

DEVELOPMENT AND SUBDIVISION REVIEW REGULATIONS

This act shall supersede Appendix B of the Code of Ordinances of the Town of East Greenwich as adopted by the Town Council on August 29, 1963 and all amendments thereto.

Section

- 1 Title.
 - 2 Authority.
 - 3 Applicability.
 - 4 Continuation of ordinances; suppression; effect on earlier recorded plats.
 - 5 General purposes of these regulations.
 - 6 Consistency with East Greenwich Comprehensive Community Plan, Zoning Ordinance and the Act.
 - 7 Definitions.
 - 8 General provisions; applicable to all land developments and subdivisions.
 - 9 General provisions; pre-application meetings and concept review.
 - 10 General provisions; application for development and certification of completeness.
 - 11 General provisions; administrative subdivision.
 - 12 General provisions; minor land developments and minor subdivision review.
 - 13 Preliminary plat checklist; minor land developments and minor subdivisions.
 - 14 Final plat checklist; minor land developments and minor subdivisions.
 - 15 General provisions; major land development and major subdivision review stages.
 - 16 General provisions; major land development and major subdivision; master plan.
 - 17 Master plan checklist; major land development and major subdivision.
 - 18 General provisions; major land development and major subdivisions; preliminary plan.
 - 19 Preliminary plat checklist; major land development and major subdivision.
 - 20 General provisions; major land development and major subdivision; public hearing and notice.
 - 21 General provisions; major land development and major subdivision; final plan.
 - 22 Final plat checklist; major land development and major subdivision.
 - 23 General provisions; physical design requirements.
 - 24 General provisions; public improvement design standards.
 - 25 General provisions; construction and/or improvement guarantees.
 - 26 General provisions; requirements for dedication of public land; public improvements and fees.
 - 27 Special provisions; phasing of projects.
 - 28 Reserved.
 - 29 Local regulations; authority to create and administer regulations.
 - 30 Local regulations; procedure for adoption and amendment.
 - 31 Local regulations; public hearing and notice requirements.
 - 32 Local regulations and availability.
 - 33 Administration; the administrative officer.
 - 34 Administration; the board of appeal.
 - 35 Administration; administrative fees.
 - 36 Administration; violations and penalties.
 - 37 Procedure; precedence of approvals for subdivisions and other local boards and commissions.
 - 38 Procedure; waivers; modifications and reinstatement of plans.
 - 39 Procedure; meetings; votes; decisions and records.
 - 40 Procedure; signing and recording of plats and plans.
 - 41 Procedure; changes to recorded plats and plans.
 - 42 Appeals; right of appeal.
 - 43 Appeals; process of appeal.
 - 44 Appeals; stay of proceedings.
 - 45 Appeals; requirements for public hearing.
 - 46 Appeals; standards of review.
 - 47 Appeals to the superior court.
 - 48 Appeals to the superior court; enactment of or amendment of local regulations.
 - 49 Appeals to the superior court; priority in judicial proceedings.
 - 50 Severability.
- Appendix A Standards for Tree Preservation and Planting in New Subdivisions
Appendix B Lot Design Standards
Appendix C Road Design
Appendix D East Greenwich Fire District Water Supply for Fire Protection Policy

Section 1. Title.

These Regulations shall be known as the "Town of East Greenwich Development and Subdivision Review Regulations."

Section 2. Authority.

In accordance with the authority vested in the East Greenwich Planning Board by Title 45, Chapter 23 of the General Laws of Rhode Island (the Act), as amended, and by the code of Ordinances of the Town of East Greenwich, section 2-196 Planning Board, the Planning Board hereby declares its intention to exercise the power granted to it and hereby adopts the following regulations. They are declared effective as of August 16, 1999, and supercede all previous land development and subdivision regulations of the Town of East Greenwich.

Section 3. Applicability

(a) [*Generally.*] These regulations shall be applicable in all of the following instances:

- (1) In all cases of subdivision of land, including resubdivision, as defined in Section 45-23-32 of the Act, all provisions of Sections 45-23-25 through 45-23-74 of the Act shall apply;
- (2) In all cases of land development projects, as provided for in Section 45-24-47 of the Zoning Enabling Act of 1991, where East Greenwich may allow for such land development projects in the Zoning Ordinance.
- (3) In all cases of development plan review, as provided for in Section 45-24-49 of the Zoning Enabling Act of 1991, where East Greenwich has established, within its Zoning Ordinance, procedures for review and approval of such applications.

(b) *Plats required.*

- (1) All activity defined as a subdivision shall require a new plat, drawn to the specifications of these regulations, and shall be reviewed and approved by the Planning Board or its agents as provided; and
- (2) Prior to recording, the approved plat shall be submitted for signature as specified in Section 45-23-64 of the Development Review Act.

Section 4. Continuation of ordinances; suppression; effect on earlier recorded plats.

- (a) Nothing herein contained and no Town ordinance, rule or regulation adopted herein shall impair the validity of any plat legally recorded prior to the effective date of such ordinance, rule or regulation.

Section 5. General purposes of these regulations.

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:

- (1) Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promote high quality and appropriate design and construction of land developments and subdivisions,
- 3.) Protect the existing natural and built environment and mitigate all significant negative impacts of any proposed development on the existing environment;
- 4.) Promote design of land developments and subdivisions that are well-integrated with the surrounding neighborhoods with regard to natural and built features, and that concentrate development in areas that can best support intensive use by reason of natural characteristics and existing infrastructure;
- 5.) Provide thorough technical review of all proposed land developments and subdivisions;
- 6.) Provide local design and improvements standards to reflect the intent of the Comprehensive Plan with regards to the physical character of the various neighborhoods and districts of the Town of East Greenwich;
- 7.) Encourage, fairly apply, and administer dedications of public land, impact mitigation, and payment-in-lieu thereof based on clear documentation of needs;

- 8.) Establish consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction;
- 9.) Protect the public health, safety, and welfare; and
- 10.) Assure the orderly growth and development of the Town of East Greenwich.

Section 6. Consistency with East Greenwich Comprehensive Community Plan; Zoning Ordinance and the Act.

- (a) In the instance of uncertainty in the interpretation, construction or application of any Section of these regulations, it 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 East Greenwich Comprehensive Community Plan and the Zoning Ordinance. Furthermore, this Chapter shall be interpreted in a fashion that is consistent with the legislative findings, intents, and purposes of Sections 45-23-25 through 45-23-74 of the Act.

Section 7. Definitions

Where words or phrases used in this chapter are defined in the definitions section of either the "Rhode Island Comprehensive Planning and Land Use Regulation Act," Section 45-22.2-4, or the "Zoning Enabling Act of 1991," Section 45-24-31, they shall have the meanings stated therein. In addition other below listed words, phrases and terms shall have the following meanings.

- (1) *Administrative Officer.* The Town official(s) designated by these regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies.
- (2) *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.
- (3) *Bicycle Path.* A pathway, usually separated from the roadway, designed specifically to satisfy the requirements of bicycling.

- (4) *Board of Appeal.* The review authority for appeals of actions of the Administrative Officer and the Permitting Authority on matters of land development or subdivision, which shall be the Zoning Board of Review constituted as the Board of Appeal. See Section 43.
- (5) *Bond.* See improvement guarantee.
- (6) *Buildable lot.* A lot where construction for the use(s) permitted on the site under the Zoning Ordinance is considered practicable by the Permitting Authority, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations. See also Appendix C; Lot Design Standards.
- (7) *Capped System.* A completed water supply and/or sanitary sewer system constructed prior to availability of a public water or sewer connection, which is sealed or capped to prevent usage until such a connection is made.
- (8) *Certificate of Completeness.* A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of this Chapter and that the applicant may proceed with the approval process. See Section 10(b).
- (9) *Cluster Development.* A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduced lot areas, setback requirements and/or bulk requirements with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development. (See Zoning Ordinance Article VIII, Cluster Ordinance, for further definitions related to clusters.)
- (10) *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 initial

- process discussions, and classification of the project within the approval process.
- (11) *Consistency with the comprehensive plan.* A requirement of all East Greenwich 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 of East Greenwich as the Comprehensive Plan as specified (in Section 45-22.2-3 of the Rhode Island General Laws).
 - (12) *Dedication, fee-in-lieu-of.* Payments of cash which are authorized when requirements for mandatory dedication of land for recreational or other purposes are not met because of physical conditions of the site or other reasons.
 - (13) *Development regulation.* Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.
 - (14) *Division of land.* A subdivision.
 - (15) *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.
 - (16) *Final plan.* The final stage of the land development and subdivision review process. See Section 18.
 - (17) *Final plat.* The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Permitting Authority and any accompanying material as described in this Chapter and/or required by the Planning Board.
 - (18) *Floor area, gross.* See R.I. State Building Code.
 - (19) *Governing Body.* The East Greenwich Town Council/
 - (20) *Improvement.* Any natural or built item, which becomes part of, is placed upon, or is affixed to, real estate.
 - (21) *Improvement guarantee.* A security instrument in a form acceptable to the Town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. See Section 25.
 - (21) *Local regulations.* The development and subdivision review regulations adopted under the provisions of the Act. Where reference is made to local regulations, it shall be understood as the development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to the Act.
 - (22) *Lot.* Either (1) the basic development unit for determination of lot area, depth, and other dimensional regulations; or (2) a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
 - (23) *Lot frontage.* That portion of a lot extending along a street right-of-way.
 - (24) *Maintenance guarantee.* A 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. See improvement guarantee.
 - (25) *Major land development plan.* Any land development plan not classified as a minor land development plan.
 - (26) *Major Subdivision.* Any subdivision not classified as either an administrative subdivision or a minor subdivision.
 - (27) *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.
 - (28) *Minimum buildable area (M.B.A.).* The amount of land required by zone to constitute the building envelope for each lot. The minimum buildable area is defined by taking the minimum lot size for a zone and subtracting the required setbacks. The M.B.A. shall be free of all

wetlands, drainage structures or other features, which would impair its use for purposes allowed under the Zoning Ordinance. See Appendix B.

- (29) *Minor land development plan.* A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this Chapter. All nonresidential land development projects shall be considered as major land development plans.
- (30) *Minor subdivision.* 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.
- (31) *Modification or waiver of requirements.* See Section 38.
- (32) *Parcel.* A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.
- (33) *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.
- (34) *Permitting Authority.* The Planning Board.
- (35) *Phased development.* Development, generally of a large scale, where construction of public and/or private improvements proceeds in sections or phases according to an approved master plan for the entire site.
- (36) *Physical constraints to development.* Characteristics of a site or area, either natural or man-made, which preclude or present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.
- (37) *Planning Board.* The official planning agency of the Town of East Greenwich.
- (38) *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 these Regulations.
- (39) *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. See Section 9.

- (40) *Preliminary plan.* The required stage of land development and subdivision review, which shall require detailed engineered drawings and all required state and federal permits. See Sections 13 and 19.
- (41) *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.
- (42) *Public informational meeting.* A meeting of the Permitting Authority or governing body preceded by a notice, open to the public and at which the public shall be heard. See Section 16.D. 1 and 2.
- (43) *Re-subdivision.* Any change of an approved or recorded subdivision plat or in a lot recorded in the Town land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of these regulations.
- (44) *Storm water detention.* A method for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm event.
- (45) *Storm water retention.* A provision for storage/holding of storm water runoff.
- (46) *Street.* A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. See street classification.
- (47) *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.
- (48) *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.
- (49) *Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the

closed (bulb) end. Cul-de-sacs shall not exceed 1000 feet in length. Minimum length for cul-de-sacs shall consist of the base frontage for the zone in which it lies plus the dimensions of the full bulb. The "bulb" of the cul-de-sac shall provide frontage for a maximum of three lots.

- (50) *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. Frontage on a limited access highway shall not constitute legal frontage for zoning or subdivision purposes.
- (51) *Street, private.* Private streets shall be prohibited in all single-family residential developments.
- (52) *Street, public.* All public property reserved or dedicated for street traffic.
- (53) *Street stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.
- (54) *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 Town and carries high volumes of traffic.
 - (b) *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - (c) *Local.* Streets whose primary function is to provide access to abutting properties.
- (55) *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.

- (56) *Subdivision.* The division or re-division, of a lot, tract or parcel of land into two (2) or more lots, tracts, or parcels. Any adjustment to existing lot lines of a lot of record by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- (57) *Technical Review Committee.* A committee comprised of the Town Manager, Director of Public Works, Chief of Police, Fire Chief, Director of Parks and Recreation, Building Official/Zoning Enforcement Officer, and the Director of Planning, or their assigns, for the purpose of reviewing, commenting, and making recommendations to the Planning Board with respect to approval of land development and subdivision applications. The Director of the Kent County Water Authority is an advisor to the Technical Review Committee.
- (58) *Temporary improvement.* Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, that are not intended to be permanent.
- (59) *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.
- (60) *Waiver of requirements.* See Section 38.

Section 8. General provisions; applicable to all land developments and subdivisions.

(a) *Required Findings.* In approving all administrative, minor and major development applications the Permitting Authority or the Administrative Officer shall address each of the general purposes of these regulations and shall make positive findings relative to the below listed provisions. If an adverse or negative finding for any of these standards is made, the Permitting Authority or Administrative Officer shall have grounds for denial of the project design. All findings shall be in writing and shall be part of the projects record of review.

- (1) All subdivisions shall be consistent with the requirements of the East Greenwich

Comprehensive Plan and/or shall satisfactorily address the issues where there may be inconsistencies;

- (2) All proposed lots in a subdivision shall conform to the minimum standards and applicable provisions of the East Greenwich Zoning Ordinance. Note: Lots donated to the Town to comply with requirements relating to recreational facilities may, at the discretion of the permitting authority, not meet all dimensional and other requirements of the zone in which the lot is situated. In such cases the following shall apply:
 - a. The recorded plat shall contain a statement that the lot being created is not a buildable lot; and,
 - b. The lot is granted to the Town of East Greenwich or East Greenwich Municipal Land Trust as a passive or active recreational site for use in the furtherance of the policies of the East Greenwich Open space and Recreation Plan (EGORP).
- (3) All lots proposed for development shall meet the minimum buildable area standards of these regulations (see Appendix B, Table 1).
- (4) There will be no significant adverse environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
- (5) The subdivision, as proposed, will not result in the creation of lots that due to environmental or physical limitations to development that construction or use would be impracticable. (See Appendix B, Lot Design standards and Definition Section; Minimum Buildable Area). Lots characterized as such may be allowable only as permanent open space or for passive natural or recreational purposes with notation of same made on the record plat, (see Section 8.2-B).
- (6) All proposed land developments and subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without the ability to physically access same shall not be allowed.
- (7) Each subdivision shall make provisions for: safe circulation of pedestrians; bicycles and vehicular traffic; for the adequate detention of surface water run-off and storm flow; for building sites meeting the minimum buildable area requirements of these regulations and for preservation of natural, visual

historic or cultural features of the site and surrounding community.

- (8) The design, location, and construction of streets, building lots, utilities, drainage improvements and any other improvements in each subdivision shall not increase flooding or cause excessive soil erosion or sedimentation to occur.
 - (b) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the source and character of the observations upon which the fact finders acted.

Section 9. General provisions; pre-application meetings and concept review.

(a) A minimum of one or more pre-application meetings shall be held for all major land development or subdivision applications. One pre-application meeting may be held for administrative subdivisions, upon request of the Town Officials or the applicant. A minimum of one pre-application meeting shall be required for all minor subdivisions prior to submission of any application for minor subdivision review. Pre-application meetings shall allow the applicant to meet with appropriate Town officers, boards, commissions, planning staff for advice and guidance relative to the required steps in the approval process, review of local plans, ordinances, regulations, rules and procedures and standards which may impact the proposed development project.

(b) At the pre-application stage the applicant may request an informal concept plan review for a development. The purpose of the concept plan review is also to provide Town professional staff and the Permitting Authority the opportunity for input during the formative stages of major subdivision and development concept design.

(c) Applicants seeking a pre-application meeting or an informal concept review shall submit general, conceptual materials, an application, all required fees and information required by the Pre-Application checklist twenty (20) days in advance of the meeting(s).

(d) The purpose of pre-application meetings is to promote the sharing and discussion of project concepts among all participants. Pre-application discussions are intended to provide guidance to project applicants and do not constitute approval of the project or its constituent parts.

(e) Provided that at least one (1) pre-application meeting has been held for major land development or

subdivision application or sixty (60) days have 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 10 of these regulations.

(f) Pre-application checklist.

PRE-APPLICATION CHECKLIST

The applicant shall submit to the Administrative Officer all required information. Plans shall include a certification that all plans and improvements conform to all standards of the State of Rhode Island and Providence Plantations, Boards of Registration for Professional Engineers, Landscape Architects, and Land Surveyors. The following materials must be delivered to the Planning Department for review:

1. ___ Nine complete sets of blue or black line prints at a scale no smaller than 1" = 100' with a sheet size of 24" x 36" and one (1) reduced set on 8-1/2" x 11" sheets.
2. ___ Plan title block with proposed name of the development; name(s) and addresses(s) of applicant(s), owner(s), and designer(s) of the plan; date prepared; revision box to identify all changes from previous submissions; and Plat(s) and Lot number(s) for proposed development plans shall bear the stamp of the Professional Land Surveyor and Professional Engineer who prepared them.
3. ___ Site boundary, north arrow, plat and lot number(s), calculated area of property, zoning district(s), and the plat and lot numbers and zoning districts of abutting lots; scale of drawings, including graphic scale.
4. ___ Existing land use and zoning of site and the surrounding area within one-half mile of the perimeter of the site.
5. ___ Existing traffic and circulation patterns.
6. ___ Soil classifications, descriptions, and area calculation of soil types.
7. ___ Existing topography at no greater than ten (10) foot contour intervals, slopes, vistas, kettle holes, rock outcrops, and drainage patterns on site and within a three hundred (300) foot perimeter of the site.
8. ___ Existing drainage swales, wetlands, streams, ponds, groundwater recharge areas, groundwater reservoirs, wellhead protection areas, coastal features, Natural Heritage Areas, scenic corridors, stone walls, historic features and the 100-year flood plain boundary.
9. ___ Areas proposed for development, areas reserved for future development, and tentative street layout.
10. ___ Approximate locations of proposed buildings, ISDS, sanitary sewers, public water, drainage, and parking.
11. ___ Existing vegetation and proposed open space.
12. ___ If the proposal is for a cluster subdivision, at least one conventional subdivision alternative shall be submitted for review and discussion.
13. ___ Total number and density of proposed dwelling units, number of bedrooms per dwelling unit, and total square footage of commercial and industrial space (whichever is appropriate).
14. ___ A location map showing the physical relationship of the proposed subdivision or land development project to the area within a radius of one-half mile using a U.S. Geological Survey (USGS) quadrangle map. Said location map shall identify the location of all brooks, streams, ponds, lakes, wetland areas, public drinking water reservoirs, groundwater reservoirs, groundwater recharge areas, wellhead protection areas, and public wells, and other public facilities within one thousand (1,000) feet of the proposed subdivision or land development.

15.____Aerial photograph at a scale of not less than 1" = 400' showing the same area covered by the one-half mile radius map.

16.____ Completed application signed by the applicant and property owner.

17.____ Application fee.

18.____ Certificate of the tax collector that all taxes due on the land have been paid prior to filing the Pre-Application.

19.____ Such other information as may be requested by the Planning Department or the Planning Board.

Section 10. General provisions; application for development and certification of completeness.

(a) *Classification.* The Administrative Officer shall advise the applicant as to which process steps and approvals are required and the appropriate body or board(s) for hearing an application for a land development or subdivision project. Applications fall into three classifications:

- (1) Administrative subdivision;
- (2) Minor subdivision or minor land development plan;
- (3) 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 frame for formal consideration upon certification by the Administrative Officer. If such certification of the application is not made within the time specified in these regulations, the application shall be deemed complete for purposes of commencing the review period. This shall be the case unless the application lacks information required as specified in these regulations and the Administrative Officer has notified the applicant, in writing, of such deficiencies.

(c) Notwithstanding the above subsections, the Permitting Authority may require correction of any information found to be in error and/or submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification.

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

Section 11. General provisions; administrative subdivision.

(a) Any applicant requesting approval of an administrative subdivision shall submit a completed application form and required application fee to the Administrative Officer and all items in complete form as required by these regulations for such proposals. See Checklist I Administrative Subdivisions.

(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.

(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 Permitting Authority with analysis and recommendations. The officer shall report his/her actions to the Permitting Authority 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 Permitting Authority meeting.

(d) If referred to the Permitting Authority, 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 Permitting Authority to act within the period prescribed shall constitute approval of the administrative subdivision plan. A certificate from the Administrative Officer as to the failure of the Permitting Authority to act within the required time and the resultant approval shall be issued on request of the applicant.

(e) Denial of an application by the Administrative Officer shall not be appealable and will require the plan

to be submitted as a minor subdivision application to the Permitting Authority.

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

(g) 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 in accord with the standards of these regulations.

CHECKLIST I - ADMINISTRATIVE SUBDIVISION

The applicant shall submit to the Administrative Officer three (3) blue-line or photocopies of the proposed plat for distribution and review. Upon certification of a complete submittal, three (3) additional copies shall be provided to the Administrative Officer. If referral to the Permitting Authority is required, seven (7) additional copies shall be submitted. The following information shall be provided. Unless otherwise specified, each item must be answered on this checklist. If an item does not apply to your activity, indicate by entering NA (Not Applicable). The checklist must be filled out completely or the application will be returned.

1. ___ Name and address of the property owner and applicant (if different).
2. ___ Application fee, (as set by the East Greenwich Town Council).
3. ___ Date of plan preparation, with revision date(s) (if any).
4. ___ Plat and lot numbers of the parcel being re-subdivided.
5. ___ Graphic scale (1"=100' or larger) and north arrow.
6. ___ Zoning district(s) of the parcel being re-subdivided. If more than one district, zoning boundary lines must be shown.
7. ___ Existing property lines, easements and rights of way, (nature of easements to be noted).
8. ___ Proposed property lines, drawn in a manner that distinguishes them from existing property lines.
9. ___ Area of existing parcel and area(s) of the parcel(s) being created.
10. ___ Approximate location of wooded areas and wetlands (if any) and other natural site features.
11. ___ Location and size of existing buildings, structures, utilities and improvements
12. ___ Location names of existing public streets within or immediately adjacent to the parcel.
13. ___ Certification (stamp) and signature of a Registered Land Surveyor that the plan is correct.
14. ___ Plan legend depicting/explaining all symbols.
15. ___ A description by name and location of all other subdivisions created by the same subdivision within the Town.
16. ___ Signature block for Permitting Authority or their designee.

SURVEY STANDARDS

The survey and plan(s) submitted in support of the application shall meet all criteria as set forth in the publication entitled; Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, effective April 1, 1994, as amended. Surveys shall meet the minimum standards for Class I Surveys.

Note: Following approval, two polyester film reproducible originals of the signed plat shall be recorded with the Clerk into Town land evidence records. An electronic copy of the subdivision in the latest release of AutoCAD shall be submitted to the Town Clerk at recording to be forwarded to the Director of Public Works. Three blue line or black line paper copies shall be submitted with the mylar originals to the Planning Department for final proof prior to recording. The sheet size shall be 24" X 36".

Section 12. General provisions; minor land development and minor subdivision review.

(a) *Review stages.* Minor plan review shall consist of two principal stages, preliminary and final. If a street creation or extension is involved, a public hearing is required. The Permitting Authority, at its discretion, may combine the approval stages, providing all requirements for both stages have been met by the applicant to the satisfaction of the administrative officer.

(b) *Submission requirements.* Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined, shall submit to the administrative officer all items required for certification. (See Checklists II and III, Minor Subdivision Review, Preliminary Plat and Final Plat. A minimum of three (3) sets of application shall be required.)

(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 of Section 10. 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) The Administrative Officer and Town professional staff and/or Town boards shall review the complete application and forward analysis, comment and recommendations to the permitting authority. The plans shall also be forwarded to the technical review committee for advisory review.

(e) *Technical Review Committee.* The technical committee shall review all minor land development projects and subdivisions and forward its analysis and recommendations to the Permitting Authority.

(f) *Re-assignment to major review.* The Permitting Authority may reassign a proposed minor

proposal to major review if their review does not result in positive findings required outlined in Section 8A, 1-8.

(g) *Decision.* If no street creation or extension is required, the Permitting Authority 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 reviewing body. If a street extension or creation is proposed a public hearing shall be held prior to approval according to the requirements in Section 20. The Permitting Authority 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.

(h) *Failure to act.* Failure of the Permitting Authority 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 Permitting Authority to act within the required time and the resulting approval shall be issued on request of the applicant.

(i) *Final Plan.* The Permitting Authority may delegate final plan review and approval to the Administrative Officer. The officer shall report its actions to the Permitting Authority 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, and as defined in this act, is submitted for signature and recording into town land evidence records. Approval may be extended for a longer period, if requested by the applicant in writing, and approved by the Permitting Authority.

Section 13. Preliminary plat checklist; minor land development and minor subdivisions.

(a) *Preliminary Plat Map(s).* The applicant shall submit a completed application form and required application fee to the Administrative Officer and seven (7) copies of the preliminary site plans for distribution and review. Upon certification of completion, nine (9)

additional copies shall be submitted for distribution and review by the Permitting Authority. Additional copies may be required for referrals to the Building Official, Fire District and Police Department. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered in

sequence. Each item must be addressed on this checklist. If a particular item is not relevant to your proposal, please indicate same by entering NA (Not Applicable) in the spaces provided. The checklist must be filled out completely and all required copies must be presented or the application will not be accepted.

CHECKLIST II. MINOR SUBDIVISION REVIEW TITLE BLOCK INFORMATION

1. ___ Name of the proposed subdivision.
2. ___ Name and address of property owner and applicant (if the owner of the record is a corporation, the name and address of the president and secretary).
3. ___ Name, address and registration seal of engineer or surveyor preparing plans.
4. ___ Date of plan preparation, with revision date(s)(if any).
5. ___ Graphic scale (1"=100' or larger) and north arrow. A larger scale may be required by the administrative officer or Permitting Authority to adequately depict site features.
6. ___ Plat and lot number(s) of the land being subdivided

PLAN INFORMATION

7. ___ Legend depicting all plan symbols.
8. ___ Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
9. ___ Perimeter boundary lines of the subdivision, drawn in a manner that distinguishes them from other property lines. These shall be marked and numbered in the field by survey stakes to identify the limits of the property.
10. ___ Area of the subdivision parcel(s) and proposed number of buildable lots.
11. ___ Location and dimensions of existing streets and property lines within on the perimeter of the subdivision parcel.
12. ___ Easements, reservations, and rights-of-way within or adjacent to the subdivision parcel(s).
13. ___ Location of wooded land areas and notation of existing ground cover and other natural features.
14. ___ Location of wetlands or watercourses present on or within two hundred (200) feet of the perimeter of the subdivision parcel.
15. ___ Areas devoted to agricultural use.
16. ___ Acreage of parcel to the nearest tenth of an acre. A zoning data table showing calculations necessary to determine conformance to zoning regulations.
17. ___ All distances as measured along the right-of-way lines and existing streets abutting the property and direction to the nearest intersection with any other public street.
18. ___ Existing contours with intervals of two (2) feet are to be indicated by a dashed line. Changes in contours shall be as solid lines. Spot elevations must also be shown. A minimum of two (2)

benchmarks shall be referenced.

19. ___ Location of existing environmental features including soil types, areas of rock outcrops, watercourses, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevations, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area, base flood elevation data must be provided.
20. ___ Location of existing buildings, which shall remain and all other existing structures such as stone walls, fences, culverts, bridges, cart paths, roadways, etc.
21. ___ Location and ownership of historic cemeteries on or immediately adjacent to the subdivision parcel(s) (if any).
22. ___ Proposed streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. Proposed streets shall be labeled with proposed names.
23. ___ A 100 scale (minimum) plan depicting all property within a two hundred (200) foot radius as measured from the perimeter of the subject property. Noting the following:
 - * General shape, dimension and area of the abutting properties.
 - * The location of all zoning use district boundary lines; and
 - * Assessor's plat and lot numbers;
 - * General locations, use of all existing buildings and structures and improvements within a two hundred (200) foot radius of the subject property;
24. ___ The proposed use or uses of land, building structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required.
25. ___ The location, type and density of land use to be allocated to parts of the site to be developed. The location, dimension and area of any land proposed to be set aside as open space.
26. ___ Renderings, elevations, photos or scale models as may be needed to illustrate the visual impact of the proposal.
27. ___ Location, size, sketch and illumination, if any of proposed signs or entrance treatments.
28. ___ A drainage plan prepared by a registered professional engineer that incorporates the change in land use and routes of stormflow through the site to meet recommendations set by the East Greenwich Department of Public Works shall be submitted. The drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also required shall be a report summarizing drainage calculations. The rational method, SCS TR20, SCS TR55 or accepted approved method shall be used for runoff calculations. The design storm shall utilize a twenty-five year storm condition. If the detention or retention system is located in a special flood hazard zone, a one-hundred year design storm shall be used. Calculations shall include pre-development and post-development conditions. Pre-development runoff rates based on assumption of vacant land site conditions on the site shall be maintained.
29. ___ Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform with the applicable requirements and standards of the Town and/or the appropriate utility. Final approval of utility plans by the appropriate utility authority shall be required.
30. ___ The proposed location, direction and footprint of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters. (For commercial, industrial and

multi-family project proposals only.)

31. ___ The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, parking, lighting, street trees, and pedestrian amenities. This plan shall specify the location, type and size of all plantings and street trees at time of planting. This plan shall be prepared and stamped by a registered landscape architect.
32. ___ All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, radii, parking as well as other off-site traffic improvements necessary to ensure public safety and convenience.
33. ___ All proposed street plans (minimum 1"=40') with profiles (minimum 1"=4') indicating grading, and cross-sections showing width of roadway and location and width of sidewalks and if required, bike paths. All proposed improvements must be designed and constructed according to the standards and specifications of the Town of East Greenwich.
34. ___ Any other information as may be required to show that the details of the development plan are in accordance with the standards of these regulations and Town Comprehensive Plan.
35. ___ A signature box for use by the approving authority must be provided on all plans and/or documents to be recorded into the land evidence records of the Town.
36. ___ Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of the State of Rhode Island.
37. ___ Other such information as may be required by the Planning Department or the Planning Board.

SURVEY STANDARDS

All plans and surveys submitted shall meet the criteria set forth in the handbook entitled Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, effective April 1, 1994, as amended, Measurement standards for the surveys shall meet the minimum standards for Class I Surveys.

(b) *Supporting Materials.*

1. ___ Application Fee as set by the Town Council. The applicant shall also be responsible for costs associated with review, hearings, and notice including stenographic services.
2. ___ Soils map of the area.
3. ___ Written confirmation that the Kent County Water Authority has reviewed the plan and is able to provide water service (if proposed).
4. ___ If public water will not be provided, the applicant shall note proposed locations of all private wells.
5. ___ Written confirmation that the East Greenwich Sewer Department has reviewed plans for proposed sewer service, and indicates whether sewer service is (is not) available and can (can not) be supplied.
6. ___ If Individual Sewage Disposal Systems (ISDS) are proposed to service the development, confirmation from the State Department of Environmental Management that the soils are adequate for the use of ISDS. The following items shall be provided:
 - * Preliminary Subdivision Suitability Report
 - * Water table verification

(The plan shall also note locations of all percolation and groundwater test pits as well as the proposed locations of septic systems.)

7. ___ Construction plan including staging, storage of equipment and materials, disposal of spoil and debris from clearing and grubbing through pavement markings. A soil erosion and sediment control permit may be required if applicable.
8. ___ Draft copies of all legal documents, legal description of property, proposed easements and rights-of-way, dedications, restrictions or other required legal documents including Homeowners Associations (if applicable), warranty deed conveying open space and offer of street dedication.
9. ___ Written confirmation from the East Greenwich Fire District documenting that the District has reviewed the proposal and approves the location of hydrants (if proposed) and extension of fire alarm service to the proposed development).
10. ___ A description by name and location of all other subdivisions created by the same subdivider within the Town.
11. ___ Names and addresses of all property owners within a two hundred (200) foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the Town, including plat and lot numbers. (List to be submitted in order of lot numbers and alphabetically by owners name.)

Section 14. Final plat checklist; minor land developments and minor subdivisions.

The applicant shall submit a completed application form and the required application fee to the Administrative Officer and copies of final plans and supporting materials as listed and described below. Each item must be answered on this checklist. If a particular item is not relevant to your proposal please indicate by entering NA (Not Applicable) in the space provided. The checklist must be filled out completely or the application will be returned.

- (1) *Final Plat Plans.* Seven (7) blue-line prints or photocopies shall be submitted for distribution and review by staff. Upon Certification of Completeness, nine (9) blue-line or photocopies shall also be submitted for referral to and review by the Permitting Authority. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered in sequence. All of the below listed required information shall be shown on the plans:

CHECKLIST III. TITLE BLOCK INFORMATION

1. ___ Name of the proposed subdivision
2. ___ Name and address of property owner and/or applicant (if the owner of record is a corporation, the name and address of the president and other officers shall be provided)
3. ___ Name, address, and registration stamp number of preparer
4. ___ Date of plan preparation, with revision date(s) (if any)
5. ___ Graphic scale (1" = 100' or larger) and north arrow.
6. ___ Plat and lot number(s) of the parcel being subdivided

PLAN INFORMATION

7. ___ Legend depicting all symbols.
8. ___ Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown.
9. ___ Perimeter boundary lines of the subdivision, drawn in a manner that distinguishes them from other property lines.

10. ___ Area of the subdivision parcel(s).
11. ___ Location and dimensions of existing property lines, easements, reservations, and rights-of-way within or immediately adjacent to the parcel being subdivided.
12. ___ Location, width and names of the proposed and existing streets within and immediately adjacent to the parcel being subdivided.
13. ___ Names of abutting property owners and property owners immediately across any adjacent streets.
14. ___ Location of all existing and proposed permanent boundary markers
15. ___ Location of all interior lot lines and street lines with dimensions and angles or bearings indicated
16. ___ Location and number of all proposed lots, with areas indicated.
17. ___ Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated
18. ___ Notation of special conditions of approval if required by the Permitting Authority.
19. ___ Notation of any permits and agreements with State and Federal reviewing agencies (if required)
20. ___ A place for the signatures of the permitting authority or Designee must be provided on all plans and/or documents to be recorded into the land evidence records.
21. ___ Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations. Surveys shall meet the minimum Standards for Class I Surveys.

(2) *Construction Drawings* - Three (3) blue-line copies or photocopies of construction plans drawn to a minimum scale of 1 inch to 40 feet (1"=40') for review. Upon Certification of Completeness, seven (7) blue-line or photocopies of construction plans shall be submitted for review. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered in sequence.

1. ___ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Permitting Authority as a condition of approval.
2. ___ Certification (stamp) of a Registered Professional Engineer and statement that the construction drawings are correct.
3. ___ Proposed street plan and profiles drawn at a minimum scale of 1"=40' horizontal and 1"=4' vertical.
4. ___ Street cross sections.
5. ___ Proposed landscaping plan including street trees and any entranceway improvements to the subdivision.
6. ___ Soil erosion and sediment control plan in accord with the East Greenwich Code Chapter 9, section 61-99.

(3) *Supporting Materials*.

1. ___ Application fee as set by the East Greenwich Town Council. The applicant is responsible for covering all costs associated with review, hearings, and notice including stenographic services.
2. ___ Two original signed copies of all legal documents describing the property, including proposed easements and rights-of-way, offer to convey public streets, creating Homeowners Association (if appropriate), warrantee deed transferring open space, dedications, restrictions, or other required legal documents. List and attach.
3. ___ Written confirmation from the RI Department of Environmental Management, Division of Freshwater Wetlands that the proposed subdivision, including any required off-site construction, have been reviewed and that the Wetlands Act either does not apply to the proposal or that approval has been granted for the project.
4. ___ In lieu of above Rhode Island Department of Environmental Management certification, the applicant may provide an affidavit signed by a qualified professional (having minimum qualifications as described by the RIDEM Department of Freshwater Wetlands) certifying that there are no freshwater wetlands present on or within 200 feet of the property being subdivided.
5. ___ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or State right of way (if necessary).
6. ___ Written confirmation from the East Greenwich Wastewater Treatment Facility that sewer service is (is not) available and can (cannot) be supplied.
7. ___ Approval from the Kent County Water Authority regarding proposed service.
8. ___ Approval from the East Greenwich Fire District regarding the adequacy of the proposed water system for fire fighting services and that hydrant locations are acceptable and that specifications for alarm extension meet district standards.
9. ___ Certification from the Town Finance Department that all property taxes are current.

(4) *Payment of required fees.* Payment of all applicable fees and the posting of financial guarantees, for improvements shall be required before any final plat may be recorded.

NOTE: Upon final approval, two polyester film reproducible originals in recordable form of the signed plat shall be recorded with the Town Clerk. An electronic copy of the subdivision in the latest release of AutoCAD shall be submitted to the Town Clerk at recording to be forwarded to the Director of Public Works. Three blue line or black line paper copies shall be submitted with the mylar originals to the Planning Department for final proof prior to recording. Three (3) copies of the construction plans shall be submitted to the Administrative Officer for filing with the following Town Offices: Planning, Public Works and Building. The Town Clerk's Office shall maintain a complete copy of the record plat and supporting documentation on file for public review.

Section 15. General provisions; 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 these regulations, unless the proposal is classified as an administrative subdivision or as a minor land development or a minor subdivision.

(b) Major plan review shall consist of three stages of review, these are: master plan, preliminary plan and final plan. These steps may commence only after the

pre-application meetings referenced in Section 9 have taken place. For this type of proposal a public informational meeting and a public hearing are required.

(c) The permitting authority at its discretion, may vote to combine review stages and to modify and/or waive requirements as specified in Section 39. Review stages may be combined only after the permitting authority determines that all necessary requirements have been met by the applicant.

(d) Review by the Technical Committee shall be

required for all major land developments and major subdivisions. This review shall occur concurrently with the initial review referenced below in Section 16, A.3.

Section 16. General provisions; major land development and major subdivision; master plan.

(a) *Requirements for Submission.*

- (1) The applicant(s) shall first submit to the Administrative Officer the items required for master plans. (A minimum of seven (7) sets shall be submitted for initial review by staff.)
- (2) Requirements for the master plan and supporting material for this phase of review shall include, but not be limited to the information materials and supporting documents required on the Master Plan checklist.
- (3) Initial review and comments shall be solicited by the Administrative Officer from the following: (a) local agencies including, but not limited to, the Planning Department, the Department of Public Works, Division of Wastewater Treatment, Fire District and Police Department, Town Department of Public Works, Building Official, Tax Assessor, Tax Collector, Kent County Water Authority, (b) adjacent communities; if applicable (c) state agencies, as appropriate, including the Departments of Environmental Management and Transportation. The Administrative Officer shall coordinate this review and comments by local officials, adjacent communities, and other agencies.

(b) *Certification.* The application shall be certified complete or incomplete by the Administrative Officer within ninety (90) days of receipt.

(c) The Administrative Officer shall provide a coordinated review document and summary of staff recommendations to the permitting authority. The Administrative Officer shall also refer the proposal to the Technical Review Committee, who shall forward their review and recommendations to the Permitting Authority not less than fourteen days prior to the hearing at which the proposal shall be considered.

(d) *Informational meeting.* A public informational meeting shall be held prior to the permitting authority 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 permitting authority's determination.

- (1) Public notice for the informational meeting is required and shall appear in a newspaper of general circulation within the Town at least seven (7) days prior to the meeting. The Administrative Officer shall instruct the Town Clerk to advertise same. Postcard notice shall be mailed by the applicant to all property owners within a the notice area. A list of property owners within the notice area, certified by the Tax Assessor, shall be provided by the applicant to the Administrative Officer.
- (2) At the public informational meeting the applicant shall present the proposed development project. The permitting authority 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 permitting authority 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.

(f) *Failure to act.* Failure of the permitting authority to act within the period prescribed shall constitute approval of the master plan. A certificate issued by the Administrative Officer regarding the failure of the permitting authority to act within the required time frame and the resulting approval shall be issued upon 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 permitting authority for the annual review. Vesting may be extended for a longer period, for good cause, if requested by the applicant in writing, and approved by the permitting authority. 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 (2) year vesting for the approved master plan shall constitute the

vested rights for the development.

Section 17. Master plan checklist; major land developments and major subdivisions.

Upon Certification of Completeness, nine (9) copies of the plans shall be submitted for distribution to and review by the Permitting Authority, Administrative Officer, Fire District, Police Department, Director of Public Works and Town Planner. Additional plans may be required by the Administrative Officer. Plans shall include a certification by the preparer that all plans and improvements conform to all existing and amended

standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors. The following information shall be provided.

Unless otherwise specified, each item must be addressed on this checklist. If a particular item is not relevant to your proposal, indicate by entering NA (Not Applicable) in the space provided. The checklist must be filled out completely or the application will be returned.

(1) *Master Plan(s)*. A map or plan of the subdivision parcel showing the following information:

1. ___ Name of the proposed subdivision
2. ___ Name and address of property owner and applicant (if the owner of record is a corporation, the name and address of the president and secretary)
3. ___ Name, address and registration seal of person or firm preparing the master plan
4. ___ Date of plan preparation, with revision date(s)(if any)
5. ___ Graphic scale (1"=100' or larger) and north arrow. A larger scale may be required by the Administrative Officer or Permitting Authority to adequately depict site features.
6. ___ Plat and lot number(s) of the land being subdivided

PLAN INFORMATION

7. ___ Legend depicting and defining all symbols.
8. ___ Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
9. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. These shall be marked in the field by survey stakes to identify the limits of the property
10. ___ Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements
11. ___ Location and dimensions of property lines within or adjacent to the subdivision parcel, easements and rights-of-way
12. ___ Location, width, and names of existing streets within and immediately adjacent to the subdivision parcel
13. ___ Location of wooded areas and notation of existing ground cover and other natural features including existing trees over 6" caliper or larger measured 24 inches above grade.
14. ___ Location of wetlands or watercourses as verified by RIDEM present on or within two hundred (200) feet of the perimeter of the subdivision parcel.
15. ___ Areas of active agricultural use.

16. ___ Existing topography with minimum contour intervals of two feet
17. ___ Location and approximate size of existing buildings and significant above-ground structures on or immediately adjacent to the subdivision
18. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and ISDS are proposed.
19. ___ Provisions for collecting, retention and discharge of stormwater and site drainage.
20. ___ Location and ownership of historic cemeteries on or immediately adjacent to the subdivision (if applicable).
21. ___ Location of any unique natural and/or historic features, including stone walls and foundations.
22. ___ Proposed improvements including streets, retaining walls, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines
23. ___ Base flood elevation data
24. ___ Other such information as may be required by the Planning Department or the Planning Board.

(2) *Supporting Materials.* The applicant shall also submit to the Administrative Officer three (3) copies of a narrative report consisting of a general description of the existing physical environment, existing use(s) of the property and a discussion and general description of the uses and type of development proposed by the applicant. Upon Certification of Completeness, nine (9) additional copies shall be submitted for distribution and review. The narrative report shall include reduced copies of all plans referenced above plus items 2-7, noted in the following section.

1. ___ Application Fee as set by the Town Council. (The applicant shall also be responsible for all costs associated with review, hearings, and notice, including stenographic services.)
2. ___ A recent aerial photograph or a blue line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area (500' perimeter minimum).
3. ___ A copy of the soils map of the subdivision parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed.
4. ___ A projection of the approximate population of the proposed subdivision based upon census tract averages from the area.
5. ___ A projection of the number of school-aged children to be housed in the proposed subdivision.
6. ___ Fiscal impact review of the development (as may be required by the pre-application process).
7. ___ Proposed phasing of the project.
8. ___ A location (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.
9. ___ Names and addresses of all property owners within a two hundred (200) foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the town including plat and lot numbers.

Section 18. General provisions; major land development and major subdivision; preliminary plan.

(a) *Submission requirements.*

- (1) The applicant shall as a first step submit a completed application form and the required application fee to the Administrative Officer and the items required for preliminary plans.
- (2) Requirements for the preliminary plan and supporting materials for this phase of the review shall include, but not be limited to the information and materials required on the Preliminary Plan Checklist: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits which may be required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.
- (3) Final written comments on the Preliminary Plan. At the preliminary plan review phase, the administrative officer shall solicit final written comments and/or approvals of the Department of Public Works, the city or town engineer, the city or 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.

(b) *Certification.* The application shall be certified as complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions of the enabling act. The running 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) *Technical Review Committee.* The Technical Review Committee shall review the application and shall comment and make

recommendations to the Permitting Authority prior to the date scheduled for the Permitting Authority meeting at which the application is to be considered.

(d) *Public Hearing.* Prior to Permitting Authority's decision on the preliminary plan, a public hearing with notice must be held. A representative from the Town Solicitor's office shall be present at the public hearing.

(e) *Public improvement guarantees.* Proposed arrangements for completion of the required public improvements, including construction schedule and type of proposed financial guarantees shall be reviewed and approved by the Permitting Authority at preliminary plan approval hearing.

(f) *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 applicant.

(g) *Failure to act.* If the Permitting Authority fails to act on the application within the period prescribed such failure shall constitute approval of the preliminary plan. A certificate of the Administrative Officer as to the failure of the Permitting Authority to act within the required time and the resulting approval shall be issued on request of the applicant.

(h) *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 Permitting Authority. 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.

Section 19. Preliminary plat checklist; major land development and major subdivisions

(a) *Preliminary Plat Map(s).* The applicant shall submit to the Administrative Officer seven (7) blue-line copies or photocopies of preliminary plan drawings required below, for distribution and review. Upon certification of completeness, nine (9) copies of the plans shall be submitted for review by the Planning Board. Additional plans may be required by the

Administrative Officer. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly depict all of the information required. Sheets shall be numbered for ease of reference.

Each item on this checklist must be satisfied for a project to proceed within the review process. If a

particular item does not fit the circumstances or characteristics of your proposal, please indicate by entering NA (Not Applicable) in the space provided. The checklist must be filled out completely or the application will not proceed in the review process. All required copies and supporting materials must be submitted with the checklist for same to be accepted.

TITLE BLOCK REQUIREMENTS:

1. ___ Name of the proposed subdivision.
2. ___ Name and address of property owner(s) and applicant(s) (if the owner of the record is a corporation, the name and address of the president and secretary)
3. ___ Name, address and telephone number of preparer
4. ___ Date of plan preparation, with revision date(s)(if any)
5. ___ Graphic scale (1" = 40' or larger) and north arrow with a notation as to its reference (e.g. Grid, Magnetic, or Assumed)
6. ___ Plat and lot number(s) of the land being subdivided

PLAN INFORMATION (The plans shall include:)

7. ___ Legend depicting and defining all symbols.
8. ___ Zoning districts(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
9. ___ Perimeter boundary lines of the subdivision, drawn so as to differentiate same from other property lines. These shall be marked and numbered in the field by survey stakes to identify the limits of the property
10. ___ Area of the subdivision parcel(s) and proposed number of buildable lots
11. ___ Location and dimensions of existing streets and property lines within or forming the perimeter of the subdivision parcel(s)
12. ___ Easements, reservations, and rights-of-way within or adjacent to the subdivision parcel(s)
13. ___ Location of wooded areas and notation of existing ground cover and other natural features.
14. ___ Location of wetlands or watercourses present on or within two hundred(200)feet of the perimeter of the subdivision parcel
15. ___ Areas of agricultural use and/or prime agricultural soils.
16. ___ Acreage of parcel to the nearest tenth of an acre. Also required shall be a zoning data table showing calculations necessary to determine conformance to zoning regulations
17. ___ All distances as measured along the right-of-way lines and existing streets abutting the property and direction to the nearest intersection with any other public street.
18. ___ Existing contours (with intervals of one (1) foot where slopes are less than fifteen (15) percent and

five (5) feet where slopes are fifteen (15) percent or more) referred to Mean Sea Level, are to be indicated by a dash line. Where any changes in contours are proposed, finished grades must be shown as solid lines. Spot elevations must also be shown. At least two (2) benchmarks shall be referenced.

19. ___ Location of existing environmental features including general soil types, rock outcrops, wooded areas, watercourses, depressions, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevation of watercourses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area, base flood elevation data must be provided.
20. ___ Location of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, wells etc.
21. ___ Location and ownership of historic cemeteries on, or immediately adjacent to, the subdivision parcel(s)(if applicable)
22. ___ Proposed streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. Proposed streets shall be labeled with proposed names.
23. ___ For all property within a two hundred(200) foot radius as measured from the perimeter of the subject property.
 - * The shape, dimension and area of the property;
 - * The location of all zoning district boundary lines;
 - * The assessor's plat and lot numbers;
 - * The general location, shape and use of all existing buildings and structures and improvements within a two hundred (200) foot radius of the subject property;

The above information may be shown on the site plan or on a separate sheet; a minimum scale of 1" = 100' is required.

24. ___ The proposed use or uses of land, buildings structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required.
25. ___ The location, type and density of proposed land uses for the site to be developed. The location, dimension and area of any land proposed to be set aside as open space.
26. ___ Sketches, renderings, elevations, photographs or scale models as needed to illustrate the visual impact on the community.
27. ___ Location, size, type of materials and means of and illumination, (if any) of all proposed signs.
28. ___ A drainage plan incorporating the change in land use and direction of stormflow through the site meeting requirements set by the Town of East Greenwich and Rhode Island Department of Environmental Management shall be submitted. The drainage plan shall consist of a plan depicting existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also required shall be a report that summarizes all drainage calculations. The rational method, SCS TR20, SCS TR55 or accepted approved method shall be used for runoff calculations. The design storm condition shall be one with a twenty-five year return period. Where use of aboveground or underground retention or detention basins is proposed, the twenty-five year design storm shall be used in design calculations. If the drainage system is located in whole or in part in a special flood hazard zone as defined by FEMA, a one-hundred year design storm shall be used. Drainage calculations shall

include pre-development and post-development conditions.

29. ___ All existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow shall be located. All proposed sanitary sewers, water mains and other utilities shall conform with the applicable requirements and standards of the Town and the appropriate utility.
30. ___ If a formal entranceway and/or signage is proposed, a plan for same that clearly locates and defines all improvements must be submitted. The location, type and source of all lighting must be shown on the project plans as well.
31. ___ The proposed screening and landscaping plan, as well as all other landscaping materials such as street trees and planting beds. This plan shall indicate the location, type and size of all planting and time of planting. The plan shall be prepared and certified by a registered landscape architect.
32. ___ All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, radii, parking and loading areas, and other offsite traffic improvements necessary to ensure public safety. The Permitting Authority may require the applicant to provide studies evaluating traffic and circulation impacts of the proposal.
33. ___ All proposed street plans (minimum 1"=40') with profiles (minimum 1"=4') indicating grading, and cross-sections showing width of roadway and location and width of sidewalks and if required, bikepaths. All proposed improvements must be designed and constructed according to the standards and specifications of the Town of East Greenwich. (See Appendix D for typical road profile and standards.)
34. ___ Site lighting plan with the pattern of illumination and lighting fixture details to be stamped by a professional lighting engineer and building elevation plans to be stamped by a professional architect.
35. ___ Other information that may be required to show that the details of the development plan are in accordance with all applicable requirements and standards of these Regulations and the Town of East Greenwich Comprehensive Community Plan.
36. ___ A Signature block for use by the Permitting Authority Chair or designee shall be provided on all plans and/or documents that are intended to be recorded into Town land evidence records.
37. ___ Block/space for Certification by a Registered Land Surveyor that a fully conforming perimeter survey of the land being subdivided has been performed.
38. ___ Other such information as may be required by the Planning Department or the Planning Board.

SURVEY AND ENGINEERING STANDARDS

Plan and survey standards shall meet the criteria set in the handbook entitled Procedural and Technical Standards for the Practice of Land Surveying, in the State of Rhode Island and Providence Plantations, effective April 1, 1994, as amended. Measurement standards for the surveys shall meet the minimum standards for Class I Surveys.

(b) Supporting Materials.

1. ___ Application Fee as set by the Town Council. The applicant shall also be responsible for costs associated with review, hearings, and notice, including stenographic services.
2. ___ Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetland Act, as amended, that the proposed subdivision, and any off-site construction, have been reviewed and that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

3. ___ Approval from the Kent County Water Authority relative to provision of service to the proposed development.
4. ___ Indication from the East Greenwich Fire District that hydrant locations and extension of fire alarm to the project site are acceptable to the District.
5. ___ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or State right-of way (if applicable).
6. ___ Approval from the RI Department of Environmental Management for the use of individual sewage disposal systems (if proposed)
7. ___ Approval from the East Greenwich Wastewater Treatment Facility. Note: If sewer service is not available in the area of the proposed development, approvals/permits shall be obtained from the RIDEM Individual Sewage Disposal System Section
8. ___ Construction plan including sequence of operation, storage of equipment and materials, disposal of spoil and debris from clearing and grubbing, grading, installation of drainage structures, utilities, curb and pavement, etc. through pavement markings. An erosion and sedimentation control plan shall also be required. If blasting is proposed a pre-condition survey of the surrounding vicinity shall be required.
9. ___ Draft copies of all legal documents describing the property, easements and rights-of-way, dedications, plat restrictions, deeds and/or other required legal documents. (List and attach.)
10. ___ A request that a security instrument that is sufficient to cover the cost of all required improvements be established by the Permitting Authority

Initial amount set by Board
Date
11. ___ Names and addresses of all property owners within a two hundred (200) foot radius of the perimeter of the property as shown on the current real estate and tax assessment records of the town including plat and lot numbers. (List to be submitted numerically by lot number and alphabetically by owners name.)

(Note: An inspection fee in the amount of 2% of the costs of all improvements shall be required.)

Section 20. General provisions; major land development and major subdivision; public hearing and notice.

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

(b) *Notice Requirements.* Public notice of the hearing shall be given a minimum of fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the Town. In addition, notice shall be sent to the applicant and to each property owner of record within a two hundred (200) foot radius of the subject property, 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. Mail notice 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 applicant shall advertise for the public hearing upon instruction from the Administrative Officer in writing.

(c) *Notification Area*

(1) *Watersheds.* Additional notice within watersheds shall also be sent as required in Rhode Island General Laws Section 45-23-53(B) and (C) of the Act.

(2) *Adjacent municipalities.* Notice of the

public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) the Permitting Authority determines there may be a potential for significant negative impact on the adjacent municipality.

(d) *Notification cost.* The cost(s) of such notice shall be borne in full by the applicant.

Section 21. General provisions; major land development and major subdivision; final plan.

(a) *Submission requirements:*

- (1) The applicant shall submit to the Administrative Officer a final application package that contains all items required for final plans, as well as all material required by the Permitting Authority when the application was given preliminary approval.
- (2) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- (3) A certification statement from the East Greenwich tax collector that all property taxes are current.
- (4) For projects proposed for phased construction, the final plan shall indicate the phase components.

(b) *Certification.* The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days, of submittal. 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. If the Administrative Officer certifies the application as

complete and submission to the Permitting Authority is not required per the preliminary decision, the final plan shall be considered approved. In all cases, the final plan shall be signed by the Chair of the Planning Board or by the Administrative Officer when final plan approval is delegated by the Planning Board to the Administrative Officer prior to recording with the Town Clerk.

(c) *Referral to the Permitting Authority.* If the Administrative Officer determines that an application for final approval does not meet the requirements set by local regulations or by the Permitting Authority at preliminary approval, the Administrative Officer shall refer the final plans to the Permitting Authority for review and consideration. Within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, the authority shall approve or deny the final plan as submitted.

(d) *Failure to act.* If the Permitting Authority fails to act within the period prescribed such inaction shall constitute approval of the final plan. A certificate of the Administrative Officer as to the failure of the Permitting Authority to act within the required time and the resulting approval shall be issued on request of the applicant.

(e) *Recording.* Approval of a major subdivision or land development project shall expire one (1) 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 these regulations. The Permitting Authority may, for good cause shown, extend the period for recording, for an additional period at their discretion.

(f) *Acceptance of public improvements.* Signature and recording as specified in Section 41 shall constitute the acceptance by the Town of East Greenwich of any street, other public improvement or 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 as approved.

(g) *Validity of recorded plans.* The final plan, once recorded, shall remain valid as the approved plan for the parcel unless and until an amendment to the plan is approved in accord with these regulations or a new plan is approved by the Permitting Authority.

Section 22. Final plat checklist; major land developments and major subdivisions.

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

- (A) *Final Plat Plans.* Seven (7) blueline copies or photocopies of plans and site specifications shall be submitted for distribution and review by the Administrative Officer and Town

professional staff. If the Administrative Officer requires the subdivision or project to be referred to the Permitting Authority upon Certification of Completeness nine (9) additional copies shall be submitted. Each sheet shall be 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially. The below listed information shall be depicted on the plans.

REQUIRED TITLE BLOCK INFORMATION

1. ___ Name of the proposed subdivision
2. ___ Name and address of property owner and/or the applicant (if the owner of record is a corporation, the name and address of the president and other officers shall be included).
3. ___ Name, address, and registration stamp and number of preparer.
4. ___ Date of plan preparation, with revision date(s) (if any)
5. ___ Graphic scale (1" = 100' or larger) and north arrow.
6. ___ Plat and lot number(s) of the parcel being subdivided

PLAN INFORMATION

7. ___ Map legend depicting all symbols.
8. ___ The Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
9. ___ All perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
10. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being, subdivided
11. ___ Location, width and names of the proposed and existing streets within and immediately adjacent to the subject parcel.
12. ___ Names of abutting property owners and property owners immediately across any adjacent streets
13. ___ Location of all existing and proposed permanent bounds
14. ___ Location of all interior lot lines and street lines with accurate dimensions indicated
15. ___ Location and number of all proposed lots, with accurate areas indicated and Assessor's Plat and lot numbers and 911 numbers.
16. ___ Accurate location and description of all easement(s) and existing easement(s).
17. ___ Plan notes and/or correspondence items addressing any and all special conditions of approval imposed by the Permitting Authority.

18. ___ Permit references relating to State or Federal agencies, if applicable.
19. ___ A signature block for use by the Permitting Authority Chair or Designee must be provided on all plans and/or documents to be signed and recorded.
20. ___ Certification block signature and stamp by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to Procedural and Technical Standards For the Practice of Land Surveying In the State of Rhode Island and Providence Plantations. Measurement standards for surveys shall meet the minimum standards for Class I Surveys.

(B) *Construction Drawings*. Three (3) blueline copies or photocopies of construction plans stamped by a registered professional landscape architect and drawn to a minimum scale of 1 inch to 40 feet (1"=40') for distribution and review. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially.

1. ___ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required as a condition of approval.
2. ___ Certification (stamp) and signature of a Registered Professional Engineer that the construction drawings are correct.
3. ___ For phased projects, as-built drawings for the previously completed phase (if applicable)
4. ___ Proposed street plan and profiles drawn at a minimum scale of 1"=40' horizontal and 1"=4" vertical.
5. ___ Street cross-sections.
6. ___ Proposed landscaping plan stamped by a registered professional landscape architect.
7. ___ Site lighting plan with the pattern of illumination and lighting fixture details to be stamped by a professional lighting engineer and building elevation plans to be stamped by a professional architect.
8. ___ Soil erosion and sediment control plan in conformance with Chapter 9 of the East Greenwich Code of Ordinances.

(C) *Supporting Materials*.

1. ___ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five (5) years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
2. ___ Application fee as set by the Town Council, to cover all costs associated with review, hearings, and notice including stenographic services.
3. ___ Performance bond or other acceptable financial instrument.
4. ___ Two original signed copies of all legal documents describing the property, establishing the Homeowners Association (if applicable), proposed easements and rights-of way, deeds, dedications, restrictions, or other required legal documents.

Specify: _____

5. ___ Two signed copies of an irrevocable offer to convey to the Town all public streets and/or other public improvements, open spaces, and recreation lots, accompanied by a metes and bounds description of said areas and warrantee deed for same.

- (D) *Payment of Required Fees.* Payment of all applicable fees and the posting of financial guarantees for all improvements shall be completed before any final plat may be recorded.

NOTE: Upon final approval two polyester film originals in recordable form of the signed plat shall be recorded with the Town Clerk. An electronic copy of the subdivision in the latest release of AutoCAD shall be submitted to the Town Clerk at recording to be forwarded to the Director of Public Works. Three blue line or black line paper copies shall be submitted with the mylar originals to the Planning Department for final proof prior to recording. Three (3) copies of the construction plans shall be submitted to the Administrative Officer for filing with the following Town Offices: Planning, Public Works and Building. The Town Clerk's Office shall maintain a complete copy of the record plat and supporting documentation on file for public review.

Section 23. General provisions; physical design requirements.

(a) *General Requirements.* In addition to the general purposes and provisions of these regulations, the Permitting Authority (or Administrative Officer in the case of an Administrative Subdivision) shall make positive findings on each of the standards listed below. These findings shall become part of the proposed project's record. Any negative finding relative to any of these standards shall constitute grounds for denial of the project design by the Permitting Authority or Administrative Officer.

(b) *Site Design Standards.*

(1) *Purpose.* The purpose of good subdivision and site design is to create an efficient, functional and aesthetically pleasing development, to minimize adverse impacts, and to ensure that a project will be an asset to the Town. In this regard, land development projects and subdivisions shall conform to the following standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

(2) *Site Analysis.* An analysis of the subdivision site and nearby areas shall be required for all major subdivisions. The scope and content of the required site analysis shall be discussed during the pre-application meeting and shall be presented by the subdivider during the Master Plan stage of review. A site analysis may also be required for minor subdivisions if the Permitting Authority finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the quality of life of the surrounding neighborhood. The site analysis shall address in graphic and written form the following characteristics of the subject parcel and immediate vicinity: site context/locus, geology and soil; agricultural lands,

woodlands; surface water and wetland features; topography; habitat; ecology; existing vegetation; structures; and road networks; visual features; and past and present use of the site. Historic sites, archaeological features and cemeteries shall also be identified. Tree groves and significant specimens shall be identified on the plan of existing conditions.

(3) *Subdivision Design Standards.*

a. The development design shall be compatible with the East Greenwich Comprehensive Plan and State Guide Plan and Comprehensive Plans for adjacent communities.

b. Development of the site shall be based on the characteristics of the site and upon the site capacity analysis. Development shall be located to preserve and enhance outstanding natural features of the site, to avoid and buffer sensitive environmental areas and to minimize negative impacts and/or alteration of natural, historic and cultural resources. Subdivision design should also preserve, to the maximum extent feasible scenic values, view sheds and scenic roadways.

c. To the greatest extent practical, plans should be consistent with the reasonable utilization of land. The below listed land forms and environmental features shall remain in an undeveloped or open space status:

1. Land under water;

2. Unique and/or fragile areas, including freshwater wetlands and coastal wetlands as defined in Title 2, Chapter 1, of the General Laws of Rhode Island;

3. Lands in the flood plain or flood hazard areas; as defined by the Federal Emergency Management Agency (FEMA) and Rhode Island Department of Environmental Management (RIDEM);
 4. Steep slopes in excess of fifteen (15) percent as measured over a ten (10) foot interval;
 5. Habitats of endangered wildlife; as defined by Rhode Island Department of Environmental Management or Federal Agencies;
 6. Historically significant structures and sites, as listed on Federal or State or East Greenwich inventory of historic places;
 7. Significant archaeological sites as identified by the State Archeologist; and
 8. Significant trees or stands of trees, or rare vegetative species.
- d. The development shall be designed in a manner that avoids adverse water impacts, especially in terms of protecting the Hunt River Aquifer drainage basin, wellhead and aquifer recharge area; minimizes 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.

(4) Residential Subdivision Design Standards.

- a. The Permitting Authority, at its discretion, may change street locations, lot configurations and dimensions, yards, and setbacks. Such design alterations shall be made to achieve sound design principals, economy in the use of impervious surfaces and for environmental purposes.
- b. Residential lots shall front on local

streets wherever possible. Lots fronting on state highways should be avoided.

- c. Every lot shall have sufficient access to it for emergency vehicles. Curb cuts shall be sited to avoid traffic conflicts.
- d. Building envelopes of dwelling units in residential developments shall take into consideration topography, building height, orientation, drainage, and scenic values.
- e. Lots shall be designed to ensure to the maximum extent possible that the proposed buildings have adequate privacy from adjacent street and uses.
- f. Vegetated buffer areas shall be required, as necessary, to protect adjacent uses from adverse impacts. The Permitting Authority shall determine the extent, location and size of such buffers. Augmentation of natural vegetation to improve buffers may be required as needed.
- g. Lots shall conform to the minimum buildable standards outlined in Appendix B.

(5) Industrial or Commercial Subdivision Design Standards.

All industrial and commercial subdivisions shall be designed according to the same principles governing the design of residential developments; these being, that, buildings shall be located in a manner that considers topography, avoids environmentally sensitive areas, with proper drainage facilities and surrounding land uses considered in siting buildings; sufficient access shall be provided and adverse impacts mitigated.

(6) Vehicular and Pedestrian Circulation System Design.

- a. The road system shall be designed to allow the safe, efficient, and orderly movement of traffic; in an economical and logical manner; that is respective of natural features and topography; and to

present an attractive streetscape and view shed;

- b. For residential subdivisions, the road system shall be designed to serve neighborhood needs to accommodate service and public safety vehicles and to discourage use by through traffic.
- c. Pedestrian circulation systems shall be segregated from conflict with vehicular traffic. Sidewalks and paths shall be placed per the typical street cross-sections with exceptions permitted to preserve or enhance natural features. Walks and paths may be established away from the road system with permission of the Permitting Authority .

(7) Landscape Design Principals.

- a. Landscaped entranceways may be provided at subdivision accesses. The type and amount of landscaping, signage and other improvements shall be subject to review and approval of the Permitting Authority. Plans for same shall be submitted at the preliminary project stage.
- b All plants or other landscaping material shall be compatible with the local climate and meet accepted nursery standards.
- c. Water conservation principles shall be utilized in subdivision and site development landscaping. Top soil shall have a minimum of six inches of depth and shall have a composition and *Ph* appropriate for the type of plant materials selected for the site. Irrigation requirements shall be minimized.

(8) Site Lighting

- a. Site lighting shall adhere to the “dark skies” principle and shall confine all exterior building, driveway, and parking lot lighting to the site, not allowing light to adversely impact abutting properties or public ways. Light poles, bases, stanchions and luminaires shall not exceed 16 feet in height.
- b. Lighting design shall be of a style appropriate to the site and the building

architecture while providing for adequate lighting for pedestrian and vehicular safety. Cobra head style lights are not allowed.

(9) Building Architecture

- a. The guiding principle of architectural design shall be the appropriateness of the massing, scale, materials, and details of the building for the proposed use, the site, within the context of the neighboring properties and the general location, within the height limitations established by the Zoning Ordinance, and within the standards of review for buildings within the Historic District.
- b. The building shall utilize appropriate energy conservation measures in its design and construction, providing for solar gain, and allowing for solar access for adjacent properties.

(c) Land Unsuitable for Development.

- (1) When designing the proposed use of any parcel, land included in all of the following categories shall be considered unsuitable for development and shall not be considered to contribute to the minimum building acreage of the parcel:
 - a. Wetlands, water bodies (as defined by R.I. State Law) and drainage facilities;
 - b. All streets or rights-of-way;
 - c. Easement areas for access, utility use or drainage;
- (2) Land described in (a), (b) and (c) above may be included as part of any lot in any subdivision or land development project; however, such land may not be used to meet the minimum buildable area (MBA) standards of these regulations (see Appendix B).

Section 24. General provisions; public improvement design standards.

- (a) *General.* The subdivider, at his own expense, shall construct all improvements as required by the Permitting Authority in their decision granting approval for any subdivision or project subject to these regulations.

(b) *Street Design Standards.* The following design standards shall be followed where applicable in the design and construction of any subdivision.

- (1) *Frontage on Improved Streets.* All areas to be subdivided shall have frontage that meets the minimum requirements of the relevant zone on an existing improved Town street. If such street frontage is substandard to the specifications of these regulations or to the minimum engineering standards, the Permitting Authority may require the subdivider to improve the part of the street abutting or leading to the property being subdivided as necessary to ensure for proper drainage, promote public safety, or avoid adverse development impacts to the surrounding community.
- (2) *Street Classification.* Street design within a proposed subdivision shall conform to the street classification system discussed below. Rights-of-way and pavement width, curbing, parking, drainage, location of utilities, sidewalks, bicycle or walking paths and general road design standards shall be consistent with street function.

All street classifications shall be established by the Permitting Authority. Streets shall fall within one of the following major categories:

- 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. All industrial and major commercial subdivision streets shall be classified as arterial and conform to such standards.
- 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. These streets provide a balance between land access and mobility.
- c. *Local.* Public streets whose primary function is to provide access to abutting properties.

- (3) *Street Rights of Way Specifications.* All street rights-of-way and road construction shall conform to the standards shown and specifications by type of street as noted and illustrated in Appendix C of these regulations. Figure I, II and III depict typical cross sections by street type proposed for acceptance and maintenance by the Town. Paving specifications for streets shall be in accord with Town Standards as noted in Appendix C.
- (4) *Engineering Standards.* See Appendix C, Table I.
- (5) *Street Layout and Arrangement.* The arrangement of streets shall be considered in relation to existing Town streets, and in relation to topographic and natural systems. The road system shall be designed to allow for safe, efficient and orderly movement of traffic; 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. Within residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and not encourage use by through traffic. However, in major subdivisions, 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 in major subdivisions when determined by the Permitting Authority to be feasible and appropriate. Proposed streets in major subdivisions shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or to with adjacent vacant property in order that the streets may be extended in the future.
- (6) *Private Streets.* Private streets shall be prohibited in all single-family residential developments.
- (7) *Cul-de-sacs.* All cul-de-sac streets shall end in a permanent turnaround constructed to the standards listed in Appendix C. Cul-de-sacs shall not exceed one thousand (1,000) feet in

length. Cul-de-sacs shall have a minimum length consisting of the frontage required for the base zone in which the property lies plus the bulb itself. The "bulb" shall not provide frontage for more than three lots. This standard may be waived by the Permitting Authority to promote access to landlocked parcels, to allow for future connection to the existing road network in the Town or for other cause.

(8) *Street Names.* An extension of an existing street shall have the same name as the existing street. Names of new streets shall be determined by the Town Council. Streets shown for proposed subdivisions that are not extensions of existing streets shall be referred to as Street "A", Street "B", etc.

(9) *Access to Adjoining Properties.* When it is considered desirable by the Permitting Authority to provide access to adjoining property, proposed streets shall be continued and improved to the property line. Access to adjacent parcels for pedestrian and/or bicycle circulation or promotion of the Town of East Greenwich Linear Park System shall be required wherever the Permitting Authority determines that such connection is in the interest of the community.

(10) *Street Signs.* Street name and traffic control signs, constructed to Town of East Greenwich specifications shall be installed by the developer at his/her expense.

(11) *Street Lighting.* In all subdivisions utilities including provision for street lighting shall be installed underground.

(12) *Landscaping Standards.*

a. Landscaping shall be provided as part of project plan and design. It shall be conceived in a total pattern throughout the site, integrating the various elements of a site design, preserving and enhancing the particular identity of the site and creating a pleasing site character. Landscaping and natural vegetative buffers shall be utilized to separate residential areas from major roadways, commercial and manufacturing areas.

b. Landscaping may include plant materials such as trees, shrubs, ground covers, grass and flowers, other materials to be used may include rocks, planted berms, stone walls, paving materials, planters and signage. Areas, which may be required to provide landscaping, or screening shall include, but not be limited to the following:

1. Drainage facilities, such as retention/detention basins, or drainage swales;
2. Subdivision entranceways;
3. Open Space/natural/areas;
4. Recreational facilities;
5. Buffers;
6. Areas subject to regrading or stabilization for soil erosion and sediment control purposes.

c. *Landscape plan.* A landscape plan prepared by a registered landscape architect shall be submitted to the Permitting Authority when it is determined that (a) existing landscaping is insufficient; (b) the site of the proposed subdivision requires restoration or (c) adding landscaping would enhance the visual aspect of the area or would preserve existing outstanding landscape features. If submittal of a landscape plan is required, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision and at the master plan stage of a major subdivision. The plan shall identify existing and proposed trees, stone walls and rock outcroppings; signs; proposed grading at two (2) foot intervals; lighting; and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate methods for protecting during construction.

(13) *Monuments/Bounds.* Monuments or bounds (granite or concrete boundary markers) shall be of the type approved by the Town and paid for by the developer and placed by a Registered Land Surveyor as approved by the Permitting Authority. Monuments shall be set with the finished grade at the right of-way and may be required to be raised at other locations.

(14) *Sidewalks.* Sidewalks may be required to be installed on one or both sides of all proposed new public streets in subdivisions and in all multifamily developments. This requirement may be waived for cul-de-sac streets serving five (5) or fewer lots or dwellings or if the Permitting Authority determines such waivers appropriate. Sidewalk construction shall be in conformity with the standards outlined in Appendix C.

The Permitting Authority may require that sidewalks be connected to existing sidewalks on collector or arterial roads abutting the subdivision.

(15) *Bicycle Paths.* Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path; to intersect with proposed State or Town bicycle facilities; or connect adjacent subdivisions, schools or recreation areas

(16) *Curbing.* Concrete curbing, meeting RIDOT Standards 7.11 or granite curbing, meeting RIDOT standards 7.51 shall be installed on all proposed streets.

(17) *Curbing at Intersection Fillet Curves.* Precast concrete wheelchair ramp curbs meeting RIDOT Standard 7.19 shall be installed, in conformity with requirements of the Rhode Island Americans with Disabilities Act.

(c) *Easements.*

(1) *In general.* All easements shall be appropriately marked with monuments

(2) *For watercourses.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way conforming

substantially with the lines of such watercourse shall be provided, together with access strips. such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan with proper bearings and distances indicated.

(3) *For sanitary sewers.* Easements shall be provided for sanitary sewers where they are anticipated. The Permitting Authority shall determine the locations and widths of such easements.

(4) *For storm drains and drainage channels.* easements through lots for drainage channels and storm drains shall be provided. Whenever possible, they shall be located along lot lines and shall be at least twenty (20) feet in width. Access easements shall be provided where such facilities are remote from streets or where conditions exist that require ramps for maintenance vehicles.

(5) *For street widenings.* Where a subdivision abuts an existing substandard town street, the Permitting Authority may require the subdivider to convey land to the Town to enable such street to be widened.

(6) *Frenchtown Brook.* Whenever Frenchtown Brook passes through any subdivision, between Saw Mill Pond on Frenchtown Road and the East Greenwich/West Greenwich town line, the developer shall transfer and convey to the Town of East Greenwich a fifty (50) foot wide easement along each side of and abutting the mean high water bank of Frenchtown Brook, and such easement shall provide for public access and use of the land area along said brook and described in the easement for passive recreation.

(7) *Sight Distance Easements.* Where deemed necessary by the Permitting Authority to establish adequate sight distances for vehicular traffic, the dedication of an easement to the Town may be required which would prohibit the erection or maintenance of any visual obstruction such as structure, tree, shrub, wall, earthen embankment, or other obstruction.

(8) *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 ten (10) feet to twenty (20) feet depending upon location.

- (9) *Other easements.* All other required easements shall be of sufficient width and area to serve their intended purpose.

(d) *Lot Configuration.* The Permitting Authority and/or administrative officer shall have the right to reject or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purposes. The Permitting Authority or Administrative Officer may require changes or modification to the proposed layout as deemed necessary to achieve the purposes of these Regulations (see Appendix B).

(e) *Stormwater Drainage Systems.* All proposed subdivisions shall make adequate provision to properly contain and handle stormflow generated by the project. All drainage systems shall be designed in accord with Rhode Island Department of Environmental Management regulations and to the standards of the Town of East Greenwich. The drainage system may be comprised of natural and man-made elements. These may include grass swales, retention and detention basins, curbs, Applicants are encouraged to incorporate natural elements into the drainage design wherever possible and feasible. All drainage structures shall be in conformance with the accepted State RIDOT standards, or Town approved equals.

Drainage plans and drainage calculations shall be prepared by a Registered Professional Engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

The Rational Method - This method is the preferred method for small systems of three (3) acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

TR-55 - This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development over three (3) acres.

All drainage plans and drainage calculations shall

provide the following information:

- (1) An estimate of the quantity of stormwater surface run-off currently flowing from the land proposed to be subdivided, compared to stormflow which would be generated by the proposed subdivision. (To be calculated on the basis of a twenty-five (25) year frequency rainfall.)
- (2) An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a twenty-five (25) year frequency rainfall.
- (3) An analysis of the capability of existing watercourses, catchbasins, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State of Rhode Island specifications cited above as may be modified by the Town of East Greenwich Department of Public Works. Culvert and storm sewers shall be designed for a twenty-five (25) year frequency rainfall, (one-hundred (100) year frequency in a special flood hazard zone) with a minimum pipe size of twelve (12) inches so that the minimum velocity shall not be less than three (3) feet per second calculated for the 10-year design storm.
- (4) Proposals for disposal of surface run-off, downstream from the subdivision in a manner that will not damage off-site property, natural features or existing drainage structures and facilities.
- (5) The drainage plan shall further indicate how the following specific requirements will be met:
 - a. That each lot will be adequately drained;
 - b. That natural drainage patterns will be maintained whenever possible;
 - c. That all existing watercourses will be left open, unless approval to enclose is

granted by Rhode Island Department of Environmental Management and the Town of East Greenwich.

- d. That all new open watercourses will be properly stabilized using vegetation or stone depending on soil conditions and grades;
 - e. That a continuous drainage system will be installed and connected to a natural or manmade watercourse 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 Permitting Authority determines that such ultimate destination is impractical, the Board shall require the construction of a retention area capable of accommodating proposed stormwater volumes based on a one hundred (100) year frequency rainfall;
 - f. When any part of the drainage system is sited outside the public street right-of-way, provisions for future access to and maintenance of same shall be approved by the Town Council;
 - g. That any necessary easements to off-street watercourses will be obtained by the subdivider and approved by the Town Solicitor; and,
 - h. Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sedimentation basins, flow spreaders or other applicable devices and/or techniques as recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.
- (6) The proposed drainage system shall be designed to accommodate stormwater such that post-construction conditions do not result in peak run-off increases in rate from preconstruction conditions.

(f) *Utilities.*

- (1) *Sanitary Sewers.* Sanitary sewers shall be required in all subdivisions and land

development projects where such sewer service is available to or may be extended to the site in a cost effective manner.

- (2) *Water Service.* Water service, where available, shall be provided for each lot in accordance with the requirements of the Kent County Water Authority. The Permitting Authority may require the extension of service to a proposed subdivision when such extensions are possible and could be extended. Dry capped lines may be required for developments that may have future access to service due to capital improvements made by the Kent County Water Authority.
- (3) *Gas Lines.* Natural gas lines may be installed in any subdivision or land development project at the discretion of the subdivider. If proposed, gas lines shall be located on the opposite side of the street from the water line or as required by the utility.
- (4) *Other Utilities (Electric, Telephone, and Cable TV).* All electric, communication (telephone, fire alarm, and cable TV) and street lighting lines shall be installed underground. Such utilities shall be installed to the specifications of the appropriate utility.
- (5) *Fire Alarm.* Provision for connection to the fire alarm system of the Town of East Greenwich Fire District shall be required for all new development projects and subdivisions having streets proposed for dedication to the Town. Standards for fire alarm systems shall meet the minimum requirements of the District .
- (6) *Fire Hydrants.* Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location and spacing shall meet the minimum requirements of the East Greenwich Fire District.

(g) *Erosion and Sediment Control Plan Permit(s):* A soil erosion and sedimentation control plan and permit application shall be submitted for all applications meeting the threshold requirements as listed in Chapter 9 of the Town of East Greenwich Code. Such plan shall meet the standards of the code.

(h) *Requirements for Off-Site Improvements.*

(1) *Purpose.* This section is intended to ensure that subdivider provide off-site infrastructure improvements in order to mitigate the impacts which are directly attributable to the new development. Such improvements may be required by the Permitting Authority if the Board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include but not be limited to the following categories:

- a.) Sanitary sewers system extension
- b.) Water supply systems extension
- c.) Roads
- d.) Sidewalks
- e.) Bicycle paths and pedestrian improvements
- f.) Drainage systems
- g.) Public safety improvements

(2) *Definition, Criteria and Principles.* As a condition of final approval, the Permitting Authority may require a subdivider to construct such improvements that are reasonable and necessary to mitigate impacts relating to the land being subdivided. Necessary improvements are those that directly and substantially relate to the subdivision or land development being proposed. The Permitting Authority shall provide in its resolution of final approval a finding that forms the basis for such off-site improvements. The finding shall be that a significant adverse impact on existing conditions will result if the off-site improvements are not constructed. The mitigation required as a condition of approval must relate to the significance of the identified impact. Required off-site improvements must be consistent with the character defined for the affected neighborhood in the Comprehensive Plan or address a particular situation or problem that is raised and discussed during the consideration of the project.

Section 25. General provisions; construction and/or improvement guarantees.

(a) *Definition and Purpose.* The purpose of this section is to provide a guarantee to the Town that the required improvements will be constructed.

An improvement guarantee is a security instrument in a form that is acceptable to the Town to ensure that all improvements, facilities, or work required as a condition of approval of a subdivision plan will be completed in conformity with the approved plans and specifications.

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other conditions of final plat approval.

(b) *General Procedures.* Before any land development or subdivision plan is endorsed by the Permitting Authority, and before the recording of any subdivision plat, the Permitting Authority shall review and approve agreements for the completion of all required improvements. Such agreements shall, at the option of the subdivider, take the form of (1) completion of actual construction of all improvements; (2) improvement guarantees, or (3) a combination thereof. At the preliminary plat review stage, the subdivider shall submit either of the following: (1) a letter to the Permitting Authority indicating his/her intent to complete the required improvements prior to the Permitting Authority's endorsement of the final plat; or (2) a letter requesting that security sufficient to cover the cost of required improvements be established by the Board,

- (1) If improvements are to be constructed without a financial guarantee, all work shall be completed prior to endorsement and recording. Inspections shall be made by the Public Works Department at all required stages of construction as specified in Section 24 above. Written inspection reports shall be prepared by the inspector(s) and maintained by Public Works. All inspection reports shall be submitted to the Administrative Officer. An inspection fee equal to two (2) percent of the estimated cost of construction for all public improvements as determined by Public Works shall be paid to the Finance Director prior to construction. All construction shall be inspected and approved by the Public Works Director under the direction of the Administrative Officer and according to the

procedures in Section 24. Upon completion of all required improvements, the Public Works Director shall notify in writing to the Administrative Officer of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate Permitting Authority member or Administrative Officer and the plat shall be recorded as provided in Section 40, at which time the lots within the subdivision may be transferred or sold. The applicant shall be required to post a bond in the amount of ten (10) percent of the construction estimate prior to acceptance of all required improvements by the town. Such bond shall be held by the Town Finance Director for a period of one (1) year to be released upon written request of the applicant following final inspection by Public Works and acceptance of the required improvements by the Town Council with the approval of the Planning Board.

(2) If improvements are to be guaranteed, the below listed procedures shall apply.

(c) *Procedures for Financial Guarantees.*

(1) *Amount.* All improvement guarantees shall be of sufficient amount to ensure that actual construction and complete installation of all of the required improvements and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in said approval. The amount shall be based upon actual cost estimates, which would be required for the Town to complete all improvements. These estimates shall be prepared by the Department of Public Works and forwarded to the Administrative Officer. In the event the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The Permitting Authority may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction costs. However, the amount of such increase shall not exceed more than twenty (20%) percent over the total estimated cost of improvements. At the expiration of the final

plan approval period, if all required improvements are not complete, the Permitting Authority Board shall review the status of improvements and may (1) require the subdivider to extend the duration of the entire improvement guarantee; (2) reduce the amount of the improvement guarantee to reflect the estimated costs of completed improvements; or (3) authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds.

If during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Permitting Authority not to be in compliance with the approved plans, the Town may, after notification to the developer, authorize the use of improvement guarantee funds to insure proper compliance.

(2) *Required Form.* The security shall be in the form of a financial instrument acceptable to the Finance Director and Town Solicitor and shall enable the Town to gain timely access to the secured funds, when necessary. Performance and maintenance guarantees may consist of, but not be limited to, the following forms:

a. *Security bond.* The subdivider may obtain a security bond from a surety bonding company authorized to do business in the State of Rhode Island.

b. *Letter of credit.* The subdivider may submit to the Town an irrevocable letter of credit from a bank or other recognized institution that names the Town of East Greenwich as loss payee.

c. *Escrow account.* The subdivider may deposit cash, or other instruments readily convertible into cash at face value, either with the Town or in escrow with a bank with the town controlling access to same.

(3) *Releases/Reductions.* At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider.

Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantees shall be made to the Administrative Officer. After inspection of all required improvements, the Administrative Officer shall recommend that the Town Council (a) authorize the Finance Director to return all improvement guarantees (b) reduced the guarantee to reflect the estimated cost of completed improvements, or (c) that no release or reductions be made.

- (4) "As-Built" Plans. Within thirty (30) days after the completion of all public improvements, the developer shall submit final "as-built" plans (2 sets) which shall contain:
- a. All of the information required on the final plan and decision on the proposal;
 - b. Exact locations, as installed, of all:
 1. Sidewalks and streets.
 2. Monuments, bounds and other survey marks.
 3. Water, sewer, gas and drainage pipes, and easements.
 4. Other underground utilities, if any, and the location of all above ground fixtures.
 5. Any other public improvements,
 6. Open space areas, recreation sites or reserved areas.

The cost of preparing the "as-built" plans required by this Section shall be included in the bond amounts.

- (5) *Phased Subdivisions*. For subdivisions, which are approved and constructed in phases, the Permitting Authority shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Authority shall, in setting the guarantee amount for each phase, clearly specify when and where guarantees are to be provided.

- (6) *Maintenance Guarantees*. The Permitting

Authority may also require that a maintenance guarantee be provided by the subdivider for all improvements, which are being dedicated to the Town. The amount of the maintenance guarantee shall be five (5) percent of the original performance bond or other original guarantee amount. Absent such a guarantee, five (5) percent of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be one (1) year. At the end of one-year maintenance period, the Director of Public Works shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found to be unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Finance Director, and the original funds shall not be returned to the subdivider. If public improvements are in good condition and have not been damaged due to the fault of the subdivider, or through the faulty workmanship or design, the maintenance guarantee shall be returned to the subdivider. In cases where it is determined there are extenuating circumstances, the maintenance period may be established for a period longer than one (1) year. The rationale for establishing a longer maintenance period and the nature of the circumstances requiring same shall be made a part of the record.

- (7) *Acceptance of Improvements*. Upon completion of all required improvements, the subdivider shall convey all public improvements to the Town for ownership and maintenance. Before conveyance, the applicant shall first request the Department of Public Works to conduct a final inspection of all improvements. The Director of Public Works shall certify to the Administrative Officer in writing that all required improvements have been satisfactorily completed.

The applicant shall also request, in writing to the Administrative Officer, that public improvements, streets, land easements, or other facilities be accepted by the Town.

This request shall contain a description of all facilities to be accepted and shall be accompanied by an

accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawings(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance upon the next available agenda of the Town Council. In such recommendation for acceptance by the Town Council, the Administrative Officer shall also recommend an amount for a maintenance bond in accordance with these regulations and shall recommend to the Town Council that no public improvements or facilities be accepted for ownership and maintenance until the maintenance bond has been submitted as required above.

Upon their acceptance by the Town Council, all improvements shall be permanently owned and maintained by the Town as part of the municipal system and the subdivider shall be no longer responsible for the repair or maintenance of these improvements.

Private streets and other private improvements shall not be conveyed to the Town.

Section 26. General provisions; requirements for dedication of public land; public improvements and fees.

(a) *Subdivider Must Provide Open Space.* The Permitting Authority shall require all land developments and subdivisions subject to the provisions of these Regulations to dedicate a portion of the land being subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents. The Permitting Authority may, at its discretion, require the payment of a fee in lieu of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.

(b) *Relationship to EGORP.* The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the East Greenwich Open Space and Recreation Plan (EGORP) and shall reflect the character defined for the neighborhood or district in which the subdivision is located. The land dedication

must be suitable for the intended use. Land dedications proposed for park and recreation land shall be entirely usable land, not containing any land that is constrained for its intended use for development. If payments in lieu of land dedication are required, they shall be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreational facilities.

(c) *Amount of land to be dedicated.* Conveyances of land for recreational impact shall be in an amount that will be suitable to the intended use of same. As a general guide such conveyances shall be minimally at the ratio of one acre for each twenty (20) lots for all zones requiring minimum lot sizes of one (1) acres or less or two (2) acres for subdivisions in all other zones. For subdivision of less than twenty (20) lots the Permitting Authority requirements for recreation impact shall be tailored to the circumstances and location of the proposal. In general if a parcel that is suitable and useful for recreational purposes cannot be accommodated, a fee in lieu of land donation shall be preferred. In addition the nature, location and amount of land to be conveyed must be satisfactory to the Permitting Authority, and determined appropriate by the Town Manager for the proposed use.

(d) *Ownership of land.* Land dedications required by this Section may be made by transfer of fee simple ownership to any of the following:

- a. The Town of East Greenwich
- b. A private Homeowner's Association
- c. East Greenwich Land Trust

(e) *Condition of Land.* The Permitting Authority in requiring the donation of land for recreational purposes may also require that such land be cleared and rough graded by the developer. In addition, the installation by the developer of signage denoting the intended future use of the land may be a condition of approval.

(f) *Fees-in-Lieu of Land Dedication.* Where a fee is required by the Permitting Authority to be paid in lieu of land dedication, the amount of such fee shall be based upon the Code of Ordinances Chapter 4 Article VI Development Impact Fees. The determination to require a fee in lieu of land donation shall rest entirely with the Permitting Authority.

Section 27. Special provisions; phasing of projects.

- (a) When a Major Land Development or Major

Subdivision is submitted for Master Plan approval, the Permitting Authority shall review the existence and adequacy of existing and proposed improvements, services and facilities which may be affected by the proposed development. If the Permitting Authority determines that such improvements, services, infrastructure and facilities, will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the Permitting Authority shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases and/or placing limits on the issuance of building permits over a specified time period, thereby relating the rate of development to the ability of the Town to provide the required services to the residents of the subdivision or development.

(b) For all Master Plan approval applications, the applicant shall submit a copy of the Master Plan narrative report for review and comment to all relevant Town and other agencies and relevant utilities. Each agency notified by the applicant shall be requested to provide its comments on the application by the Administrative Officer. All comments shall be received from each agency prior to the date of the informational meeting.

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

(c) Each department, agency or utility to which such a request for comments is made shall provide to the Administrative Officer, written comments, and any supplementary material requested, which describes:

- (1) An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
- (2) A determination as to the adequacy of existing facilities and/or services relative to the anticipated subdivision's residents;
- (3) A discussion as to whether plans for the required improvements to existing facilities and/or services are included in the department or agency's capital improvement program;
- (4) A timeline for provision of such improvements to existing facilities and/or services.

(d) Upon consideration of the responses received from the various departments and agencies, the Permitting Authority shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such growth rate plan, the Permitting Authority may require that improvements be installed, or lots sold, in two (2) or more phases.

(e) If phasing is required, the Permitting Authority shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two (2) or more phases as required above. In such review and approval, the Authority, may in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as needed, including the applicant actually providing the necessary improvements or payment to a dedicated restricted account in lieu of actual provision.

(f) The master plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

(g) Vesting of Phased Projects. The master plan shall remain vested as long as it can be demonstrated, to the satisfaction of the Permitting Authority, that work is proceeding on either the approval stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information contained in the approved master plan and related documents.

Section 28. (Reserved)

Section 29. (Reserved)

Section 30. Local regulations; procedure for adoption and amendment.

- (a) The Permitting Authority, as authorized by the Enabling Statute and Town Charter, shall adopt, amend, or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.

Section 31. Local regulations; public hearing and notice requirements.

(a) These regulations shall not be adopted, repealed, or amended until after a public hearing has been held relative to same by the Permitting Authority. The Authority shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the municipality 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. At this hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing. Advertising shall be conducted by the Town Clerk upon written request of the Administrative Officer. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- (1) Specify the place of said hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment or repeal of local regulations is under consideration;
- (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- (5) State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as

a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

(b) Notice of the public hearing shall be sent by first class mail to the city or town of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the East Greenwich municipal boundaries.

(c) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the municipality or two thousand feet (2,000') of the East Greenwich municipal boundaries, provided, however, that a map survey has been filed with the Building Official as specified in Section 45-24-53(E) of the Rhode Island General Laws.

(d) No defect in the form of any notice under this Section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

(e) The above requirements are to be construed as minimum requirements.

Section 32. Local regulations; publication and availability.

(a) 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. Costs for such copies shall be established by the Town Council.

(b) Upon publication of these regulations and/or amendments to same, the Town Clerk shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library.

Section 33. Administration; the administrative officer.

(a) *Administration.* Administration of these Subdivision and Land Development Regulations shall be under the direction of the Administrative Officer. The Town Planner is hereby designated as the

Administrative Officer.

(b) *Duties and Responsibilities.* The duties and responsibilities of the Administrative Officer shall include, but not be limited to the following:

- (1) General Coordination of the review, approval, recording, and enforcement of the provisions of these Regulations; including, coordinating the enforcement efforts of the Zoning Enforcement Officer, the Building Official, the Planning Department staff, the Department of Public Works, the Town Engineer, and other local officials responsible for the enforcement or carrying out of the discrete elements of the regulations;
- (2) Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable Federal, State and Local Laws as directed by the Permitting Authority.

Section 34. Administration; the board of appeal.

The Town Zoning Board of Review shall serve as the Board of Appeal to hear appeals of decisions of the Permitting Authority or the Administrative Officer on matters of review and approval of land development and subdivision projects.

Section 35. Administration; administrative fees.

The Planning Board shall set reasonable fees, in an amount not to exceed actual costs incurred, to be paid by the applicant for the review and hearing of applications, issuance of permits and recording of decisions. These fees, payable to the Town of East Greenwich, shall be due and payable at the stages established in these regulations and shall pertain to all subdivisions of land and development projects as follows:

(a) Pre-Application Conference Review Fee: \$225.00 plus \$15.00 for each acre or fraction thereof which shall be computed to include all streets, easements and land to be conveyed to the Town covered by the proposed land development or subdivision.

(b) Master Plan Review Fee: \$325.00 plus \$20.00 for each acre or fraction thereof which shall be computed to include all streets, easements and

land to be conveyed to the Town covered by the proposed land development or subdivision. The applicant shall also bear the costs associated with abutter notification and advertising for the Master Plan Public Informational meeting.

(c) Preliminary Plan Review Fee: \$425.00 plus \$25.00 for each acre or fraction thereof which shall be computed to include all streets, easements and land to be conveyed to the Town covered by the proposed land development or subdivision. The applicant shall also bear the costs associated with abutter notification and advertising for the Preliminary Plan Public Hearing.

(d) Final Plan Review Fee: \$225.00 plus \$15.00 for each acre or fraction thereof which shall be computed to include all streets, easements and land to be conveyed to the Town covered by the proposed land development or subdivision.

(e) Administrative Subdivision Fee: \$100.00.

(f) Request for Extension, Amendment or Reinstatement of an Approved Plan: \$100.00.

(g) All fees shall be submitted in the form of a check payable to the Town of East Greenwich at the time application is made.

(h) Peer Review: To protect the public health, safety, and welfare the Planning Board may require peer review of expert witness reports and testimony on behalf of applicants. A list of peers and their fees shall be maintained by the Town for selection by the Town and the cost of peer review shall be borne by the applicant. All costs associated with peer review shall be paid in full before Planning Board approvals are recorded in the Land Evidence Records. The Town reserves the right to place a lien on the subject property for any fees not paid in full.

Section 36. Administration; violations and penalties.

(a) Any person or corporation or other entity that fails or refuses to adhere to the terms and conditions of these regulation plans that have been approved by the Permitting Authority or the Administrative Officer shall be in violation of these same.

(b) Violation of this Chapter shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved and recorded in the municipal land evidence records,

shall be in violation of these regulations and subject to the penalties described herein.

(c) Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision development, or constructs any structure or improvement on the parcel, without having first received approval from the Permitting Authority or the Administrative Officer, shall be in violation of these regulations.

(d) 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.

(e) The Town may also cause suit to be brought in the Kent County Superior Court or Municipal Court to restrain the violation of, or to compel compliance with, the provisions of these regulations. The Town may consolidate an action for injunctive relief and/or fines under this chapter in Kent County Superior Court or Municipal Court.

Section 37. Procedure; precedence of approvals for subdivisions and other local boards and commissions.

(a) *Town Council.* Where an applicant requires both subdivision 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. The Planning Board's advisory opinion shall be based upon the review of a submitted Master Plan that shall be the basis for the request for the change of zone. A zone change hearing for the requested zoning amendment shall follow. The applicant shall then return to the Permitting Authority for subsequent required approval(s).

(b) *Zoning Board of Review.*

(1) Where an applicant requires both a variance from the Zoning Ordinance and subdivision approval, the applicant shall first obtain an advisory recommendation from the Permitting Authority, as well as conditional Authority approval for the first approval stage for the proposed project, which may be granted concurrently, then obtain conditional Zoning

Board relief, and then return to the Permitting Authority for subsequent required approvals.

(2) Where an applicant requires both a special-use permit under the local Zoning Ordinance and Permitting Authority approval, the applicant shall first obtain an advisory recommendation from the Permitting Authority, as well as conditional Permitting Authority approval for the first approval stage for the proposed project, which may be granted concurrently, then obtain a conditional special use permit from the Zoning Board, and then return to the Permitting Authority for subsequent required approval(s).

Section 38. Procedure waivers; modifications and reinstatement of plans.

(a) *Waiver and/or modification of requirements.* The Permitting Authority shall have the power to grant such waivers and/or modifications from the requirements of the land development and subdivision approval process as may be reasonable and within the general purpose and intent of the provisions of these regulations. Such waivers and/or modifications shall only be permitted 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 East Greenwich Community Comprehensive Plan and Zoning Ordinance.

(b) *Reinstatement of Applications.*

(1) When an applicant has exceeded a deadline established by these regulations for submission of material for subdivision or land development, thereby rendering a previously-granted approval invalid, the application may be reinstated by the Permitting Authority under the following conditions:

- a. The subdivision is consistent with the Comprehensive Plan;
- b. The regulations pertinent to the specific proposal are substantially the same as they were at the time of the original approval and that any changes thereto

would not have affected the previously granted approval;

- c. The zoning of the subdivision parcel is unchanged from what it was at the time of original approval;
- d. Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and,
- e. Applicable State or Federal regulations are substantially the same as they were at the time of original approval.

(2) Application for reinstatement of a previously approved subdivision shall be made in writing to the Permitting Authority in writing by the applicant. The Permitting Authority, in approving or denying the request for an extension, shall make findings of fact, which shall be made part of the record.

(c) [*Reserved.*]

(d) *Decisions on Waivers and Modifications.*

(1) The Permitting Authority shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:

- a. The Permitting Authority's decision shall be made within forty-five (45) days of the date the request for waiver or modification was first considered by the Permitting Authority, unless the applicant waives that deadline.
- b. The Permitting Authority's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in Section 39.

Section 39. Procedure; meetings; votes; decisions and records.

(a) All records of the Permitting Authority proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed projects under review by the Permitting Authority, shall also be available for public review.

(b) Participation in a Permitting Authority meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

(c) All final written comments to the Permitting Authority from the Administrative Officer, municipal departments, the Technical Review Committee, state and federal agencies, and local commissions shall be part of the permanent record of the development application.

(d) *Votes.* All votes of the Permitting Authority shall be made part of the permanent record and shall show the members present and their votes. A decision by the Permitting Authority to approve any land development or subdivision application shall require a vote for approval by a majority of the current Permitting Authority membership.

Section 40. Procedure; signing and recording of plats and plans.

(a) All approved final plans and plats for land development and subdivision projects shall be signed by the appropriate Permitting Board official, as authorized, with the date of approval. Plans and plats for major land developments and subdivisions shall be signed by the chairperson or vice chair of the Permitting Authority attesting to the approval. All minor land development or subdivision plans and plats and administrative plats shall be signed by the Chairperson or other designated Member.

(b) 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 plan notes 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 Permitting Authority. The final approved and signed plat shall be affixed on a plat card in a manner approved by the Town Clerk.

(c) Other parts of the applications record for subdivisions and land development projects, including

all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approved set of drawings shall be kept permanently by the municipal departments responsible for implementation and enforcement, including the Planning Department, Department of Public Works, and Building Official. In addition, the Town Clerk's Office shall maintain a complete copy of the record.

(d) Construction drawings need not be recorded. However, a complete blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details, and specifications required as a condition of approval shall be submitted to the Administrative Officer who shall forward same to the Town Clerk for filing prior to the subdivider recording the plat. Additional copies of all construction drawings shall be kept by the Department of Public Works, the Administrative Officer and any other Town Departments as required in (c) above.

(e) The Administrative Officer shall notify the statewide "911 " emergency authority and the East Greenwich Police and East Greenwich Fire District of the recording of the new plat and provide such as information required by each of the entities.

Section 41. Procedure; changes to recorded plats and plans.

(a) For all changes to the approved plans of land development projects or subdivisions subject to this Chapter, an amendment of the final development plans is required prior to the issuance of any building permits.

Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in Section 40.

(b) Minor changes, as defined below, to a land development or subdivision plan may be approved administratively, 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 either the Technical Review

Committee or the Permitting Authority. Denial of the proposed change(s) shall be referred to the Permitting Authority for review as a major change.

For the purpose of this Section, the term "minor changes" shall mean any change, which, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to the following:

- (1) Amendments or changes to utility plans which are in accord with Town of East Greenwich specifications and approved by the appropriate utility company.
- (2) Lot line revisions, which can be reviewed and approved as an administrative subdivision according to the provisions of Section 12.
- (3) Amendments or changes to grading plans or drainage plans which are consistent with good and accepted engineering practices and relevant Town and State standards which do not require State or Federal reviewing authorities.
- (4) As approved by The Administrative Officer amendments or changes to construction plans, which are, required because of unforeseen physical conditions on the parcel being subdivided, which are consistent with good engineering practice and Town and State standards. Modifications to any construction plans which are consistent with good and acceptable industry practices and Town and State standards.
- (5) Modifications, which are, required by outside permitting agencies such as, but not limited to the Department of Environmental Management, and the Department of Transportation.

(c) Major changes. Major changes to a land development or subdivision plan may be approved only by the Permitting Authority. The procedure for approval of any such major change shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in Section 18.

For the purpose of these Regulations, the term

"major changes" shall mean changes, which, in the opinion of the Administrative Officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following:

- (1) Changes which would have the effect of creating additional lots or dwelling units for development;
- (2) Changes which would be contrary to any applicable provision of the Zoning Ordinance or which require a variance or special use permit from the Zoning Board of Review;
- (3) Changes, which may have significant adverse impacts on abutting property or property in the vicinity of the proposed subdivision or land development, project;
- (4) Changes which may have a significant adverse impact on any public service, utility, or road.

(d) Rescission procedure. The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the Comprehensive Community Plan and is not in compliance with the standards and provision of the municipality's zoning ordinance and/or land development and subdivision review regulations and shall hold a public hearing, which adheres to the requirements for notice established by Section 45-23-42 of the General Laws of Rhode Island. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat. If it is necessary to abandon any street covered under Chapter 6 Title 24, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as required by these regulations.

Section 42. Appeals; right of appeal.

(a) An appeal from any decision of the Permitting Authority, or Administrative Officer charged in the regulations with enforcement of any provisions, except as provided herein, may be taken to the Board of Appeal by an aggrieved party. Appeals from a decision granting or denying approval of a final plan shall be

limited to elements of such approval or disapproval contained in the decision reached by the Planning Board at the preliminary stage, provided that a public hearing has been held on the plan.

(b) An appeal from a decision of the Board of Appeal (Zoning Board of Review) may be taken by an aggrieved party to the Kent County Superior Court.

Section 43. Appeals; process of appeal.

(a) An appeal to the Board of Appeal from a decision or action of the Permitting Authority or Administrative Officer may be taken by an aggrieved party to the extent provided in Section 42. Such appeal must be taken within twenty (20) days after the decision has been filed and posted in the office of the Town Clerk.

(b) The appeal shall be in writing and shall clearly state the issue or decision which is being appealed, the reason for the appeal, and the form of relief sought. At the time of filing, the appellant from any decision of the Planning Board, the Zoning Official, or the Administrative Officer shall file a statement of the law and the facts on which it relies to claim (1) prejudicial procedural error and/or (2) clear error and/or (3) lack of support by the weight of the evidence in the record, together with 12 copies thereof. Failure to file the statement shall be cause for the Zoning Board of Review to continue the hearing until such statement is filed in timely manner. Applications must be received by the Planning Department not later than the 15th of the month to be advertised and docketed for the Board of Appeal's next meeting on the 4th Tuesday of the following month. The Planning Board shall receive a copy of the appeal prior to the hearing by the Board of Appeal. Comments on the appeal by the Planning Board, if any, shall be directed to the Town Solicitor.

There shall be paid with the filing of the appeal the cost, as determined by the Administrative Officer, for the copying of the record to be transmitted to the Board of Appeal. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal.

(c) Upon receipt of an appeal, the Board of Appeal shall require the Permitting Authority 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.

Section 44. Appeals; stay of proceedings.

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

Section 45. Appeals; requirements for public hearing.

(a) 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 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 appellant.

(b) The Board of Appeal shall only hear appeals of the actions of the Permitting Authority or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.

(c) The hearing may be held on the same date and at the same place as a meeting of the Zoning Board of Review. However, it must be conducted as a separate meeting apart from regular Zoning Board of Review business. Separate minutes and records of votes on the appeal shall be maintained by the Board of Appeal.

Section 46. Appeals; standards of review.

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

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

(c) In the instance where the Board of Appeal overturns a decision of the Permitting Authority or Administrative Officer, the proposed project application shall be returned to the Permitting Authority or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Permitting Authority or Administrative Officer for the final disposition. The applications disposition which shall be consistent with the Board of Appeal's decision.

(d) The Board of Appeal shall keep complete records of all proceedings including a record of all votes taken, and shall place on file all decisions on appeals in writing. The Board of Appeal shall include in the written record the reasons for each decision.

Section 47. Appeals to the superior court.

(a) An aggrieved party may appeal a decision of the Board of Appeal, to the Kent County Superior Court by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the 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 membership of the Permitting Authority shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders, as it deems necessary for an equitable disposition of the appeal.

(b) The review shall be conducted by the Superior Court without a jury. The court shall review the record of the hearing before the Permitting Authority and, if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

(c) The court shall not substitute its judgment for that of the Permitting Authority 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 Permitting Authority regulations or other provisions;
- (2) In excess of the authority granted to the Permitting Authority 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.

Section 48. Appeals to the superior court; enactment of or amendment of local regulations.

(a) An appeal of an enactment of or an amendment of East Greenwich Land Development and Subdivision Regulations may be taken to the Kent County Superior Court 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 the local regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

(b) The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, Chapter 22.2 of Title 45; the Zoning Enabling Act of 1991, Section 45-24-27 et seq.; the East Greenwich Comprehensive Plan, or the East Greenwich Zoning Ordinance.

(c) The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act, Chapter 22.2 of Title 45; the Zoning Enabling Act of 1991, Section 24-27 et seq.; the East Greenwich Comprehensive Plan; or the East Greenwich 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 regulations to be consistent, but may suggest appropriate language as part of the court decision.

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

Section 49. Appeals to the superior court; priority in judicial proceeding.

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

Section 50. Severability.

(a) If any provision of this chapter or of any rule, regulation 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 chapter, rule, regulation, 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 this chapter shall not affect the validity of the remainder of the chapter.

(b) Applicability of prior subdivision regulations. Subdivisions and land developments which were submitted to the Permitting Authority for approval under the provisions of these regulations in effect prior to the date of passage of these regulations (August 16, 1999) may be continued to be reviewed by the Platting and Subdivision Board and approved under said prior Regulations in accordance with the following;

1. *Final Approvals.* Any subdivider who, at the time of adoption of these Regulations has received final approval or final approval with conditions from the Permitting Authority may initiate or construct any part of the development or record said plans in accordance with the subdivision regulations in effect at the time final approval was granted.
2. *Preliminary Approvals.* Any subdivision which at the time of adoption of these Regulations, has received approval from the Permitting Authority may continue to be reviewed in accordance with the Subdivision regulations in effect at the time preliminary approval was granted provided that the final plat must be approved and recorded within one (1) year from the date of preliminary approval unless an extension of time is granted by the Planning Board for good cause shown.
3. *Other.* Any subdivision which, at the time of adoption of these regulations has not received final or preliminary approval; or has been reviewed by the Permitting Authority for preliminary review but no approval therefor has been granted; or which has received only Pre-Application approval; and any division of land which has not received final approval; shall be reviewed under the terms of these Regulations.

The Permitting Authority shall determine which regulations apply for subdivisions submitted for approval prior to the date of passage of these Regulations (August 16, 1999). Appeals from a decision regarding the application status and applicable regulation shall be made to the Zoning Board of Review as herein provided.

APPENDIX A. TOWN OF EAST GREENWICH SPECIFICATIONS AND STANDARDS FOR TREE PRESERVATION AND PLANTING IN NEW SUBDIVISIONS

(1) *Preservation of Tree Stock*: Preservation of existing vegetation is the best method of landscaping and is least disruptive to habitat areas and natural systems. The existing tree and vegetative stock is an asset to the candidate parcel for development, when preserved and incorporated into the development design the natural beauty and amenity of the site is enhanced. Retention of vegetation and trees can also assist in the control of stormflow and erosion during and after the construction of the project occurs. Preservation is also cost effective, promotes the efficient use of land and contributes to the quality of life in the community.

As such, it is the policy of these regulations to encourage the protection and preservation of the existing tree and vegetative community as part of the development process. Therefore, to the greatest extent feasible the subdivider/developer should preserve the native tree stock within the subdivision. In particular, large, mature hardwood and evergreens should be identified and preserved, and whenever possible be incorporated into the development design. Outstanding groups of trees, (groves/stands), should also be identified and incorporated in the design process.

Techniques to accomplish this include: performing a vegetation inventory at an early stage of the project planning process, identifying outstanding specimens and groupings of species, marking candidate trees for preservation and designing the road, drainage handling systems and lot design to take advantage of these natural features.

(2) *Street and Yard Tree Policy and Standards*: If the Permitting Authority determines that the existing tree and vegetative cover will not be sufficient to provide adequate separation between rights of way, drainage structures and other easements and individual lots, they may require the planting of street and/or yard trees or other natural buffers. Such plantings may also be required to enhance the site generally, for control of erosion and to screen adjacent uses.

In general, where they are required, street trees should be sited along the edge of the ROW between 2.5' and 5' from the edge of same. As a general standard, spacing of street trees forty (40) to fifty (50) feet on center depending on the selected trees shall be

planted along the ROW where this is a requirement of the Permitting Authority. Such planting shall be depicted in plans submitted for preliminary review for minor and major land developments and subdivisions. Trees should be located so as not to interfere with vehicular site distance, driveway accesses, utilities and natural drainage patterns. Planting specifications and species shall conform to the below illustrated standards. The Permitting Authority may also require planting of trees six feet to ten feet in from the curb line of a subdivision where it is deemed appropriate, (see below specification for location of this type of tree). Such planting shall also conform to the below listed specifications.

Species chosen shall be indigenous, relatively fast growing, salt and wind tolerant and require little care. The list below outlines suggested species for this hardiness zone, (zone 6 - 7). Trees shall be of a minimum 2.5 to 3 inch caliper measured six inches above the root ball. Larger trees may be required in areas where clear cutting and lumbering have occurred in the past or where significant restoration of the site is necessary.

Yard trees may be required as well by the Permitting Authority, where it is determined that such trees are needed for proper site design, screening or buffering, provision of shade, habitat enhancement or similar need. Such planting shall be shown on the construction plans submitted for preliminary review for minor and major land developments or subdivisions.

(3) *Planting Standards*: Trees and bushes should be planted according to the following recommended horticultural procedures:

- (a) Plantings should be well-formed and healthy nursery grown stock. The root ball should be inspected to ensure that it is undamaged and of good quality soil and that it encompasses the entire root system.
- (b) Planting should take place when trees and bushes are dormant because transplanting during this period greatly increases the chances of success.
- (c) Planting holes should be dug two times as wide and one to one and one-half times as deep as the root ball. Topsoil and subsoil should be mixed thoroughly with sphagnum peat moss or according to the recommendations of the

county agricultural agent and a layer six to seven inches of the mix placed in the bottom of the hole. Fertilizer should not be added to the soil mix, since it can burn new, tender roots, slowing down the growth of the plant or even killing it. The soil in the bottom of the hole should be tamped down without compacting it.

- (d) Plantings should be positioned in the planting hole so that trunks are straight, and so that the base is at the finished grade of the new location and at the same depth as it was when it was growing. Roots should be spread evenly throughout the hole, and soil added carefully.
- (e) The backfilled soil should be tamped in place, and the hole filled to the top of the root ball. The added soil should be tamped gently, but not compacted, and a ring of soil 2 to 3 inches high should be formed around the edge of the planting hole to aid in watering.
- (f) Plantings should be watered with a fertilizer-water solution, the amount of fertilizer depending on an analysis. Watering should be thorough and done slowly and gently to avoid damage to the soil structure.
- (g) The area within the watering saucer should be filled to a depth of 2 to 3 inches with mulch.
- (h) Trunks should be wrapped with tree kraft paper or burlap strips.
- (i) All newly planted trees and shrubs should be pruned. Balled and burlapped and container grown plants should be shaped lightly and have broken and damaged branches removed. Bare root plants require much heavier pruning

to reduce the water demand by the top of the plant in order to compensate for the roots lost when the plants were dug up. One-third to one-half of the leaf area should be removed by thinning the branches and reducing their length. Pruning should retain the natural form of the tree or shrub; the central leader or top of a newly planted tree should never be removed, since this will destroy its natural growth habit.

- (j) If properly planted, shrubs will not have to be staked, although oversized bushes may need some support. Trees should be staked in accordance with good nursery practice.
- (k) Special planting techniques may be necessary when planting in heavy, poorly drained or in sandy soils. Recommendations of the county agricultural agent should be followed.
- (l) After planting, the most critical requirement is to supply an adequate and even amount of moisture. Because of the wide variation in soil types and the different moisture needs of plant species, it is impossible to present specific watering requirements. Plant conditions should be carefully observed, and if the soil is dry three to six inches beneath the surface, water should be applied slowly so that it soaks in and does not run off. As a general rule, planting in well-drained soils should be watered one inch per week, and those in lighter sandy soils, two inches per week, except during periods of heavy rainfall.

(4) *Varieties Recommended.* The following varieties of trees are recommended for front yard planting and street trees as noted:

GENUS, SPECIES	COMMON NAME	HEIGHT'	SPREAD'	FORM	COMMENTS
<i>Acer buergerianum</i>	Trident Maple	25	25	Small, rounded	Very handsome small tree
<i>Acer campestre</i>	Hedge Maple	35	35	Round	Prune lower limbs
<i>Acer griseum</i>	Paperbark Maple	30	15	Upright, oval	Good fall color, red exfoliating bark
<i>Acer palmatum</i>	Japanese Maple	25	25+	Broad, rounded	Good year round leaf color
<i>Acer pensylvanicum</i>	Striped Maple	20	15	Small, rounded	Beautiful striped bark
<i>Acer rubrum</i> 'Armstrong'	Armstrong Red Maple	70	15	Narrow, columnar	Fastigate
<i>Acer rubrum</i> 'Bowhall'	Bowhall Red Maple	50	15	Upright, columnar	Good fall color
<i>Acer rubrum</i> 'October Brilliance'	October Brilliance Red Maple	40	30	Oval, rounded	Good fall color
<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple	50	40	Oval, rounded	Good fall color
<i>Acer rubrum</i> 'Marmo'	Marmo Red Maple	70	40	Broad, columnar	Good fall color
<i>Acer rubrum</i> 'Sunset'	Sunset Red Maple	60	40	Pyramidal	Good fall color
<i>Acer rubrum</i> 'Tilford'	Tilford Red Maple	35	35	Globe	Susceptible to high borer infestation
<i>Acer saccharum</i>	Sugar Maple	75+	50+	Upright, oval	Good fall color, avoid stress
<i>Acer tataricum</i>	Tatarian Maple	25	25	Oval, rounded	Good utility tree
<i>Acer truncatum</i>	Purpleblow Maple	25	25	Small rounded	Good year round color
<i>Amelanchier arborea</i> 'Autumn Sunset'	Downy Serviceberry	25	10	Vase shape	Use tree form, favorite of birds
<i>Cercidiphyllum japonicum</i>	Katsuratree	60	30	Pyramidal	Use tree form
<i>Chionanthus virginicus</i>	White Fringetree	30	20	Rounded	Use male plants, beautiful flowers
<i>Clethra alnifolia</i>	Sweetpepperbush	8	6	Upright, columnar	Fragrant flowers
<i>Cornus alternifolia</i>	Pagoda Dogwood	25	35	Upright, spreading	Horizontally branched
<i>Cornus mas</i>	Cornelian Cherry (Dogwood)	25	20	Oval, rounded	1st Dogwood to bloom, yellow flower
<i>Cornus Kousa</i>	Kousa Dogwood	25	25	Upright, spreading	Good year round leaf color, white flower
<i>Cornus Florida</i>	Flowering Dogwood	35	35	Umbrella	Flowers early, red fruit, scarlet fall foliage
<i>Fagus sylvatica</i> 'Asplenifolia'	Fernleaf Beech	60	45	Broad, upright	Beautiful leaf
<i>Fagus sylvatica</i>	European Beech	100	45	Broad, upright	Sinuous branching to the ground
<i>Fagus sylvatica</i> 'Dawyck'	Upright Beech	80	10	Narrow, columnar	Fastigate
<i>Fagus sylvatica</i> 'Pendula'	Weeping Beech	Varied	Varied	Descending	Branching sweeps the ground
<i>Fraxinus ornus</i>	Flowering Ash	50	50	Round spreading	Showy fragrant flowers
<i>Fraxinus pennsylvanica</i> 'Marshall's'	Marshall's Seedless Ash	50	40	Upright spreading	Use male plants
<i>Ginkgo biloba</i>	Ginkgo	80	40	Varied	Use male plants, good fall color
<i>Gleditsia triacanthos</i> in. 'Shademaster'	Shademaster Honey Locust	45	35	Open spreading	Overused, now showing signs of disease
<i>Gleditsia triacanthos</i> inermis 'Skyline'	Skyline Honey Locust	45	35	Open spreading	Overused, now showing signs of disease
<i>Hamamelis mollis</i>	Chinese Witchhazel	15	15	Small, rounded	Fragrant March bloom
<i>Hamamelis vernalis</i> 'Christmas Cheer'	Christmas Cheer Witchhazel	10	10+	Upright rounded	Blooms at Christmas
<i>Hamamelis virginiana</i>	Common Witchhazel	30	25	Irregular round	Fragrant, shade tolerant, good fall color
<i>Halesia carolina</i>	Carolina Silverbell	40	35	Low branch, round	White bell flowers
<i>Halesia carolina</i> 'Meehanii'	Meehanii Silverbell	12	12	Low branch, round	White bell flowers
<i>Halesia carolina</i> 'Rosea'	Pink Silverbell			Low branch, round	Pink bell flowers
<i>Ilex verticillata</i>	Winterberry	10	10	Upright	Red berries favorite of birds
<i>Koeleruteria paniculata</i>	Goldenraintree	40	40	Rounded	Yellow flowers, somewhat weak wooded
<i>Koeleruteria paniculata</i> 'Fastigiata'	Goldenraintree	25	6	Columnar	Yellow flowers, somewhat weak wooded
<i>Liquidambar styraciflua</i>	Sour Gum	75	50	Pyramidal	Roots need ample room for development
<i>Liriodendron tulipifera</i>	Tulip Tree, Yellow Poplar	90	50	Oval, rounded	Great fall color, somewhat weak wooded
<i>Maackia amurensis</i>	Amur Maackia	30	30	Small rounded	Attractive foliage, exfoliating curly bark
<i>Maclura pomifera</i> inermis 'Park'	Park Osage Orange	40	40	Rounded	Great street tree & impossible sites
<i>Malus</i> 'Beauty'	Beauty Crabapple	24	10	Columnar	Great street tree & disease resistance
<i>Malus</i> 'Harvest Gold'	Harvest Gold Crabapple	30	15	Columnar	Great street tree & disease resistance

Malus 'Harvest Gold'	Harvest Gold Crabapple	30	15	Columnar	Great street tree & disease resistance
Malus 'Madonna'	Madonna Crabapple	20	10	Compact, upright	Great street tree & disease resistance
Malus 'Maysong'	Maysong Crabapple	20	8	Narrow, upright	Great street tree & disease resistance
Malus 'Strawberry Parfait'	Strawberry Parfait Crabapple	20	25	Vase shape	Great street tree & disease resistance
Malus 'Tea Time'	Tea Time Crabapple	20	25	Vase shape	Great street tree & disease resistance
Malus 'White Candle'	White Candle Crabapple	15	3	Fastigate	Great street tree & disease resistance
Morus alba 'Lingan'	Fruitless Mulberry	50	50	Rounded	Good for coastal use
Nyssa sylvatica	Tupelo	50	30	Broad, flat top	Good fall color, protect from wind
Ostrya virginiana	American Hophornbeam	40	25	Small, rounded	Interesting fruit (hops)
Parrotia persica	Persian Parrotia	40	30	Broad, rounded	Good flower & fall color, exfoliating bark
Platanus x acerifolia 'Columbia'	Columbia London Planetree	100	80	Broad, open spread	Exfoliating bark, has monoculture status
Prunus campanulata	Bell-Flowered Cherry	30	30	Rounded	Beautiful flower, bark, & fall color
Prunus sargentii 'Spire' (Hillier Spire)	Spire Sargents Cherry	27	10	Narrow vase shape	Beautiful bark & leaf color
Prunus serrulata 'Kofugen'	Kofugen Cherry	30	18	Upright, dense	Similar to Kwanzan
Prunus serrulata 'Kwanzan'	Kwanzan Cherry	40	40	Wide spreading	Beautiful flowers, short lived
Prunus subhirtella 'Autumnalis'	Autumn Higan Cherry	25	30	Broad spreading	Very stress tolerant
Pyrus calleryana 'Aristocrat'	Aristocrat Callery Pear	36	16	Upright, pyramidal	Use thornless variety, weak crotches
Pyrus calleryana 'Bradford'	Bradford Callery Pear	50	35	Upright, pyramidal	Use thornless variety, weak crotches
Pyrus calleryana 'Capital'	Capital Callery Pear	32	8	Narrow, columnar	Use thornless variety, weak crotches
Pyrus calleryana 'Chanticleer'	Chanticleer Callery Pear	32	16	Upright, pyramidal	Use thornless variety, weak crotches
Pyrus calleryana 'Paradise' (Dancer)	Paradise Callery Pear	20	15	Upright, pyramidal	Good habit, Leaves flutter, good crotches
Quercus palustris	Pin Oak	70	40	Pyramidal	Somewhat urban tolerant
Quercus rubra	Red Oak	75	75	Round	Urban tolerant
Stewartia pseudocamellia	Japanese Stewartia	40	30	Rounded	Beautiful leaf, flower, exfoliating bark
Styrax americanus	American Snowbell	10	10	Rounded	Beautiful leaf & flower
Styrax japonicus	Japanese Snowbell	30	30	Rounded	Dainty tree, beautiful flowers
Syringa reticulata	Japanese Tree Lilac	30	25	Upright spreading	Fragrant white flowers, use tree form
Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac	25	10	Compact, rounded	Fragrant white flowers, use tree form
Syringa reticulata 'Summer Snow'	Summer Snow Tree Lilac	20	15	Compact, rounded	Fragrant white flowers, use tree form
Tilia cordata	Little Leaf Linden	70	50	Pyramidal	Good street tree
Tilia cordata 'Bohlje' (Erecta)	Bohlje Linden	50	15	Narrow upright	Excellent street tree
Tilia cordata 'Corinthian'	Corinthian Linden	45	15	Compact pyramid	Good street tree, formal shape

Evergreen Trees					
<i>Cephalotaxus harringtonia</i>	Japanese Plum Yew	5	10	Low spreading	Shade tolerant
<i>Cephalotaxus harringtonia</i> 'Fastigiata'	Upright Plum Yew	10	8	Columnar	Shade tolerant
<i>Juniperus chinensis</i> 'Kaizuka'(Torulosa)	Hollywood Juniper	30	Varied	Twisted shape	Interesting form, extremely tolerant
<i>Juniperus chinensis</i> var. <i>sargentii</i>	Sargents Juniper	2	9	Ground cover	Extremely tolerant
<i>Juniperus conferta</i>	Shore Juniper	2	9	Ground cover	Good bank stabilizer, hates wet feet
<i>Juniperus conferta</i> 'Blue Pacific'	Blue Pacific Shore Juniper	1	9	Ground cover	Hardier than species, blue foliage
<i>Juniperus conferta</i> 'Emerald Sea'	Emerald Sea Shore Juniper	2	10	Ground cover	Most hardy, good salt tolerance
<i>Juniperus horizontalis</i> 'Bar Harbor'	Bar Harbor Creeping Juniper	1	8	Ground cover	Good for seashore, and bank stabilization
<i>Juniperus horizontalis</i> 'Wiltonii'	Wiltoni Creeping Juniper	6"	8	Ground cover	Intense silver blue
<i>Larix laricina</i>	Eastern/American Larch	80	30	Open pyramid	Deciduous
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	100	25	Pyramidal	Deciduous
<i>Picea glauca</i>	White Spruce	60	20	Narrow dense spire	Tolerates crowding
<i>Picea orientalis</i>	Oriental Spruce	60	20	Narrow, compact	Protect from harsh wind
<i>Pinus bungeana</i>	Lacebark Pine	50	35	Open, flat top	Picturesque, exfoliating bark
<i>Pinus parviflora</i>	Japanese White Pine	50	50	Small, graceful	Good for small places
<i>Pinus strobus</i>	White Pine	80	50	Broad, rounded	Protect from harsh wind, salt, & pollution
<i>Tsuga heterophylla</i>	Western Hemlock	100	30	Pyramidal	Resistant to Woolly Adelgid

STREET TREE PLANTING (TYP)

TREE PLANTING DETAIL (TYP)

APPENDIX B. LOT DESIGN STANDARDS

(1) *General Requirements:*

- a. *Minimum Standards:* All proposed lots shall meet or exceed the minimum standards for the base zone in which it is located and shall meet or exceed the minimum buildable area (MBA) requirements of these regulations.
- b. *Shape/Configuration:* Lots shall be generally rectangular in their configuration. Irregularly or odd shaped lots such as "flag lots"; "hockey sticks" or any lot whose building envelope is isolated from its frontage shall not be permitted.
- c. *Street Frontage:* Each proposed lot shall have frontage on a public street that meets or exceeds the minimum requirements of the base zone in which it is located. Such frontage shall be useable for access to the lot. Frontage that cannot function as an access point to the buildable envelope of the lot shall not be permitted.
- d. *Lot Side Lines:* Whenever possible lot side lines should be at substantially right angles or radial to street frontages/street lines.

(2) *Minimum Buildable Area Standards:*

- a. *Rationale and Purpose:* To ensure that all proposed lots are minimally suited to the uses allowed under the Town of East Greenwich zoning code all lots should contain building envelopes that are not constrained to such uses(s). The concept of minimum buildable area is intended to ensure that each lot created through the subdivision review process will possess a suitable area for full use and enjoyment of its subsequent owner.
- b. *Minimum Buildable Area (MBA) definition:* The amount of land required by zone to constitute the building envelope for each lot. The minimum buildable area is determined by taking the minimum lot size for each zone and subtracting the required setbacks. The MBA shall be free of all wetlands, drainage structures or other features, which would impair its use for purposes, allowed under the zoning ordinance. The MBA must be contiguous.

(3) *Table 1: Minimum Buildable Area Standards.*

ZONE	Minimum Lot Size (square feet)	MBA/Sq. Ft.
R - 6	6,000	2,800
R - 10	10,000	2,800
R - 20	20,000	6,750
R - 30	30,000	10,800
F/F-1	43,560	16,710
F - 2	87,120	42,750
CD*	5,000/4,000	2,700/2,100
CH	30,000	7,000
CL**	30,000 10,000	7,700 4,200
W	20,000	15,200
M	87,120	30,100

* CD zone requirements for commercial use are 5,000 square feet per unit, 4,000 per unit for residential use.

** CL zone requirements for commercial use are 30,000 square feet, for residential use minimum lot size is 10,000 sq/ft.

APPENDIX C. ROAD DESIGN

All development plan and subdivision roads shall comply with good engineering practices and the design principles outlined above in Section 24 as well as the engineering standards cited or referenced herein. Road design shall conform to the standards by type of road as listed in Table I and Figures I through IV noted below.

In addition, specific engineering detail and specifications shall conform to the text entitled, "Standard Specifications for Road and Bridge Construction, as amended," RIDOT, Division of Public Works and applicable American Association State Highway and Transportation Officials (AASHTO) Standards.

Table I
Town of East Greenwich
Engineering Standards for Street by Type

	Arterial or Industrial Subdivision Street	Collector, Commercial Subdivision Or Large Scale Residential Street (Residential Collector)	Local	Residential Street
Right-of-way width	60'	50'	44'	44'
Pavement Width	40'	30'	24'	24'
Concrete Curbing (continuous)	yes	yes	yes	yes
Maximum Grades Centerline	5%	5%	8%	0.08
Within 150' of centerline Intersections	2.5%	2.5%	2.5%	0.025
Minimum Grades Centerline	1%	1%	1%	0.01
Minimum Length for Vertical Curves	*	*	100'	
Minimum radius of Centerline Curve (to avoid sharp curves)	*	*	250'	
Minimum Sight Distance	*	*	*	
Cul-De-Sac				
R.O.W. Diameter	60'radius	50' radius	50'	50'
Pavement Diameter	50'radius to curb	40'	40'	40'
Maximum Grade	5%	5%	8%	0.08
Minimum Grade	1%	1%	1%	0.01
Intersection Fillet Curve R.O.W. Minimum radius	*	*	*	15'
Pavement Minimum radius	*	*		25'
Cross slope	6'	6'	6'	minimum 6'

* To meet or exceed AASHTO Standards

SPECIFICATIONS FOR SURFACE TREATED GRAVEL HIGHWAYS

NOTE: The text entitled "Standard Specifications for Road and Bridge Construction, as Amended;" published by the State of Rhode Island, Department of Transportation shall be used as a guide in the case of any questions or disputes that may arise during the construction of a project.

INSPECTION

The contractor or developer shall notify the director before each phase of construction as follows:

- a. Before any storm drainage is backfilled;
- b. Before any concrete structures are poured;
- c. Before any base course gravel is placed in the excavation area to insure the use of approved gravel;
- d. Before, and in writing, seven (7) days prior to any oiling or paving;
- e. Before curbing is to be installed;
- f. Before sidewalks are to be installed.

The contractor or developer shall bear the expense of any tests necessary in quality control as determined by the director.

CONSTRUCTION METHODS AND PROCEDURES

Clearing and grubbing. The area as shown on the plans between the highway (property) lines shall be cleared and grubbed where necessary. All root growth, trees, bushes and other objectionable material shall be removed and disposed of to a location satisfactory to the Department of Public Works and/or Administrative Officer.

Excavations. All excavations shall conform to the lines and grades as shown on plans and cross-sections. Where undesirable material is encountered in the subgrade, this material shall be excavated to a depth of at least twelve (12) inches below the finished grade. This item shall include the removal of all earth, subsoil, loam, etc., within the highway limits as shown on the cross-sections. All rock measuring thirteen-and-one-half cubic feet or less shall be considered earth excavation. All waste excavation shall be disposed of to a location suitable to the Administrative Officer.

Ledge excavation. Rock, stone or ledges that require drilling and blasting, and measuring more than thirteen-and-one-half cubic feet, shall be considered as ledge excavation. This material shall be excavated at least six (6) inches below the subgrade when within the

pavement areas, and shall be disposed of in deep fills or other areas suitable to the Director of Public Works and/or Administrative Officer.

Trimming and fine grading. This item shall consist of trimming, dressing of all shoulders, ditches and side slopes, whether in excavation or embankment, and the work shall be performed in a neat and workmanlike manner to the lines and grades of the typical sections shown on the plans and as the director may direct. This item shall also include the fine grading and compaction of the subbase upon which the pavement metal shall rest to the lines and grades of the typical sections shown on the plans as submitted.

GRAVEL BASE COURSE

Materials. The gravel base course which shall consist of gravel meeting the following requirements:

- a. It shall be practically free of foreign materials such as loam, silt, clay and vegetable matter.
- b. It shall contain no cobbles larger than four (4) inches in diameter.
- c. At least forty (40) percent by weight of the gravel shall be of sizes retained upon one-quarter inch grain.
- d. The texture and the aggregate of the gravel must be approved before it can be used as base course material.

Placing, spreading and rolling of base course. The gravel for the base course shall be spread uniformly by means of approved spreaders, road scrapers or by other methods satisfactory to the director. The gravel base course shall have a minimum depth of twelve (12) inches after grading and compaction by a self-propelled roller weighing at least ten (10) tons. Any depressions that develop due to the rolling shall be filled, rolled and reshaped until the base course is true to cross-section and grade.

Curbs. Curbs shall be installed to the line and grade shown on the approved drainage plans. Curb height and form shall be according to the applicable road profile.

Sidewalks. Where required sidewalks shall be four-inch thick concrete over a six-inch gravel base.

SURFACE TREATMENT

Base/binder course: After the gravel pavement course has been installed and approved by the Town Inspector, the developer shall apply a 2" (minimum) binder course of bituminous asphalt, (compacted with a minimum 10-ton roller or approved equivalent method). The binder course shall conform to RIDOT standards and be applied in a workmanlike manner consistent with accepted industry standards and be applied in a workmanlike manner consistent with accepted industry standards. Original copies of the delivery slips for the binder course shall be surrendered to the Town upon completion of the project. The binder course shall be inspected and approved at installation and shall be reinspected by the town Inspector and repaired by the contractor, as necessary, before the finish course/coat is applied.

Finish Course: Within eighteen months of

completion of the binder course the contractor shall apply a finish wearing surface of class I asphalt. The finish course shall be a minimum of 2" thick, (compacted with a minimum 10 ton roller or approved equivalent method). The bituminous asphalt surface course shall conform to RIDOT standards and be installed in conformity to same. No installation of finish course asphalt shall be allowed after September or before March unless approved in writing by the Administrative Officer.

DRAINAGE, CULVERTS AND BRIDGES

All necessary drainage, culvert and bridge work shall conform to the state "Standard Specifications for Road and Bridge Construction," published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges.

APPENDIX C. FIGURE I TYPICAL SECTION (Local residential Subdivision).

APPENDIX C. FIGURE II TYPICAL SECTION (Residential Collector or Commercial Subdivision Road)

APPENDIX C. FIGURE III TYPICAL SECTION (Arterial Road or Industrial Subdivision Road).

APPENDIX C. FIGURE IV CUL-DE-SAC.

APPENDIX C. FIGURE V "INTERSECTION STANDARDS"

APPENDIX D. EAST GREENWICH FIRE DISTRICT WATER SUPPLY FOR FIRE PROTECTION POLICY

minimum water supply provisions of NFPA Standard 1142, Water Supplies for Suburban and Rural Firefighting.

Section 1. Applicability.

This policy shall apply to all new plats and subdivisions in the Town of East Greenwich (“Town”) for which an approval is necessary from the Planning Board of the Town and which have the availability of a public water supply as determined by the Planning Board or which will utilize holding tanks for fire protection.

Section 2. Purpose.

This policy is intended to set forth the preferred adequate water supply for fire fighting purposes as determined by the East Greenwich Fire District (“Fire District”) and the Town of East Greenwich to assist the Planning Board in its review of plans for new plats and subdivisions pursuant to the Land Development and Subdivision Regulations of the Town.

Section 3. Adequate Water Supply Required.

(a) Every development to which this policy applies should be provided with an adequate fire response water supply defined as needed fire flow in gallons per minute (GPM) for fire fighting where public water supply is able to be made or required. Needed fire flow is generally defined as:

- (1) The needed fire flow supply for all buildings to which this policy applies, which is equal to the required flow computed using the procedure outlined in the Insurance Services Office (ISO) Fire Suppression Rating Schedule Needed Fire Flow Formula.
- (2) For water supply systems not publicly owned, the needed fire flow shall meet the minimum requirements of the National Fire Protection Association (NFPA) 24, Standard on the Installation of Private Fire Services Mains and Their Appurtenances (most recent edition) or NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire-Fighting (most recent edition), where no recognized water distribution system exists.
- (3) Any plat or subdivision to which this policy applies using wells for domestic water with no plans for a water system that includes fire hydrants for fire protection shall meet the

(b) The proposed water supply for fire protection for any construction governed by this policy should be approved by the fire chief, or his designee, as soon as practicable, preferably before the beginning of construction. Prior to the issuance of a certificate of occupancy, the fire chief will obtain signed confirmation from the water authority that the new water system has been installed in accordance with their rules and regulations and this policy.

(c) All references to fire hydrants shall include all public and private fire hydrants and their supply system. Any reference to authority having jurisdiction in this code or a referenced code or standard shall mean the Fire Chief of the Fire District.

(d) When a water main is installed for fire protection and domestic use, the main size shall be adequate to meet combined domestic and fire flow requirements. The developer shall make such water system improvements, as necessary, to provide the required supply flows, in accordance with the water authority’s regulations.

(e) The needed fire flow should be available at all times, and should be available for a minimum of one (1) hour for flows of one thousand five hundred (1,500) gpm at a minimum of twenty (20) psi residual, in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.

Section 4. Needed Fire Flow Requirements.

(a) The needed fire flow for one- and two-family dwellings at twenty (20) psi residual, not exceeding two (2) stories in height, is determined using the Insurance Services Office (ISO) Method as follows:

Distance Between Buildings (in feet)	Needed Fire Flow (gallons/minute)
Over 100	500
31-100	750
11-30	1,000
10 or less	1,500

(b) The needed fire flow for all other buildings should be determined on an individual building basis by

the fire chief or his designee. The needed fire flow for an individual building will normally be computed from the ISO formula:

$$\text{NFF} = (\text{C}) (\text{O}) [1 + (\text{x} + \text{P})]$$

NFF = Needed Fire Flow

C = Construction Factor:

- considers the area of the subject building
- considers the construction class (wood, masonry, fire resistant, etc.)

O = Occupancy Factor:

- considers the combustibility of the materials in the subject building

X = Exposure Factor:

- considers the fire spread between the subject building and the adjacent buildings (length and height of building, and openings in exposed walls)

P = Communication Factor:

- considers the protection provided in the communicating walls, the construction of the walls, and the length of the walls

- (c) One- and two-family dwellings and all other buildings completely protected by an approved and operational fixed suppression system may reduce the suggested needed fire flow by up to fifty (50) percent. The actual reduction, if any, shall be determined and be approved by the fire chief.

Section 5. Fire Hydrants.

- (a) All private and public yard hydrant systems shall conform to standards set by the fire chief and applicable ISO, NFPA, and AWWA standards, whichever shall provide the greatest level of fire protection, and be acceptable to the water authority.
- (b) Fire hydrants shall be properly installed in accordance with American Water Works Association (AWWA) M17, Installation, Field Testing, and Maintenance of Fire Hydrants (Latest Edition) and water authority rules and regulations.
- (c) Yard hydrants should be properly installed in accordance with NFPA 24, Standard on Installation of Private Fire Service Mains and Their Appurtenances (Latest Edition).

- (d) Existing private fire hydrants shall be maintained by the hydrant owner, to the standards set in AWWA M17. The water authority shall follow the industry standard in this matter.
- (e) Private hydrant owners shall immediately notify the fire department of any hydrant that is out of service, and will subsequently notify the fire department within one (1) hour, when the hydrant is placed back in service. The water authority shall follow the industry standard in this matter.
- (f) Hydrants, public or private, shall be maintained by the hydrant owner and be usable at all times.
- (g) Hydrants and water supplies provided in planned building groups shall comply with NFPA 1141.

Section 6. Location.

- (a) Location and spacing of all public fire hydrants and yard hydrants will be determined by the ISO Needed Fire Flow demand based on the type, size, occupancy and exposure of structures, and shall be approved by the fire chief or his designee prior to installation.
- (1) Spacing for hydrants should be, as near as practical:
- (a) 1,000 feet in residential areas, measured linearly on public ways
- (b) All fire hydrants should be clear of all obstructions eight (8) feet from the hydrant in all directions.
- (c) All fire department connections (to sprinkler and standpipe systems) should be within one hundred (100) feet of a municipal fire hydrant capable of providing the water flow demand of the fire protection systems.
- (d) In the one- and two-family detached residential areas, hydrants should be installed along the water main so that all units are within five hundred (500) feet (maximum spacing of one thousand (1,000) feet) of a hydrant.

Section 7. Testing.

- (a) New hydrants shall be fire flow tested by the developer, public or private, in accordance with NFPA 291, Standard on Fire Flow Testing and

Marking of Hydrants (latest edition) and AWWA M17 prior to being placed in service for Fire District use. Documentation of the results of the flow testing shall be provided to the Fire District for acceptance. The Fire District reserves the right to witness all tests. Proper notice, two (2) day minimum, shall be given to the Fire District.

Section 8. Cisterns.

In the event the Planning Board, after careful deliberation and considering all relevant factors before it, resolves that a proposed plat or subdivision cannot connect to a public water supply, then the proposed plat or subdivision shall provide underground water cisterns approved by the Fire District in conformance with the following requirement.

<u>Size of Plat/Subdivision</u>	<u>Number of Cisterns</u>
Less than three (3) house lots	0
Three (3) to five (5) house lots	1
Six (6) to ten (10) house lots	2
Eleven (11) and above house lots	to be determined by the Fire Chief

The size and location of the cisterns shall be determined by the Fire Chief or his designee prior to preliminary plan approval of the plat or subdivision. **Cisterns shall not be located in the public right of way.**

Repairs to accepted tanks will not be the responsibility of the East Greenwich Fire District. All repairs shall be the responsibility of the Homeowners Association of that subdivision or other legal entity as described in the Final Plan Decision and/or property deed.