describes the basic parameters of a major development proposal, rather than giving full engineering details.~~

~~B. Required Elements~~

~~Requirements for the master plan 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 man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, a general stormwater management strategy including low impact development (LID) site planning and stormwater concept designs, and potential neighborhood impacts, as provided in Appendix D of these Regulations.~~

~~C. Required Design and Construction Standards~~

~~Any proposed major subdivision or major land development shall meet the design and construction requirements as provided in Appendix F of these Regulations.~~

~~D. Comments~~

~~Initial comments shall be solicited from (a) Town Departments and commissions including, but not limited to, the Departments of Public Works, Recreation, Sewer, Fire and Police, Conservation Commission and the Bristol County Water Authority; (b) adjacent communities; (c) state agencies, as appropriate, including the Departments of Environmental Management and Transportation, and the Coastal Resources Management Council; and (d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.~~

~~E. Certification of Master Plan Application~~

~~The application shall be certified in writing complete or incomplete by the Administrative Officer within sixty (60) days of its receipt, or it shall be deemed to be complete at the end of such period. The running of this time period 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 fourteen (14) days after its resubmission.~~

~~F. Review Procedure~~

~~(1) Technical Review Committee – Review and Comment~~

~~The Technical Review Committee shall review the master plan and shall comment and make recommendations to the Planning Board.~~

~~(2) Planning Board – Public Informational Meeting~~

~~The Planning Board shall hold a public informational meeting prior to its decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting may be combined with the public hearing, based on Planning Board determination. In such case, review stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.~~

~~(3) Public Informational Meeting – Purpose~~

~~At the public informational meeting the applicant, or the applicant's representative(s), shall present the proposed development project for the benefit of the Planning Board and the public. 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.~~

~~G. Decision~~

~~The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the master plan application, or within such further time as may be consented to~~

~~by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the application.~~

~~H. 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.~~

~~I. Expiration of Master Plan Approval~~

~~The approved master plan shall be valid for a period of one (1) year, with a one (1) year automatic extension upon written request by the applicant, who must appear before the Board for the annual review. Approval may be extended for a longer period, but for no more than one (1) year at a time, for good cause shown, if requested by the applicant in writing, and approved by the Board in accordance with Section 8.7.~~

~~J. Vesting~~

~~Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.~~

~~5.4 PRELIMINARY PLAN~~

~~Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall first submit to the Administrative Officer an application, including the plans, supporting materials, and all permits required from any state or federal agency, as provided in Appendix D of these Regulations.~~

~~A. Comments~~

~~Final written comments and/or approvals shall be solicited from (a) Town Departments and commissions including, but not limited to, the Departments of Public Works, Recreation, Sewer, Fire and Police, Conservation Commission and the Bristol County Water Authority; (b) adjacent communities; (c) state agencies, as appropriate, including the Departments of Environmental Management and Transportation, and the Coastal Resources Management Council (CRMC); and (d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies. If CRMC approval has not been received, it may be a condition of preliminary approval.~~

~~B. Certification of Preliminary Plan Application~~

~~The application shall be certified in writing complete or incomplete by the Administrative Officer within sixty (60) days of its receipt, or it shall be deemed to be complete at the end of~~

~~such period. The running of this time period 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 fourteen (14) days after its resubmission.~~

~~**C. Technical Review Committee—Review and Comment**~~

~~The Technical Review Committee shall review the preliminary plan and shall comment and make recommendations to the Planning Board.~~

~~**D. Public Hearing and Notice Requirements**~~

~~The Planning Board shall hold a public hearing prior to its decision on the preliminary plan, in accordance with Article 8.~~

~~**E. Public Improvement Guarantees**~~

~~Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the time of preliminary plan approval, in accordance with Article 6.~~

~~**F. Decision**~~

~~The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the preliminary plan application, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the application.~~

~~**G. Failure to Act**~~

~~Failure of the Planning Board to act within the period prescribed shall constitute approval of the preliminary plan. 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. Expiration of Preliminary Approval—Vesting**~~

~~The approved preliminary plan shall be vested for a period of one (1) 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 materials.~~

5.5 FINAL PLAN

~~Any applicant requesting final approval of a proposed major land development and major subdivision, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials as provided in Appendix D of these Regulations, in addition to any material required by the Planning Board when the application was given preliminary approval.~~

A. Certification of Final Plan

~~The application for final plan approval shall be certified in writing complete or incomplete by the Administrative Officer within twenty five (25) days of its receipt, or it shall be deemed to be complete at the end of such period. This time period may be extended to forty five (45) days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the applicant 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 fourteen (14) days after its submission.~~

B. Approval by Administrative Officer or Planning Board

~~If the Administrative Officer determines that the application complies with the conditions and requirements set forth by the Planning Board in its approval of the preliminary plan and by other provisions of these Regulations, the Administrative Officer shall approve the final plan. If the Administrative Officer determines that the application does not meet the requirements, then the Administrative Officer shall refer the final plan to the Planning Board. The Planning Board shall, within forty five (45) days after the issuance of the Certificate of Completeness of the application for final plan approval by the Administrative Officer, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.~~

C. Failure to Act

~~Failure of the Planning Board to act within the forty five (45) day period prescribed shall constitute approval of the final plan. 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.~~

D. Expiration of Final Approval and Recording

~~The final plan of a major subdivision shall expire one (1) year from the date of approval by the Planning Board unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Article 8. The Planning Board may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing.~~

F. 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 forth in Section 8.9, or a new plan is approved by the Planning Board.~~

5.1 g Board-Major land development and major subdivision review.

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

B. The administrative officer may combine review stages and to modify, but only the Planning Board may waive submission requirements as specified in [INSERT SECTION; see § 45-23-62]. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the Planning Board has waived any submission requirements not included by the applicant.

C. Master plan review.**1. Submission requirements.**

- i. The applicant shall first submit to the administrative officer the items required by the checklist for master plans.
- ii. Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the checklist.

iii. Initial comments will be solicited from:

1. Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the conservation and recreation commissions;
2. Adjacent communities;
3. State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and
4. Federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

iv. Applications requesting relief from the zoning ordinance.

1. Applications under this chapter which require relief which qualifies only as a modification as set forth in the Zoning Ordinance shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development plan review pursuant to [INSERT SECTION].
2. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development plan review pursuant to [INSERT SECTION].
2. Certification. The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission, so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
3. Technical review committee. The technical review committee shall review the application prior to the first Planning Board meeting and shall comment and make recommendations to the Planning Board.
4. Public hearing.

 - i. A public hearing shall be held prior to the Planning Board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.
 - ii. Notice for the public hearing is required with notice in accordance with [INSERT SECTION].
 - iii. At the public hearing, the applicant will present the proposed development project. The Planning Board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.
5. Decision. The Planning Board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of §§ 45-23-60 and 45-23-63].

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

7. Vesting.

i. The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the Planning Board. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.

ii. The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.

D. Preliminary plan review.

1. Submission requirements.

i. The applicant shall first submit to the administrative officer the items required by the checklist for preliminary plans [INSERT CHECKLIST NUMBER OR NAME].

ii. Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey, as included on the checklist.

iii. At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the town solicitor, other local government departments, commissions, or authorities as appropriate.

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

v. Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

vi. If the applicant is requesting alteration of any variances and/or special-use permits granted by the Planning Board at the master plan stage of review pursuant to

adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to § 45-23-50.1.

2. Certification. The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
3. Technical review committee. The technical review committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.
4. Public notice. Prior to the first Planning Board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.
5. Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at preliminary plan approval.
6. Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied, in accordance with the requirements of RIGL §§ 45-23-60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.
7. Failure to act. Failure of the Planning Board to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.
8. Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

E. Final plan.

1. Submission requirements.

- i. The applicant shall submit to the administrative officer the items required by the checklist for the final plan, as well as all material required by the planning board when the application was given preliminary approval.
- ii. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- iii. Certification by the tax collector that all property taxes are current.
- iv. For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

2. Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the Planning Board, the final plan shall be considered approved.

3. Decision. The administrative officer, or, if referred to it, the Planning Board, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve or deny the final plan as submitted.

4. Failure to act. Failure of the administrative officer or, if referred to it, the Planning Board, to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure of the to act within the required time and the resulting approval shall be issued on request of the applicant.

5. Expiration of approval. The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the Planning Board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording. Thereafter, the Planning Board may, for good cause shown, extend the period for recording.

6. Acceptance of public improvements. Signature and recording constitute the acceptance by

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

7. Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved, or a new plan is approved by the Planning Board.

F. Modifications and changes to plans.

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

- [LIST MINOR CHANGES]

2. Major changes to the plans approved at any stage may be approved only by the Planning Board and must include a public hearing. Major changes include the following:

- [LIST MAJOR CHANGES; INCLUDE "CATCH-ALL" THAT ANYTHING NOT LISTED AS A MINOR CHANGE IS A MAJOR CHANGE]

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

G. Appeal. Decisions under this section shall be considered an appealable decision pursuant to [INSERT SECTION].

ARTICLE 6

POWERS OF THE PLANNING BOARD

6.1 DEDICATION OF LAND FOR PUBLIC PURPOSES

Where land within a proposed subdivision or development project is deemed to be of unique natural character or is identified in the Bristol Comprehensive Community Plan, or where the proposed subdivision or development project is of sufficient size so as to warrant consideration of the provision of open space to serve residents of the subdivision or development project, the Board may require the dedication of a portion of the land area of the subdivision or development project, or other public improvements, for such purposes. The Board shall make such determination prior to granting preliminary approval, or prior to granting final approval where no preliminary approval is required. The intended use of the land so dedicated shall be so stamped on the final plat plan.

A. Requirements

Prior to the Board requiring the dedication of such land, the following requirements shall be met and set forth as findings by the Board in its approval.

(1) Character

All required public improvements must reflect the character defined for that neighborhood or district by the Comprehensive Plan.

(2) Need

The need for all dedications of land to the public or for payments-in-lieu of such dedications must be clearly documented in the adopted plans of the Town, such as the Comprehensive Plan, Zoning Ordinance or the Capital Budget.

(3) Documentation

No dedications of land to the public or payments-in-lieu of dedications may be required until the need for such are identified and documented by the Board, the land proposed for dedication is determined through specific findings to be appropriate for the proposed use.

6.2 FEES IN LIEU OF DEDICATION OF LAND FOR PUBLIC PURPOSES

A. Applicability and Determination

This section shall only be applicable to fees in lieu of dedication of land for public purposes, as set forth in Section 6.1 above. This section shall not apply to any fees in lieu of required off-site improvements or in lieu of mitigation of negative impacts, which fees shall be determined by the

estimated costs of such improvements or mitigation activities. It shall be the sole decision of the Board as to whether a fee in lieu of dedication of land for public purposes would be beneficial to the goals of the Town, as documented pursuant to Section 6.1.

B. Formula

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 following formula:

Fee in-lieu of dedication	= Fair Market Value of Land Per Acre (1)	X Land Need (2)	X Maximum Final Number of Dwelling Units (3)	X Persons per Dwelling Unit (4)
---------------------------	--	-----------------	--	---------------------------------

(1) Fair market value of land in the parcel being subdivided at the time of application for final approval which is suitable for use as development, open space, conservation, or park and recreation facilities; but, not including surface water areas. See subsection 6.2.C below.

(2) Land need shall mean the Town's actual need for open space and recreation land as stated in the adopted Comprehensive Plan. This shall be expressed in acres per 1,000 of population based on the Comprehensive Plan. The 1990 Town-wide need is 3.4 acres per 1,000.

(3) Maximum final number of dwelling units in all phases of the development project or subdivision.

(4) The figure of 2.66 persons per household from the 1990 Census shall be used unless the applicant can demonstrate, to the approval of the Planning Board, that the projected number of persons in the development project or subdivision will be less.

Example for illustrative purposes only:

$$\frac{\$150,000}{\text{acre}} \times \frac{3.4 \text{ acres}}{1,000 \text{ pop.}} \times \frac{10 \text{ units}}{\text{dev.}} \times \frac{2.66 \text{ persons}}{\text{dwelling unit}} = \$13,566$$

C. Fair Market Value

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

(1) As determined by the Bristol Tax Assessor from recorded sales within the last twenty-four months;

- (2) If the applicant objects to such amount of evaluation as determined in A above, the Planning Board shall obtain an appraisal of the fair market value by an independent appraiser licensed by the State of Rhode Island. The cost of the appraisal shall be assessed to the applicant with the fee being paid prior to final approval of the plat; or
- (3) The Planning Board and applicant may agree as to the fair market value.

6.3 MITIGATION OF NEGATIVE IMPACTS

The Board shall have the power to require dedications of land, the construction of improvements, including off-site improvements, or other activities (collectively referred to as "mitigating activity"); in order to mitigate negative impacts of a subdivision or development project. The Board shall also have the power to require a fee in lieu of such mitigating activity. The fee shall be determined by the estimated costs of such mitigating activity. All such mitigating activity, or payments-in-lieu thereof, shall be for mitigation of identified negative impacts of proposed projects and must meet the requirements set forth in Section 6.1 above. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. Any mitigating activity, or fee in lieu thereof, required as a condition of approval must be related in kind and degree to the identified impact.

6.4 RESTRICTED ACCOUNTS

All payment-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required.

6.5 PERFORMANCE AND MAINTENANCE GUARANTEES

For any subdivision or development requiring public improvements, the applicant shall have the option of completing all such improvements (including inspection thereof) prior to final plan approval. If all required public improvements are not completed prior to Final Plan Approval, then the Board shall require performance guarantees as set forth herein. The Board may also require maintenance guarantees to be provided for a one (1) year period subsequent to completion, inspection and acceptance of the improvement(s), unless there are extenuating circumstances that require a longer period, such as seasonal delay in planting or paving. The Board may require maintenance guarantees for drainage systems to be held for a period of five (5) years to insure that the system is operating as designed. The Board may also require the applicant to calculate the annual maintenance costs for drainage systems and to pay said costs for a period of up to 15 years to the Town to compensate for annual maintenance of the system by the Town or its contractor. The procedures for setting, maintaining and releasing such guarantees shall be as follows:

A. Security

As a condition precedent to the endorsement of approval of the final plan, the applicant shall file a certified check, bank book, or certificate of deposit, in the sole name of the Town, in an amount determined by the Board. This amount shall be based on the retail cost of all improvements to be constructed or maintained. The Board may fix the guarantee in a reasonable amount, not to exceed 20%, in excess of the estimated costs to anticipate for economic or construction conditions. In the case of subdivision or developments which are being approved and constructed in phases, the Board shall specify improvement guarantee requirements related to each particular phase, including additional amounts to account for inflation over the time required for all phases to be completed and/or maintained. All funds shall be verified by the Board before being accepted. The release of said funds shall be conditioned on the faithful completion of all required improvements, or the successful maintenance of any improvements subject to maintenance guarantees, within the time period set forth in the decision of the Board, and the payment of all invoices issued by the Board to cover the cost of the subdivision or development project inspections.

B. Inspection and Report

During construction and upon completion of the required improvements, the applicant shall notify the Administrative Officer who shall direct a Planning Board Engineer to conduct a detailed inspection of the completed work. Upon determining that the improvements have been completed in a satisfactory manner, the Administrative Officer shall prepare a final written report and shall transmit said report to the Board, which shall initiate appropriate action to release the guarantee.

C. Extension of Time

If, due to circumstances beyond the control of the applicant, the required improvements are not completed within the prescribed time period, the Board may grant a time extension of no more than one year at a time. During such extension, the guarantees shall remain in full force. The Board may require the extension of guarantees for a period of up to one (1) year after completion of improvements to assure the proper performance of the improvements under all conditions of weather and use.

D. Default.

The Planning Board shall hold the applicant in default of a guarantee should one or more of the following occur:

- (1) Failure to meet all specifications for construction of required improvements to the land;
- (2) Failure to properly notify the Administrative Officer of the beginning and completion of all phases of construction of required improvements to the land;

- (3) Failure to protect existing improvements and/or properly repair such improvements should damage occur during construction of the subdivision or development project;
- (4) Failure to clean debris from the site and adjacent areas upon completion of construction within the subdivision or development project; or
- (5) Failure to complete required improvements to the land within the time prescribed or within any extension granted by the Board.

E. Authority of Board to Take Action

Upon notification of default by the Administrative Officer, the Board shall notify the applicant and order the applicant to show cause why the Board should not take action against the guarantee. If the Board in its sole discretion determines that the default has not been cured within the time set by the Board, then the Board shall withdraw or cash in that portion of the security necessary to correct the deficiencies for which the applicant is deemed to be in default, and the Board shall cause the required improvements to be completed in a satisfactory manner. In the event of a default posing an immediate danger to health, safety or welfare of the Town or its residents, the Administrative Officer shall act immediately to remove or abate such danger, and the Board may seek reimbursement through the guarantee.

F. Partial Release of Performance Guarantee

When an applicant, who has posted a performance guarantee in the amount of all of the required improvements, has completed all improvements except 1) the surface course of pavement; 2) landscaping; 3) lighting; 4) as-built record plan; and, 5) if applicable septic systems; then, the applicant may request a 50% release in the performance guarantee. Said release will only be considered if the following conditions are met: A) all improvements that have been completed have been inspected by and approved by the Planning Board Engineer; B) all invoices of the Planning Board for the project are reimbursed by the applicant; and, C) the remainder of the improvements must be completed with 12 months from the date that the Board approves the release of the 50%. For phased projects, no release shall be considered for any phase until all public improvements are completed for all phases or until the application has completed all but the above list of improvements for all phases. A maintenance guarantee in accordance with this section shall also apply.

6.6 IMPACT STATEMENTS

In certain instances, an impact statement shall be required, at the expense of the applicant. Where an impact statement is required, the applicant may choose the person or company to prepare such statement subject to the prior approval of the Board. Where the Board is given discretion to require an impact statement, it shall only be done pursuant to a vote of the Board with findings setting forth the need for such statement. Such impact statements shall include, but are not limited to, the following:

A. Environmental

In accordance with R.I.G.L. 45-23-60(3), in order to make a positive finding that there will be no significant negative environmental impacts, the Planning Board may require that an environmental impact statement be prepared by the applicant of any subdivision or development project. Any application for a Major or Minor residential subdivision, a nonresidential subdivision, or a Major Land Development 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 Impact Study (EIS) 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 Bristol planning board, the Bristol 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.
- (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 EIS required under this section shall be prepared by a qualified professional(s) and 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; and
- (n) coastal resources and features.

(4) If an EIS is required, the applicant shall be so informed at the preliminary stage for a minor subdivision, or the master plan stage for a major subdivision or major land development and shall be advised as to the specific issues that the EIS must address.

(5) For any subdivision or land development project for which an EIS 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 EIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural environment.

(6) All Environmental 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) The planning board may waive the requirement for an EIS if the development plans include LID Site Design strategies and innovative stormwater management techniques including total site impervious cover be 10 percent or less and total site disturbance of 20 percent or less.

(8) If in the opinion of the planning board, impacts identified in the EIS cannot be adequately mitigated so as to achieve compliance with each of the requirements specified in section 8.6, the planning board shall have the authority to deny approval of the proposed development design.

B. Fiscal

In accordance with R.I.G.L. 45-23-60(1), a fiscal impact statement, detailing the estimated cost of providing services to the proposed development and the estimated revenue to be derived from taxes and other fees, shall be required of all major land development projects and of all major subdivisions of twenty (20) lots or more. A fiscal impact statement may be required of any DPR applicant, in accordance with the parameters set forth herein.

6.7 APPROVAL AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Approval of a plat by the Planning Board shall be deemed the acceptance by the public of any street or other open space offered therein for dedication. Notwithstanding the acceptance of any land, street, or facility offered for dedication, such acceptance shall not impose any duty or responsibility upon the Town of Bristol to maintain or improve any dedicated streets, areas, or facilities until the Town Council shall have specifically authorized maintenance or improvement under procedures established by State Law or Town Ordinance governing public expenditures for such purposes. The above shall be stated on

all approved final plat plans. For any plat containing a public street or public open space, as part of the final approval process (where the public improvements have already been completed) or as part of the release of the final performance and/or maintenance guarantee, the Planning Board shall recommend in writing to the Town Council to accept the street or open space for maintenance.

6.8 WAIVERS AND MODIFICATIONS

Pursuant to the procedures set forth in Article 8 of these Regulations, the Board shall have the power to grant such waivers and/or modifications from the requirements for subdivision or development project approval as may be reasonable and within the general purposes and intents of the provisions for these Regulations. Neither the Administrative Officer nor the TRC may grant waivers, and a public hearing or public information meeting (See sections 8.5 and 8.7) shall be required before any waiver may be granted. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of these 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 Comprehensive Plan and Zoning Ordinance.

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT OF REGULATIONS

7.1 ADMINISTRATIVE OFFICER

Local administration of these Regulations shall be under the direction of the Administrative Officer, who shall oversee and coordinate the review, approval, recording and enforcement provisions of these Regulations, and who shall be under the supervision of the Board.

A. Appointment and Qualifications

The Director of Community Development of the Town, or his/her designee shall be the Administrative Officer under these Regulations, and shall have the following minimum qualifications: (a) a master's degree in planning and at least two years experience working in land use planning; or (b) a bachelor's degree in planning and at least five years experience working in land use planning. The Administrative Officer shall be required to attend any training for administrative officers provided by or sponsored by the Rhode Island Department of Administration, Division of Planning, or as otherwise directed by the Planning Board.

B. Technical Review Committee Chairman

The Administrative Officer shall serve as the Chairman of the Technical Review Committee.

C. Coordination of Reviews

The Administrative Officer shall be responsible for coordinating reviews of proposed subdivision or development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws and as directed by the Board.

D. Enforcement

Enforcement of these Regulations shall be under the direction of the Administrative Officer who shall report to the Board. The Administrative Officer shall be responsible for coordinating the enforcement efforts of the Zoning Enforcement Officer, the Building Inspector, the Planning Board Engineers, the Director of the Department of Public Works, and other local officials responsible for the enforcement or carrying out of discrete elements of these Regulations.

7.2 CERTIFICATION AND TIME PERIODS

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 subdivision or 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 in writing by the Administrative Officer. In the event such certification of the application is not made within the time specified in this chapter 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 the local regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

C. Correction of Information

Notwithstanding Subsection B above, the Board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

D. Postponement

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 Board determines that the required application information is complete. All such postponements, including the consent of the applicant, shall be documented in writing.

7.3 PRE-APPLICATION MEETINGS AND CONCEPT REVIEW

One or more pre-application meetings shall be held for all major subdivision or major LDP applications. Upon request of either the Town or the applicant, a pre-application meeting shall be held for any other application, including one for DPR.

A. Purpose

Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed subdivision or development project.

B. Informal Concept Plan Review

At the pre-application stage the applicant may also request the Board or the Technical Review Committee for an informal concept plan review for a subdivision or development project. The purpose of the concept plan review is also to provide Board and/or Committee input in the formative stages of subdivision or development project concept design.

C. Advance Materials Submission

Applicants seeking a pre-application meeting or an informal concept review shall submit general, conceptual materials in advance of the meeting(s) as requested by municipal officials. In order to encourage pre-application meetings and informal concept reviews, no application fee shall be charged.

D. Non-Binding

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

E. Subsequent Filing of Application

Provided that at least one (1) preapplication meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the preapplication submission and no preapplication meeting has been scheduled to occur with said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Section 7.2.

7.4 TECHNICAL REVIEW COMMITTEE**A. Composition**

The Planning Board shall establish and oversee a Technical Review Committee (TRC), which shall be composed of the following permanent members: the Administrative Officer, the Zoning Enforcement Officer, and the Public Works Director or his/her designee. It shall also consist of the following rotating members: Planning Board Engineer who is assigned to the subdivision or development project, and the Planning Board Member who is assigned by the Chairman as the Duty Member for the subdivision or development project. When the project is within the jurisdiction of the Zoning Board or the Historic District Commission, the TRC shall include the Chairman of the Zoning Board and/or the Chairman of the Historic District Commission or their designee.

The composition of the TRC for Major Land Development Projects and Development Plan Review projects shall include an architect and a landscape architect, registered in the State of Rhode Island to assist the TRC in evaluating specific complex or contextually sensitive

submissions. If the Planning Board or TRC as the case may be, finds that the existing conditions and proposed changes will not be such that a more detailed level of review are needed, the architect and/or landscape architect may not be required. The Planning Board Engineer, architect and/or landscape architect shall be selected by the Town as a consultant with the fee for same paid for by the applicant per Section 7.5C.

B. Duty Member of Planning Board

The Chairman of the Planning Board shall assign one Regular Member of the Board to each subdivision or development project. Such member shall be designated as the Duty Member for that particular subdivision or development project. The Chairman shall have the authority to assign or reassign the Duty Member for good cause.

C. Assistance to TRC

The TRC shall have the authority to seek assistance from all officials and departments of the Town and from state and federal agencies.

D. Reports, Findings and Recommendations of the TRC

Reports of the TRC to the Board shall be in writing and kept as part of the permanent documentation on the development application. In no case shall the recommendation of the TRC be binding on the Board in its activities or decisions. All reports of the TRC shall be made available to the applicant prior to the meeting of the Board at which the reports are first considered.

7.5 ADMINISTRATIVE FEES

A. Application Fees

The applicant shall be required to pay a fee at the time of application for each stage of review (i.e. Master Plan, Preliminary and Final), for all subdivisions and development projects. Such fees shall be reviewed annually by the Board and revised as appropriate. The fees are as follows:

- | | |
|---|---------------|
| (1) Pre-application Meeting (any subdivision or development project): | \$0 |
| (2) Administrative Subdivision: | \$100 |
| (3) Minor Subdivision without street: | \$100 per lot |
| (4) Minor Subdivision with street: | \$200 per lot |
| (5) Major Subdivision: | \$250 per lot |
| (6) Development Plan Review (DPR) by TRC: | \$500 |

Commented [AG1]: May wish to include UDR in this list

(7) Special Meeting of the Board without Public Hearing:	\$500
(8) Special Meeting of the Board with Public Hearing:	\$750
(9) Extension of Time:	\$300
(10) Reinstatement of Application:	\$750
(11) Any Land Development Project (LDP), or Development Plan Review (DPR) by the Planning Board:	<u>The sum of:</u>
Residential:	\$250 per lot or per unit
Nonresidential:	\$0.20 per square foot of GFA, not to exceed \$500.

B. Engineering Fees

The applicant will also be required to reimburse the Planning Board for the cost of review and inspection by the Planning Board Engineer based on the proposal and invoice from the contracted engineer. Review fees shall be paid by the applicant prior to each stage of review in order for the application to be certified complete. Should actual inspection fees exceed the amount collected, the applicant shall reimburse the Town prior to the issuance of a final approval or certificate of occupancy. The Administrative Officer shall provide notice to the applicant as to the need for additional fees should they be insufficient.

Preapplication Conference:

No engineering review fee.
Should applicant agree that engineering review is desirable, reimbursement of contracted engineer invoice will be required.

Subdivision/Land Development:

Review Fee: Based upon proposal received from Planning Board Engineer.

Inspection Fee payable when improvements begin (either at the Preliminary or the Final review stage):

- 3% of the cost of public improvements up to \$149,999;
- 2.50% of the cost of public improvements between \$150,000 to \$299,999;
- 2.25% of the cost of public improvements \$300,000 and above.

Development Plan Review:

Review Fee: Based upon proposal received from Planning Board Engineer.

Inspection Fee (Payable at the Preliminary review stage):

3% of the cost of public improvements up to \$149,999;

2.50% of the cost of public improvements between \$150,000 to \$299,999;

2.25% of the cost of public improvements \$300,000 and above.

C. Other Fees

As set forth herein, the Board shall have the power to require various information and studies from an applicant, provided that the proper findings of fact have been made. Such items include, but are not limited to: an environmental impact study, a market analysis, a traffic study, a soils analysis or a drainage study. Any such item shall be paid for by the applicant.

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 on behalf of the Board 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, 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 and application, review of information submitted by an applicant, design review of applications to determine consistency with the town's design standards (Metacom Avenue) and objectives including those referenced in the 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 inspection a project during construction or implementation, or such other similar technical assistance as the planning board may require. The review fee shall be paid prior to commencement of the review based upon a cost proposal prepared by the selected consultant.

7.6 VIOLATIONS AND PENALTIES

A. Violations

The failure to comply with these Regulations or any of the terms or conditions of an approval (whether Master Plan, Preliminary or Final) issued by the Board, shall be a violation of these Regulations. The violation of any terms or conditions of any action imposed by the Board or of any other agency or officer charged in these Regulations with enforcement of any of the provisions shall also be a violation of these Regulations. Violation of the regulations shall also include any action related to the transfer or sale of land in unapproved subdivision or development projects. 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 or development project before the plat has been approved by the Board and recorded in the municipal land evidence records, shall be in violation of the local regulations and subject to the penalties described below.

B. Penalties - Fine

The Administrative Officer, in consultation with the Town Solicitor, shall be empowered to levy a fine for any violation as defined herein. The Administrative Officer shall ordinarily issue a notice of violation and order the violator to correct the violation within a reasonable time, with such time to be indicated on the notice. However, in cases of willful violation or danger to public health, safety or welfare, the Administrative Officer may levy a fine immediately. For any violation, the Administrative Officer may request the opinion of the Board as to the proper penalty. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed five hundred dollars (\$500) for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the Town. The Administrative Officer shall report any fines levied to the Board at its next meeting and shall file a copy of such report in the record of any subdivision or development project so fined. Any fine may be appealed to the appropriate division of the Rhode Island District Court.

C. Penalties - Injunction

The Town, through its Town Solicitor, may also cause suit to be brought in the Supreme Court or Superior Court, in the name of the Town, 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 or other local ordinance in the Superior Court for Providence and Bristol Counties.

ARTICLE 8

PROCEDURES OF THE PLANNING BOARD

8.1 COMPOSITION OF BOARD

A. Appointment and Removal

The Board shall consist of five (5) members and two (2) alternate members, appointed by the Town Council, with the qualification and for the terms as set forth in the Bristol Home Rule Charter. Any member of the Board may be removed from office by the Town Council for due cause, following a public hearing, pursuant to R.I.G.L. 45-22-3, as amended. Due cause shall include, but not be limited to, failure to attend three (3) consecutive meetings of the Board.

B. Organization

The Board shall organize annually by electing from its membership a chairman, a vice chairman, and a secretary. The Board may adopt any procedural rules deemed necessary to the discharge of its duties.

C. Cooperative Agreements and Technical Assistance

The Board may, subject to the limit of funds appropriated to it, enter into cooperative agreements with any other city or town, state, regional, or federal agencies or private organizations to undertake studies deemed to be in the best interest of the Town, including cooperative agreements with cities or towns in neighboring states where problems of common interest are deemed to exist. The Board may accept or engage technical or clerical assistance, including the hiring of one or more Planning Board Engineers or assistance from other public agencies or private organizations, subject to the limit of funds appropriated to it.

8.2 PUBLICATION AND AVAILABILITY OF REGULATIONS

Printed copies of these Regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies. Upon publication of these 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.

8.3 RECORDS OF THE BOARD

A. Public Availability

All records of the Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications and related materials shall also be available for public review. Copies of any document or plan may be purchased for a fee not to exceed the actual cost including research time, pursuant to Chapter 2 of Title 38 of the General Laws of Rhode Island. No commercial use may be made of such records. (See R.I.G.L. 38-2-6.)

B. Contents

All final written comments to the Board from the administrative officer, municipal departments, the technical review committee, state and federal agencies, and local commissions shall also be part of the permanent record of the development application.

8.4 MEETINGS AND VOTES

A. Qualified Immunity

Participation in a 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.

B. Quorum and Votes

A quorum of the Board shall be at least four (4) members, at least three (3) of whom shall be regular members. All votes of the Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Board to approve any development project or subdivision application shall require the affirmative vote of at least three (3) members, regular or alternate, of the Board, this being a majority of the current Board membership. Provided however, that when one or more regular members have recused themselves in writing due to a conflict of interest, a quorum may consist of two (2) regular members and two (2) alternate members, and any vote by such quorum to approve an application shall require four (4) votes in the affirmative. A denial of an application shall always require a separate vote with appropriate findings.

C. Decisions

All written decisions of the Board shall be recorded in the land evidence records within thirty-five (35) days after the Board votes. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides a confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the Administrative Officer.

D. Alternate Members

As set forth in Section 8.1, the Board shall include two alternate members. They shall be designated as the first (1st) and second (2nd) alternate members. These alternate members shall sit and shall actively participate in hearings. The first (1st) alternate shall vote if a member of the Board is unable to serve at a hearing and the second (2nd) shall vote if two (2) members of the Board are unable to serve at a hearing. In the absence of the first (1st) alternate member, the second (2nd) alternate member shall serve in the position of the first (1st) alternate.

E. Regular and Special Meetings

The Board shall hold a regular meeting at least once each month, except for the month of August. The Board may hold special meetings at the direction of the chairman. If such meeting is held at the specific request of an applicant, such applicant shall pay a fee as set forth in Article 7 to cover the expense of noticing and holding such meeting. However, such fee shall be refunded if the quorum requirement for the Board is not met.

F. Conflict of Interest

As soon as any conflict of interest for a member occurs or is revealed, that member shall immediately recuse himself or herself, and shall not sit as an active member and shall take no part in the conduct of the meeting or hearing on such matter. The member shall notify the chairman in writing (or notify the vice chairman if the conflict is for the chairman), and the member shall also notify the Rhode Island Ethics Commission in writing as required by law.

8.5 PUBLIC HEARINGS ~~AND PUBLIC INFORMATION MEETINGS~~

~~A. Public Information Meeting~~

~~For a major subdivision or development project, a public informational meeting shall be held prior to the 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 (i.e. may be combined with the public hearing), based upon Board determination.~~

~~(1) Purpose~~

~~The purpose of an informational meeting is both to inform the neighboring property owners and other interested parties as to the nature of the proposed subdivision or development project, and to inform the Board of issues of concern to such parties of which the Board may not be aware.~~

~~(2) Part of the Record~~

~~At the public informational meeting, the applicant shall present the proposed development project. The 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.~~

~~(3) Notice: How Provided~~

~~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. Postcard notice shall then be mailed by the Town to the applicant and to those in the notice area as set forth in Section 8.5.C below, not less than ten (10) days prior to the date of the meeting. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application (Refer to State Law 2007—H5483).~~

~~In addition to the above public notice, for a major land development project, the applicant shall also provide on-site sign(s) notifying the public of the scheduled public informational meeting and the public hearing before the Planning Board. This sign(s) shall be considered a supplemental notice and shall be of a weather-resistant design, measuring a minimum 20" x 30" 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. Such sign shall contain a basic project description and notice of meeting or hearing and shall be maintained on site by the applicant until the public meeting or hearing is closed. The Administrative Office shall determine if additional notification signs are required in order to provide sufficient public notice, up to a maximum of 2 signs. Signage specifications and content shall be provide to the applicant by the Administrative Officer. Signs shall be installed not later than 7 days prior to the date of the hearing.~~

B.A. Public Hearing

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

(1) Purpose

The purpose of a public hearing is to provide the applicant with an opportunity to present the application to the public, and to provide the public with an opportunity to inform the Board of concerns relating only to the proposed subdivision or development project.

(2) Part of the Record

At the public hearing the applicant shall present the proposed development project. The 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.

(3) Notice: How Provided

Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of ~~local~~ general-circulation within the Town following the municipality's usual and customary practices for this kind of advertising. The same notice shall be posted in the town clerk's office and one other municipal building and the municipality must make the notice accessible on its municipal home page of its website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area as set forth in Section 8.5.C below, by ~~certified mail, return receipt requested~~ first class mail, not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application ~~(Refer to State Law 2007—H5483)~~ at least fourteen (14) days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~C.B.~~ Notice Requirements For ~~Public Information Meeting and Public Hearing~~

(1) Content of Notice

The notice shall provide the time and place of hearing or meeting, and shall include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile. The notice shall also provide a brief description of the extent of the subdivision or development project, and if any waiver or modification is required, shall describe the waiver or modification.

(2) Applicant's Submissions

The applicant shall supply the Board with a radius map, drawn to scale and signed by the drawer, showing the entire subject property and all property within the required notice area, together with mailing labels for all parties requiring notice. If a public hearing is held, the applicant shall also supply the Board with certified mail forms and return receipts (directed to the Board), for all parties requiring notice. The actual notice shall be sent by the Board.

(3) Notice Area

Notice shall be sent ~~by certified mail, return receipt requested,~~ by the Town to the applicant and to:

- (a) all owners of real property whose property is located within two hundred (200) feet of the perimeter of the subject property, if all of the subject property is located in the D, W, LB, or R-6 Zones, or
- (b) all owners of real property whose property is located within three hundred (300) feet of the perimeter of the subject property, if any part of the subject property is located in any zone other than the zones set forth in Subsection "a"

above.

(c) the Town of Warren Planning Board and the Touisset Point Water Trust, referring to the wells of the Touisset Point Water Trust, if the subject property is

located within two thousand feet (2,000') of such wells. Such notice must be sent at least two (2) weeks prior to the hearing or meeting.

(d) the administrative officer of an adjacent town if (1) the notice area extends into the adjacent town, or (2) the development site extends into the adjacent town, or (3) if the Administrative Officer determines that there is a potential for significant negative impact on the adjacent town.

(e) the Kickemuit River Council when subject property is located within the watershed of the Kickemuit River.

(4) Notice cost

The cost of all such notice, including any additional fees for special meetings, shall be borne by the applicant.

8.6 REQUIRED FINDINGS

For all subdivision or development project applications, the approving authority, whether Administrative Officer or Board, shall address each of the general purposes stated in Article 1 of these Regulations and R.I.G.L. Section 45-23-30, and shall make positive findings on each of the following provisions as they apply to the application under review, as part of the proposed project's record prior to approval. Where all findings are positive, approval may not be withheld by the Board. The requirement to address the purposes of these Regulations and make written findings on each of the following provisions shall also apply in the case of a vote to deny an application.

A. Consistency

The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

B. Compliance with Zoning Ordinance

The proposed development is in compliance with the standards and provisions of the Town's zoning ordinance;

C. Environmental Impact

There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

D. Buildable Lot

The subdivision or development project, 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 the approved, recorded plans; and

E. Street Access

All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

8.7 WAIVER, MODIFICATION, REINSTATEMENT AND EXTENSION

A. Waiver and/or Modification of Requirements

The Board shall have the power to grant such waivers and/or modifications from the requirements for development project and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) 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. Waiver of Development Plan Approval (DPR)

The Board may waive requirements for DPR approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Board finding that the use will not significantly 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. The application for a waiver of DPR shall include documentation, as required by the Board, on prior use of the site, the proposed use, and its impact.

C. Required Procedure for any Waiver or Modification

The Board may approve, approve with conditions, or deny the request for either a waiver or modification. No waiver or modification may be granted without first being heard as part of either a public information meeting or public hearing as set forth in Section 8.5. The notice for such public information meeting or public hearing shall include a description of the proposed waiver or modification.

D. Reinstatement

When the deadlines set in these Regulations or in conditions of approval are exceeded, the subdivision or development approval is deemed to have expired and shall be rendered invalid. The approval may be reinstated by the Board, upon written application, under the following conditions:

(1) Good Cause - Burden on Applicant

The Applicant shall have no guarantee of reinstatement and shall bear the burden of proof to show that said applicant has proceeded with due diligence and that:

- (a) The subdivision or development is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this subdivision or development.
- (b) These Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this subdivision or development.
- (c) The Zoning Map designation for the subdivision or development has not changed substantially since the time of original application.
- (d) No substantial change to the physical conditions of the subdivision or development or the neighboring property has occurred since the time of original application.

(2) Procedure and Stage of Review

The request for reinstatement shall be in writing, and the Board shall make written findings of fact in approving or denying such request. If reinstated, the applicant shall proceed from the stage previous to where expiration occurred. For example, if preliminary approval had been granted and then expired, then the applicant shall reapply for preliminary approval. If, and only if, reinstatement is granted for a stage of approval, then all previous stages of approval shall automatically be reinstated.

(3) Vesting

There shall be no vesting for any subdivision or development the deadline for which has expired, unless reinstatement is granted, in which case the date of reinstatement shall toll the beginning of any vesting time period.

E. Extension

Prior to expiration of any deadline set forth in these Regulations or in any approval of the Board, an applicant may request an extension thereof in writing. The applicant shall demonstrate to the Board that the factors set forth in subsections D.(1)(a) through D.(1)(d) above have been met. No extension shall be granted for a period of more than one (1) year.

8.8 SIGNING AND RECORDING OF PLATS AND PLANS

A. Signing

All approved final plans and plats for development project and subdivision projects shall be signed by the appropriate Board official with the date of approval. Plans and plats for major development projects and subdivisions shall be signed by the Board chairperson or the secretary of the Board attesting to the approval by the Board. All minor land development or subdivision plans and plats, administrative subdivision plans or plats, or DPR plans, shall be signed by the Board chairperson or secretary or the Board's designated agent.

B. Recording

Upon signature, all plans and plats shall be submitted to the administrative officer prior to recording and filing in the appropriate municipal departments. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the Town, permits and agreements with state and federal reviewing agencies, and other information as required by the Board.

C. Permanent Records

Other parts of the applications record for subdivisions and 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 municipal departments responsible for implementation and enforcement.

D. Emergency Services Notification

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.

8.9 CHANGES TO RECORDED PLATS AND PLANS

A. Amendment Required For All Changes

For all changes to the approved plans of development or subdivision, an amendment of the final plan is required prior to the issuance of any building permit. 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 8.8.

B. Minor Changes

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

C. Major Changes

Major changes, which are hereby defined as any changes other than minor changes as defined in subsection "D" below, to a subdivision or development project plan may be approved only by the Board and must follow the same review and public hearing process required for preliminary approval of the type (minor subdivision or LDP, major subdivision or LDP, DPR by the Technical Review Committee, or DPR by the Board) of the subdivision or development project which is proposed to be changed.

D. Definition of Minor Changes

A minor changes is hereby defined as any change that does not substantially impact the proposed subdivision or development project or any of the neighboring properties and that meets all of the following criteria:

- (1) There is no increase the number of lots or dwelling units.
- (2) There is no change to any dimension of the plan, including building envelopes, exceeding twenty five percent (25%).
- (3) There is no change to the type of street or driveway.
- (4) There is no change required to any public infrastructure.

8.10 PRECEDENCE OF APPROVALS WITH OTHER LOCAL PERMITTING AUTHORITIES

A. Zoning Board

(1) Variance

Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, and the application is not undergoing unified development review. 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) Special Use Permit

Where an applicant requires both a special-use permit under the local zoning ordinance and Planning Board approval, and the application is not undergoing unified development review, 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).

8.11 ~~APPEAL OF PLANNING BOARD ACTION~~ APPEAL FROM DECISION OF ADMINISTRATIVE OFFICER

A. Decisions by the administrative officer approving or denying projects pursuant to RIGL §§ 45-23-38 or 45-23-50 shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71.

1. An appeal to the board of appeal from a decision or action of the administrative officer may be taken by an aggrieved party to the extent provided in RIGL §45-23-66. The appeal must be taken within twenty (20) days after the decision has been recorded in the town's land evidence records and posted in the office of the town clerk.
2. The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The town clerk shall accept delivery of an appeal on behalf of the board of appeal.
3. Upon receipt of an appeal, the board of appeal shall require the administrative officer to immediately transmit to the board of appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

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

C. Hearing

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

~~render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.~~

- ~~2. The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.~~
- ~~3. The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes as required by RIGL §45-23-70(d) shall be maintained by the board of appeal.~~

D. Standards of Review.

- ~~1. In instances of the board of appeal's review of an administrative officer's decision, the board of appeal shall not substitute its own judgment for that of the administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeal shall not reverse a decision of the administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~
- ~~2. The concurring vote of three (3) of the five (5) members of the board of appeal sitting at a hearing, is necessary to reverse any decision of the administrative officer.~~
- ~~3. In the instance where the board of appeal overturns a decision of the administrative officer, the proposed project application is remanded to the administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the administrative officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.~~
- ~~4. The board of appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include in the written record the reasons for each decision.~~

~~A. The Board of Appeal~~

~~As authorized by the Zoning Ordinance and pursuant to state law, the Zoning Board shall be the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of subdivision or development project.~~

~~B. Right of Appeal~~

~~An appeal from any decision of the Board or Administrative Officer may be taken to the Board of Appeal by an aggrieved party, as defined in Article 10. Appeals from a decision granting or denying 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 8.5.~~

~~C. Process of Appeal~~

~~(1) Time Period and Standing~~

~~An appeal to the Board of Appeal from a decision or action of the Board or Administrative Officer may be taken by an aggrieved party, to the extent provided in~~

~~Section 8.11B. Such appeal must be taken within twenty (20) days after the decision has been filed and posted in the office of the Town Clerk.~~

~~**(2) Form and Content of Appeal**~~

~~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. Two copies of the appeal shall be filed, and the Town Clerk shall immediately transmit one copy to the Zoning Enforcement Officer and the other copy to the Administrative Officer.~~

~~**(3) Transmittal of Record**~~

~~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.~~

~~**D. Stay of Proceedings**~~

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

~~**E. Public Hearing**~~

~~**(1) Time Limits and Notice**~~

~~The Board of Appeal shall hold a public hearing on the appeal within forty-five (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 of Appeal shall render a decision within ten (10) days of the close of the public hearing.~~

~~**(2) Cost**~~

~~The cost of any notice required for the hearing shall be borne by the appellant.~~

~~**(3) Special Meeting Required**~~

~~The Board of Appeal shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the Board of Appeal.~~

~~F. Standards of Review~~

~~(1) Upon Findings and Record~~

~~In instances of a Board of Appeal's review of a Planning Board or Administrative Officer's decision on matters subject to this chapter, the Board of Appeal shall not substitute its own judgment for that of the Planning Board or the Administrative Officer but must consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeal shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~

~~(2) Required Vote~~

~~The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing shall be necessary to reverse any decision of the Planning Board or Administrative Officer~~

~~(3) Required Records~~

~~The Board of Appeal shall keep complete records of all proceedings including a record of all findings and 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.~~

~~G. Remand to Board~~

~~In the instance where the Board of Appeal overturns a decision of the Planning Board or Administrative Officer, the proposed 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 Appeals decision.~~

~~8.12 APPEALS OF BOARD OF APPEALS TO SUPERIOR COURT~~

~~8.12~~

- ~~a. An aggrieved party may appeal a decision of the board of appeal, a decision of an administrative officer made pursuant to RIGL §§ 45-23-38 or §45-23-50 where authorized to approve or deny an application, a decision of the technical review committee, where authorized to approve or deny an application, or a decision of the planning board, to the Superior Court for Providence and Bristol Counties by filing a complaint stating the reasons of for the appeal within twenty (20) days after the decision has been recorded and posted in the office of the town clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the~~

planning board shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.

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

8.13 UNIFIED DEVELOPMENT REVIEW

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

- the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
2. Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development plan review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection [(5)] of this section shall be held prior to consideration of the preliminary plan by the planning board; see RIGL §45-23-50(d)(1)(ii). The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.
 3. Major subdivisions and land-development projects.
 - i. Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (e) of this section, shall be held prior to consideration of the master plan by the planning board. The planning board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - ii. Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the planning board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection [(5)] of this section, shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the

master plan stage of review. Alternatively, if the planning board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the applicable decision deadline so that additional information can be provided and reviewed by the planning board.

4. Decision. The time periods by which the planning board must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.
5. Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to subsection [(a)(1)] of this section. The public hearing must meet the following requirements:
 - i. Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
 - ii. The notice area for notice of the public hearing shall be [INSERT LOCAL REQUIREMENTS], and notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
 - iii. Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
 - iv. The cost of all public notice is to be borne by the applicant.
6. The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the planning board must make a decision on the applicable review stage of the underlying type of project under review.
7. The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
8. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the planning board may be appealed pursuant to RIGL § 45-23-71.

~~An appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the Superior Court for Providence and Bristol Counties.~~

~~A. Procedure For Appeal~~

~~An aggrieved party may appeal a decision of the Board of Appeal, to the Superior Court, by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the 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 thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, 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. Evidence Before the Court~~

~~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. Standard of Review~~

~~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 provisions, or provisions of these Regulations;~~
- ~~(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.~~

ARTICLE 9

ADOPTION, AMENDMENT AND APPEAL OF REGULATIONS

9.1 AUTHORITY TO ADOPT

The Planning Board is empowered by Ordinance Number 1983-11, §2, of the Town of Bristol, adopted by the Bristol Town Council on August 31, 1983, to adopt, modify, and amend rules and regulations governing and restricting the platting or subdivision or development of land within the Town.

9.2 PROCEDURE FOR ADOPTION AND AMENDMENT

The Planning Board shall consider any amendments to these Regulations. Provisions of these Regulations and appendices shall be set forth in text and may incorporate maps and other technical and graphic material. These Regulations, and all the amendments thereto, shall be consistent with all provisions of the Rhode Island Development Review Act of 1992 (Chapter 23 of Title 45 of the General Laws of Rhode Island, as amended), the Rhode Island Zoning Enabling Act of 1991 (Chapter 24 of Title 45 of the General Law of Rhode Island, as amended), as well as the Bristol Comprehensive Plan and the Bristol Zoning Ordinance.

A. Receiving Officer

Other than for proposals originated by the Planning Board, the Administrative Officer shall be the officer to receive a proposal for amendment to these Regulations. Upon receipt of such proposal, the Administrative Officer shall refer such proposal to the Planning Board for study.

~~B. Referral to Town Council~~

~~In addition to the notice and hearing requirements set forth in Section 9.3, these Regulations shall not be adopted, repealed, or amended until after such proposal has been referred to the Town Council for advice and comment. The Town Council shall have forty five (45) days after receipt of the proposal to comment to the Planning Board, giving its recommendations which shall be advisory to the Planning Board.~~

9.3 PUBLIC HEARING AND NOTICE REQUIREMENTS

A. Public Hearing

No local regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Planning Board. At this hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. The proposal 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. However, any such alteration or amendment must be presented for comment in the course of said hearing.

B. Newspaper Notice

The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of ~~general~~local circulation within the Town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, ~~but shall not include the day of the hearing. The same notice shall be posted in the town clerk's office and one other municipal building and the town shall make the notice accessible on its municipal home page of its website at least fourteen (14) days 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.~~

C. Notice Contents

All notices, whether newspaper, posted, or mailed, 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.

D. Mail Notice

Notice of the public hearing, which may be a copy of the newspaper notice, shall also be sent, at least two (2) weeks prior to the hearing, by first class mail to:

- (1) The Associate Director of the Division of Planning of the Rhode Island Department of Administration, and
- (2) The Town of Warren Planning Board and the Touisset Point Water Trust, referring to the wells of the Touisset Point Water Trust that are located within two thousand feet (2,000') of the boundary of the Town of Bristol.

E. Defects

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.

9.4 APPEALS TO SUPERIOR COURT

A. Time Period, Standing and Stay

An appeal of an enactment of or an amendment to these Regulations may be taken to the Superior Court for Providence and Bristol Counties by filing a complaint, as set forth herein, within thirty (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 these 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. Pursuant to R.I.G.L. 45-23-73, 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.

B. Grounds for Appeal

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, R.I.G.L. 45-22.2-1 *et. seq.*; the Zoning Enabling Act of 1991, R.I.G.L. 45-24-27 *et. seq.*; the Bristol Comprehensive Plan; or the Bristol Zoning Ordinance.

C. Review by Court

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, the Zoning Enabling Act of 1991, the Development Review Act of 1992, the Comprehensive Plan, and the 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. Attorneys Fees

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.

9.5 PENDING APPLICATIONS

A. Final Plan Recorded

Any subdivision or development project which has had its final plan legally recorded shall not have its final plan be subject to these Regulations, unless the applicant fails to meet a required deadline or seeks to make a change in the subdivision or development project.

B. Final Approval Received

Any subdivision or development project which has received final approval shall be subject to the regulations under which it was adopted for ninety (90) days from the effective date of these Regulations (the "Effective Date"). If the final plan is not recorded within ninety (90) days of the Effective Date, such subdivision or development project shall be subject to these Regulations as to procedure; but shall remain subject to the regulations under which it was adopted, as to substance, for one (1) year from the Effective Date.

C. Preliminary Approval Received

Any subdivision or development project which has received preliminary approval shall be subject to these Regulations as to procedure as of the Effective Date. However, such subdivision or development project shall be subject to the regulations under which it was adopted, as to substance, for one (1) year from the Effective Date. If final approval is not received within one (1) year of the Effective Date, such subdivision or development project shall be subject to these Regulations as to both substance and procedure.

D. Phased Approval Received

Notwithstanding subsections A, B, and C above, any subdivision or development project which has received final approval for multiple phases shall be subject to these Regulations as to procedure as of the Effective Date. However, each phase of the subdivision or development project shall be subject to the regulations under which it was adopted, as to substance, until such time as such phase was scheduled to be completed as set forth in the Planning Board decision. If no such time was specified, then it shall be for a period of three (3) years from the Effective Date.

E. Option

At the option of the applicant, any subdivision or development project which would otherwise be subject to prior regulations, for either substance or procedure, may be transferred to review under these Regulations.

9.6 SEVERABILITY

If any provision of these Regulations or of any rule, decision or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the Regulation, rule, decision, 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 these Regulations.

9.7 EFFECTIVE DATE

These Regulations shall become effective upon passage by the Planning Board as of September 27, 1995, and as amended through ~~September 8, 2009~~ January X, 2024.

ARTICLE 10

DEFINITIONS

10.1 TERMS DEFINED

Where words or terms used in these Regulations are defined in the Zoning Ordinance, they shall have the meanings stated therein. In addition, the following words shall have the following meanings.

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

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

Aggrieved Party. An aggrieved party, for purposes of these Regulations, shall be:

- (a) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the Subdivision and Development Review Regulations of the Town; or,
- (b) Anyone requiring notice pursuant to these Regulations.

Applicant. Any person, firm, partnership, corporation or other legal entity holding title to real estate which is subject to these regulations and who applies to the Planning Board for a decision under these regulations.

Bioretention. A water quality practice that utilizes vegetation and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through an engineered bioretention planting soil media.

Board of Appeal. ~~The local review authority for appeals of actions of the administrative officer, which shall be the local zoning board of review constituted as the board of appeal. See § 45-23-57.~~ The local review authority for appeals of actions of the Administrative Officer and the Planning Board on matters of land development or subdivision, which shall be the Zoning Board of Review constituted as the Board of Appeal.

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

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

Certificate of completeness. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of the municipality's regulations and that the applicant may proceed with the approval-review 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.

Consistency with the comprehensive plan. A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the Town as the Comprehensive Community Plan as specified in Section 45-22.2-3 of the Rhode Island General Laws.

Days. Calendar days.

Dedication, fee-in-lieu-of. Payments of cash which are authorized in these Regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons

Design Standards. Standards that set forth specific improvement requirements.

Design Storm. Precipitation event for which the capacity of a best management practice is sized and designed. Design storms are expressed in terms of Type III, 24-hour events (i.e., 1-year, 10-year, and 100-year storms).

Detention. The temporary storage of storm runoff in a BMP with the goals of controlling peak discharge rates.

Detention Structure. A structure constructed for the purpose of temporary storage of surface runoff and gradual release of stored water at controlled rates.

Development Plan Review (DPR).

Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:

(i) A change in use at the property where no extensive construction of improvements is sought;

(ii) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;

(iii) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;

(iv) Development in a designated urban or growth center;

(v) Institutional development design review for educational or hospital facilities; or

(vi) Development in a historic district.

~~The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance and these Regulations. (See Article VI of the Zoning Ordinance). Previously referred to a Site Plan~~

~~Review.~~

Development Project. Collectively refers to Development Plan Review and Land Development Project.

Disturbed Area. An area in which the natural vegetative soil cover has been removed or altered and, therefore, is susceptible to erosion.

Division of land. A subdivision.

Drainage System. A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and

after construction or development, the means for preserving surface and groundwater, and the prevention and/or alleviation of flooding.

Easement. A grant of one or more of the property rights by the owner to, or for the use by, the public or another person or entity.

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

Erosion. 1. The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. 2. Detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion and Sediment Control (ESC). A device placed, constructed on, or applied to the landscape that prevents or curbs the detachment of soil, its movement, and/or deposition.

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

Final plat. The final drawings(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in these Regulations and/or required by the Planning Board.

Flag lot. A lot not meeting minimum frontage requirements, with the bulk of the property lying to the rear of other lots, and where access to the public road is by a narrow strip of land.

Governing body. The body of the local government, generally the Town Council, having the power to adopt ordinances and accept public dedications.

Groundwater Recharge. The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

Groundwater Recharge Volume (Re_v). - The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-development groundwater recharge. The Re_v is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

Impervious Cover. Those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (e.g., driveways and parking lots).

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 Town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

Infill. A development site that meets all of the following: the site is currently predominately pervious (less than 10,000 sf of existing impervious cover); it is surrounded (on at least three sides) by existing development (not including roadways); the site is served by a network of existing infrastructure and does not require the extension of utility lines or new public road construction to serve the property; and the site is one (1) acre or less where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential.

Infiltration Practices. Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.

Infiltration Rate (f). The rate at which stormwater percolates into the subsoil measured in inches per hour.

Land Development Project (LDP). A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses. ~~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 and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in Article IX of the Zoning Ordinance. Previously referred to as Planned Unit Development (PUD).~~

Limit of Disturbance. Line delineating the boundary of the area to be disturbed during a development or redevelopment project. Area outside this boundary shall not be touched.

Low Impact Development (LID). Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible.

Lot for development. A lot which is legally suitable for development not including any lot which is to be donated to the Town, the Rhode Island Department of Environmental Management, or any recognized conservation organization provided that such lot shall be conveyed with appropriate access and deed restrictions forbidding any development thereon.

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

Major land development plan. A land development project which exceeds the thresholds for a minor land development project as set forth in this section and [INSERT LOCAL SECTION REFERENCE]. ~~Any land development project, pursuant to Article IX of the Zoning Ordinance.~~

Major subdivision. A subdivision creating ten (10) or more buildable lots. ~~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 only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held (see §45-23-39).~~A 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 project. A land development project involving any one of the following:

- H. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- I. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or
- J. Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.
- K. Multi-family residential or residential condominium development of nine (9) units or less.
- L. Change in use at the property where no extensive construction of improvements are sought.
- M. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought.
- N. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.

Minor subdivision. A subdivision of land creating nine (9) or fewer buildable lots.~~A plan for a subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this act.~~

Modification of requirements. See Sections 6.8 and 8.7 of these regulations.

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.

Peak Discharge Rate. The maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm event.

Performance guarantee. Any security instrument which may be required and accepted by the Town to ensure that necessary improvements are installed as required.

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

Physical constraints to development. Characteristics of a site or area, either natural or man-made,

which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods.

Planning Board. The official planning agency of the Town of Bristol.

Planned Development. A “land development project”, as defined herein, and developed according to plan as a single entity and containing one or more structures and/or use with appurtenant common areas.

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 municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

Preliminary plan. A required stage of land development and subdivision which generally requires engineered drawings. See § 45-23-39.~~The required stage of land development and subdivision review which shall require 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 local government or other governmental entity either is presently responsible or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

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

Redevelopment. Any construction, alteration, or improvement that disturbs a total of 10,000 square feet or more of existing impervious area where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition is included as an activity defined as “redevelopment”, but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as “redevelopment,” but simply resurfacing of a roadway surface is not. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain, is not classified as redevelopment. In general, the requirements in this manual do not apply to projects or portions of projects when the total existing impervious area disturbed is less than 10,000 square feet. However, specific regulatory programs may impose additional requirements. Any creation of new impervious area over portions of the site that are currently pervious is required to comply fully with the requirements of this manual, with the exception of infill projects.

~~**Re-subdivision.** Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal 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 the local land development and subdivision regulations. For the purposes of this act any such action shall constitute a subdivision.~~

Retention. The amount of precipitation on a drainage area that does not escape as runoff. It is the difference between total precipitation and total runoff.

Runoff. the water from rain, snowmelt, or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into surface waters or land depressions.

Stormwater. Water consisting of precipitation runoff or snowmelt.

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 or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

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

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

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

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

Street, private. A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition shall not apply to driveways.

Street, public. All public property reserved or dedicated for street traffic.

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

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

- (a) **Arterial.** A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality 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 a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

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

Technical review committee (TRC). A committee appointed by the Planning Board for the purposes of: reviewing, commenting, and making recommendations to the Planning Board with respect to approval of land development and subdivision applications; and, conducting development plan reviews. See Section 7.4.

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.

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

Waiver of requirements. See Sections 6.8 and 8.7 of these regulations.

APPENDIX A

PREAPPLICATION CONFERENCE AND CONCEPT REVIEW

APPLICATION AND CHECKLIST FOR:

Administrative Subdivision (Optional by Town or Applicant)

Minor Subdivision (Optional by Town or Applicant)

Major Subdivision and Land Development (Required)

Development Plan Review (Optional by Town or Applicant)

**APPLICATION FORM AND SUBMISSION CHECKLIST FOR
PREAPPLICATION CONFERENCE AND CONCEPT REVIEW**

Preapplication Conference - An initial meeting between developers and the Town which affords developers the opportunity to present their proposals informally and to receive comments and directions from the Town and other agencies.

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

The following completed application form and Items A, B, and C from the attached checklist shall be submitted to the Administrative Officer for a meeting with the Technical Review Committee (TRC).

Date of Submission _____ TRC Meeting Date _____

APPLICATION FORM

1. Name, address, and telephone number of the property owner: _____

2. Name, address and telephone number of the applicant (If different from owner, a written, notarized confirmation from the property owner authorizing the applicant to make this submission shall also be submitted): _____

3. Assessor's plat and lot number(s): _____

4. Zoning district(s), including any special Town or State overlay districts (i.e. Historic District, CRMC Jurisdiction, etc.): _____

5. Area of the parcel: _____

6. Proposed number of buildable lots, dwellings or other proposed improvements: _____

7. Name and owner of existing streets or rights-of-way adjacent to the parcel:

A list showing the names and addresses of all abutting and adjacent property owners shall be attached to this application.

Signature of Owner/Applicant _____ Date _____

Notarized:

Subscribed and sworn to before me this _____ day of _____, 19__.

NOTARY PUBLIC

**SUBMISSION CHECKLIST
PREAPPLICATION CONFERENCE AND CONCEPT REVIEW**

Date &
Initials of
Reviewer

A. Plan of Existing Conditions - Five (5) blue-line or photocopies of the subject property no larger than 24" x 36" as it currently exists including locations and dimensions of existing lots if the proposed subdivision constitutes a replat or if the development consists of several lots and all natural features such as existing contours at five (5) foot intervals.	
B. Concept Plans - Five (5) blue-line or photocopies no larger than 24" x 36" of the concept plan for the development showing, at a minimum, the following information:	
1. Name of proposed subdivision or development;	
2. Name and address of the property owner and applicant;	
3. Name, address, and telephone number of preparer;	
4. Date plan prepared, with revision date(s) (if any);	
5. Graphic scale and north arrow;	
6. Assessor's Plat and lot number(s) of the subject property;	
7. Zoning district(s) of the subject property. If more than one district, zoning boundary lines must be shown;	
8. Perimeter boundary lines of the entire tract under the applicant's ownership;	
9. Area of the subject property and proposed number of buildable lots, dwellings or other proposed improvements;	
10. Location, names, and pavement and right-of-way widths of existing streets adjacent to the subject property;	
11. Names of abutting property owners and property owners immediately across any adjacent streets;	
12. Location and dimension of existing easements and rights-of-way adjacent to or within the subject property, if any;	
13. Notation of existing ground cover and approximate location of wooded areas (if any);	
14. Approximate location of wetlands, watercourses or coastal features, and other significant natural or manmade features (i.e. stone walls) within and immediately adjacent to the subdivision parcel, if any;	
15. Location and approximate size of existing buildings on or immediately adjacent to the subject property, if any; including, historic designation, if applicable;	
16. Proposed improvements including streets, lots, lot lines with approximate lot areas and dimensions and building envelopes;	
17. A notation of the existing on-site utilities (gas, water, sewer, electric), if any;	
18. Proposed connections with existing water supply and sanitary sewer systems, or a notation that wells and ISDS are proposed;	
19. Provisions for collecting and discharging stormwater;	

SUBMISSION CHECKLIST, CONT.

Date &
Initials of
Reviewer

20. Notation on the plan if the subject property is located within any of the following areas: Town Overlay Districts, Special Flood Hazard Areas, or Coastal Resources Management Council jurisdiction.	
C. Supporting Materials -	
1. One (1) copy of a narrative report providing the general description of the existing physical environment and existing use(s) of the property; and, the general description of the uses and type of development proposed by the applicant;	
2. A reduced copy of plans required in Items A and B above (minimum size 8 1/2" x 11", maximum size 11"x 17");	
3. Completed Application Form.	

APPENDIX B
ADMINISTRATIVE SUBDIVISION APPLICATION AND CHECKLIST

APPLICATION FORM AND SUBMISSION CHECKLIST FOR ADMINISTRATIVE SUBDIVISION

Administrative Subdivision - Re-subdivision 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.

The following completed application form and Items A, B, and C from the attached checklist shall be submitted to the Administrative Officer.

Date of Submission _____ Next Regular Planning Board Meeting Date _____

APPLICATION FORM

- 1. Name, address and telephone number of the property owner: _____

- 2. Name, address and telephone number of the applicant, if different from owner: (A written, notarized confirmation from property owner authorizing the applicant to make the submission shall also be submitted): _____

- 3. Assessor's plat and lot number(s) of the land being re-subdivided: _____
- 4. Zoning district(s) of the land being re-subdivided: _____
- 5. Flood Zone Designation: _____
- 6. A list showing the names and addresses of all abutting and adjacent property owners shall be attached to this application.

Signature of Owner/Applicant: _____ Date _____

Notarized:

Subscribed and sworn to before me this ___ day of _____, 19__.

NOTARY PUBLIC

**SUBMISSION CHECKLIST
ADMINISTRATIVE SUBDIVISION**

Date &
Initials of
Reviewer

NOTE: All plan sheets must include Title Block as well as items B 1-7 below.	
A. Plan of Existing Conditions - Five (5) 18" x 24" blue-line or photocopies of a plan showing the entire tract under the applicant's ownership as it currently exists, including existing location and dimensions of lots, easements and rights-of-way and all natural and man-made features, if required;	
B. Subdivision Plans - Two (2) blue-line copies of the re-subdivision plan shall be submitted (minimum size 8 1/2" x 11", maximum size 24" x 36"). Upon approval, one (1) reproducible mylar*, three (3) additional blue-line copies, and one electronic AutoCAD file of all plans shall be submitted. Plan and survey standards shall meet the criteria set in the handbook entitled <u>Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations</u> , effective April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for Class I Surveys. The subdivision plans shall show the following:	
1. Name and address of property owner or applicant;	
2. Name, address, and telephone number of preparer;	
3. Assessor's Plat and Lot Numbers;	
4. Zoning District of the land; if more than one district, the zoning boundary must also be shown;	
5. Date of plan preparation, with revision date(s)(if any);	
6. Graphic scale (1"=40' or larger) and north arrow;	
7. Legend showing all symbols;	
8. Names of abutting property owners and property owners immediately across any adjacent streets;	
9. Existing property lines shown as dotted lines;	
10. Proposed property lines shown as solid lines;	
11. Existing and proposed areas of the parcels being re-subdivided, including dimensions of lot lines and angles of lots;	
12. Location of all existing and proposed monuments, if any (documentation that all proposed bounds have been set shall be provided prior to plan recording);	
13. Approximate location of wooded areas, surface waters, and wetlands (if any) and other natural features including a reference to the flood zone;	
14. Location, size and use of existing buildings, structures, and improvements with a notation of the historic designation, if applicable;	
15. Location of all existing utilities; including, but not limited to wells and individual sewage disposal systems which have been abandoned with a notation as such;	
16. Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided, including easements and rights-of-way (if any);	

SUBMISSION CHECKLIST, CONT.

Date &
Initials of
Reviewer

17. Location Map;	
18. Certification (stamp and signature) of a Registered Land Surveyor that the plan is correct;	
19. A 2" x 4" space in the lower right corner for the Planning Board stamp and the signature of the Planning Board Chair or Designee.	
C. Additional Items:	
1. One (1) reduced copy of all plans required in Items A and B above, (minimum size 8 1/2" x 11", maximum size of 11" x 17");	
2. Application fee;	
3. Zoning Enforcement Officer Letter of Determination, that the proposed re-subdivision will not create any nonconformities;	
4. Certificate from the Tax Collector showing that all property taxes, sewer assessments and sewer use fees due on the land are current;	
5. A copy of all deed restrictions and covenants applicable to the property being re-subdivided, if any;	
6. A copy of the most recent deed or attorney's certificate certifying title including any and all restrictions or other liens or encumbrances on said property;	.
7. Completed Application Form.	

* Mylar plans shall be on polyester film, single matte with a thickness of 3 mils (.003 inches), and must have an opacity so as to allow consistent computer scanning. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability. All signatures must be in black India ink or its equal.

APPENDIX C
MINOR SUBDIVISION APPLICATION AND CHECKLIST

**APPLICATION FORM AND SUBMISSION CHECKLIST FOR
MINOR SUBDIVISIONS**

Minor Subdivision - A plan for a **residential** subdivision of land consisting of **five (5) or fewer** units or lots, provided that such subdivision does not require waivers or modifications.

The following completed application form together with the appropriate materials from Items A, B, C, D, and E for either a preliminary or a final application, as indicated on the attached checklist, shall be submitted to the Administrative Officer at least three weeks prior to the regularly scheduled meeting of the Planning Board.

Date Submission Due _____ Planning Board Meeting Date _____

APPLICATION FORM

Type of Application: Preliminary _____ Final: _____

1. Name of proposed subdivision: _____

Name, address and telephone number of property owner: _____

2. Name, address of applicant, if different from owner: (A written, notarized confirmation from property owner authorizing the applicant to make the submission shall also be submitted): _____

3. Plat and lot number(s) of the parcel being subdivided: _____

4. Area of the subdivision parcel(s): _____

5. Zoning District(s), including any special Town or State overlay districts (i.e. Historic District, CRMC Jurisdiction, etc): _____

6. Name and owner of existing streets or rights of way within and immediately adjacent to the parcel being subdivided: _____

7. Proposed number of buildable lots: _____

8. If a street creation or extension is proposed, attach a list of the names and current mailing addresses (and on mailing labels) of property owners within notice area (See Section 8.5) from the current real estate and assessment records of the Town, including plat and lot numbers.

Signed by Owner/Applicant: _____ Date _____

Notarized:

Subscribed and sworn to before me this _____ day of _____, 19__.

NOTARY PUBLIC

**SUBMISSION CHECKLIST
MINOR SUBDIVISION**

P = Preliminary
F = Final

	P	F	Date & Initials of Reviewer
NOTE: All plan sheets must include Title Block and items B 1-7.	•	•	
A. Plan of Existing Conditions - Five (5) blueline or photocopies of a plan at a scale of 1" = 40' (minimum size of 8 1/2" x 11, maximum size of 18" x 24") showing the entire tract under the applicant's ownership as it currently exists, including location and dimension of existing lots, easements and rights-of-way, and all natural and man-made features.	•		
B. Subdivision Plans - Preliminary Plans - Five (5) blueline or photocopies shall be submitted for distribution to and review by the Technical Review Committee. Each sheet shall be a minimum size of 8 1/2" x 11" and a maximum size of 18" x 24" at a scale of 1" = 40' with a sufficient number of sheets to clearly show all of the information required. Sheets shall be numbered sequentially (e.g. sheet 1 of 3, 2 of 3, etc.)	•		
Final Plans - Five (5) bluelines or photocopies shall be submitted for distribution to and review by the Technical Review Committee. Upon certification of completeness, one (1) reproducible mylar*, three (3) bluelines or photocopies, and one electronic AutoCAD file of all plans shall be submitted; however, if a street connection or extension is proposed, one (1) reproducible mylar*, six (6) blueline or photocopies, and one electronic AutoCAD file of all plans shall be submitted. Each sheet shall be a maximum size of 18" x 24" at a scale of 1" = 40' [unless otherwise specified by the Planning Board]; two of these sheets shall include the assessor's numbers, signed by the Tax Assessor. The subdivision plans shall contain the following:		•	
1. Name and address of property owner or applicant;	•	•	
2. Name, address, and telephone number of preparer;	•	•	
3. Assessor's Plat and Lot Numbers;	•	•	
4. Zoning District of the land; if the zone splits the property, the zoning boundary must also be shown;	•	•	
5. Date of plan preparation, with revision date(s) (if any);	•	•	
6. Graphic scale (1" = 40' or larger) and north arrow;	•	•	
7. Legend showing all symbols;	•	•	
8. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines; These shall be marked in the field by survey stakes to identify the limits of the property;	•	•	
9. Names of abutting property owners and property owners across any adjacent streets;	•	•	

P = Preliminary
F = Final

	P	F	Date & Initials of Reviewer
10. Location and dimensions of existing property lines, easements, reservations, and rights-of-way within or immediately adjacent to the parcel being subdivided;	•	•	
11. Location of all existing utilities (gas, water, sewer, electric); including abandoned wells and individual sewage disposal systems with a notation as such;	•	•	
12. Location of all proposed utilities;	•	•	
13. Location, width and names of existing streets; and, if street creation or extension is proposed, the location, width and names of the proposed streets;	•	•	
14. Location of proposed permanent bounds (documentation that all proposed bounds have been set shall be provided prior to Final plan recording);	•	•	
15. Location and number of all proposed lots, with accurate areas, dimensions and angles indicated;	•	•	
16. Location, size, and proposed use of existing buildings and structures including historic designation, if any;	•		
17. Location of wooded areas with a notation of existing trees with a twelve inch (12") or larger caliper, if any;	•		
18. Existing contours with intervals of two (2) feet;	•		
19. Notation as to the flood zone of the subject property;	•		
20. Provisions for collecting and discharging stormwater;	•	•	
21. Location of agricultural areas, if any;	•		
22. Location of other significant existing natural and manmade environmental features including rock outcrops and stone walls, if any;	•		
23. Location of historic cemeteries on or immediately adjacent to the subdivision parcel, if any;	•		
24. Location of any wetlands, watercourses or their buffers (perimeter wetlands) present on the subdivision parcel as determined by a RIDEM qualified biologist; {in accordance with RIDEM Wetland Regulations};	•		
25. The location, dimension and area of any land proposed to be set aside as open space, or drainage, or conveyed to the Town for public purposes, if any;	•	•	
26. Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated;	•	•	
27. Notation of special conditions of approval imposed by the Planning Board (if any);		•	
28. Notation of any permits and agreements with State and Federal Reviewing agencies (if any);		•	
29. Vicinity Map to show location of property;	•	•	
30. A place for the signatures of the Planning Board Chair or Designee must be provided on all plans and /or documents to be signed by the Planning Board;		•	

P = Preliminary
F = Final

Date &
Initials of
P F Reviewer

<p>31. Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to <u>Procedural and Technical Standards For the Practice of Land Surveying In the State of Rhode Island and Providence Plantations</u> as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for Class I Surveys;</p>	•	•	
<p>C. Construction Drawings - Six (6) blue-line or photocopies of preliminary and final construction plans of proposed street and drainage structures drawn to a minimum scale of 1 inch to 40 feet (1"=40') for referral to the Technical Review Committee. Each sheet shall be no larger than 18 " by 24"; 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). All construction plans shall be certified as correct (stamped and signed) by a Registered Professional Engineer:</p>	•	•	
<p>1. If a street creation or extension is proposed: a. <i>Street Plans</i> (minimum scale of 1"=40' horizontal) with profiles (minimum 1"=4' vertical) indicating the street center line, curblines, and the existing elevations of the ground at the street center line, location and size of proposed sewer lines, water lines and other underground utilities; and, street cross-sections showing width of right-of-way, roadway; and, if required location and width of sidewalks. Street plans shall also include all connections to existing public streets including curb cuts, parking and loading areas and other off-site traffic improvements necessary to ensure public safety; and, stubs for future connections to future streets in adjacent vacant lands.</p> <p>Plans showing street names and hydrant locations approved by the Fire Chief;</p>	•	•	
<p>2. If street creation or extension is proposed, or if required by TRC, drainage plans to show the existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be report summarizing drainage calculations (See Appendix F);</p>	•	•	
<p>3. If street creation or extension is proposed, or if required by TRC, grading plans to show proposed contours at two (2) foot intervals for all proposed grading;</p>	•	•	
<p>4. If street creation or extension is proposed, or if required by TRC, proposed landscaping plan (See Appendix F);</p>	•	•	
<p>5. If street creation or extension is proposed, or if required by TRC, proposed Construction Schedule identifying expected start and finish times for major construction tasks;</p>	•		
<p>6. Soil erosion and sediment control plan, if required in accordance with Appendix F.</p>	•	•	

P = Preliminary
F = Final

	Date & Initials of	
	P	F
7. Temporary Improvements, if any, in accordance with Appendix F	•	
8. Physical Alteration Permit (PAP), if required, from RI Department of Transportation	•	
9. If any streets, areas, or facilities are to be dedicated to the Town of Bristol, a statement shall be added to all final plat plans stating that such dedication shall not impose any duty or responsibility upon the Town of Bristol to maintain or improve any dedicated streets, areas, or facilities until specifically authorized by the Town Council per Section 6.7 of these regulations.		•
D. Supporting Materials	•	•
1. A reduced copy of all plans required in Items A, B and C above (minimum size of 8 1/2" x 11", maximum size of 11" x 17");	•	•
2. A copy of the current deed and title certificate of an attorney certifying title to the subject property including any encumbrances, easements, and/or temporary or permanent restrictions on said property;	•	
3. If a street creation or extension is proposed, a radius map showing the property within the notice area, as designated in Section 8.5, including: <ul style="list-style-type: none"> a. the shape, dimension, and area of the property; b. location of all zoning district boundary lines; c. the assessor's plat and lot numbers; d. the general location, shape, use, and historic designation of all existing buildings, structures, and improvements; The above information may be shown either on the subdivision plan or on a separate sheet not larger than 11" x 17" with a scale as appropriate;	•	
4. Low Impact Development (LID) Site Planning and Design strategies and Checklist from the Rhode Island Stormwater Design and Installation Standards Manual. Stormwater designs should meet RI Stormwater Manual Minimum Standards.	•	
4. Two signed final copies of all legal documents, including proposed easements and rights-of-way, offer to convey public streets, creating Homeowners Association (if appropriate) deed transferring open space, dedications, restrictions, or other required legal documents, if any;		•
5. Written confirmation from the RI Department of Environmental Management that the plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration;	•	•
6. In lieu of item 5 above, an affidavit signed by a qualified professional (having minimum qualifications as described by the RIDEM Department of Freshwater Wetlands) stating that there are no freshwater wetlands or wetland buffers (perimeter wetlands) present on the property being subdivided {in accordance with RIDEM Wetland Regulations};	•	•

P = Preliminary
F = Final

Date &
 Initials of
P F Reviewer

7. Preliminary determination from the Coastal Resources Management Council if the parcel to be subdivided is subject to the jurisdiction of this agency;	•	•	
8. A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or State right-of-way (if applicable);	•	•	
9. Water Service (if proposed):			
a. Written confirmation that the Bristol County Water Authority has reviewed the plan is able to provide water service;	•		
b. A copy of the water contract covering the installation of water service or written confirmation that a contract has been executed or will be executed upon approval by the Planning Board (a copy of the executed contract must be submitted to the Planning Board prior to recording the plan);		•	
10. Sewer:			
a. Written confirmation from the Bristol Water Pollution Control Facility certifying that the subdivision can tie into the Bristol Sewer Service;	•		
b. If Individual Sewage Disposal Systems are proposed, either a preliminary subdivision suitability report or a water table verification from the Rhode Island Department of Environmental Management indicating that the soil and water table within the proposed subdivision are suitable for the safe and proper operation of individual sewage disposal systems;	•		
11. Certification from the Tax Collector that all property taxes are current;	•	•	
12. Minor subdivision application form and attachments (i.e. mailing labels);	•		
13. Report from Technical Review Committee;	•	•	
14. Any other information which the Planning Board deems necessary to adequately review the application.			
E. 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:			
1. Application fee;	•	•	
2. Final plat recording fee;		•	
3. Engineering Review Fee;	•		
4. Performance bond or other financial guarantees (if applicable);		•	
5. Fees in-lieu of land dedication (if applicable);		•	
6. Engineering Inspection Fee (if applicable);		•	
7. Maintenance bond for acceptance of public improvements (if applicable);		•	
8. Receipt that all other fees to outside agencies have been paid by the applicant (if applicable).		•	

* Mylar plans shall be on polyester film, single matte with a thickness of 3 mils (.003 inches), and must have an opacity so as to allow consistent computer scanning. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability. All signatures must be in black India ink or its equal.

APPENDIX D
MAJOR SUBDIVISION AND MAJOR LAND DEVELOPMENT
APPLICATION AND CHECKLIST

APPLICATION FORM AND SUBMISSION CHECKLIST FOR MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

Major Subdivisions - A plan for a **residential** subdivision of land **consisting of more than five lots**; or, a plan for a **nonresidential subdivision** of land.

Major Land Development - A plan for a residential or nonresidential land development project as defined in Article VIII of the Zoning Ordinance.

The completed application form together with the appropriate materials from Items A, B, C, D, and E for either a Master Plan, Preliminary or Final application as indicated on the checklist shall be submitted to the Administrative Officer at least three weeks prior to the regularly scheduled meeting of the Planning Board.

Date Submission Due _____ Planning Board Meeting Date _____

APPLICATION FORM

Type of Application: Please check one:

_____ **Master Plan** - An overall plan for a proposed project site outlining general, rather than detailed, development intentions. *NOTE:* The entire property under the applicant's ownership shall be shown on the Master Plan with all proposed development indicated, including future phases. Failure to show the entire property and all proposed development may result in forfeiture of future development rights on the property.

_____ **Preliminary** - The stage, following Master Plan, at which time all required detailed engineering drawings and all required State and Federal Permits shall be submitted.

Indicate date of Master Plan Approval: _____

Indicate dates of all extensions: _____

_____ **Final** - The stage, following Preliminary, which is the last stage of review.

Indicate date of Preliminary Plan Approval: _____

Indicate dates of all extensions: _____

APPLICATION FORM, CONT.

1. Name of proposed subdivision: _____
2. Name, address and telephone number of property owner (if the owner of record is a corporation, the name and address of the president and secretary): _____

3. Name and address and telephone number of applicant, if different from owner: (A written, notarized confirmation from property owner authorizing the applicant to make the submission shall also be submitted): _____

4. Plat and lot number(s) of the parcel being subdivided: _____
5. Area of the subdivision parcel(s): _____
6. Zoning District: _____
7. Names of existing streets within and immediately adjacent to the parcel being subdivided with notation as to whether Town, State or Private. Include right-of-way and pavement widths:

8. Attach a list of the names and current mailing addresses (and on mailing labels) of property owners within notice area radius (See Section 8.5A) from the current real estate and assessment records of the Town, including plat and lot numbers

Signed by Owner/Applicant: _____ Date _____

Notarized:

Subscribed and sworn to before me this _____ day of _____, 19____.

NOTARY PUBLIC

**SUBMISSION CHECKLIST
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS**

M = Master Plan
P = Preliminary
F = Final

Date &
Initials of
M P F Reviewer

NOTE: All plan sheets must include Title Block as well as items B 1-8 below.	•	•	•	
A. Plan of Existing Conditions - Five (5) blue-line or photocopies of a plan at a scale of 1" = 40' (minimum size of 8 1/2" x 11, maximum size of 18" x 24") showing the entire tract under the applicant's ownership as it currently exists, including location and dimension of existing lots, easements and rights-of-way, and all natural and man-made features;	•			
B. Subdivision/Land Development Drawing(s) - Master Plan and Preliminary Plans - Five (5) blue-line or photocopies shall be submitted for distribution to and review by the Technical Review Committee. Each sheet shall be a minimum size of 8 1/2" x 11" and a maximum size of 24" x 36" at a scale of 1" = 40', unless determined otherwise at the Pre-Application Conference, with a sufficient number of sheets to clearly show all of the information required. Sheets shall be numbered sequentially (e.g. sheet 1 of 3, 2 of 3, etc.)	•	•		
Final Plans - Five (5) blue-lines or photocopies shall be submitted for distribution to and review by the Technical Review Committee. Upon approval, one (1) reproducible mylar*, six (6) blue-line or photocopies, and one electronic AutoCAD file of all plans shall be submitted. Each sheet shall be a maximum size of 24" x 36" at a scale of 1" = 40' [unless otherwise specified by the Planning Board]; two of these sheets shall include the assessor's numbers, signed by the Tax Assessor. The subdivision plans shall contain the following:			•	
1. Name of the proposed subdivision; including phase numbers, if any	•	•	•	
2. Name and address of property owner or applicant;	•	•	•	
3. Name, address and telephone number of person or firm preparing the plan;	•	•	•	
4. Date of plan preparation, with revision date(s) if any;	•	•	•	
5. Graphic scale (1"=40' or larger) and north arrow;	•	•	•	
6. Plat and lot number(s) of the land being subdivided;	•	•	•	
7. Legend showing all symbols;	•	•	•	
8. Zoning districts(s) of the land being subdivided and the abutting and adjacent properties. If more than one district, zoning boundary lines must be shown;	•	•	•	
9. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. These shall be marked in the field by survey stakes to identify the limits of the property;	•	•	•	

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of
 Reviewer

	M	P	F	
10. Names of abutting property owners and property owners across any adjacent streets;	•	•	•	
11. Area of the entire proposed development parcel(s);	•	•	•	
12. Location and number of all proposed lots, with accurate areas, dimensions and angles indicated; including a zoning data table showing calculations necessary to determine conformance to zoning regulations;	•	•		
13. Location, names, right-of-way and pavement widths of existing and proposed streets within and immediately adjacent to the subdivision parcel;	•	•	•	
14. Location, size and proposed use of existing buildings and structures, including historic designation, if any;	•	•	•	
15. Location of existing utilities including wells and individual sewage disposal systems (abandoned utilities must be shown and noted as such);	•	•	•	
16. Provisions for collecting and discharging stormwater;	•	•		
17. Location, scale, massing, height, (including relationship to existing and proposed grades) and dimensions of proposed structures, if any; including; floor area ratios, lot coverage and total building square footage; this information may be provided on a separate sheet, if necessary;	•	•	•	
18. Location of proposed permanent bounds (documentation that all proposed bounds have been set shall be provided prior to Final plan recording);		•	•	
19. Location of existing environmental features including general soil types, rock outcrops, surface water, wetland areas, wooded areas and major trees twelve (12) inch caliper or larger, and any other significant environmental features, if any;	•	•		
20. Existing contours with minimum intervals of two (2) feet; where any changes in contours are proposed, finished grades must be shown as solid lines. Spot elevations must also be shown with at least two (2) benchmarks referenced;	•	•		
21. Location of any wetlands, watercourses or their buffers (perimeter wetlands) present on the subdivision parcel, as determined by a RIDEM qualified wetlands biologist {in accordance with RIDEM Wetland Regulations};	•			
22. Notation as to flood zone of the property including base flood elevation data;	•	•		
23. Areas of agricultural use, (if any);	•	•		
24. Location of historic cemeteries on or immediately adjacent to the subdivision (if any);	•	•		
25. Location of any unique natural and/or historic features, including stone walls;	•	•		
26. Location, dimension, and area of any land proposed to be set aside as open space, recreation, or drainage or conveyed to the Town for public purposes;	•	•	•	
27. Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated;		•	•	

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of
M P F Reviewer

28. Notation of special conditions of approval imposed by the Planning Board (if any);		•	•	
29. Notation of any permits and agreements with State and Federal Reviewing agencies (if any);		•	•	
30. A place for signatures of the Planning Board Chair or Designee must be provided on all plans and/or documents to be signed by the Planning Board;	•	•	•	
31. Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to <u>Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations</u> , effective April 1, 1994, as amended. Measurement standards for the surveys shall meet the minimum standards for Class I Surveys.		•	•	
C. Construction Drawings - Six (6) blue-line or photocopies of preliminary and final construction plans of street and drainage structures drawn to a minimum scale of 1 inch to 40 feet (1"=40') for referral to the Technical Review Committee. Each sheet shall be no larger than 24" by 36", 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). All construction plans shall be certified as correct (stamped and signed) by a Registered Professional Engineer:		•	•	
1. <u>If street creation or extension is proposed:</u>				
a. <i>Streets Plan and Profile:</i> (minimum scale of 1"=40' horizontal) with profiles (minimum 1"=4' vertical) indicating the street center line, curblines, and the existing elevations of the ground at the street center line, location size, rim and invert elevations of proposed sewer lines, water lines and other underground utilities; and, street cross-sections showing width of right-of-way, roadway; and, if required location and width of sidewalks.				
b. Street plans shall also include all vehicular access to and from the site onto public streets including the size and location of curb cuts, driveways, parking and loading areas and other off-site traffic improvements necessary to ensure public safety; and, stubs for future connections to future streets in adjacent vacant lands. NOTE: The Planning Board may make any referrals and require of the applicant any studies it deems necessary to evaluate traffic and circulation plans.				

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of
M P F Reviewer

	M	P	F	Reviewer
C. Construction Drawings, cont.				
2. For phased projects, as-built drawings for the previous phase;			• •	
3. Drainage and Utility Plans to show the existing and proposed drainage structures, drainage basin areas, drainage flow paths, and outfalls with water quality measurements, including all utilities such as sewer, water, electric, gas, fire alarm cable, telephone and cable TV, manholes, valves, hydrants. Also included shall be a report summarizing drainage calculations; drainage plans and drainage calculations shall be prepared by a Registered Professional Engineer;			• •	
4. Additional plans with appropriate construction details and construction notes for street pavement, sidewalk, drainage structures, street lighting, exterior site lighting/photometrics plan (Major Land Developments only), sanitary structures, water line and water line structures, trench excavation, and steep slope excavation, if applicable;			• •	
5. Grading plans to show proposed contours at two-foot intervals for all grading proposed for on and off-site street construction, drainage facilities, and upon individual lots if part of proposed subdivision improvements;			• •	
6. Soil erosion and sediment control plan in conformance with Appendix F, if required;			• •	
7. Landscaping plan as detailed in Appendix F;			• •	
8. Plans showing street names and hydrant locations approved by the Fire Chief;			• •	
9. Construction Schedule identifying expected start and finish times for major construction tasks;			•	
10. Temporary improvements, if any, in accordance with Appendix F;			• •	
11. A traffic flow plan showing circulation patterns within the development;			•	
12. If any streets, areas, or facilities are to be dedicated to the Town of Bristol, a statement shall be added to all final plat plans stating that such dedication shall not impose any duty or responsibility upon the Town of Bristol to maintain or improve any dedicated streets, areas, or facilities until specifically authorized by the Town Council per Section 6.7 of these regulations.			•	
D. Supporting Materials:			• • •	
1. 12 reduced copies of all plans required in Items A, B, and C above (minimum 8 1/2" x 11" and maximum 11" x 17");			• • •	
2. One (1) copy of a narrative report providing the general description of the proposed development and phasing if any, including the proposed financing and present ownership of all of the land included within the development; if the applicant does not own all the land, then explain how it will be assembled or how site control will be achieved;			•	

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of

M P F Reviewer

	M	P	F	Reviewer
3. One (1) copy of a current deed and an Attorney's certificate certifying title, including encumbrances, easements, and/or temporary or permanent restrictions on the property;		•		
4. A list of consultants (i.e. engineering, planning, environmental) to be used on the project;		•		
5. A vicinity map, (locus map) drawn to a minimum scale of 1" = 400' or as necessary to show the area within one-half mile of the subdivision parcel showing the location of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use;		•		
6. A list of the names and mailing addresses as shown on the current real estate and assessment records of the Town for the property owners within the notice area; (See Section 8.5) this information shall also be on mailing labels;		•	•	
7. Low Impact Development (LID) Site Planning and Design strategies and Checklist from the Rhode Island Stormwater Design and Installation Standards Manual. Stormwater designs should meet RI Stormwater Manual Minimum Standards.		•		
8. A radius map, showing the property within the notice area (See Section 8.5) including: a. the shape, dimension and area of the property; b. the location of all zoning use district boundary lines; c. the assessor's plat and lot numbers; and, d. the general location, shape, use; and if any, historic designation of all existing buildings and structures and improvements; The above information may be shown on an 11" x 17" plan at a scale as appropriate;		•		
9. Architectural elevations (with measurements as needed for each interpretation) and of all exterior facades of proposed or existing buildings, structures and equipment including type and color of materials to be used; elevations shall be at an appropriate scale as determined at the preapplication stage;		•		
10. Legal documents describing the property, including proposed easements and rights-of-way, offer to convey public streets, creating Homeowners Association (if appropriate) deed transferring open space, dedications, restrictions, or other required legal documents:				
a. Two draft copies for review by the Planning Board Solicitor;		•		
b. Two signed final copies;			•	
11. Written confirmation from the RI Department of Environmental Management that the plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration;			•	

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of
M P F Reviewer

12. In lieu of item 10 above, an affidavit signed by a qualified professional (having minimum qualifications as described by the RIDEM Department of Freshwater Wetlands) stating that there are no freshwater wetlands or their buffers (perimeter wetlands) present on the property being subdivided {in accordance with RIDEM Wetland Regulations};		•		
13. Preliminary determination from the Coastal Resources Management Council if the parcel to be subdivided is subject to the jurisdiction of this agency;		•		
14. A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or State right-of-way (if applicable);		•		
15. Water Service (if proposed):				
a. Written confirmation that the Bristol County Water Authority has reviewed the plan and is able to provide water service;		•		
b. A copy of the water contract covering the installation of water service or written confirmation that a contract has been executed or will be executed upon approval by the Planning Board (a copy of the executed contract must be submitted prior to endorsement by the Planning Board);			•	
16. Sewer:				
a. Written confirmation from the Bristol Water Pollution Control Facility certifying that the subdivision can tie into the Bristol Sewer Service; or,		•		
b. If Individual Sewage Disposal Systems are proposed, either a preliminary subdivision suitability report or a water table verification from the Rhode Island Department of Environmental Management indicating that the soil and water table within the proposed subdivision are suitable for the safe and proper operation of individual sewage disposal systems;		•		
17. Certification from the Tax Collector that all property taxes are current and that sewer assessments and sewer use fees are paid;			•	
18. A letter stating it is the intent to complete the required improvements prior to Planning Board endorsement of the final plat or a letter requesting that a security sufficient to cover the cost of required improvements be set by the Planning Board, along with a construction cost estimate for improvements;		•		
19. Application form;	•	•	•	

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of

M P F Reviewer

20. Initial written comments on the Master Plan and final written comments on Preliminary from the following agencies: a. ___ Planning Board Engineer Date: _____ b. ___ Water Authority Date: _____ c. ___ Sewer Department Date: _____ d. ___ Building Inspector Date: _____ e. ___ Planning Department Date: _____ f. ___ Department of Public Works Date: _____ g. ___ Fire and Police Date: _____ h. ___ Conservation Commission Date: _____ i. ___ Other Local Agencies, Specify: _____ Date: _____ j. ___ Adjacent Community (Warren) Date: _____ k. ___ RI Dept. of Environmental Management Date: _____ l. ___ RI Dept. of Transportation Date: _____ m. ___ Coastal Resources Date: _____ n. ___ Other State Agencies, Specify: _____ Date: _____ o. ___ FEMA Date: _____ p. ___ Other Federal Agencies, Specify: _____ Date: _____ NOTE: REFERRALS TO THE ABOVE AGENCIES WILL BE MADE BY PLANNING DEPARTMENT STAFF.	•	•	
21. Report and recommendations from the Technical Review Committee;	•	•	
22. Approvals from other Town Boards and commissions, as appropriate;		•	•
23. Approvals from other State Agencies, as appropriate;		•	
24. Such other information as may be required to show that the details of the proposal are in accordance with this section and all other applicable requirements and standards of these Regulations.	•	•	•
E. 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:			
1. Application fee;	•	•	•
2. Final plat recording fee;			•
3. Engineer Review and Inspection Fee;	•	•	•
4. Performance guarantee or other financial guarantees (if applicable);			•
5. Fees in-lieu of land dedication (if applicable);			•
6. Maintenance guarantee for acceptance of public improvements (if applicable);			•
7. Receipt that all other fees to outside agencies have been paid by applicant, if any;			•
8. Mapping fees shall be paid to the Tax Assessor prior to recording plan.			•

M = Master Plan
P = Preliminary
F = Final

Date &
 Initials of
M P F Reviewer

Other Requirements: The following items may be required based on the presence of certain site conditions as indicated at the Pre-application or Master Plan stage of review. The applicant shall have any required items prepared by a qualified party.				
1. Fiscal impact statement (see Section 6.6);		•		
2. Completed Environmental Impact Assessment statement for the proposed development (see Section 6.6);		•		
3. Archaeological Study;		•		
4. Traffic Impact Study,		•		
5. Phase 1 Environmental Site Assessment (ESA), conducted by a qualified professional consultant, as may be requested at the pre-application stage. If the Phase 1 indicates suspect environmental site conditions, then a Phase 2 ESA shall be conducted by a qualified professional consultant prior to preliminary plan approval;	•	•		
6. Perspective drawings, view shed maps, line of site diagrams, sketches, renderings, photographs or scale models as needed to illustrate the visual impact on the community;	•			
7. Flood plain compensation calculations;		•		
8. Historic District Commission Certificate of Appropriateness, if the project requires Historic District Commission review and approval.		•		

* Mylar plans shall be on polyester film, single matte with a thickness of 3 mils (.003 inches), and must have an opacity so as to allow consistent computer scanning. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability. All signatures must be in black India ink or its equal.

APPENDIX E
DEVELOPMENT PLAN REVIEW APPLICATION AND CHECKLIST

APPLICATION FORM AND SUBMISSION CHECKLIST FOR DEVELOPMENT PLAN REVIEW (A.K.A. SITE PLAN REVIEW)

Development Plan Review - A process whereby the Planning Board or Technical Review Committee (TRC) reviews the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the Zoning Ordinance and these Regulations. (see also Article V of the Zoning Ordinance).

TRC Review - Development Plans for uses permitted by right (i.e. designated with a "Y" in the Land Use Table) and which do not need waivers are reviewed by the TRC. (See Section 3.2) Please submit the following completed application form, together with all of the appropriate materials listed in Sections A, B, and C of the checklist (Preliminary and Final) to the Administrative Officer.

Date of Submission _____ TRC Meeting Date _____

Planning Board Review - Development Plans for uses which require a variance or special use permit, or require a waiver, are reviewed by the Planning Board. Please submit the following completed application form, together with the appropriate materials listed in Sections A, B, and C as indicated on the attached checklist (for either Preliminary or Final Review as appropriate), to the Administrative Officer at least three weeks prior to the regularly scheduled meeting of the Planning Board. (See Article 4 of these Regulations).

Date Submission Due _____ Planning Board Meeting Date _____

APPLICATION FORM

1. Name of proposed development: _____
2. Name, address and telephone number of property owner: _____

3. Name and address of applicant, if different from owner: (A written, notarized confirmation from property owner authorizing the applicant to make the submission shall also be submitted): _____

4. Plat and lot number(s) of the parcel being developed: _____
5. Area of the subject property: _____
6. Zoning District (including any Special Districts): _____

7. Names and owners of existing streets or rights-of-way within and immediately adjacent to the subject property:

_____	_____
_____	_____
_____	_____

8. Attach a list of the names and current mailing of abutting property owners and property owners immediately across any adjacent streets as shown on the current real estate and assessment records of the Town, including plat and lot numbers.

Signed by Owner/Applicant: _____ Date _____

Notarized:

Subscribed and sworn to before me this _____ day of _____, 19__.

NOTARY PUBLIC

SUBMISSION CHECKLIST FOR DEVELOPMENT PLAN REVIEW

T = P + F for Technical Review Committee Submission

P = Preliminary Planning Board Submission

F = Final Planning Board Submission

	Date & Initials of Reviewer	
	P	F
NOTE: All plans must include Title Block and items A 1-7 below.	•	•
A. Development Plans -	•	
<i>Preliminary Plans</i> - 5 blueines or photocopies shall be submitted for distribution to the Technical Review Committee. Each sheet shall be a minimum size of 8.5" x 11" and a maximum size of 18" x 24" at a scale of 1" = 40' with a sufficient number of sheets to clearly show all of the information required. Sheets shall be numbered sequentially (e.g. sheet 1 of 3, etc.)		
<i>Final Plans</i> - 5 blueines or photocopies shall be submitted for distribution to the Technical Review Committee. Upon certification of completeness, one (1) reproducible mylar®, 3 blueines or photocopies, and one electronic AutoCAD file of all plans shall be submitted. Each sheet shall be a maximum size of 18" x 24" at a scale of 1" = 40' (unless otherwise specified by the Planning Board).		•
The development plans shall contain the following:		
1. Name and address of property owner or applicant;	•	•
2. Name, address, and telephone number of preparer;	•	•
3. Date plan was prepared, with revision date(s) (if any);	•	•
4. Graphic scale (1" = 40' or larger) and north arrow;	•	•
5. Assessor's Plat and Lot Number(s);	•	•
6. Zoning District; if a zone splits the property, the zoning boundary must also be shown;	•	•
7. Legend showing all symbols;	•	•
8. Vicinity or Locus Map to show location of property;	•	•
9. Perimeter boundary lines of the subject property, drawn so as to distinguish them from other property lines;	•	•
10. Location and dimensions of existing property lines, easements, reservations, and rights-of-way within or abutting the subject property;	•	•
11. Location, width and names of existing streets abutting the subject property;	•	•
12. Location of all existing utilities (electric, water, sewer, gas); including, but not limited to, abandoned wells and individual sewage disposal systems with a notation as such;	•	•
13. Existing contours with intervals of two (2) feet;	•	
14. Notation if no changes in contours are proposed; or where any changes in contours are proposed, finished grades must be shown as solid lines.	•	

T = P + F for Technical Review Committee Submission
P = Preliminary Planning Board Submission
F = Final Planning Board Submission

	Date & Initials of Reviewer	
	P	F
15. Notation as to the flood zone of the subject property;	•	
16. Location, size, and proposed use of existing buildings and structures on the subject property; including, historic designation, if any;	•	•
17. Location and size of proposed buildings and structures, including the designation and area in square feet of each proposed use within the structure; and; if any, the total number of proposed seats indoor and/or outdoor;	•	•
18. Floor area ratio and lot coverage computations in accordance with the Zoning Ordinance requirements;	•	•
19. Location, dimension and number of existing and proposed parking spaces; handicapped parking spaces; vehicular drives and curb cuts; loading areas; and, total square footage of parking area (stalls and aisles);	•	•
20. Cross section and profiles of any proposed impervious surface construction, if intended as a public improvement;		•
21. Location of any existing and/or proposed sidewalks and pedestrian, bicycle, and vehicular connections to adjacent parcels where feasible and appropriate based on site conditions such as location and use;	•	•
22. Provisions for collecting and discharging stormwater;	•	•
23. Location of any existing and proposed solid waste facilities including appropriate screening;	•	•
24. Location of any proposed external lighting in conformance with Appendix F;		•
25. Location of any existing and/or proposed outdoor signs; and, specifications of proposed signs;		•
26. Location of wooded areas with a notation of existing trees with a twelve inch (12") or larger caliper, if any;	•	
27. Location of other significant existing natural and manmade environmental features including rock outcrops and stone walls, if any;	•	
28. Location of historic cemeteries on or immediately adjacent to the subject property, if any;	•	
29. Location of any wetlands, watercourses or their buffers (perimeter wetlands) as determined by a RIDEM qualified biologist {in accordance with RIDEM Wetland Regulations};	•	
30. The location, dimension and area of any land proposed to be set aside as open space, or drainage, or conveyed to the Town for public purposes, if any;	•	•
31. Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated;	•	•
32. Notation of special conditions of approval imposed by the Planning Board (if any);		•

T = P + F for Technical Review Committee Submission
P = Preliminary Planning Board Submission
F = Final Planning Board Submission

	Date & Initials of		
	P	F	Reviewer
33. Notation of any permits and agreements with State and Federal Reviewing agencies (if any);		•	
34. A place for the signatures of the Planning Board Chair or Designee must be provided on all plans and /or documents to be signed;		•	
35. Certification by a Registered Land Surveyor that the plan is correct and conforms to <u>Procedural and Technical Standards For the Practice of Land Surveying In the State of Rhode Island and Providence Plantations</u> as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., April 1, 1994, as amended. Measurement standards for surveys shall meet the minimum standards for Class I Surveys. Note: Any construction plans must also stamped and signed by a Rhode Island Registered Professional Engineer.	•	•	
B. Supporting Materials	•	•	
1. A reduced copy of all plans required in Category A above (minimum size of 8.5" x 11", maximum size of 11" x 17");	•	•	
2. Soil erosion and sediment control plan; if required, in accordance with Appendix F;		•	
3. Where new drainage structures are required as part of the site improvement, detailed drainage plan and computations; in accordance with Appendix F;	•	•	
4. Low Impact Development (LID) Site Planning and Design strategies and Checklist from the Rhode Island Stormwater Design and Installation Standards Manual. Stormwater designs should meet RI Stormwater Manual Minimum Standards.	•	•	
5. A landscape plan in accordance with Appendix F;		•	
6. A photometric plan of exterior site lighting, if applicable		•	
7. A copy of the current deed; and if required, a title certificate of an attorney certifying any encumbrances, easements, and/or restrictions on said property;	•		
8. Two signed final copies of all legal documents, as applicable;		•	
9. Written confirmation from the RIDEM that the plans of the 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, if required;		•	
10. In lieu of item 7 above, if required, an affidavit signed by a qualified professional (having minimum qualifications as described by the RIDEM Department of Freshwater Wetlands) stating that there are no freshwater wetlands or wetland buffers (perimeter wetlands) present on the subject property {in accordance with RIDEM Wetland Regulations};		•	
11. Preliminary determination from the Coastal Resources Management Council if the subject property is subject to the jurisdiction of this agency;		•	

T = P + F for Technical Review Committee Submission
P = Preliminary Planning Board Submission
F = Final Planning Board Submission

	Date & Initials of Reviewer	
	P	F
12. A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or State right-of-way (if applicable);		•
13. Water Service (if proposed):		
a. Written confirmation that the Bristol County Water Authority has reviewed the plan is able to provide water service;		•
b. A copy of the water contract covering the installation of water service or written confirmation that a contract has been executed or will be executed upon approval by the Planning Board (a copy of the executed contract must be submitted to the Planning Board prior to recording the plan);		•
14. Sewer:		
a. Written confirmation from the Bristol Water Pollution Control Facility certifying that the development can tie into the Bristol Sewer Service;		•
b. If Individual Sewage Disposal System (ISDS) is proposed, either a preliminary subdivision suitability report or a water table verification from the RIDEM indicating that the soil and water table within the proposed development are suitable for the safe and proper operation of the ISDS;		•
15. Certification from the Tax Collector that all property taxes are current;		•
16. Construction Schedule identifying expected start and finish times for major construction tasks;	•	
17. Zoning Enforcement Officer letter of determination that there are no outstanding zoning violations or fines on the subject property;	•	•
18. Development Plan Review application form;	•	•
19. Report from Technical Review Committee (TRC);	•	
20. Any other information which the TRC or Planning Board deems necessary to adequately review the application.	•	•
21. Construction cost estimate of all site improvements.		•
C. Payment of Required Fees - Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by either the Planning Board or the TRC:		
1. Application fee;	•	
2. Recording fee;		•
3. Engineering Review and Inspection Fee;		•
4. Performance bond or other financial guarantees (if applicable);		•
5. Fees in-lieu of land dedication (if applicable);		•
6. Maintenance bond for acceptance of public improvements (if applicable);		•
7. Receipt that all other fees to outside agencies have been paid by the applicant (if applicable);		•

* Mylar plans shall be on polyester film, single matte with a thickness of 3 mils (.003 inches), and must have an opacity so as to allow consistent computer scanning. All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability. All signatures must be in black India ink or its equal.

APPENDIX F
DESIGN AND CONSTRUCTION STANDARDS

APPENDIX F
DESIGN AND CONSTRUCTION STANDARDS

F.1 GENERAL PROVISIONS - STANDARDS FOR REVIEW

A. General Requirements

In addition to the required findings stated in Section 8.6 of Article 8, the approving authority, whether it be the Planning Board, Administrative Officer, or Technical Review Committee as may be the case with development plans shall make positive findings on all of the standards listed below as part of the record for the proposed subdivision or development project. The Planning Board shall have grounds for denial of the proposal if a negative finding for any of these standards is made.

B. Project Design

(1) Purpose.

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. To promote this purpose, land development projects and subdivisions shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

(2) Subdivision and Development Project Design.

- (a) Design of the development shall be consistent with the Comprehensive Community Plan for the Town of Bristol.
- (b) Development of the site shall be based on the characteristics of the site and upon the site analysis. Development planning and design strategies should also be consistent with Minimum Standard 1 of the RIDEM Stormwater Manual. To the maximum extent practicable, development shall be located to minimize disturbance to the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the Town.

- (c) The following specific areas shall be *preserved as undeveloped open space or lot area*, to the extent consistent with the reasonable utilization of land; and in accordance with the applicable State or Town regulations:
- i. Unique and/or fragile areas including freshwater and coastal wetlands, as defined by a RIDEM qualified biologist;
 - ii. Undeveloped lands in the flood plain, especially velocity flood plain, as defined in Article XII of the Zoning Ordinance;
 - iii. Habitats of endangered wildlife, as identified on applicable Federal or State lists;
 - iv. Archaeologically significant areas as identified by the State Rhode Island Historic Preservation Commission;
 - v. Agricultural lands as defined in Article XII of the Zoning Ordinance;
 - vi. Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value.
- (d) In general, development shall be laid out to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage and utilities on neighboring properties. The following standards shall apply (See also Section 8.6 Findings):
- i. Subdivisions shall not create individual lots with such physical constraints to development that building on those lots according to applicable regulations and building standards will be impracticable.
 - ii. All proposed land developments and all subdivision lots shall have adequate permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement; and,
 - iii. Each development shall provide safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;

- iv. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each development shall minimize potential flooding and soil erosion.

C. Lot Design Standards

(1) Developable Land Area.

- (a) All lots shall be designed so as to contain not less than the minimum land area required by the Zoning Ordinance while complying with the definition of Lot Area in Article XII the Zoning Ordinance.

(2) Land Unsuitable for Development.

- (a) Land included in B(2)(c)1 [freshwater and coastal wetlands as designated by RIDEM qualified biologist] shall be considered land unsuitable for development and shall not be used for locating building envelopes and/or septic systems. This land may not be included in the minimum area needed for lots in the R-6, R-8, D, or W zoning districts. The minimum area of contiguous land exclusive of wetlands, known as “upland”, for lots in other zoning districts shall be according to the following schedule, Table 1:

TABLE 1

Zoning District	Minimum Amount of Contiguous Upland Required for Lots (in square feet)
R-10 and GB	8,000
R-15	12,000
R-20 and M	16,000
R-40	20,000
R-80	40,000

- (b) Public access, waterfront access, or scenic areas, exclusive of those located in wetlands, which are conveyed by easement solely to the Town, State other Governmental entity, or recognized Conservation organization may be included in the lot area for calculation.

(3) Lot Configuration.

When designing the layout of lots and future buildings within a development, the following standards and conditions shall apply.

- (a) All lots shall abut an existing or proposed public street with a minimum frontage as set forth in the Zoning Ordinance, except as otherwise provided.
- (b) Except on those sides bordering a street, lots shall have no interior angles greater than two hundred (200) degrees unless the Planning Board (or Administrative Officer in the case of Administrative Subdivisions) makes a finding that the proposed interior angle would not result in the creation of a Flag Lot. In general, building lots shall have a proportion of average lot depth to average lot width not exceeding two and five tenths (2.5) to one (1), provided; however, that they have the **minimum lot size as required in the Zoning Ordinance**.
- (c) The Planning Board shall have the right to prohibit or require modification to proposed lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purposes. The Planning Board may vary street locations, lot shapes and dimensions, yards and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, **provided that the lots areas and dimensions, yards and setbacks within the subdivision meet or exceed the minimum requirements of the Zoning Ordinance**, and provided that such standards shall be appropriate to the type of development permitted.
- (d) Residential developments.
 - i. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.
 - ii. Except as otherwise provided, residential lots shall front on local streets wherever practicable.
 - iii. The placement of dwelling units in residential developments shall respond appropriately to considerations of topography, privacy, building height, orientation, drainage, and scenic values.
- (e) Commercial and industrial developments. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent possible; factors such as drainage, noise, odor, and

surrounding land uses considered in siting buildings; sufficient access shall be provided and adverse impacts mitigated.

(4) Blocks.

In residential subdivisions, blocks shall not normally be greater than one thousand (1,000) feet in length. Blocks in grouped housing, commercial or industrial developments, shall be designed to allow traffic to move with ease and to provide inherent safety to pedestrians and inhabitants. The dimensions of such blocks shall be related to the site requirements of the contemplated uses.

D. Circulation and System Design

(1) Road System.

- (a) The arrangement of streets shall be considered in relation to the existing street system and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; to improve the visual quality of the subdivision; to increase privacy and reduce unnecessary noise and traffic.
- (b) In grouped housing and commercial developments, the number of site entrances shall be the minimum necessary for effective traffic control. The sharing of access driveways and parking areas by adjoining properties is desirable and will be required where appropriate.

(2) Pedestrian and Bicycle Systems.

- (a) Pedestrian and bicycle systems shall be located as required for safety. In conventional subdivision developments, walks shall be placed parallel to the street with exceptions permitted to preserve natural features or to provide visual interest. Walks may be placed away from the road system with permission of the Planning Board.
- (b) In site development, the layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas, and walkways shall provide for safe interior circulation and separation of pedestrian, bicycle, vehicular, and service traffic.

E. Landscape Design

- (1) Reasonable landscaping should be provided at site entrances, in public areas, in parking areas, adjacent to buildings, as required for screening; and, in buffer areas. The type and amount of landscaping required shall be allowed to vary with type of development, as approved by the Planning Board or Technical Review Committee with referral to the Bristol Conservation Commission.
- (2) The plant or other landscaping material that best serves the intended functions shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

F. Lighting Requirements

Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings and in parking areas where they shall be coordinated with stall and aisle layouts.

G. Sign Requirements

Signs, as defined by the Zoning Ordinance, shall be in compliance with the requirements and standards of Article IX of the Zoning Ordinance.

H. Buffering Requirements

- (1) Every development shall provide sufficient buffering when topography, existing vegetation or other barriers do not provide reasonable screening and when the approving authority has determined that there is a need to: shield neighboring properties from any adverse external effects of a development; shield the development from any negative impacts of adjacent uses; and/or to minimize stormwater impacts on flood management and water quality.
- (2) Buffer easements and landscaping within the buffer area shall be as set forth in these regulations (Section F.2)

I. Sustainability / Energy Efficiency

To the maximum extent reasonably practicable, developments should utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy conscious design with regard to orientation, building materials, shading, landscaping, and other elements.

- (3) **LEED®** (Leadership in Energy and Environment Design) certified buildings shall be encouraged. LEED ® establishes a system for measuring building and site performance by promoting designs that integrate energy and resource conservation. Construction shall use “green” strategies and materials to the extent possible.
- (4) **Solar Radiation** New development shall maximize the benefits of solar radiation. Orientation recognized in the façade treatment, trees and shade structures shall be incorporated into designs.
- (5) **Green Roof** “Green” roofs shall be encouraged in any development design and the green roof area shall be considered non-roof for any landscape area calculation.
- (6) **LID (Low Impact Design)** Strategies, consistent with the State of Rhode Island Stormwater Design and Installation Standards Manual, as amended.

F.2 PUBLIC IMPROVEMENT AND DESIGN STANDARDS

A. General.

The applicant, at his own expense, shall construct all improvements where required by the Planning Board in granting approval for any subdivision or development subject to these regulations; including, off-site improvements where directly related to impacts from the proposed development.

B. Street Design Standards.

The following design standards shall be followed where applicable in the design and construction of any subdivision or development project, including building permits for single lots.

(1) Frontage on Improved Streets.

- (a) The area to be built on, developed or subdivided shall have frontage on an existing, improved public street. If such an existing street has not been improved to the standards and specifications as required by these Regulations, the Planning Board must approve the street improvement. (Refer to application submission requirements in Appendix D, Section C, of these regulations “Construction Documents” The applicant shall make certain improvements along the part of the street abutting the

property and/or leading to the property being subdivided or developed where necessary for drainage, safety, traffic or other reasons as deemed proper by the Board in accordance with the following sections

- i. For platted, dedicated streets (platted and dedicated prior to the effective date of these regulations) which are not improved ; Developer shall pay all related costs for: engineering work to prepare plans; and all costs to construct a new road in accordance with the standards of Section F.3 General Construction Standards of the Town of Bristol Subdivision and Development Review Regulations including but not limited to installation of property boundaries, drainage, hydrants, sewer and water supply, street trees, street lighting, gravel base course treatment, bituminous binder course, and surface course.
- (b) Where the lot to be built on is a pre-existing single lot of record, the base course shall be installed prior to issuance of a building permit and the balance of the outstanding improvements are to be completed prior to issuance of a certificate of occupancy unless a performance guarantee is posted. Where roads are improved as part of multiple preexisting lots of record or a subdivision, the Developer shall complete the work or post a guarantee in accordance with Section 6.5 of these Regulations.
- (c) In all cases, the Developer shall be responsible to reimburse the Town of Bristol for the Planning Board's Engineer Review and Inspections in accordance with Section 7.5 of these regulations.

(2) Street Classification.

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

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

- (a) Arterial - A major public street that serves as an avenue for the circulation of traffic into, out of, or around the Town and carries high volumes of traffic.

- (b) Collector - A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- (c) Local - Public streets whose primary function is to provide access to abutting properties.
- (d) Stub Road/Connector - A portion of a street reserved to provide access to future development, which may provide for utility connections
- (e) Cul-de-Sac - A local street with only one outlet and having an appropriate vehicular turnaround at the closed end.
- (f) Service Road - Streets parallel and adjacent to arterial streets and highways which provide access to properties in the subdivision and provide protection from through traffic.
- (g) Industrial - A public street that services properties within an industrial zoning district.

(3) Street Right of Way and Pavement Widths.

Street right-of-way and pavement widths shall conform to the dimensions shown in Table 2 below. Figure 1 illustrates a typical cross section of a local street proposed for acceptance and maintenance by the Town.

TABLE 2

Type of Street	Right-of-Way Width	Pavement Width
Local	50'	24'
Stub Road or Connector	50'	24'
Cul-de-Sac Serving 4 lots or less	40'	24'
Service Road	40'	24'
Industrial	60'	28'
Collector	50'	28'
Arterial	80'	(*)

(*) Pavement width as per Planning Board, based on traffic studies, best available engineering data and other pertinent information that the Planning Board may

require to assist in determining, subject to the recommendations of the Planning Board Engineer.

(4) Variations to Right-of-way and Pavement Widths.

- (a) The Planning Board shall have the right to require greater right-of-way widths and greater paved surfaces and to allow reduced right-of-way and paved surfaces where the Board finds it appropriate. The Board shall consider expected and future traffic, the possibility for expansion or continuation of the street, public safety, on-street parking needs and requirements, the existing and proposed zoning and land use in evaluating road width requirements. When on-street parking is needed or required, pavement widths shall be designed so that there is a minimum of 20' for unobstructed passage in accordance with the Fire Code.
- (b) The Planning Board may allow the pavement to be off-set within the right-of-way.

(5) Street Layout and Arrangement.

- (a) In subdivisions and land development projects, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two (2) vehicular access streets may be required by the Planning Board in major subdivisions, when determined by the Board to be feasible. Proposed streets within subdivisions and land development projects shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.
- (b) Street Grades. Grades of minor residential streets shall not be less than five-tenths (0.5) percent nor more than ten (10) percent. Arterial and industrial streets shall not exceed five (5) percent in grade nor be less than five-tenths (0.5) percent in grade.
- (c) Where a deflection angle of ten (10) degrees or more occurs along the center line of a street, a curve with a radius of not less than one hundred fifty (150) feet shall be introduced.

(6) Access to Adjoining Properties.

- (a) When the Planning Board requires the provision of access to adjoining property, proposed streets (also known as “stub roads” or “connectors”) shall be continued and improved for a minimum length of ten (10) feet so that they are recognizable. The reservation of strips of land preventing such access shall not be permitted. Where a dead-end street is to provide future access to adjacent property, the Planning Board may require a defeasible easement provision for a turn-around or a “T” turn-around until such time as the street is extended.
- (b) The minimum dimensions for a “T” turn-around shall be forty (40) feet x eighty (80) feet.
- (c) A performance guarantee may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable period of time.
- (d) Access to adjoining property for pedestrian and/or bicycle circulation may be required if the Planning Board finds that the connection will either: increase accessibility between adjoining subdivisions; join existing or proposed sidewalks or bicycle paths; join subdivisions to major public or private schools, recreation areas or other facilities; or, significantly enhance the public safety by providing such pedestrian and/or bicycle connections.

(7) Street Intersections.

Street intersections shall either coincide precisely with, or be offset by at least one hundred fifty (150) feet from other intersections. Intersections shall intersect as nearly as possible at ninety (90) degree angles; no intersection shall have an angle of less than sixty (60) degrees. Corners at intersections shall be rounded to provide a radius of not less than fifteen (15) feet.

(8) Dead-End Streets (Cul-de-sacs).

All dead end streets shall end in a cul-de-sac or T-shaped turnaround and shall be clearly marked at their entrances. The length of a dead-end street shall not exceed six hundred (600) feet, measured to the center point of the cul-de-sac radius, to ensure the adequate and safe circulation of vehicular traffic.

A cul-de-sac turn-around shall have a minimum radius for paved area of forty (40) feet with a fifty (50) foot right-of-way radius and may be off-set left or right. The Planning Board may permit a thirty (30) foot paved radius where appropriate. The Planning Board may also permit a landscaped island in the center of the cul-de-sac

to aid with stormwater management. Where appropriate, the Planning Board may permit a T-shaped turnaround with a minimum length of sixty (60) feet and a minimum width of twenty (20) feet.

(9) Street Names.

- (a) 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 Bristol as approved by the Planning Board and the Town Fire Chief in accordance with the 911 Uniform Emergency Telephone System.
- (b) As a general rule, cul-de-sacs shall be “courts” and private streets shall be “ways” in order to provide clarification as to the type of road.

(10) Street Numbers.

Street numbers, for mailing purposes, shall be assigned to each new lot or building in concurrence with the Director of Community Development, the Tax Assessor, and the Post Office as per the 911 Uniform Emergency Telephone System.

(11) Street Signs.

Traffic and street name signs shall be included in the subdivision design and approved by the Department of Public Works and the Chief of Police. Such signs shall be installed by the developer or by the Department of Public Works at the developer's expense.

(12) Lighting.

- (a) In all new subdivisions where road improvements are being made, provisions shall be made for street lights with LED Bulbs to be installed generally every two hundred (200) feet or as approved by the Planning Board
- (b) The maximum height of light standards in commercial and industrial districts shall not exceed twenty-five (25) feet, unless specifically authorized by the Planning Board.
- (c) Where there is a mix of residential and commercial uses, light standards shall not exceed twenty (20) feet in height, unless specifically authorized by the Planning Board.
- (d) The height and shielding of lighting shall provide proper lighting without hazard to drivers or nuisance to residents.

- (e) The design of lighting standards shall be of a type appropriate to the development as approved by the Planning Board.

Spotlights, if used, shall be placed on standards, pointing toward the building and positioned so as to not spill onto residential areas but, directed onto the buildings.

(13) Street Trees.

Where existing tree growth is determined by the Planning Board or Technical Review Committee (TRC) to be insufficient, the Planning Board or TRC shall require the applicant to plant street trees along both sides of all new streets within developments or along the existing streets abutting the development in accordance with the approved landscape plan. Street trees shall be appropriate for the terrain, soil and climatic conditions encountered in the development, and in accordance with the following standards:

- (a) Location - Street trees shall be planted within street rights-of-way along both sides of the street.
- (b) Spacing - Trees shall be planted at distances of not less than thirty (30) feet nor more than fifty (50) feet apart along each side of the street pavement. At street corners, trees shall not be planted within twenty-five (25) feet of the intersecting right-of-way lines.
- (c) Type - Trees shall be of nursery stock grown under local climatic conditions and of a type as recommended by the Bristol Conservation Commission and approved by the Planning Board. Species which have been introduced to this region by way of Bristol are preferred, including the following:

Thornless Honey Locust (*Gleditsia Triacanthos inermis*);
Moraine Locust (*Gleditsia Triacanthos inermis* "Moraine");
Little Leaf Linden (*Tilia Cordata*);
Crimean Linden (*Tilia Euchlora*);
Pin Oak (*Quercus palustris*);
Japanese Zelkova (*Zelkova serrata*);
Ginkgo (*Ginkgo biloba*);
Katsura Tree (*Cercidiphyllum japonicum*).
Common horsechestnut (*Aesculus hippocastarium*)
Shagbark Hickory (*Carya Ovata*)
Northern Catalpa (*Catalpa speciosa*)
Common Hackberry (*Celtis Occidentalis*)

White Ash (*Fraxinus Americana*)
Common or European Ash (*Fraxinus excelsior*)
Green Ash (*Fraxinus Pennsylvanica*)
Black Walnut (*Juglans nigra*)
American Sweet Gum (*Liquidambar styraciflua*)
Tulip Tree (*Liriodendron tulipifera*)
Cucumber Tree (*Magnolia acuminata*)
Tupelo (*Nyssa sylvatica*)
London Planetree (*Platanus x acerifolia*)
Common Sycamore (American Planetree, Buttonwood) (*Platanus occidentalis*)
Swamp White Oak (*Quercus bicolor*)
Scarlet Oak (*Quercus coccinea*)
Bur Oak (*Quercus macrocarpa*)
Northern Red Oak (*Quercus rubra*)
Black Locust (*Roninia pseudoaccacia*)
Japanese pagoda Tree (Scholar Tree) (*Sophora japonica*)
American Linden (*Tilia Americana*)
Redmond Linden (*Tilia x Redmond*)
Common Linden (European Linden) (*Tilia x europaea*)
Silver Linden (*Tilia tomentosa*)
Pendent Sliver Linden (*Tilia petiolaris*)
New Harmony American Elm (*Ulmus Americana*)
Princeton American Elm (*Ulmus Americana*)
Valley Forge American Elm (*Ulmus Americana*)
Morton/Accolade Elm (*Ulmus japonica x wilsoniana*)

- (d) Size - The average trunk diameter measured at a height of six (6) inches above the finished grade shall be a minimum of two and one half (2½) inches at time of planting. Street trees shall have a minimum overall height of eight (8) feet.
- (e) Quality - Street trees shall be of a symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated. Existing trees on the site, which are suitable for use as street trees, may be used if inspected and approved by the Tree Warden before planting.
- (f) Planting - Planting shall be done during the proper season and no planting shall be done in frozen soil or during unfavorable weather conditions. Each tree shall be planted plumb, slightly lower than where it stood in the nursery (in relation to the finished grade) and shall be thoroughly watered when the hole is two-thirds full of loam. Loam

shall be clean of good quality and of such fertility and composition that it will continuously support plant growth. After watering, the filling shall be complete and the loam thoroughly tamped. After planting, a three-inch mulch of well-seasoned manure or peat shall be applied over the disturbed ground and a shallow watering basin provided around the tree.

- (g) Staking - Each tree shall be secured by double staking in such manner as to ensure maximum stability and to prevent whipping of the tree in high winds. Such staking shall be accomplished with a pair of two and one-half (2 1/2) inches by eight (8) feet stakes driven plumb two and one-half (2 1/2) feet into the ground and tied at the tops and bottoms with figure-eight hitches of No. 4 gauge wire encased in rubber hose or its equivalent.
- (h) Maintenance - All trees shall be watered and maintained by the applicant to assure that suitable growth has been established.

C. Easements.

- (1) Easements may be required by the Planning Board where necessary for the proper location and placement of improvements on private land as described below. The area of the easement may be included in the calculation of the lot area. The Board may, in its own discretion, require the dedication of land to the Town in lieu of easements if such dedication would provide greater control over and access to the intended use. Permanent monuments may be required to be installed to mark the easement as determined by the Director of Public Works.
 - (a) Sanitary Sewers. Easements across lots shall be provided for sanitary sewers where they are required in accordance with standards of the Bristol Water Pollution Control. The easement width shall be twenty (20) feet.
 - (b) Drainage Easements. Easements to maintain underground drainage facilities on private land shall be dedicated to the Town where required. The nominal width for a drainage easement shall be twenty (20) feet. Easements into and upon above ground drainage facilities such as stormwater detention or retention basins shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is intended to be directed to such basins.

- (c) **Bicycle or Pedestrian Access Easements.** Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the Town or on an easement having a minimum width of eight (8) feet or as determined by the Planning Board.
- (d) **Buffer Easement.** Vegetated buffers shall be planted and maintained where required to avoid adverse impacts from adjacent uses. The width of such buffer easement shall be determined by the Board (or TRC as the case may be). The applicant shall propose plantings within the buffer as well as a maintenance plan which shall be reviewed by the Bristol Conservation Commission and approved by the Planning Board or TRC. The maintenance plan shall include a provision whereby failure to maintain the buffer will result in maintenance by the Town at the owner's expense. The buffer easement may be bounded as determined by the Planning Board or TRC by either a stone wall, split rail fence or other similar treatment in order to demarcate the easement area.
- (e) **Other Easements.** All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of fifteen (15) feet, and in compliance with the utility company requirements.

D. Permanent Monuments.

Permanent monuments shall be granite which shall be thirty (30) inches in length and a minimum of four (4) inches square in cross-section. A drill hole one-half (1/2) inch in diameter and three - quarters (3/4) of an inch deep shall be placed and centered on the top surface of the monument. All monuments shall be set flush with the finished grade.

E. Curbs.

Vertical concrete or granite curbs are required in streets within industrial subdivisions and will be required by the Planning Board in other subdivisions where deemed necessary to control surface water and drainage or where it may connect with existing curbing. If determined appropriate, the Planning Board may allow rolled curbing or asphalt berm. The use, type, and location of curbing should be appropriate for anticipated vehicular and pedestrian traffic, sight lines, slope, and stormwater management system design.

F. Sidewalks.

- (1) Sidewalks shall be required to be installed on one side of new streets in subdivisions and in multifamily developments. Sidewalks may be required to be installed on both sides of new streets if the Planning Board finds the following:
 - (a) The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc. where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or
 - (b) The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians.
- (2) In commercial developments, there shall be at least one clearly designated pedestrian route between the street, the parking area and the main entrance of the building.
- (3) Sidewalks may be required to be installed as off-site improvements in accordance with the provisions of Subsection M of this Section.

G. Bicycle Paths.

- (1) Bicycle paths shall be incorporated into the proposed subdivision or land development where the Planning Board finds it necessary to extend an existing bicycle path; to intersect with State bicycle facilities; or, where nearby public or private schools, recreation areas, or other similar facilities are likely to generate bicycle traffic.
- (2) Bicycle racks or spaces racks shall be provided as required.

H. Access to the Water.

- (1) Where a deeded, recorded, right-of-way to the water exists within the subject property, the Planning Board shall require public access consistent with safe pedestrian and/or vehicular passage. The Board may require that the access may be appropriately signed and maintained so that the right-of-way is known and accessible.

- (2) New pedestrian paths to the water shall be incorporated into the proposed development where required by the Planning Board in order to provide access to the water for the future residents of the development.
- (3) Pedestrian paths shall be improved to the satisfaction of the Planning Board in accordance with any applicable requirements of the Rhode Island Coastal Resources Management Council.

I. Drainage.

- (1) The drainage system may be comprised of natural and man-made elements, including grassed swales, curbs, catch basins, culverts, and stormwater pipes. The applicant is encouraged to minimize the use of retention and detention basins and incorporate natural low impact design (LID) elements into the drainage design whenever possible using the Best Management Practices (BMP's) and standards of the State of Rhode Island Stormwater Design and Installation Standards Manual (RI Stormwater Manual). BMP's such as grassed swales and vegetated filter strips not only collect and transport stormwater, but also mitigate pollution; reduce sedimentation; provide visual aesthetics, recreational opportunities, and potential wildlife habitat. Drainage structures shall be in conformance with the accepted State RIDOT standards, or approved equals. The stormwater 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.
- (2) A Drainage Report with a detailed narrative description of the existing conditions and the proposed drainage system along with the drainage calculations will be submitted as supporting documentation. This report will contain a site Locus Map, a graphic depicting the site soils based on National Resources Conservation Service Soil Survey data, Floodplain information as indicated on the Town of Bristol Flood Insurance Rate Maps (FIRM), and existing and proposed drainage watershed areas clearly indicating all sub-watersheds with the time of concentration flow lines. The drainage plan and drainage calculations shall also contain the following information:
 - (a) The proposed drainage system shall be designed in accordance with RI Stormwater Manual Standards to accommodate stormwater such that 24 hour detention is provided for the one (1) year storm event, and post-construction conditions do not result in peak run-off increases in rate from pre-construction conditions for the ten (10), and one-hundred (100) year storm events.

- (b) For developments located within the watersheds of Mt. Hope Bay and the Kickemuit River, which have approved Total Maximum Daily Load (TMDL) plans for impaired waterbodies, stormwater management BMP's shall include those infiltration and filtering practices that have been found to have higher bacteria removal rates as described in the RI Stormwater Manual.
- (c) An estimate of the quantity of stormwater surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of the two (2), ten (10), twenty-five (25), and one-hundred (100) year frequency, 24 hour, Type III, rainfall events.
- (d) An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of the two (2), ten (10), twenty-five (25) and one-hundred (100) year frequency 24 hour, Type III, rainfall events.
- (e) To the maximum extent practicable as agreed upon by the Planning Board Engineer and the applicant's engineer, any increase in storm runoff volume, up to and including the 10-year storm event, shall be retained and recharged on site as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, porous paving, or similar low impact design techniques. This shall be required within the Tanyard Brook and Silver Creek watersheds and encouraged to the extent practicable in other areas of Bristol.
- (f) An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under 1 and 2 above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State Specifications cited above as may be modified by the Town of Bristol. Culvert and storm sewers shall be designed as follows: pipe sizing for the twenty-five (25) year frequency rainfall; cross culvert sizing for fifty (50) year frequency rainfall, [one-hundred (100) year frequency in a special flood hazard zone].
- (g) Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements or to the receiving water body. The drainage report shall specifically address the

downstream impacts resulting from the proposed drainage system (outlet structure and emergency spillway, etc.).

- (h) The drainage plan and narrative shall further indicate how the following specific requirements will be met:
- i. That each lot will be adequately drained;
 - ii. That natural drainage patterns will be maintained whenever possible;
 - iii. That all existing watercourses will be left open, unless approval to enclose is granted by the Planning Board;
 - iv. That all new open watercourses will be seeded, sodded or paved depending on grades and soil types; and,
 - v. That a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the Planning Board Engineer determines that such ultimate destination is impractical, the Board shall require the construction of a retention or detention area capable of accommodating proposed stormwater volumes based on the two (2) year, ten (10) year, twenty-five (25) year, and one-hundred (100) year frequency rainfall events.
- (i) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the Planning Board and Department of Public Works will be provided.
- (j) All necessary easements to off-street watercourses will be obtained by the applicant and approved by the Town Solicitor.
- (k) Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by one of the following: rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques as recommended in the RI Stormwater Manual and Rhode Island Soil Erosion and Sediment Control Handbook.

- (l) Whenever a development will increase the burden on downstream drainage facilities or watercourses, the applicant shall make the necessary improvements, to the satisfaction of the Director of the Public Works Department in coordination with the Planning Board Engineer or shall pay a sum of money to the Town to be used for future improvements 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 project.
- (m) An operations and maintenance (O&M) plan detailing preventative maintenance procedures and schedules required to maintain the intended operation and safe condition of all structural best management practices (BMP) in compliance with the Soil Erosion, Runoff and Sediment Control Ordinance, Chapter 29 of the Bristol Town Code. All O&M plans shall include contact information for the party legally responsible for maintaining the proposed BMP's as well as a proposed maintenance agreement between the property owner and the Town, as may be required.
- (n) The drainage plan and calculations shall include the seasonal high ground water table and a calculation on the volume of groundwater displaced by proposed basements which should then be accounted for in the design of the drainage system. In areas where the seasonal high water table and the installation of basements would impact the drainage, the Planning Board may prohibit basements.

J. Utilities. (See Section F.4 of these Regulations for construction standards.)

(1) Sanitary Sewers.

Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is required in accordance with the procedures and standards set forth by Bristol Sewer Authority as approved by the Planning Board. Sanitary sewers shall generally be located in the center of the street. Also reference Chapter 18 of the Town of Bristol General Ordinances.

(2) Water Service.

Water service shall be provided for each lot in accordance with the requirements of the Bristol County Water Authority. Water lines shall generally be located on the north or east side of the street. Flow test information may be required by the

Planning Board or Planning Board's Engineer in areas with known or suspected water pressure or water volume concerns.

(3) Gas Service.

Gas service shall be provided in all subdivisions and land development projects where such service is available in accordance with the standards set forth by the Bristol and Warren Gas Company. Gas lines shall generally be located on the south or west side (opposite side from water service) of the street.

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

All new electric, communication (telephone, fire alarm, and cable TV) and street lighting lines shall be installed underground. Communication lines are not required to be placed underground for: minor subdivisions where no street creation is required, where utilities already exist aboveground; providing, however, that any new lines follow the existing aboveground utilities; or, where the Planning Board finds that aboveground utilities are consistent with the character of the existing neighborhood.

(5) Fire Hydrants.

Fire hydrants shall be installed in subdivisions and developments as specified by the Town of Bristol Fire Chief.

K. Landscaping Standards.

- (1) Landscaping shall be provided as part of a development or subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of a site design, preserving and enhancing the site where appropriate. Landscaping and vegetative buffers shall be utilized to separate residential areas from major roadways, commercial and manufacturing areas. The maximum amount of land area which may be required to be landscaped in commercial districts shall be based on the following percentages:
LB - 40%; D - 5%; W - 15%; GB - 30%; and, M - 20%.
- (2) Landscaping includes plant materials such as trees, shrubs, ground covers, grass, and flowers, and may also include other materials such as rocks, berms, woodlands, stone walls, and planters.
- (3) Plant species. The plant species selected should be hardy for Zone 6 and appropriate in terms of function and size. Plant species which have minimal requirements for watering and fertilization are preferred.

(4) Areas which require landscaping shall include, but are not necessarily limited to, the following:

- Drainage facilities, such as retention/detention basins, or drainage swales;
- Entrance features;
- Open Space areas;
- Proposed recreation facilities;
- Buffer areas;
- Parking area;
- Rubbish disposal areas, (as screening);
- Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
- Areas subject to regrading or stabilization for soil erosion and sediment control purposes.

Landscape plan. A landscape plan, prepared by a registered landscape architect, shall be submitted to the Planning Board or Technical Review Committee (TRC) when it is determined that (a) existing landscaping is insufficient; (b) the site of the proposed development has been disturbed so as to require significant new vegetation; or (c) additional landscaping is necessary to preserve, or enhance significant visual characteristics of the site. If a landscape plan is required, the applicant shall be advised of this requirement at the preliminary review stage of a minor subdivision, at the master plan stage of a major subdivision, and at the pre-application stage of a development plan or at the first stage of review if there is no pre-application. A submitted landscape plan may be referred to Conservation Commission or other designated review body for review and recommendations on the plan subject to the approval of the Planning Board or TRC. Any fees for outside review shall be paid by the applicant pursuant to Section 7.5 of these regulations.

At a minimum, the plan shall identify the following:

- existing shrubs and ground covers with a notation as to plantings which are large for their species, rare to the area or of other special horticultural or landscape value;
- Proposed plantings shown at five (5) year growth;
- natural features such as stone walls and rock outcroppings;
- man-made elements such as retaining walls, fences, signs, planters,
- proposed grading at two (2) foot intervals;
- lighting;

- specifications for loaming, fertilizing and seeding;
 - the location of all proposed landscaping and construction details as necessary;
 - a planting schedule to indicate proposed planting by species, size at time of planting, and maintenance requirements; and,
 - where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.
- (6) Upon completion of all required plantings, a letter prepared and signed by a registered landscape architect shall be submitted to the Administrative Officer certifying that all landscape / buffer plantings have been properly installed in compliance with the approved landscape plan.
- (7) Topsoil preservation. If the topsoil on a site is suitable for landscaping, then it shall not be removed. To the maximum extent practicable, the developer shall minimize the areas of the site to be regraded or disturbed.
- (8) Removal of debris. All organic material, rubbish, hazardous materials or debris shall be removed from the site upon completion of construction within the development. Disposal of cleared, grubbed and stripped materials (including roots, stumps, brush, and foliage) shall be the responsibility of the developer and shall not occur in the area of the development reserved for open space, streets or driveways.
- (9) Protection of existing plantings and site features. It is the goal of the Planning Board to protect and preserve healthy trees and other plant specimens which are large for their species, rare to the area or of special horticultural or landscape value. Applicants are encouraged to incorporate these natural features into the design of the development; trees and other plant specimens protected may be used to fulfill the landscaping requirements.
- (a) Plantings. No material or temporary soil deposit or excavation shall occur within four (4) feet of shrubs or within two (2) feet of the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers are to be installed around each plant and/or group of plants that are to remain on the site. Barriers shall be free-standing and self-supporting. Unless otherwise approved, they shall be a minimum of four (4) feet in height and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are example of acceptable barriers.

(b) Site features. Existing stone walls shall be retained to the maximum extent possible. Where a development would require relocation of a stone wall, it shall be re-built along an existing property line whenever possible or in an approved location elsewhere on the site. A re-built stone wall shall have the original characteristics of height and width and be at least the same length of the original wall.

L. Erosion and Sediment Control.

All development projects shall comply with Minimum Standard 10 of the RI Stormwater Manual and the plan requirements and performance principals of the Soil Erosion, Runoff and Sediment Control Ordinance, Chapter 29 of the Bristol Town Code as they relate to erosion and sediment control.

M. Off-Site Improvements.

(1) Purpose.

This section is intended to ensure that applicant provides off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to the new development. Such improvements may be required by the Planning Board if it finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include but are not limited to improvements to the following:

- (a) sanitary sewers;
- (b) water supply systems;
- (c) roadways;
- (d) sidewalks;
- (e) bicycle paths;
- (f) drainage systems; and,
- (g) other utility infrastructure systems.

(2) General Conditions.

As a condition of final approval, the Planning Board may require an applicant to construct reasonable and necessary improvements located off the proposed land being subdivided. Necessary improvements are those clearly and substantially related to the subdivision of land development being proposed. All required off-site improvements must reflect the character defined for that neighborhood by the Comprehensive Plan.

N. Temporary Improvements.

- (1) All temporary improvements shall be presented on the preliminary plan submission, but may be requested by the Technical Review Committee during master plan review for major land development or subdivision.
- (2) The nature, purpose, design and construction of the temporary improvements are to be detailed as required by the Committee or the full Board. The design and method of restoration will likewise be detailed. The maintenance of the restored area shall also be specified and guaranteed under the provisions of Section 6.4 of these regulations.

O. Engineering and Land Survey.

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

F.3 GENERAL CONSTRUCTION STANDARDS.**A. Construction Plans.**

Two (2) complete sets of all construction plans, profiles, cross-sections and other working drawings of required construction improvements, and one (1) electronic AutoCAD file of each shall be submitted to and approved by the Planning Board Engineer prior to any construction. One (1) set, with approval indicated thereon, shall be returned to the developer. In addition, a construction sequence schedule shall also be submitted for approval of the Planning Board Engineer.

B. Notification.

- (1) A pre-construction meeting shall be held with the Planning Board Engineer at least seven (7) days prior to the start of any subdivision or development improvements. The developer, or his representative, and the on-site project manager shall attend this meeting.
- (2) No step in the construction of required improvements shall commence until the Planning Board Engineer has been notified, in writing, at least forty-eight (48) hours in advance of the beginning of that step.

C. Inspection of Improvements.

- (1) Each phase or step in the construction of required improvements shall be inspected on-site and approved, in writing (including date of inspection and signature of authorized inspector), on the job by the Planning Board Engineer or his representative. Any stage of construction begun without written consent of the Planning Board Engineer shall be at the developer's risk. No subsequent phase or step shall commence until such inspection and approval has been completed. No performance guarantee be released unless all inspections have been made in accordance with this section. As a minimum, the developer shall provide for on-site inspection at the following stages in the construction of improvements:
- (a) During installation of all underground drainage and following installation of utilities, prior to backfilling. In addition, the Bristol Warren Gas Company, Bristol County Water Authority and the Bristol Sewer Authority, as appropriate, shall conduct on-site inspections during installation of utilities.
 - (b) During preparation of the sub-base, backfilling and the installation of curbing or shoulders, prior to application of the base course.
 - (c) During spreading and compaction of the base course, prior to the application of the penetration coat.
 - (d) Immediately prior to and during the application and compaction of the surface course on the roadway and sidewalks.
 - (e) During completion of all improvements and installation of monuments.
 - (f) Additional inspections may be required by the Planning Board Engineer at such other intervals as deemed necessary to assure proper construction of improvements.
 - (g) The Planning Board Engineer, upon proper notification, shall not impede the construction of improvements by delaying inspection and approval without just cause.

D. Record (As-Built) Drawings.

Within 60 days of completion of construction of all required improvements, the developer shall furnish five (5) sets of "as-built drawings" and one (1) compact disk (CD) with the AutoCAD drawing files (or other GIS compatible file type with the approval of the

Administrative Officer) of such improvements to the Administrative Officer. Upon receipt of same, the Administrative Officer shall refer a set of drawings to the Planning Board Engineer, Department of Public Works, Water Pollution Control Facility, Building Official and retain one set for the file. As-built drawings shall contain all of the information on the final plan and set forth: the exact location of all sidewalks, streets, monuments, water, sewer, gas and drainage pipes, other underground or aboveground utilities and all other public improvements, as installed.

As-built infrastructure plans will be submitted to the Town following construction and acceptance on Mylar as well as on CAD format for entry into the Town's GIS data base. The Town maintains a CAD data base for its own use in mapping and planning future work. The CAD drawings may be electronic copies without the developer's engineer's seal or identifying information. The Mylar set must be stamped by the developer's engineer as approved as-builts. The developer's engineer shall coordinate with the Administrative Officer for CAD formatting.

E. Reference for Specifications.

Should any clarification be required on the construction specifications contained herein, reference is hereby made to the "Standard Specifications for Road and Bridge Construction," published by the State Board of Rhode Island, Department of Public Works, Division of Roads and Bridges, as revised. In general all construction shall be in conformance with the Rhode Island Department of Transportation (RIDOT), Division of Public Works, Standard Details, as revised and State of Rhode Island and Providence Plantations, Department of Transportation, Division of Public Works, Standard Specifications for Road and Bridge Construction, as revised.

F. Testing.

The Planning Board Engineer may require any or all of the following tests to be conducted during the course of the project review, the cost of which shall be paid by the applicant: compaction, sieve analysis of materials, and/or wet season groundwater determination.

F.4 STREET CONSTRUCTION STANDARDS

A. Dimensions.

All streets constructed within subdivisions and developments shall conform to the standards listed in Table 1 and to the cross section shown in Figure 1 unless such requirements are modified by the Planning Board.

B. Materials.

In areas where pervious paving surfaces may be proposed as a stormwater management technique, the Planning Board may allow the use of gravel, concrete pavers, porous asphalt, pervious concrete or other material as approved by the Planning Board Engineer and the Director of Public Works.

C. Clearing and Grubbing.

The entire roadway and sidewalk area, as shown on the approved plat, shall be cleared and grubbed. All root systems, trees, stumps, bushes and other objectionable material shall be removed and transported away from the subdivision. Healthy trees within the right-of-way may provide many benefits including runoff reduction, traffic calming, habitat, shade, and improved aesthetics. Therefore, the Planning Board with concurrence from the Planning Board Engineer may require the preservation of trees within the right-of-way.

D. Earth Excavation.

Earth excavation shall include, but not be limited to, the removal of clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting, boulders of less than one (1) cubic yard in volume (one-half (1/2) cubic yard in all trenches) and other unacceptable materials within the limits of the roadway, drainage or other excavation. This item of work shall also include the backfilling of all stump holes and other surface irregularities with suitable fill materials. All excavations shall be to a depth and cross section as shown on the approved plans, profiles and cross-section drawings.

E. Rock and Ledge Excavation.

Rock and ledge excavation shall include removal and disposal of all boulders one (1) cubic yard or more in volume (one-half (1/2) cubic yard in all trenches) and all hard ledge rock which can be removed only by drilling and splitting by hand, by mechanical means or by blasting. Such excavation shall be to a depth of at least twenty-four (24) inches below the finished surface of the road in residential subdivisions (twenty-seven (27) inches in industrial subdivisions) and where applicable, ledge side slopes shall not be greater than four (4) feet vertical to one (1) horizontal.

F. Sub-Surface Water.

Where free water is encountered within three (3) feet of finished grade, adequate drainage shall be constructed at a depth of at least four (4) feet below finished grade.

G. Utility Connections at Lot Boundaries.

All new streets shall have an undisturbed finished surface course for acceptance by the Town. All underground utilities shall be brought to the property line of each lot before the binder course is installed in order to provide for utility connections without disturbing the finished surface course. If, due to an emergency, road cuts are necessary in the surface course prior to acceptance by the Town, the Administrative Officer shall be notified within 24 hours of the cut. Cuts shall be sealed using infrared seal in accordance with the RIDOT standards.

H. Residential Street Construction.

The developer shall, at all times during construction, maintain the subdivision roads in passable condition and shall take appropriate measures to eliminate the creation of a dust nuisance during construction.

- (1) Materials. All materials shall meet the requirements of the Rhode Island Standard Specifications for Road and Bridge Construction, latest revision; or, be of a quality acceptable to the Planning Board Engineer.
 - (a) Base Course - This shall consist of twelve (12) inches of bank run gravel which meets the requirements of Section M.01.02 as cited in the Rhode Island Standards Specifications for Road and Bridge Construction, latest revision; or, is of a quality acceptable to the Planning Board Engineer.
 - (b) Binder Course - This shall consist of an application of asphaltic concrete pavement (Hot Mix) Class "I," Type "I-1."
 - (c) Surface Course - This shall consist of asphaltic concrete pavement (Hot Mix) Class "I," Type "I-1. In order to maintain the scenic character of the Town, the Planning Board may require that a pea stone surface be rolled into the surface course while the surface is still hot.
 - (d) Curbs - Where deemed necessary by the Planning Board, curbs shall be installed. Unless otherwise approved, such curbs shall be precast concrete, installed to RIDOT specifications (R.I. Standard 7.1.0), or granite (installed to R.I. Standard 7.3.0) and shall be installed at the edge of the street pavement in accordance with approved cross section. Curbs shall be required where sidewalks would be located within four (4) feet of the street pavement.
- (2) Construction Method. Construction methods shall conform to the requirements of the "Rhode Island Standard Specifications for Road and Bridge Construction",

Sections 300 and 400, latest revision or as may be acceptable to the Planning Board Engineer.

- (a) Preparation of Sub-base - All underground sewer and water lines, utilities, laterals, service lines and related facilities shall be installed prior to any street construction. Following filling and compaction of all utility trenches, the sub-base shall be thoroughly compacted with a ten-ton roller or its equivalent, true to the lines, grades and cross sections shown on the approved drawings. All soft spots shall be excavated to firm material and brought to subgrade with gravel or other approved material. The Planning Board Engineer may require up to thirty (30) days before the base course is spread. The sub-base shall be swept or otherwise cleaned of all mud, loose and foreign material and shall be thoroughly dry before the base course is spread.
- (b) Berms, Curbs - "Cape Cod" berms constructed as shown in Figure 1 are preferred. If required by the Planning Board, the edge of the wearing surface course shall be held to line and grade by the installation of granite or concrete curbs. At all street intersections, berms, curbs, returns or shoulders shall have a radius of at least fifteen (15) feet.
- (c) Base Course - After the sub-base has been properly prepared and the berms, curbs or shoulders set, the base course of bank run gravel shall be spread for the full width and in such volume as to provide a twelve-inch cross section after compaction with a ten-ton roller or the equivalent; or, as required by the Planning Board Engineer.
- (d) Binder Course, if required - The binder course shall be applied and compacted as follows; or, as required by the Planning Board Engineer:
 - (i) Application - The pavement shall be applied at a sufficiently hot temperature by means of an approved paving spreader with a compactor. Such material shall be placed in sufficient quantity to provide a minimum compacted cross section as shown in Figure 1, (including berms, if applicable).
 - (ii) Compaction - At a suitable time after placement, the binder course shall be compacted to a thickness of two and one half inches (2½") with a ten-ton roller equipped with a sprinkler system to wet the wheels. The finished surface shall have a density of no less than ninety-two (92) percent of a voidless pavement composed of the same materials in like proportion.

Upon completion of the application and compaction of the surface course, the street shall be allowed to stand for a minimum of eight (8) hours without traffic.

- (iii) Drainage - All drainage structures must be working when the binder course is applied.
- (e) Surface Course - The binder course shall be allowed to stand at least eleven (11) months before application of the surface course. In addition, the surface course shall be applied not less than six (6) months following the backfilling and compaction of all utility trenches, unless a shorter time period is permitted by the Planning Board Engineer.
 - (i) Preparation - The binder course shall be swept clean of all sand and debris, protrusions shall be removed and any holes, ripples or unevenness in the surface shall be brought back to true line and cross section by the spot application and proper compaction of Class "I" mix.
 - (ii) Application - Same as Binder Course.
 - (iii) Compaction - Same methods as Binder Course, but to a thickness of one and one half inches (1½").
- (f) Shoulders - Loam shall be spread for the full width and in such volume so as to provide a four (4) inch cross section after compaction. Sidewalks, if required, shall be installed as per Figure 1.
 - (i) Traffic Limitations. Traffic passing over constructed streets shall be limited to wheeled vehicles and no tracked equipment shall be permitted.
 - (ii) Seasonal Limits. No bituminous material shall be laid over frost or over frozen material or during other unfavorable weather conditions as may be determined by the Planning Board Engineer.

I. Sidewalks.

Sidewalks shall be installed within the street right of way at the property line, unless otherwise specified by the Planning Board. Such sidewalks shall be five (5) feet in width. All sidewalks shall be constructed of concrete per RIDOT

specifications (R.I. Standard 43.1.0). The planning board may allow the installation of bituminous sidewalks (constructed to R.I. Standard 43.2.0) if site specific conditions and anticipated pedestrian usage so warrant. Where sidewalks are installed adjacent to or within four (4) feet of the paved street, curbs shall be installed per Section F.4H(1)(d) of these regulations. Where required, curb ramps shall be constructed in compliance with the standards of the Americans with Disabilities Act. The Planning Board may also permit the use of alternative sidewalk materials if necessary as part of an overall impervious reduction and stormwater runoff mitigation strategy.

J. Industrial Street Construction.

- (1) Materials. See "Residential Street Construction".
 - (a) Foundation - See "Residential Street Construction".
 - (b) Base Course - See "Residential Street Construction". As an alternate, a plant mix bituminous-base course may be installed.
 - (c) Surface Course - This shall consist of asphalt concrete pavement (hot mix) Class "I," Type "I-1" with a binder course and a surface course.
- (2) General Conditions. See "Residential Street Construction."
- (3) Construction Method.
 - (a) Preparation of Sub-base - See "Residential Street Construction."
 - (b) Foundation course - After the sub-base has been properly prepared, the foundation course of bank run gravel shall be spread for the full width of the roadway and in such volume as to provide a twelve-inch cross section after compaction with a ten-ton roller or equivalent.
 - (c) Curbs - Curbs shall be installed using RI Standard No. 19 concrete curb or RI Standard No. 35A granite curb.
 - (d) Base Course - An application of six (6) inches, compacted, of plant mix bituminous base course material. Compaction shall be with a ten-ton roller or equivalent.
 - (e) Surface Course - The surface course shall consist of three (3) inches of asphaltic concrete pavement (hot mix), Class "I," Type "I-1" consisting of

one and one-half (1.5) inches of binder course and one and one-half (1.5) inches of surface course, placed as follows:

- (i) Reference is made to "Residential Street Construction" relating to timing and to the preparation of the base surface.
 - (ii) Placement - The asphaltic concrete pavement (hot mix), Class "I," Type "I-1" shall be applied at a temperature of two hundred fifty (250) to three hundred fifty (350) degrees Fahrenheit, by means of an approved paving spreader with a compactor. Such material shall be placed in sufficient quantity to provide a minimum compacted cross section layer of one and one-half (1.5) inches of binder and a second layer of one and one-half (1.5) inches of surface course.
 - (iii) Compaction - See "Residential Street Construction."
 - (iv) Traffic Limitation. See "Residential Street Construction."
 - (v) Seasonal Limits. See "Residential Street Construction."
- (f) Striping. The centerline of industrial streets shall be striped.

F.5 SURFACE AND SUBSURFACE STORM DRAINAGE STRUCTURES AND FACILITIES CONSTRUCTION STANDARDS

A. Earthwork and Drainage.

- (1) All necessary surface and subsurface storm drainage structures and facilities shall conform to the following sections of the "Standard Specifications for Road and Bridge Construction," published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges for Earthwork (structure excavation and backfill; trimming and fine grading; and trench excavation) and Drainage (culverts and storm drains; manholes, inlets and catch basins; underdrains; and paved waterways).
- (2) Such standard specifications may be modified at the discretion of the Planning Board Engineer with the written approval of the Planning Board.

B. Catch Basins.

All catch basins shall be deep sump catch basins designed to meet the pretreatment practices outlined in the RI Stormwater Manual. Each catch basin should be designed to properly

accept all storm runoff from a contributing drainage area not exceeding 0.5 acres of impervious cover. Catch basins should be designed in a catch basin to manhole system rather than a catch basin to catch basin configuration.

C. Oil Separator.

Any catch basin which drains into a seepage system or any detention or retention basin shall have a properly designed oil separator.

D. Minimum Cover.

All subsurface storm drainage structures and facilities within street rights-of-way shall have a minimum cover of three (3) feet unless approved by the Planning Board Engineer. Where three (3) feet of cover is not feasible, the Planning Board Engineer may require the use of reinforced-concrete pipe, ductile-iron pipe, or a suitable equal. All drainage structures and facilities shall be inspected and approved by the Planning Board Engineer before covering.

E. Setting of Backfill.

All subsurface facilities within street rights-of-way shall be installed and the backfill installed in six (6) inch lifts and compacted to a minimum ninety-five (95) percent compaction test.

F. Stormwater Basins.

- (1) Natural elements, such as swales and vegetated filter strips, are encouraged and shall be incorporated into the drainage design in accordance with the standards of the State of Rhode Island Stormwater Design and Installation Standards Manual. However, where retention and detention basins are deemed necessary they shall be designed to conform to the requirements of the RI Stormwater Manual. Where the requirements of the Town of Bristol are more stringent, the design shall conform to the requirements of the Town.
- (2) Basins shall be designed in such a manner as to minimize their nuisance, visual, and social impacts and to allow their successful integration into residential neighborhoods. In addition to drainage and construction standards, basins, swales and their related structures will be evaluated regarding safety, environmental, aesthetic, and social impacts. In order to achieve that goal, basins shall meet the following criteria:
 - (a) Basins shall be graded in a naturalistic and curvilinear manner and shall be integrated into the existing contours of the site. Where feasible, basin side slopes should not exceed 5 to 1 slope in residential developments, but

shall not exceed a 3 to 1 slope. In commercial and industrial developments, basin side slopes shall not exceed a 3 to 1 slope. Basin bottoms shall be flat except for minimal grade required for complete drainage. No basins will be approved that are rectangular or square and no wet pool depths shall exceed 3 feet at maximum capacity.

- (b) Wet detention basins shall be designed so that the average water depth does not exceed one (1) foot. In order to evaluate the possible water holding capacity, adequate soil testing data shall be submitted to the Planning Board Engineer.
- (c) The use of riprap shall be minimized. No dumped riprap will be allowed. All riprap shall be placed and shall conform strictly to RIDOT 917.03.3.
- (d) The entire area of the basin shall be planted in such a manner as to integrate the new basin into the surrounding landscape. Plantings shall include a mixture of aquatic, emergent, and upland wetland plant species. Planting plans shall be provided which indicate: genus and species, size, quantity, and method of planting. Basins which are designed to retain water shall be planted with appropriate wetland vegetation below the normal water line. The plantings shall not be planned to obstruct views of the basin in such a manner as to create a public hazard. Planting plans will be evaluated for their use of native materials, maintenance requirements, visual quality, and appropriateness for wildlife.
- (e) Each basin shall be provided with a detailed maintenance plan. The plan shall address: periodic inspections, sediment removal, vegetation maintenance, mowing requirements, and any other information required by the Planning Board. Basins located on private property shall be maintained by the property owner. Such maintenance shall include trash removal, appropriate maintenance of vegetation, and any other maintenance required by the approved maintenance plan.
- (f) If the basin is located on private property, the Town shall be granted an easement, subject to its approval, which will allow Town entry, maintenance, repair, and removal of inappropriate owner improvements. The access area shall be designed and constructed in such a manner so as to provide adequate access for equipment and vehicles in all weather. The access shall be marked and planted in an appropriate manner.

APPENDIX G
METACOM AVENUE OVERLAY ZONE
AND METACOM MIXED USE ZONE
DESIGN GUIDELINES

APPENDIX G

METACOM AVENUE OVERLAY ZONE AND METACOM MIXED USE ZONE DESIGN GUIDELINES

Part 1: Context

Overview

The visual character of Metacom Avenue is a mix of small, medium and large scale landscape character. The small-scale character, predominantly single family residences, small open spaces and remnants of agricultural uses, actually occupies the greatest land area. The distribution and contrasting larger scale commercial and industrial areas gives the sense of a mix of more intensive uses and a built environment in transition. Traffic- volume and regular congestion from both local and through traffic is a major aspect of any description of the Metacom Avenue corridor. The residential character is very important to the community but so are the commercial and industrial uses. The Comprehensive Plan, zoning and guidelines have been developed in an effort to reconcile the conflicts, enhance and strengthen the character of the Metacom Avenue neighborhoods and set the stage for the future.

Intent of Design Guidelines

1. Regulate development of the corridor so that Metacom Avenue is a spine or roadway through landscape character areas and does not define edges of landscape character.
2. *Smaller scale character:* Clearly define areas of smaller scale character in longer stretches and on both sides of Metacom Avenue. This may be predominantly single family but can also include denser residential use and other compatible uses with development of the appropriate scale.
3. *Larger scale character:* Concentrate mid to larger scale character where the buildings and site design has a character and sense of place of its own. These mixed use zones should be in the Tupelo, Gooding and Juniper Hill areas.
4. *Open Space /Historic:* Minimize disturbance of natural, cultural and historic resources.
5. *Vehicular Traffic:*
 - a. Develop a limited number of well-designed major intersections that manage volume, turning movements and key connections.
 - b. Reduce the number of side street to Metacom intersections with the expansion of north-south connections to major intersections.
 - c. Reduce the number of driveways and curb cuts.
 - d. Develop alternate north south routes to avoid local use of Metacom Avenue.

6. *Pedestrians*: Make the Metacom Avenue corridor a safe and friendly pedestrian environment with convenient sidewalks and site design for walkable communities and business development.
7. *Bicycles*: Make the Metacom Avenue corridor safe and convenient for bicycle travel.
8. *Architectural character*: Make development and buildings contribute to the immediate and overall character of their environments.

Part 2: Site Design and Layout

Intent

Sites shall be designed to function efficiently and with safe, clear vehicular and pedestrian circulation. Major objectives shall be to minimize traffic congestion on Metacom Avenue and coordinate the uses of compatible adjacent properties.

Guidelines

2.1 Driveways:

- a. To the extent possible, driveways shall be shared for combined access and a reduction in driveways.
- b. In residential zones, new single or double unit houses with frontage on Metacom Avenue shall access Metacom via a side road or easement to a side road wherever possible.
- c. The maximum width for a new driveway including entrance and exit lanes and island shall be 42 feet. A travel lane shall be a minimum of 10 feet and a maximum of 15 feet wide with a minimum six (6) foot wide planted island between.

2.2 Alternate Access/Egress

- a. Any development in a residential zone, or property that is over 100,000 square feet shall include an access to Metacom Avenue via a side street. This access route shall be direct or by easement through an abutting property.
- b. Any development within the proposed Metacom Mixed Use Zone shall have access to Metacom Avenue via a side street that has an existing signalized intersection or roundabout. This access route shall be direct or by easement through an abutting property.
- c. Access for proposed Metacom Mixed Use Zone or residentially zoned properties over 100,000 square feet shall be via a two-way asphalt paved roadway.

2.3 Shared Parking

- a. Parking lots shall have an access route for shared parking between abutting properties with compatible uses. Access to new development shall be designed for convenient access to an abutters existing lot.

2.4 Setback Exceptions

- a. A building located at a major signalized intersection shall have minimum setback of 40 feet from Metacom Avenue for a length of 100 feet from the intersecting side street to accommodate future roundabouts.
- b. The Metacom Avenue set-back dimension for residential cluster developments shall be a minimum of 200 feet to protect open space character.

2.5 Building Orientation

- a. Buildings fronting on Metacom Avenue shall be aligned in the same orientation to the street as adjacent buildings.

2.6 Retaining Walls

- a. Development shall be sensitive to and incorporate the natural grade of the site. Buildings designed to make grade transitions or stepped retaining walls with landscaping should be used. Retaining walls shall be distributed throughout the site as necessary. Perimeter walls greater than 3 feet high are prohibited without the specific approval of the Planning Board.

2.7 Space between Buildings

- a. The importance of spaces between buildings should be recognized. These spaces should have a planned and useful shape and not simply be left-over spaces.

2.8 Sidewalks

- a. Development fronting Metacom Avenue or any public street shall include sidewalks, even if adjacent properties do not currently have sidewalks. These sidewalks shall be six (6) feet wide and constructed of concrete.
- b. Within the proposed Metacom Mixed Use Zone, there shall be sidewalks connecting the Metacom Avenue sidewalk to the main entrance of the building(s) and convenient sidewalks connecting adjacent parking lots and commercial uses.

2.9 Accessory Buildings

- a. These buildings shall adhere to the same front, side, rear yard setbacks and buffer dimensions as the primary building(s).

2.10 Entrance Plazas

- a. New or renovated nonresidential buildings shall have plazas, courtyards or other pedestrian spaces at or near their main entrances.
- b. These entrance spaces shall have special amenities such as:
 1. Special interest landscaping
 2. Special lighting
 3. Special paving materials, scoring, or texture
 4. Site furnishings such as benches or seating walls
 5. Bollards, bike racks or sculpture

Part 3: Architecture**Intent**

New developments shall enhance and strengthen the community and the character of the specific Metacom Avenue neighborhoods whether they be small scale residential or larger scale developments. The developments should be integrated with the surroundings in mass, scale and detailing allowing attractive neighboring architecture to inform the size, shape, style, materials and detailing of new buildings. Contemporary design for new structures, alterations or additions to existing properties however, shall not be discouraged when such design is compatible with the surrounding built environment.

Guidelines**3.1. Building Mass and Scale**

- a. Building mass can be defined as the building's volume or bulk and is usually used in reference to larger structures. It is important to breakup the apparent mass and scale of larger structures so that this type of development is integrated with its surroundings and does not detract from scale and sense of place.
- b. Large Format Commercial (LFC) "big box" architecture shall be prohibited. 'Logo' buildings that are incompatible with the character of the neighborhood shall be prohibited.
- c. Any building façade greater than 50 feet long shall be broken down to reduce the visual scale of the building. One or more of the following strategies shall be used.
 1. Volumes and planes can be broken or divided into smaller units.
 2. Rooflines can be varied to break up massing and provide visual interest. This can include variation in roof heights, gables, dormers, a well defined parapet and/or upper stories off sets or changes in materials.
 3. Façades can include vertical or horizontal articulation.

4. Pedestrian scale elements such as arcades, patios, plazas, sidewalks and other pedestrian friendly elements should make comfortable pedestrian environments.

3.2 Heights

Buildings should be designed to step up in height from lower height adjacent to less intensive land uses, especially small-scale residential areas, to the new development.

3.3 Roofs

- a. Roofs shall contribute to attractive proportions and scale of the building.
- b. Sloping roofs shall not exceed the average height of the supporting walls.
- c. The average slope shall be no less than one foot vertical rise for every three feet horizontal run and no greater than one foot of vertical rise for every one foot of horizontal run.
- d. Roof overhangs shall be a minimum of two feet beyond the supporting walls.
- e. Flat roofs shall be embellished with parapets concealing the view of the roof.
- f. The color and materials of the roof shall be consistent with the architectural character of the building and convey a sense of permanence and quality.

3.4. Façades

- a. Ground floor transparency shall provide visual connection between activities inside and outside at the ground floor level of a building. Ground floor transparency shall be calculated in façade areas between 2 and 12 feet above average grade. Vision glass shall be used.
 1. Any building less than 60' from a street shall have ground floor transparency of a minimum of 15 % for any building facade visible from a public street.
 2. In the proposed Metacom Mixed Use Zone, any non-residential building less than 60' from a street shall have ground floor transparency of a minimum of 30 % for any building facade visible from a major street.
- b. To ensure that buildings do not display blank opaque walls, portions of ground floor façades that are not transparent shall have treatments with architectural interest and the character of the development.
- c. *Color*: Façade colors shall be low reflectance, subtle colors typically consistent with Bristol architecture. The use of high intensity, black or fluorescent colors are prohibited.

Accent and trim colors should complement and enhance the effect of the primary color. Bright corporate colors should be limited in use to signage.

- d. Facades of adjacent buildings shall visually respect and respond to each other.

3.5 Entrances

- a. Public entrances shall be easily identified and distinct from the remainder of the building, distinguished through architectural form, such features as canopies, porticos, use of color, material, texture and/or other significant detailing.

3.6 “360 Degree” Design

- a. Buildings shall have well designed façades on all sides. This is considered “360° design”. All sides shall be treated with the same design care, displaying continuity, harmony and aesthetic quality.

3.7 Ancillary Structures

- a. Accessory building areas such as loading docks, service, outside storage and employee areas should be consistent with the overall design of the primary building. All structures on the site and attachments or appendages to approved buildings shall be reviewed and approved in a manner similar to that of the primary structure.
- b. Dimensional variance: The height of accessory structures shall be no greater than 20 feet.

3.8. Service, Loading Areas and Equipment

- a. Trash storage areas, loading areas, mechanical equipment, transformers and similar areas with equipment shall be screened from view and shall not be accessed directly from a public street.
- b. Roof mounted mechanical equipment shall be concealed from view by screening or enclosure in a manner consistent with the architectural character.

Part 4: Lighting

Intent

Lighting systems shall be designed, constructed and installed to control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, visibility, and security of individuals and property.

Guidelines

4.1 Outdoor lighting shall have cutoff or full cut off fixtures. Parking, security and aesthetic lighting shall shine downward.

4.2 Spotlights used to illuminate buildings, signs or specific amenities/features shall be located, aimed and shielded so as to minimize light trespass and uplighting.

4.3 The style and placement of exterior accent lighting shall enhance the building's architectural elements, such as the entrances, façade articulation, detail and landscaping.

4.4 Lighting shall be directed where it is needed and only at the intensity necessary to serve its purposes.

4.5 Curfew: All non-essential lighting shall be turned off after business hours leaving only lighting for site security.

4.6 Pole heights: Pedestrian lighting poles shall be a maximum of 12 feet in height.

4.7 Lamp type: Metal Halide lamps are preferred. Low-pressure sodium lamps are prohibited. Incandescent lighting fixtures are acceptable only for single and two family residential uses.

4.8 Output standards:

a. Site lighting:

Zone	Maximum Foot-candle	Average Site Foot-candle	Foot-candle at Property Line*
Residential	0.5	.12	0
LB	5 at entrances	1	0
GB/MMU	5 at entrances	2	0

*The Planning Board may issue approval to exceed these thresholds for projects that include joint development on abutting properties where uses/buildings/site features create a seamless transition between properties.

b. Commercial buildings and wall signs:

1. Light-medium light color surfaces: 5-10 foot-candles
2. Medium-dark color surfaces: 10-15 foot-candles

4.9 Upward search or spot lighting of the sky for entertainment or advertising purposed is prohibited.

4.10 Light used for holiday decorations for no more that 45 days and decorative lights on deciduous trees in dormant condition are exempt from the requirements of this section.

Part 5: Landscaping

Intent

Planting shall be a part of every development for energy conservation, clean air, clean water, attractive surroundings and enhanced real estate values. Attention should be given to incorporating low impact development (LID) techniques for stormwater management that fit into the overall landscaping design (ex. tree pits, pocket parks, bioretention islands, planted buffers).

Guidelines

5.1 Top Soil/ Loam

All lawn, ground cover, shrub and tree planting shall have a minimum depth of 6" loam. Loam from the site or off site location, shall be free of debris and have been sustaining healthy plant growth.

5.2 Street Trees

- a. Metacom Avenue: Large deciduous trees shall be replanted along Metacom Avenue approximately 40 feet on center. They shall be 3-4' inside the sidewalk installed at the property line. Species/cultivars shall be selected from the approved tree list and consider adjacent street trees, mature street shape and size and road salt tolerance. The intent is a continuous canopy of relatively evenly spaced shade trees of similar mature size and shape. Species/cultivar diversity is acceptable.
- b. Avoid planting directly under utility lines.
- c. Minimum size at planting shall be 3-3 1/2" caliper.

5.3 Parking Lots

- a. Shade trees shall be located a minimum of 4' from the face of the closest curb.

5.4 Plant diversity

Plant material should include large shade trees, smaller ornamental trees, shrubs and herbaceous plants and both evergreen and deciduous materials.

Diversity of trees over 1-1/2" caliper:

1. Where there are 50 or more trees planted no more than 30% shall be of the same species.
2. Where there are 25- 49 trees planted, no more than 40% shall be of the same species.
3. Where there are 10 -24 trees planted, no more than 50% shall be of the same species.

5.5 Tree canopy cover

A minimum of 20% of the non- roofed site shall have tree canopy as calculated for parking lots.

5.6 Planted Buffer

Vegetative screening between commercial, industrial and R-6 properties and properties of other residential zones shall be accomplished with dense plantings of species and size such that in a minimum of 5 years after planting the screen shall be continuous and a minimum of 10' high and 10' wide. It is preferred that the buffer planting include trees and shrubs, and both evergreens and dense deciduous materials.

5.7 Maintenance

Plantings shall be watered and maintained as necessary for establishment and growth.

Part 6: Design and Regulation Review Procedures**Intent**

Both the developer and the Town expect a fair, logical and efficient submission and evaluation process that will facilitate development in a manner that is responsive to the guidelines and respect the site context and the Town's planning goals. The following amendments to the development application process are intended to assure that the developer provides well thought out designs that are supported with appropriate information and that the Town receives this information in a manner necessary to meet its evaluation and decision making responsibilities.

6.1 Amendments to Submission Requirements

The revised site and building design criteria for development within the Metacom Avenue Overlay Zone or Metacom Mixed Use Zone will require expanded submission requirements.

- a. Plans of Existing Conditions shall extend a minimum of 100 feet into the abutting sites, showing dimensions, easements, rights-of-way and all natural and manmade features.
- b. The site and building plans of the new development shall include elevations of all sides of the proposed building(s) at minimum scale of 1"=16'.
- c. Drawings shall show the relationship of the new development to site and buildings on abutting properties. Drawings shall include plan views at a minimum scale of 1"=40' and building elevations (façades) at a minimum scale of 1"=16'. Elevations shall be represented by photographs or drawings to illustrate the relationship of any new building(s) to buildings on abutting properties. Proposed landscape features shall also be shown in the context of the proposed building.
- d. Landscape plans shall be at a minimum scale of 1"=20'. Features, such as paving, fences, screens, lighting and site furnishings, shall be provided at an appropriate detail scale.

