

ARTICLE III GENERAL REQUIREMENTS

Article 3.1. Informal Concept Review (Minor Only)

- (A) Upon request of either the Planning Board or the applicant, an informal concept review meeting may be held. This procedure is restricted only to minor land development projects or minor subdivisions. Applicants seeking an informal concept review, or if requested by the Planning Board, shall submit the information and materials as provided in Checklist B-Checklist for Informal Concept Review, in Appendix A-Checklists. After the Planning Board has conducted the informal concept review, the Board shall provide the applicant with direction regarding the necessary steps required to submit a full application for further review and approval.
- (B) Informal concept review meetings shall be held to determine if a minor subdivision may be submitted for review and approval as a conservation development.
- (C) At the informal concept review meeting, the Planning Board shall determine whether a project review fee will be required, as provided in Section 9-11(B).
- (D) The Administrative Officer shall have fifteen (15) days to certify that an informal concept review submission is complete or incomplete. Within forty-five (45) days after the submission has been certified as complete, the concept review meeting shall be held.
- (E) Provided that at least one (1) informal concept review meeting has been held for a minor land development project or minor subdivision application, or sixty (60) days has elapsed from the filing of the submission and no informal concept review meeting has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with a preliminary application for a land development or subdivision project in accordance with Section 45-23-36 of the Enabling Act.

Article 3.2. Pre-application Meetings

- (A) One or more pre-application meetings shall be held for all major land development projects and major subdivision applications. Pre-application meetings shall also be held to determine if a subdivision may be submitted for review and approval as a conservation development. Pre-application meetings may be held for administrative subdivisions, upon request of either the Administrative Officer or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and or other commissions, planning staff, and where appropriate, state agencies for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

- (B) At the pre-application stage the applicant may request from the Planning Board an informal review for a development. The purpose of this review is also to provide planning input in the formative stages of major subdivision and land development concept design.
- (C) Applicants seeking a pre-application meeting shall submit general, conceptual materials in advance of the meeting(s) as requested by the Administrative Officer required by Checklist C in Appendix A-Checklists.
- (D) Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.
- (E) At the pre-application meeting, the Planning Board shall determine whether a project review fee will be required, as provided in Section 9-11(B).
- (F) Provided that at least one (1) pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Section **3-3** *Application for Development and Certification of Completeness*, below.

Article 3.3. Application for Development and Certification of Completeness

- (A) Classification. The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. The following types of applications, as defined in Article II, may be filed:
 1. Administrative Subdivision
 2. Minor Subdivision or Minor Land Development Plan No Public Improvements
 3. Minor Subdivision or Minor Land Development Plan With Public Improvements
 4. Major Subdivision or Major Land Development Plan
- (B) Certification of a Complete Application. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. 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) Notwithstanding the above subsections, the Planning Board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.
- (D) Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Administrative Officer or the Planning Board determines that the required application information is complete.

Article 3.4. Administrative Subdivision

- (A) Any applicant requesting approval of a proposed Administrative Subdivision, as defined in Article II, shall submit to the Administrative Officer the items required in the “Checklist A-Checklist for Administrative Subdivisions” as provided in Appendix A-Checklists.
- (B) The application shall be certified as complete or incomplete by the administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section 3-2-(B) *Certification of a Complete Application*.
- (C) Review Process:
 1. 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 its actions to the Planning Board at its next regular meeting, to be made part of the record.
 2. If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be placed on the agenda of the next regular Planning Board meeting.
 3. If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Failure of the Planning Board to act within the period prescribed shall constitute approval of the Administrative Subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board or committee to act within the required time and the resulting approval shall be issued on request of the applicant.
 4. Denial of an application by the Administrative Officer shall not be appealed and shall require the plan to be submitted as a minor subdivision application.

5. 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 9-7 *Signing and Recording of Plats and Plans*.

(D) Any approval of an administrative subdivision shall be evidenced by a written decision which will be filed and posted in the office of the city or town clerk.

Article 3.5. Minor Land Development and Minor Subdivision Review

(A) Review Stages. Minor plan review shall consist of at least two stages, Preliminary, including a site visit; and Final, provided that if a street creation or extension is involved, a public hearing is required. An Informal Concept Review meeting may also be held if requested by the applicant or the Planning Board (see Section 3-1). The Planning Board may combine the approval stages, providing requirements for all the stages have been met by the applicant.

(B) Submission Requirements. Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in Article II, shall submit to the Administrative Officer the items required in Checklists D or E as provided in Appendix A-Checklists.

(C) Certification. The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, according to the provisions in Section 3-3(B) *Certification of a Complete Application*. 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.

(D) Site Visit. After the applicant has prepared the Existing Resources and Site Analysis Map (if required in the appropriate Checklist) and before the preliminary plan is approved, the Planning Board shall schedule a site visit to the property. In order to facilitate the inspection of the site, the Planning Board may require field location of all proposed roads, improvements and site features consistent with the level of information required at this stage of review. The Existing Resources and Site Analysis Map shall be distributed at the site visit to those Town officials in attendance, if it has not been distributed earlier. It is strongly encouraged that the site visit be attended by members of the Planning Board, Town officials, the applicant and/or the applicant's representatives. Owners of property within the notice area specified in Section 3-9 shall also be notified by the applicant and invited to attend. The site visit shall be considered a public meeting and shall be conducted in accordance with the Town's normal

procedures for compliance with the State Open Meetings Law. Members of the public shall be permitted to attend the site visit.

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

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

- (E) Administrative Review. The Administrative Officer shall review the application and shall comment and make recommendations to the Planning Board. The application shall be referred to the Planning Board as a whole.
- (F) Re-assignment to Major Review. The Planning Board may re-assign a proposed minor project to major review only when the Planning Board is unable to make the positive findings required in Section 1-5 *Required Findings*.
- (G) Decision. 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, according to the requirements of Section 9-2 *Meetings/Decisions, Records*. 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 3-9 *Major Land Development and Major Subdivision – Public Hearing and Notice* 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, according to the requirements of Section 9-2 *Meetings/Decisions, Records*.
- (H) Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the preliminary plan and 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 application.
- (I) Final Plan. The applicant shall first submit to the Administrative Officer the items that are specified Checklist F or G in Appendix A-Checklists. The Planning Board may

delegate final plan review approval to the Administrative Officer. The officer or shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

- (J) Vesting. Approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval, as defined in this act, is submitted for signature and recording as specified in Section 9-7 *Signing and Recording of Plats and Plans*. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the Planning Board.

Article 3.6. Major Land Development and Major Subdivision Review Stages

- (A) Major plan review shall be required of all applications for land development and subdivision approval subject to this Section, unless classified as an Administrative Subdivision or as a minor land development or a minor subdivision without public improvements.
- (B) Major plan review shall consist of four stages of review; (1) Pre-application Meeting(s); (2) Master Plan, including a site visit; (3) Preliminary Plan; and (4) Final Plan. Also required is a public informational meeting and a public hearing.
- (C) The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in Article VII *Waivers, Modifications and Reinstatement of Plans*. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant.

Article 3.7. Major Land Development and Major Subdivision - Master Plan

- (A) Submission Requirements.
 1. Any applicant shall first submit to the Administrative Officer the items required for master plans as provided in Checklist H in Appendix A-Checklists.
 2. 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 flood plains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.
 3. Initial comments, in writing, shall be solicited by the applicant from (a) local authorities, including but not limited to the Department of Public Works, Water Authority, Sewer Commission, Fire and Police Departments, the Conservation Commission and Recreation Commission; (b) adjacent communities; (c) state

agencies, as appropriate, including the Departments of Environmental Management and the Rhode Island Department of Transportation. The Administrative Officer shall receive and review the comments by local officials, adjacent communities, and state and federal agencies.

- (B) Certification. The application shall be certified complete or incomplete by the Administrative Officer within days sixty (60), according to the provisions in Section 3-3 (B) Certification of a Complete Application. 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.
- (C) Site Visit. The Planning Board may schedule a site visit in accordance with the procedure and requirements of Section 3-5 (D), entitled Site Visit, provided, however that the site visit shall be scheduled before the Master Plan is approved.
- (D) Informational Meeting. A public informational meeting shall be held prior to the Planning Board decision on the master plan unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon Planning Board determination.
1. Public notice for the informational meeting is required by the applicant and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the municipality after review and approval by the Administrative Officer. Post card notice shall be mailed by the Town to the applicant and to all property owners within the notice area described in Section 3-9, at least ten (10) days prior to the date of the hearing.
 2. At the public informational meeting the applicant will present the proposed development project. The Planning Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.
- (E) Decision. The Planning Board shall, within one hundred and twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Section 9-2 Meetings/Decisions, Records.
- (F) Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the master plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

(G) Vesting.

1. The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the Planning Board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.
2. The initial two-year vesting for the approved master plan shall constitute the vested rights for the development as required in Section 45-24-44 of the R.I. Zoning Enabling Act of 1991.

Article 3.8. Major Land Development and Major Subdivision - Preliminary Plan

(A) Submission Requirements.

1. The applicant shall first submit to the Administrative Officer the plans and supporting materials as detailed in the Preliminary Plan Checklist for Major Land Developments and Major Subdivisions as provided in Checklist I in Appendix A-Checklists.
2. Requirements for the preliminary plan and supporting materials for this phase of the review shall include, but not be limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, flood plains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.
3. At the preliminary plan review phase, the administrative officer shall solicit final written comments and/or approvals of the department of public works, town solicitor, other local government departments, commissions, or authorities as appropriate.
4. Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted to the Planning Board.

- (B) Certification. The application shall be certified as complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions in Section 3-2 *Application for Development and Certification of Completeness*. 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 resubmission.

- (C) Public Hearing. Prior to Planning Board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in Section 3-9 *Major Land Development and Major Subdivision – Public Hearing and Notice*, must be held.
- (D) Public Improvement Guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at preliminary plan approval.
- (E) Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further time as may be consented to by the developer.
- (F) Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.
- (G) 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 material.

Article 3.9. Major Land Development and Major Subdivision - Public Hearing and Notice

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

- (A) Notice Requirements. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the municipality following the municipality's usual and customary practices for such advertising. Notice shall be sent to the applicant and to each owner within the notice area, as described in Section 3-9.
- (B) Abutters List, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile. The Board may require a supplemental notice that an application for development approval is under consideration be posted at the location in question. Such posting

shall be for informational purposes only and shall not constitute required notice of a public hearing.

(B) *Abutters List.* The applicant shall compile and submit to the Administrative Officer a complete list of abutters containing the name and mailing address of all current owners within the notice area, shall notify said abutters, and shall bear the cost of all required advertising.

(C) *Notice Area.*

1. The distance for notice of the public hearing shall be two hundred feet (200) from the perimeter of the parcel being subdivided in the RS-40 and RU-20 zoning districts and shall be five hundred (500) feet in REA-120 and RA-65 zoning districts. The applicant is responsible for determining the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the current names and addresses certified by the Tax Assessor within the past 30 days.
2. Watersheds. Additional notice within water supply watersheds shall also be sent as required in 45-23-53 (b) and (c) of the General Laws.
3. Adjacent Municipalities. Notice of the public hearing shall be sent by the applicant 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.
4. Notice Cost. The cost of all such notice shall be borne by the applicant.

Article 3.10. Major Land Development and Major Subdivision - Final Plan

(A) Submission Requirements.

1. The applicant shall submit to the Administrative Officer the items required for final plan approval in Checklist J in Appendix A-Checklists, as well as all material required by the Planning Board when the application was given preliminary approval.
2. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
3. Certification by the tax collector that all property taxes are current.
4. For phased projects, the final plan for phases following the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

- (B) Certification. The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days, according to the provisions in Section 3-3 *Application for Development and Certification of Completeness*. 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 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) Application. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per Subsection 3-10 (D) *Referral to the Planning Board*, below, the final plan shall be considered approved.
- (D) Referral to the Planning Board. If the Administrative Officer determines that an application for final approval does not meet the requirements set by the regulations or by the Planning Board at preliminary approval, the Administrative Officer shall refer the final plans to the Planning Board for review. The Planning Board shall, within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.
- (E) Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.
- (F) Recording. The final approval of a major subdivision of land development project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Section 9-7 *Signing and Recording of Plats and Plans*. The Planning Board may, for good cause shown, extend the period for recording for an additional period.
- (G) Acceptance of Public Improvements. Signature and recording as specified in Section 9-7 *Signing and Recording of Plats and Plans* shall constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the governing body of the municipality accepts the completed public improvements as constructed in compliance with the final plans.
- (H) Validity of Recorded Plans. The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved

under the procedure set forth in Section 9-8 *Changes to Recorded Plats and Plans*, or a new plan is approved by the Planning Board.