

ARTICLE VII MODIFICATIONS AND REINSTATEMENT OF PLANS

7-1 *Waiver of development plan approval*

- (A) The Planning Board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Planning Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

- (B) The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.

7-2 *Waiver and/or modification of requirements*

The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and or modifications shall be where the literal enforcement of one (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 North Smithfield Comprehensive Plan and the North Smithfield Zoning Ordinance.

7-3 *Reinstatement of Applications*

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

5. Any applicable state or federal regulations are substantially the same as they were at the time of the original approval.
- (B) Whenever the reinstatement of a development application occurs the original deadline for each step as outlined in these regulations shall apply to the stage of approval under reconsideration or modification.

7-4 *Decision on Waivers and Modifications*

The Planning Board shall approve, approved with conditions, or deny the request for either a waiver or modification as described above, in accordance with the requirements of Section 9-2 *Meetings/Decisions, Records*.