

APPENDIX B LAND DEVELOPMENT AND SUBDIVISION REGULATIONS*

***Editor's note**--Printed herein are the land development and subdivision regulations of the town, as adopted on December 13, 1995, and effective on December 31, 1995. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Article I. General Provisions

Sec. 23-1. Title and applicability.

Sec. 23-2. Enabling authority.

Sec. 23-3. Consistency requirements.

Sec. 23-4. Statement of purposes.

Article II. Definitions

Sec. 23-5. Terms defined.

Article III. Administration and Enforcement

Sec. 23-6. Administrative officer.

Sec. 23-7. Technical review committee.

Sec. 23-8. Fees.

Sec. 23-9. Violations and penalties.

Sec. 23-10. Publication and availability of regulations.

Article IV. Application Procedures

Sec. 23-11. Classification of applications.

Sec. 23-12. Certification of completeness.

Sec. 23-13. Preapplication conference and informal concept plan review.

Sec. 23-14. Public hearing and notice requirements.

Sec. 23-15. Precedence of approvals.

Article V. Administrative Subdivision

Sec. 23-16. Submission requirements.

Sec. 23-17. Review procedure.

Sec. 23-18. Decision of the board.

Sec. 23-19. Expiration of approval.

Article VI. Minor Land Development or Subdivision

Sec. 23-20. General requirements and review procedure.

Sec. 23-21. Preliminary plan submission requirements.

Sec. 23-22. Preliminary plan review and approval procedure.

Sec. 23-23. Final plan submission requirements.

Sec. 23-24. Final plan review and approval procedure.

Sec. 23-25. Expiration of approval.

Article VII. Major Land Development or Subdivision

Sec. 23-26. General requirements and review procedure.

Sec. 23-27. Master plan submission requirements.

Sec. 23-28. Master plan review procedure.

Sec. 23-29. Decision of the board--Master plan.

Sec. 23-30. Preliminary plan submission requirements.

Sec. 23-31. Preliminary plan review procedure.

Sec. 23-32. Decision of the board--Preliminary plan.

Sec. 23-33. Final plan submission requirements.

Sec. 23-34. Final plan review and approval procedure.

Sec. 23-35. Vesting of approvals and validity of recorded plans.

Article VIII. General Procedures

Sec. 23-36. Required findings.

Sec. 23-37. Planning board records and proceedings.

Sec. 23-38. Waivers and modifications.

Sec. 23-39. Reinstatement of applications.

Sec. 23-40. Recording and filing of approved plans and plats.

Sec. 23-41. Changes to recorded plans and plats.

Sec. 23-42. Phasing of projects.

Sec. 23-42A. Issuance of building permits.

Article IX. Design Requirements and Public Improvement Standards

Sec. 23-43. General development design.

Sec. 23-44. Land unsuitable for development.

Sec. 23-45. Dedication of land for public purposes.

Sec. 23-46. Easements.

Sec. 23-47. Streets.

Sec. 23-48. Street signs and streetlights.

Sec. 23-49. Sidewalks, pedestrian ways and bicycle paths.

Sec. 23-50. Blocks and lots.

Sec. 23-51. Control of stormwater runoff.

Sec. 23-52. Water service.

Sec. 23-53. Utilities service.

Sec. 23-54. Landscaping.

Sec. 23-55. Soil erosion and sediment control.

Sec. 23-56. Off-site improvements.

Sec. 23-57. Additional requirements.

Article X. Guarantee of Performance and Inspection of Improvements

Sec. 23-58. Definition and purpose.

Sec. 23-59. Improvement guarantee requirements.

Sec. 23-60. Procedure for setting and use of improvement guarantees.

Sec. 23-61. Inspection of improvements.

Sec. 23-62. Submission of as-built drawings.

Sec. 23-63. Acceptance of improvements and release of surety.

Article XI. Amendment of Regulations

Sec. 23-64. Procedure for amendment.

Sec. 23-65. Public hearing and notice requirements.

Sec. 23-66. Written notice requirements.

Article XII. Appeals

Sec. 23-67. Right of appeal.

Sec. 23-68. Process of appeal.

Sec. 23-69. Public hearing.

Sec. 23-70. Standards of review.

Sec. 23-71. Appeals to superior court.

Article XIII. Legal Status

Sec. 23-72. Severability.

Sec. 23-73. Effective date.

Sec. 23-74. Vested rights.

Appendix. Construction Specifications

Att. 1. Checklist for Informal Concept Plan Review

Att. 2. Checklist for An Administrative Subdivision

Att. 3. Preliminary Plat Checklist for Minor Subdivisions

Att. 4. Final Plat Checklist for Minor Subdivisions

Att. 5. Master Plan Checklist for Major Land Developments and Major Subdivisions

Att. 6. Preliminary Plat Checklist for Major Land Developments and Major Subdivisions

Att. 7. Final Plat Checklist [for] Major Land Developments and Major Subdivisions

Application Cover Sheet

ARTICLE I. GENERAL PROVISIONS

Sec. 23-1. Title and applicability.

This chapter shall be known as the Tiverton Land Development and Subdivision Regulations, or chapter 23 [appendix B] of the Code of the Town of Tiverton. It shall be applicable in all cases of the subdivision of land, including resubdivision; in all cases of land development projects as provided for in section 45-24-47 of the Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-47); and in all cases of development plan review, as provided for in section 45-24-49 of the Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-49).

Sec. 23-2. Enabling authority.

In accordance with the provisions of the Land Development and Subdivision Review Enabling Act of 1992, G.L. 1956, ch. 45-23, the planning board of the Town of Tiverton hereby adopts the following regulations governing land development and the subdivision of land. All prior regulations governing such subdivision of land and all prior amendments thereto are hereby repealed.

Sec. 23-3. Consistency requirements.

- a. The land development and subdivision regulations set forth is [in] this chapter have been made in accordance with the Tiverton comprehensive plan, adopted or amended pursuant to

G.L. 1956, § 45-22.2-1 et seq., with the Tiverton zoning ordinance, appendix I [appendix A] of the Code of the Town of Tiverton, adopted or amended pursuant to G.L. 1956, § 45-24-1 et seq., and with all other duly adopted local development regulations.

- b. In the instance of uncertainty in the construction or application of any section of these regulations, the regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Tiverton comprehensive plan. Furthermore, these regulations shall be construed in a manner which is consistent with the legislative findings, intents and purposes of sections 45-23-25 through 45-23-74 of the Land Development and Subdivision Review Enabling Act of 1992 (G.L. 1956, §§ 45-23-25--45-23-74).

Sec. 23-4. Statement of purposes.

These regulations address the following purposes, as contained in section 45-23-30 of the Land Development and Subdivision Review Enabling Act of 1992 (G.L. 1956, § 45-23-30):

- a. Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- b. Promote high quality and appropriate design and construction of land developments and subdivisions;
- c. Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- d. Promote design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- e. Provide guidelines for local design and improvement standards that reflect the intent of the Tiverton comprehensive plan with regard to the physical character of the various neighborhoods and districts of the Town of Tiverton;

- f. Promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- g. Provide guidelines for dedications of public land, impact mitigation and payment-in-lieu thereof, that are based on clear documentation of needs and are fairly applied and administered; and
- h. Provide procedures for local recordkeeping on all matters of land development and subdivision review, approval and construction.

ARTICLE II. DEFINITIONS

Sec. 23-5. Terms defined.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this article. Definitions contained in section 45-23-32 of the Land Development and Subdivision Review Enabling Act of 1992 (G.L. 1956, § 45-23-32), which shall be controlling, are denoted by italics. In addition, where words or phrases used in these regulations are defined in section 45-22.2-4 of the Rhode Island Comprehensive Planning and Land Use Regulation Act (G.L. 1956, § 45-22.2-4), or section 45-24-31 of the Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-31), they shall have the meanings stated therein.

- (1) *Administrative officer*. The town official designated by these regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, town staff and state agencies. The administrative officer may be a member of, or the chair, of the planning board, or an appointed official of the municipality.
- (2) *Administrative subdivision*. Resubdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such resubdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
- (3) *Board of appeal*. The local review authority for appeals of actions of the administrative officer and the planning board on matters of land development or subdivision, which shall be the local zoning board of review constituted as the board of appeal.

- (4) *Bond*. See *Improvement guarantee*.
- (5) *Buildable lot*. A lot where construction for the use(s) permitted on the site under the Tiverton zoning ordinance is considered practicable by the planning board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.
- (6) *Certificate of completeness*. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the approval process.
- (7) *Concept plan*. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for preapplication meetings and early discussions, and classification of the project within the approval process.
- (8) *Consistency with the comprehensive plan*. A requirement of all local land use regulations, which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the town as the Tiverton comprehensive plan.
- (9) *Dedication, fee-in-lieu-of*. Payments of cash which are authorized in these regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.
- (10) *Development regulation*. Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.
- (11) *Division of land*. A subdivision.
- (12) *Easement*. A grant for an indefinite period of the right of use of land for drainage or utility purposes.
- (13) *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*.

- (14) *Final plan*. The final stage of land development and subdivision review.
- (15) *Final plat*. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the planning board and any accompanying material as described in these regulations and/or required by the planning board.
- (16) *Floor area, gross*. See R.I. State Building Code.
- (17) *Governing body*. The body of the local government, generally the town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees and collect fees.
- (18) *Improvement*. Any natural or built item which becomes part of, is placed upon or is affixed to real estate.
- (19) *Improvement guarantee*. A security instrument accepted by the town to ensure that all improvements, facilities or work required by these land development and subdivision regulations, or required by the town as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.
- (20) *Local regulations*. The land development and subdivision review regulations for the Town of Tiverton (these regulations), adopted under the provisions of the Land Development and Subdivision Review Enabling Act of 1992, and all related ordinances and rules.
- (21) *Maintenance guarantee*. Any security instrument which may be required and accepted by the town to ensure that necessary improvements will function as required for a specific period of time. See *Improvement guarantee*.
- (22) *Major land development plan*. Any land development plan not classified as a minor land development plan.
- (23) *Major subdivision*. Any subdivision not classified as either an administrative subdivision or a minor subdivision.

- (24) *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. A master plan is required in major land development or major subdivision review.
- (25) *Minor land development plan.* A development plan for a residential project as defined in these regulations, provided that such development does not require waivers or modifications as specified in these regulations. All nonresidential land development projects shall be considered as major land development plans.
- (26) *Minor subdivision.* A plan for a residential subdivision of land consisting of five or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in these regulations. All nonresidential subdivisions shall be considered as major subdivisions.
- (27) *Modification of requirements.* See section 23-38 of these regulations.
- (28) *Parcel.* A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. A parcel is also referred to as a tract.
- (29) *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.
- (30) *Permitting authority.* The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.
- (31) *Phased development.* Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.
- (32) *Physical constraints to development.* Characteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site, or would require

extraordinary construction methods. See also *Environmental constraints*.

- (33) *Planning board*. The official planning agency of the Town of Tiverton, designated as the Tiverton Planning Board.
- (34) *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.
- (35) *Preapplication conference*. An initial meeting between developers and town representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the town officials and others.
- (36) *Preliminary plan*. The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits.
- (37) *Public hearing*. A meeting of the planning board preceded by appropriate public notice, at which either the adoption or amendment of these regulations is under consideration, or testimony on behalf of proposed development or subdivision projects is heard and public comment is taken. The decision of the planning board at a public hearing shall be appealable.
- (38) *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 acceptance by the town.
- (39) *Public informational meeting*. A meeting of the planning board or town council preceded by a notice, open to the public and at which the public shall be heard. Such meeting is conducted as part of the master plan review for major land developments and subdivisions.
- (40) *Resubdivision*. Any change of an approved or recorded subdivision plat or in a lot recorded in the town land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map

or plan legally recorded prior to the adoption of these local land development and subdivision regulations. For the purposes of this chapter, any such action shall constitute a subdivision.

- (41) Stormwater management plan. A plan detailing a system of vegetative, structural and/or other measures to control the volume and rate of stormwater runoff, and minimize the flooding and water quality degradation which can result from land disturbing activity.
- (42) *Stormwater detention*. A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.
- (43) *Stormwater retention*. A provision for storage of stormwater runoff.
- (44) *Street*. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See *Street classification*.
- (45) *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.
- (46) *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.
- (47) *Street, cul-de-sac*. A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.
- (48) *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.
- (49) *Street, paper*. A public street which has been platted but not improved.
- (50) *Street, private*. A thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific municipal improvement

standards. This definition shall not apply to driveways.

- (51) *Street, public*. All public property reserved or dedicated for street traffic.
- (52) *Street, stub*. A portion of a street reserved to provide access to future development, which may provide for utility connections.
- (53) *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 a municipality and carries high volumes of traffic.
 - (b) *Collector*. A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - (c) *Local*. A street whose primary function is to provide access to abutting properties.
- (54) *Structural best management practices*. Structural devices that temporarily detain and treat stormwater in order to control peak discharge rates and reduce pollutant loadings. The mechanisms for pollutant removal are based on gravity settling, infiltration and biological uptake. Typical best management practices (BMPs) include wet ponds, infiltration trenches, created wetlands and grassed swales.
- (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 redivision of a lot, tract or parcel of land into two or more lots, tracts or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- (57) *Technical review committee*. A committee appointed by the planning board for the purpose of reviewing, commenting and making recommendations to the planning board with respect to approval of land development and subdivision applications.
- (58) *Temporary improvement*. Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.
- (59) *Town engineer*. A registered professional engineer who provides engineering services to the Town of Tiverton, either on a contractual basis or as a town employee.
- (60) *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.
- (61) *Waiver of requirements*. See section 23-38 of these regulations.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Sec. 23-6. Administrative officer.

- a. *Appointment and removal*. Local administration of these regulations shall be under the direction of the administrative officer, who shall report to the planning board. The administrative officer shall be appointed in accordance with the town Charter, with a recommendation by the planning board. The initial appointment of an administrative officer may be for a one-year probationary

period, or less, with subsequent appointments for up to two years.

- b. *Qualifications.* The administrative officer may be a member of the planning board, including the chair of the planning board, but may not be any member of the zoning board of review. The administrative officer must be thoroughly familiar with land use planning and with local, state and federal land use regulations, including zoning regulations, the subdivision review process and R.I. department of environmental management requirements and procedures. Experience may include, but is not limited to, current and satisfactory service as a member of a municipal planning board; employment as a municipal planner or as a building official or inspector; employment with a consulting firm dealing with land use planning; or one who is a registered professional architect, engineer, surveyor or soil scientist.

- c. *Duties.* The administrative officer shall be responsible for the following:
 - (1) Overseeing and coordinating the review, approval, recording and enforcement provisions of these regulations, and serving as the chair of the technical review committee, where established.

 - (2) Coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws, and as directed by the planning board.

 - (3) Enforcement of these regulations, including coordinating the enforcement efforts of the zoning officer, planning board staff, the town engineer should one be appointed, the department of public works and other local officials responsible for the enforcement or carrying out of discrete elements of these regulations.

 - (4) Representation of the planning board before other bodies and agencies of the town and state, with the consent of the board, and any other functions or duties as agreed to and requested by the board.

Sec. 23-7. Technical review committee.

- a. The planning board may establish a technical review committee of not fewer than three members, to conduct

technical reviews of applications subject to their jurisdiction. Where a technical review committee is established, the administrative officer shall serve as chair. Membership of the technical review committee may include, but shall not be limited to, members of the planning board, planning department staff, other municipal staff representing departments with responsibility for review or enforcement, conservation commissioners and other duly appointed public officials.

- b. Upon the establishment of a technical review committee, the planning board shall adopt written procedures establishing the committee's responsibilities.
- c. Reports of the technical review committee to the planning board shall be in writing, and shall be kept as part of the permanent documentation on any development or subdivision application. In no case shall the recommendations of the technical review committee be binding on the planning board in its activities or decisions.

Sec. 23-8. Fees.

Application fees for development and subdivision projects shall be set by the Tiverton town council, and shall be payable to the Town of Tiverton upon submission of said applications to offset the costs of review and hearing of applications, issuance of permits and recording of decisions. The current fees are contained in the submission requirement checklists attached to these regulations. The planning board shall review the fees on an annual basis, and make recommendations to the town council regarding any appropriate changes.

Sec. 23-9. Violations and penalties.

- a. Any violation of these regulations, or of any terms or conditions of any action imposed by the planning board or of any other agency or officer charged in these regulations with enforcement of any of the provisions, shall be subject to a penalty.
- b. Violation of these regulations shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use [of], a plat of the subdivision before the plat has been approved by the planning board and recorded in the town land evidence records, shall be in violation of these regulations and subject to the penalties described herein.

- c. Any sale of land subdivided in violation of the provisions of these regulations shall be voidable at the option of the purchaser thereof, and shall subject the seller thereof to forfeiture of any and all consideration received or pledged therefor together with any damages sustained by such purchaser, who may maintain an action on the case to recover any amounts due him under the provisions of this section.
- d. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$500.00 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 of Tiverton.
- e. The town may also cause suit to be brought in the supreme or superior court, or any municipal court, including a municipal housing court having jurisdiction in the name of the town, to restrain the violation of, or to compel compliance with, the provisions of these regulations. The town may consolidate an action for injunctive relief and/or fines under these regulations in the superior court.

Sec. 23-10. Publication and availability of regulations.

- a. Printed copies of these regulations, and any amendments thereto, shall be available to the general public at a reasonable charge. Any appendices shall also be available.
- b. Upon publication of these regulations and any amendments thereto, the town shall send a copy to the Rhode Island department of administration, division of planning, and to the state law library.

ARTICLE IV. APPLICATION PROCEDURES

Sec. 23-11. Classification of applications.

Any applicant intending to undertake a land development or subdivision project in the Town of Tiverton shall file an appropriate application with the planning board. The administrative officer shall advise the applicant as to the submission requirements and procedures for review and approval according to the type of application. The following types of applications may be filed:

- a. Administrative subdivision (see article V).

- b. Minor subdivision or minor land development plan (see article VI).
- c. Major subdivision or major land development plan (see article VII).

Sec. 23-12. Certification of completeness.

- a. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer. In the event such certification of the application is not made within the time specified in these regulations for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in these regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.
- b. Notwithstanding subsection a above, the planning board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the administrative officer prior to certification of completeness, as is necessary to make an informed decision.
- c. Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the planning board determines that the required application information is complete.

Sec. 23-13. Preapplication conference and informal concept plan review.

- a. A preapplication conference shall consist of one or more preapplication meetings, at which an informal concept plan review may also be done. At least one preapplication meeting shall be held for all major land development or subdivision applications. Preapplication meetings may also be held for administrative and minor applications, upon the request of either the town or the applicant.
- b. Preapplication meetings shall allow the applicant to meet with appropriate town officials, boards and/or commissions, planning staff and, where appropriate, officials from other towns and state agencies, for advice as to the required steps in the approvals process, and the pertinent local plans, ordinances, regulations, rules and procedures, and

standards which may bear upon the proposed development project. Additionally, the scope and contents of a site analysis required for major developments and subdivisions (see section 23-43) shall be reviewed. A preapplication meeting is an informal meeting which is meant to facilitate subsequent review of a proposed development or subdivision. While proceedings must be conducted in good faith, the results of a preapplication meeting shall not be considered approval of a project or its elements, nor shall it bind the applicant to the concepts presented at the meeting.

- c. A summary of the discussion occurring at a preapplication meeting will be prepared by the administrative officer to be made part of the record of the application.
- d. At the preapplication stage, the applicant may also request the planning board for an informal concept plan review for the proposed development. The purpose of the concept plan review is also to provide planning board input in the formative stages of major subdivision and land development concept design.
- e. Applicants seeking an informal concept plan review shall submit materials as required in attachment 1 of these regulations. All materials received shall be made part of the record of the application.

Sec. 23-14. Public hearing and notice requirements.

- a. A public hearing shall be required for any major land development or subdivision project, or for any minor land development or subdivision project involving the extension or creation of a street.
- b. Public notice of the hearing shall be given at least 14 days prior to the date of the hearing in a newspaper of general circulation within the Town of Tiverton. Notice shall also be sent, not less than ten days prior to the date of the hearing, to the following:
 - (1) The applicant and to each owner within the notice area, by certified mail, return receipt requested. The notice area shall consist of all properties within 200 feet of the perimeter of the property proposed for development or subdivision.
 - (2) The city or town planning board of any municipality where there is a public or quasipublic water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet

of any real property that is the subject of the proposed land development or subdivision project, by first class mail.

- (3) 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 2,000 feet of any real property that is the subject of the proposed land development or subdivision project, by first class mail, provided, however, that a map survey has been filed with the building official as specified in article XIX, section 4.d, of the Tiverton zoning ordinance.
 - (4) The administrative officer of an adjacent municipality if the notice area extends into the adjacent municipality, if the development site extends into the adjacent municipality, or if there is a potential for significant negative impact on the adjacent municipality.
- c. The notice shall state the time and place of the hearing, and shall also include the street address of the subject property, or, if no street address is available, the distance from the nearest existing intersection in tenths of a mile.
 - d. The cost of all such notice shall be borne by the applicant.

Sec. 23-15. Precedence of approvals.

- a. Where an applicant requires both planning board approval under the provisions of these regulations, and either a special use permit or a variance under the applicable provisions of the Tiverton zoning ordinance, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional relief from the zoning board of review, and then return to the planning board for subsequent required approval(s).
- b. Where an applicant requires both planning board approval under the provisions of these regulations, and approval from the Tiverton town council for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as conditional planning board approval for the first

approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the town council, and then return to the planning board for subsequent required approval(s).

ARTICLE V. ADMINISTRATIVE SUBDIVISION

Sec. 23-16. Submission requirements.

Any applicant requesting approval of a proposed administrative subdivision shall submit to the administrative officer those items as required in attachment 2 of these regulations.

Sec. 23-17. Review procedure.

- a. The application shall be certified as complete or incomplete by the administrative officer within a 15-day period from the date of its submission.
- b. Within 15 days of the certification of completeness, the administrative officer, or the technical review committee, if established, shall review the application and approve, deny or refer it to the planning board with recommendations. The administrative officer, or technical review committee, shall report its actions to the planning board at its next regular meeting, to be made part of the record.
- c. If no action is taken by the administrative officer within the 15 days, the application shall automatically be placed on the agenda of the next regular planning board meeting.

Sec. 23-18. Decision of the board.

- a. The planning board shall consider the application and the recommendations of the administrative officer, and shall either approve, approve with conditions, or deny the application within 65 days of the certification of completeness.
- b. Failure of the planning board to act within the 65-day period shall constitute approval of the administrative subdivision plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.

Sec. 23-19. Expiration of approval.

Approval of an administrative subdivision shall expire 90 days from the date of approval, unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in section 23-40 of these regulations.

ARTICLE VI. MINOR LAND DEVELOPMENT OR SUBDIVISION

Sec. 23-20. General requirements and review procedure.

- a. Minor plan review shall consist of two stages, preliminary and final. If a street creation or extension is involved in the minor land development or subdivision project, a public hearing is required. The planning board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the board.
- b. An application for a minor land development or subdivision project shall be certified complete or incomplete by the administrative officer within a 25-day period from the date of its submission.
- c. The technical review committee, if established, shall review the application and shall comment and make recommendations to the planning board. The committee shall report its actions to the planning board at its next regular meeting. However, the recommendations of the committee shall not be binding on the board.

Sec. 23-21. Preliminary plan submission requirements.

Any applicant requesting approval of a proposed minor subdivision or minor land development preliminary plan shall submit to the administrative officer those items as required in attachment 3 of these regulations.

Sec. 23-22. Preliminary plan review and approval procedure.

- a. If no street creation or extension is required, the planning board shall approve, approve with conditions, or deny the preliminary plan within 65 days of the certification of completeness, or within such further time as is agreed to by the applicant and the board.
- b. If a street extension or creation is required, the planning board shall hold a public hearing prior to approval according to the requirements in section 23-14 and shall approve, approve with conditions, or deny the preliminary plan within 95 days of the certification of completeness, or

within such further time as is agreed to by the applicant and the board.

- c. Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.
- d. The planning board may reassign a proposed minor project to major review only when the board is unable to make the positive findings required in section 23-36 of these regulations.

Sec. 23-23. Final plan submission requirements.

Any applicant requesting approval of a proposed minor subdivision or minor land development final plan shall submit to the administrative officer those items as required in attachment 4 of these regulations.

Sec. 23-24. Final plan review and approval procedure.

- a. The planning board shall approve or deny the final plan as submitted within 45 days of the certification of completeness, or within such further time as is agreed to by the applicant and the board.
- b. Failure of the planning board to act within the period prescribed shall constitute approval of the final plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.

Sec. 23-25. Expiration of approval.

Approval of a minor land development or subdivision plan shall expire 90 days from the date of approval unless within such period a plat or plan, in conformity with such approval, is submitted for signature and recording as specified in section 23-40 of these regulations. The validity of said approval may be extended for a longer period, for cause shown, if requested by the applicant in writing and approved by the planning board.

ARTICLE VII. MAJOR LAND DEVELOPMENT OR SUBDIVISION

Sec. 23-26. General requirements and review procedure.

- a. Major plan review shall be required of all applications for land development and subdivision approval subject to these regulations, unless classified as an administrative subdivision or as a minor land development or a minor subdivision.
- b. Major plan review shall consist of three stages of review, master plan, preliminary plan and final plan, following the preapplication meeting(s) specified in section 23-13. A public informational meeting and a public hearing are also required.
- c. The planning board may vote to combine review stages and to modify and/or waive requirements as specified in section 23-38. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.

Sec. 23-27. Master plan submission requirements.

Any applicant requesting approval of a proposed major subdivision or major land development master plan shall submit to the administrative officer those items as required in attachment 5 of these regulations.

Sec. 23-28. Master plan review procedure.

- a. A master plan application shall be certified complete or incomplete by the administrative officer within a 90-day period from the date of its submission.
- b. Initial comments shall be solicited from (1) local officials and agencies including, but not limited to, the planning staff, public works department, police and fire departments, and conservation and recreation commissions; (2) adjacent communities; (3) state agencies, as appropriate, including the departments of environmental management and transportation, and the coastal resources management council; and (4) federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.
- c. The technical review committee, if established, shall review the application and shall comment and make recommendations to the planning board.
- d. A public informational meeting shall be held prior to the planning board decision on the master plan, unless the

master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon the determination of the planning board.

- (1) Public notice for the informational meeting shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the Town of Tiverton. Postcard notice shall be mailed to the applicant and to all property owners within the notice area, which shall consist of all properties within 200 feet of the perimeter of the property proposed for development or subdivision.
- (2) At the public informational meeting, the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public, which shall be made part of the public record of the project application.

Sec. 23-29. Decision of the board--Master plan.

- a. The planning board shall approve, approve with changes and/or conditions, or deny the master plan, within 120 days of the certification of completeness, or within such further time as may be consented to by the applicant and the board.
- b. Failure of the planning board to act within the period prescribed shall constitute approval of the master plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.

Sec. 23-30. Preliminary plan submission requirements.

Any applicant requesting approval of a proposed major subdivision or major land development preliminary plan shall submit to the administrative officer those items as required in attachment 6 of these regulations.

Sec. 23-31. Preliminary plan review procedure.

- a. A preliminary plan application shall be certified as complete or incomplete by the administrative officer within a 60-day period from the date of its submission.
- b. Final written comments and/or approvals shall be obtained from all appropriate local officials and agencies including the town solicitor, the public works department, and other

town departments or boards and commissions, or other authorities as appropriate.

- c. The technical review committee, if established, shall review the application and shall comment and make recommendations to the planning board.
- d. A public hearing, which adheres to the requirements for notice described in section 23-14, must be held prior to planning board decision on the preliminary plan.

Sec. 23-32. Decision of the board--Preliminary plan.

- a. The planning board shall approve, approve with conditions, or deny the preliminary plan within 120 days of the certification of completeness, or within such further time as may be consented to by the applicant and the board.
- b. Prior to approval of the preliminary plan, the following shall be submitted to and approved by the planning board:
 - (1) Copies of all legal documents describing the property, proposed easements and rights-of-way.
 - (2) Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- c. Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.

Sec. 23-33. Final plan submission requirements.

Any applicant requesting approval of a proposed major subdivision or major land development final plan shall submit to the administrative officer those items as required in attachment 7 of these regulations.

Sec. 23-34. Final plan review and approval procedure.

- a. A final plan application shall be certified as complete or incomplete by the administrative officer within a 45-day period from the date of its submission.
- b. If certified complete, the administrative officer shall refer the final plans to the planning board for review. The

planning board shall approve or deny the final plan as submitted, within 45 days after the certification of completeness, or within such further time as may be consented to by the applicant and the board.

- c. Failure of the planning board to act within the period prescribed shall constitute approval of the final plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.

Sec. 23-35. Vesting of approvals and validity of recorded plans.

- a. *Master plan.* The approved master plan shall be vested for a period of one year, with a one-year extension upon written request by the applicant, who must appear before the planning board for the annual review. Vesting may be extended for a longer period for good cause shown (see section 23-39, Reinstatement of applications), if requested by the applicant in writing, and approved by the planning board. The vesting for the master plan approval shall include the zoning requirements, conceptual layout and all conditions as shown on the approved master plan drawings and supporting materials.
- b. *Preliminary plan.* The approved preliminary plan shall be vested for a period of one year and vesting may be extended for a longer period for good cause shown (see section 23-39, Reinstatement of applications), if requested in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting materials.
- c. *Final plan.* The final approval of a major land development or subdivision project shall expire one year from the date of approval unless within that period the plan or plat shall have been submitted for signature and recording as specified in section 23-40. The planning board may, for good cause shown (see section 23-39), extend the time for recording for an additional period.
- d. *Recorded plans.* The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in section 23-41, or a new plan is approved by the planning board.

- e. *Public improvements.* Signature and recording as specified in section 23-40 shall constitute the acceptance by the town of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the town to maintain or improve those dedicated areas until the town council accepts the completed public improvements as constructed in compliance with the final plans.

ARTICLE VIII. GENERAL PROCEDURES

Sec. 23-36. Required findings.

For all administrative, minor and major development applications, the planning board shall address each of the general purposes stated in section 23-2, and shall make positive findings on the following standard provisions, as part of the record of the proposed project prior to its approval:

- a. The proposed development is consistent with the Tiverton comprehensive plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- b. The proposed development is in compliance with the standards and provisions of the Tiverton zoning ordinance;
- c. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- d. The proposed development, if a subdivision, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless such lots are identified as permanent open space or are to be permanently reserved for a public purpose on the approved recorded plans; and
- e. All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

Sec. 23-37. Planning board records and proceedings.

- a. All records of the planning board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the planning board shall be available for public review.
- b. All final written comments to the planning board from the administrative officer, the technical review committee if established, municipal departments and local boards and commissions, and state and federal agencies, shall be part of the permanent record of the development application.
- c. All votes of the planning board shall be made part of the permanent record and shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require a vote for approval by a majority of the current planning board membership.
- d. Participation in a planning board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton or willful misconduct.
- e. Where a property owner is not representing his or herself, either a notarized letter from the property owner to the planning board stating that the applicant has been given the specific authority to represent the owner in the matter before the board, or a notarized copy of a purchase and sales agreement between the owner and the applicant, shall be submitted to the board.

Sec. 23-38. Waivers and modifications.

- a. The planning board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of these regulations. Such waivers and/or modifications shall be granted only when the planning board determines that:
 - (1) The literal enforcement of one or more provisions of these regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or
 - (2) Where such waiver and/or modification is in the best interest of good planning practice and/or design as

evidenced by consistency with the comprehensive plan and the Tiverton zoning ordinance.

- b. The planning board may waive requirements for development plan approval, should such regulations be enacted as part of the Tiverton zoning ordinance under the provisions of section 45-24-49 of the Rhode Island Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-49), where there is a change in use or occupancy and no extensive construction of improvements is sought. The application for a waiver of development plan approval review shall include documentation, as required by the planning board, on prior use of the site, the proposed use and its impact. The waiver may be granted only by a decision by the planning board finding that:
 - (1) The use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval; and
 - (2) The existing facilities do not require upgraded or additional site improvements.
- c. The planning board shall approve, approve with conditions or deny the request for either a waiver or modification as described in the subsections above, according to the requirements of section 23-37.

Sec. 23-39. Reinstatement of applications.

- a. When an applicant has exceeded a deadline established by these regulations for submission of material at any stage of review for a land development or subdivision project, or for signature and recording of plans and plats following final approval under the provisions of section 23-40 below, thereby rendering an application or any previous approval invalid, the application may be reinstated by the planning board under the following conditions:
 - (1) The content of these regulations, and of all other local, state or federal regulations or guidelines applicable to the project, are substantially the same as at the time of the previous approval;
 - (2) The zoning designation of the proposed development parcel has remained the same;
 - (3) The physical conditions of the proposed development parcel are substantially the same as at the time of the previous approval;

- (4) The proposed development is consistent with the Tiverton comprehensive plan, including all amendments thereto; and
 - (5) All permits from applicable state and/or federal agencies remain valid.
- b. Any applicant or developer seeking reinstatement of a previously approved development project for which the approval has expired shall make such a request in writing to the planning board. A reinstatement of an application may be allowed by the board within the following time periods:
- (1) One year from the expiration date of the approval of an administrative subdivision, as defined in section 23-19.
 - (2) One year from the expiration date of the last approval of a minor or a major land development or subdivision project, as defined in section 23-25 and section 23-35, respectively; such reinstatement shall be at the stage of the review process where said last approval was received.
- c. If an application is approved for reinstatement by the planning board, the applicant shall submit payment of an additional application fee.

Sec. 23-40. Recording and filing of approved plans and plats.

- a. All approved final plans and plats for land development and subdivision projects shall be signed by the planning board chairman, attesting to the approval by the planning board with the date of said approval.
- b. One copy of the final plan or plat, printed on mylar sheets no larger than 18 inches by 24 inches, shall be recorded in the land evidence records by the town clerk, unless advised in writing to the contrary by the applicant. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the town, permits and agreements with state and federal reviewing agencies, and other information as required by the planning board. The town clerk shall not accept for recording any subdivision plat which is not endorsed and signed by the planning board chairman.

- c. Additional paper copies of the approved final plan or plat shall be distributed as follows:
 - (1) One copy of the endorsed plan or plat shall be forwarded to the applicant.
 - (2) One copy each shall be forwarded to the tax assessor's office and the fire chief.
 - (3) Two copies of the entire approved set of drawings shall be submitted to the director of public works.
 - (4) One copy of the entire final approved set of drawings, each sheet endorsed and signed by the planning board chairman, shall be kept in the permanent records of the planning board.
- d. All final plans, as well as other parts of the application record for subdivisions and land development projects, including all meeting records, approved master and preliminary plans, site analyses, impact analyses, all legal agreements and records of the public hearing, shall be kept permanently in the records of the planning board.
- e. The administrative officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing any new development or plat, with the information required by each of the authorities.

Sec. 23-41. Changes to recorded plans and plats.

- a. For all changes to the approved plans of land development or subdivision projects subject to these regulations, 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 23-40.
- b. Requests for changes to a land development or subdivision plan may be approved only by the planning board, and must follow the same review and public hearing process required for approval of preliminary plans as described in sections 23-31 and 23-32.

Sec. 23-42. Phasing of projects.

- a. The planning board may provide for the review of preliminary and final plans, and the construction of major land developments and subdivisions, in phases. When development

phasing occurs under these regulations, the following is required:

- (1) Approval of the entire site design first as a master plan; thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phase(s).
 - (2) General standards and regulations for determining physical limits of phases, completion schedules, and guarantees; for allowing progression to additional phases; for interim public improvements or construction conditions; and for changes to master or preliminary plans.
 - (3) Other provisions as necessitated by local conditions.
- b. 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.
 - c. The master plan shall remain vested as long as it can be proved, to the satisfaction of the planning board, 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 shown on the approved master plan documents.
 - d. Progression to additional phases during construction shall only be allowed following the completion of all public improvements for the prior and/or initial phase with the exception of the top coat for all roads. In no case shall the surety (see article X, Guarantee of Performance and Inspection of Improvements) for one phase be exchanged for a successive phase.
 - e. Application fees for phased projects shall be assigned at each phase of the project, based upon the number of lots for which approval is currently being sought.

Sec. 23-42A. Issuance of building permits.

A building permit may be issued only for construction on a lot or parcel of land which is shown on a recorded plat or deed. No building permit shall be issued for a new structure on any lot in a minor or major subdivision recorded after the effective date of this amendment until all drainage, underground utilities and a

roadway binder course for the required frontage of the lot have been installed and inspected pursuant to Articles IX and X.

(Ord. of 5-29-96)

ARTICLE IX. DESIGN REQUIREMENTS AND PUBLIC IMPROVEMENT STANDARDS

Sec. 23-43. General development design.

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

I. Site analysis.

- a. *Site analysis.* An analysis of the development site and nearby areas shall be required by the planning board for all major land developments and subdivisions. The scope and content of the site analysis shall be discussed during the preapplication meeting and shall be presented by the developer during the master plan stage of review. Such an analysis may be required by the planning board for minor developments and subdivisions if the board finds that the proposed development may have a negative impact on the existing natural and built environment, or would be inappropriate for the character of the surrounding neighborhood.
- b. *Contents of site analysis.* Such a site analysis shall include written and/or graphic analysis of the following characteristics of the development site: soils; agricultural lands; wetlands; coastal features; topography; ecology; existing vegetation, structures and road networks; visual features; past and present use of the site; and a preliminary assessment describing the potential effects of the proposed project on the natural resources of the site.

II. General standards.

- a. Development of the site shall be based on the characteristics of the site and upon the site

analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.

- b. Where possible, the developer should consider the following specific areas for undeveloped open space or lot areas in the design of the development:
- (1) Unique and/or fragile environmental areas;
 - (2) Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
 - (3) Agricultural lands;
 - (4) Historically significant structures and sites, as listed on federal or state lists of historic places;
 - (5) Habitats of endangered wildlife, as identified on applicable federal and/or state lists;
 - (6) Lands within the 100-year flood zone, or wave velocity zone; and
 - (7) Steep slopes in excess of 21 percent as measured over a ten-foot interval unless appropriate engineering measures concerning slope stability, erosion and resident safety are taken.
- c. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of traffic, drainage and utilities on neighboring properties.

- d. Design of the development shall take into consideration all existing town and regional plans for the surrounding communities.
- e. Applicability of general standards. General design standards are delineated above to ensure that developers consider certain qualitative values in the design of their developments. The goal of stating such standards is to have developers take reasonable measures to preserve the environment, the natural resources and the scenic beauty of the town, so that Tiverton remains a desirable place to live and work. Because some standards as stated are subjective, however, common sense must prevail in their application. The obligation of the developer is to consider the standards and use them to the degree practical in the design of the development. The obligation of the planning board is to be reasonable in judging whether there has been sufficient consideration of the standards. If it is determined by the planning board that insufficient consideration has been given to the standards, the burden shall be on the planning board to provide objective evidence to support their finding.

III. *Commercial and industrial development design.*

Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments, namely: buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

IV. *Landscape design.*

- a. Reasonable landscaping should be provided at site entrances, in public areas, in parking lots and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development.
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions and availability of water. The use of grasses that

require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

- c. Vegetated buffer areas may be required where necessary to avoid adverse impacts from adjacent uses.

Sec. 23-44. Land unsuitable for development.

Unsuitable land is defined in article II of the Tiverton zoning ordinance and is to be excluded when calculating the allowable density of a subdivision or other land development project. Land deemed unhealthful for residential purposes in the judgment of the planning board, following consultation with the Rhode Island department of health and/or the department of environmental management, will not be approved for subdivision.

Sec. 23-45. Dedication of land for public purposes.

- a. Approval and/or recording of all final plans and plats shall be deemed that the street or other public areas are dedicated to the public. It shall not, however, impose any duty upon the town to maintain or improve such dedicated area until the town council shall have authorized maintenance or improvement of the same by a majority vote to accept such dedicated area.
- b. Land which is required for streets and other public areas shall be conveyed to the town by quitclaim deed, prior to the time that the final plat is recorded, or otherwise following final approval of the development plan, and prior to acceptance of any such street or other public improvement for maintenance by the Tiverton town council.
- c. Where it is in the best interest of the town, and with the concurrence of the town council, a developer may dedicate land for open space, recreational or other such purposes. Responsibility for the future maintenance of such land shall be approved by the town council prior to the final approval of the development or subdivision plan by the planning board. Such areas shall be delineated in the deed of conveyance and recorded concurrent with the final plat.

Sec. 23-46. Easements.

The planning board will require the dedication of easements required for the present or future installation and maintenance of utilities, sanitary sewers, surface drainage structures, streams and public accessways. Such easements shall generally be

required to have a minimum width of 20 feet, but may be greater or lesser as required by the planning board.

Sec. 23-47. Streets.

- a. Road systems shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- b. Street layout shall be considered in relation to the existing street system, and shall conform to the applicable provisions of the Tiverton comprehensive plan.
- c. An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the town. The names of all proposed streets and street extensions shall be approved in writing by the fire chief.
- d. Reservation of strips of land controlling access to a street will not be permitted.
- e. Where existing or future traffic patterns, safety considerations or physical conditions dictate, street intersections shall coincide precisely with, or be offset by at least 150 feet on centerlines.
- f. Streets shall intersect as nearly as practicable at right angles; no intersection shall have an angle of less than 70 degrees.
- g. The following major categories of street classification are established as defined in section 23-5 of these regulations: arterial, collector and local.
- h. Geometric design requirements. Geometric design standards according to street type are as follows:

	Local	Collector	Arterial
Minimum grade	1%	1%	1%

Maximum grade	12%*	10%	7%
Maximum grade of turnaround	4%	4%	4%
Right-of-way width	40 feet	50 feet	60 feet**
Pavement width	22 feet	25 feet	32 feet**
ROW intersection radii	20 feet	30 feet	35 feet
Centerline radii	150 feet	150 feet	200 feet
Reverse curves/intermediate tangent	50 feet	50 feet	75 feet
Curve to intersection/intermediate tangent	100 feet	100 feet	125 feet
Pavement radii	37.5 feet	37.5 feet	39 feet

- * The planning board may allow steeper grades on a case-by-case basis, if the developer can justify design constraints.
- ** The planning board may require greater widths, due to concerns with traffic density and safety.
- i. Notwithstanding the standards in [subsection] (h) above, when a local street intersects with a collector or arterial street, the maximum grade of the local street may not exceed one percent for a distance of 50 feet from the center of the intersection with such collector or arterial street.
- j. Dead-end streets shall have at their closed end a turnaround with a minimum outside curb radius of 40 feet and a right-of-way radius of 50 feet.
- k. Street access to adjoining property (stub streets).
- (1) The planning board may require a stub street, i.e., an extension of a street right-of-way to the property line of an adjacent parcel to provide for future development. Unless required for lot frontage, street

stubs will not be improved. In applying this regulation, no lot shall be denied full frontage pavement on at least one side, and any street portion to be left unimproved shall be clearly delineated on the plan.

- (2) Where an improved stub street is required, the board may require a temporary turnaround or "tee" until such time as the adjacent tract is developed and the street is extended. The minimum dimensions for a tee turnaround shall be 20 feet by sixty (62) [sic] feet.
- (3) The future developer of adjacent property shall make all required improvements according to design standards in effect [at] the time the adjacent property is developed.

1. Streets shall be constructed in accordance with the specifications contained in the appendix. A typical street cross section is shown in figure 1. Unless otherwise authorized by the planning board, pavement shall be centered within the right-of-way and shown accordingly on all plans.

FIGURE 1. TYPICAL ROAD CROSS SECTION

ADD FIGURE (page following page 30)

Sec. 23-48. Street signs and streetlights.

- a. *Street signs.* Street signs, with the approved street name, and any other signs as required by the planning board (directional or informational), shall be installed by the developer immediately after grading and preparation of the subbase for the street (see appendix). Street signs shall be of the size, type and number specified by the director of public works.
- b. *Streetlights.* The planning board, acting with a recommendation from the chief of police, shall determine if a proposed development or subdivision requires streetlights. When required, the applicant shall present a plan for their installation, following consultation with the chief of police and the director of public works. The planning board shall review the location of the proposed streetlights and make a recommendation as to the number and placement of streetlights to the Tiverton town council. All new streetlights must be approved by the town council prior to their installation. The responsibility for payment of the fee to maintain the streetlights shall be incurred by the

developer until the town council accepts all roads in the development. The planning board may also make recommendations to the Tiverton town council for the installation of streetlights in existing developments and along town-accepted streets.

Sec. 23-49. Sidewalks, pedestrian ways and bicycle paths.

- a. [*Generally.*] Sidewalks and pedestrian ways shall be located as required for safety. Where required, walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In residential cluster developments and land development projects, walks may be placed away from the road system with the permission of the planning board. Sidewalks and pedestrian ways shall be constructed in accordance with the specifications contained in the appendix.
- b. *Sidewalks.* Sidewalks shall be provided as required by the planning board. When required, they shall be installed on one side of the road only, be a minimum of four feet in width and separated from the roadway by a vegetated strip as detailed in figure 1 [following section 23-47]. The criteria used by the planning board in determining the need for sidewalks includes the following:
 - (1) The subdivision is located within an area within one mile of a public or private school;
 - (2) The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc., where there is a reasonable likelihood that pedestrian traffic would result; or
 - (3) The subdivision is located within an area with high vehicular traffic volumes and/or high density residential development where there would be a likelihood of significant danger to pedestrians.
- c. *Pedestrian rights-of-way.* The planning board may also require provisions for pedestrian rights-of-way, where it is deemed appropriate to the design of a development. All such rights-of-way shall be ten feet in width and the board may require that such pedestrian ways be paved where it is deemed to be in the public interest.
- d. *Bicycle paths.* Bicycle paths shall be incorporated into the proposed development or subdivision where necessary to extend an existing bicycle path; to intersect with proposed

state bicycle facilities; to connect adjacent developments where vehicular connections would be impractical; or where adjacent or nearby schools, recreation areas or other similar facilities would be likely to generate significant bicycle traffic.

Sec. 23-50. Blocks and lots.

- a. In residential subdivisions with substantially parallel streets, blocks shall not be greater than one-fourth mile in length nor consist of more than eight lots in length.
- b. In general, the side lines of lots should be perpendicular to the street.
- c. All lots shall front on an accepted street, or street approved by the planning board.
- d. All lots shall be designed so as to contain the minimum land area required by the Tiverton zoning ordinance exclusive of land unsuitable for development as defined in article II of the zoning ordinance.

Sec. 23-51. Control of stormwater runoff.

Stormwater runoff is responsible for transporting eroded sediments, nutrients, petroleum hydrocarbons, heavy metals, pesticides, road salts, pathogens and other pollutants to receiving waters. To reduce the impact of these pollutants and to control the flooding impact of stormwater runoff, the requirements of this section for drainage system design shall be met. Drainage systems shall be constructed in accordance with the specifications contained in the appendix.

I. General standards.

- a. Impervious surfaces and site disturbance should be reduced to the greatest extent possible, and as much natural undisturbed vegetation as possible shall be retained.
- b. Natural drainage patterns shall be maintained whenever possible.
- c. The developer is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (grass swales, wet basins) collect and transport stormwater, but also mitigate pollution, reduce sedimentation and

provide visual amenities and potential wildlife habitat.

- d. Storm drains, culverts, catchbasins and related facilities shall be designed to ensure adequate drainage at all low points along streets, to prevent additional water from flowing onto adjacent properties and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area being drained.
- e. A proposed drainage system shall be designed to accommodate stormwater such that post-construction conditions do not result in peak runoff increases in rate or volume from pre-construction conditions.
- f. Lots shall be prepared and graded consistent with drainage within the development and in such a manner that development of the lots shall not cause detrimental drainage on another lot, adjacent parcels or areas outside the development.
- g. Where any part of a drainage system is proposed for location outside the public street right-of-way, provisions shall be made for future maintenance and approved by the planning board.
- h. All necessary easements to off-street watercourses shall be obtained by the developer.
- i. Adequate physical access for maintenance purposes shall be provided in and around all drainage facilities. When determined to be necessary by the planning board, a detention pond shall be provided with a suitable means of protection around its perimeter, such as fencing or vegetation.

II. *Stormwater management plans.*

- a. A stormwater management plan must be submitted for all proposed land development projects and subdivisions as required by the appropriate submittal requirements. The principal emphasis of stormwater management shall be the reduction of land disturbance and impervious surfaces, the preservation of vegetated buffers, and the use of proven techniques to control peak discharge rates, reduce runoff volumes and improve water quality.

- b. The design of a stormwater management plan and drainage system shall be undertaken by a professional engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:
- (1) *Rational method*. This method is the preferred method for small systems of one acre or less, where no wetlands, ponds or other storage depressions are present and where drainage is towards the point of analysis. It is also the preferred technique for pavement drainage calculations needed to size drainage components in highway, industrial and commercial applications.
 - (2) *TR-55*. This is the preferred method for calculating runoff volumes, peak discharge rates and flood storage requirements for site developments between one acre and 2,000 acres.
 - (3) *TR-20*. This method is used for large complex watersheds, multiple watershed projects and systems beyond the scope of the TR-55 method.
 - (4) [*Other methods*.] Other methods may be accepted by the planning board, provided the applicant submits all necessary information for the review process.
- c. A stormwater management plan shall be based upon the Rhode Island Stormwater Design and Installation Standards Manual (except as modified by these regulations) and must contain the following:
- (1) A description of best management practices (BMPs) for the proposed development. These BMPs must be illustrated on detailed site plans and described within the written plan. Structural BMPs shall be designed as amenities for the development which add open space, recreation, wildlife habitat and screening between different land uses, while also providing peak discharge rate control and pollutant reduction.

- (2) A maintenance schedule for each BMP.
 - (3) A written narrative that describes the proposed measures to reduce peak discharge rates, maintain sheet flow (where possible) and improve water quality. This narrative must demonstrate that all flood control and water quality performance will be met.
 - (4) An assessment of the structural integrity of the proposed stormwater system to withstand discharge from a two- to 50-year storm.
- d. Where deemed appropriate, the planning board may require land disturbance envelopes for each lot as part of the stormwater management plan.

III. *Stormwater performance standards and requirements.*

- a. Section 2 of the State of Rhode Island Stormwater Design and Installation Standards Manual is incorporated by reference into these performance standards.
- b. 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 is a permanent natural body of water or wetland. Where the planning board 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 100-year frequency rainfall.
- c. The discharge from any stormwater facility must be conveyed through properly constructed watercourses to provide for nonerosive flows during all storm events. The proposed stormwater conveyance system, consisting of open channels, catchbasins, pipes, etc., shall, at a minimum, accommodate runoff from a 25-year frequency storm.
- d. Proposed projects must control and maintain post-development peak discharge rates from the two-, ten- and 25-year storm events at predevelopment levels.
- e. When deemed necessary by the planning board, downstream analysis of the 100-year storm event

shall be required. Where warranted, control of the peak discharge rate for the 100-year storm shall be required to mitigate downstream impacts.

- f. Where detention, retention and infiltration systems are required, their design shall provide that, under a 50-year frequency storm, peak runoff and stream flows at the boundaries of the development will be no higher following development than prior to development.
- g. At a minimum, 80 percent of total suspended solids (TSS), as calculated on an average annual basis, must be removed from the development's stormwater. A volume calculated by multiplying one inch by the impervious surface area contained within the contributing drainage area, and incorporated into a properly designed, installed and maintained BMP will result in the above reduction in TSS. Additional volumes must be incorporated into the BMP to store expected sediment loads. The additional sediment volume must be consistent with the individual BMP maintenance schedule.
- h. Wet ponds must have a permanent pool volume equal to the water quality volume described in [subsection] III.g above.
- i. Extended detention dry ponds must detain the water quality volume over a 36-hour period (brim drawdown time).
- j. Infiltration methods must be designed to retain and exfiltrate the water quality volume over a maximum 72-hour period.
- k. Where site conditions restrict the construction of BMPs that will meet these design criteria, the applicant must explain within the stormwater plan narrative how the 80 percent TSS removal rate will be obtained.

Sec. 23-52. Water service.

- a. Where water is available either at the property line or across the street from a development, water mains, with hydrants, valves and other fittings, shall be constructed and installed within the development as necessary to provide all lots therein with adequate water supply for domestic and fire protection uses, according to the construction

standards and specifications of the applicable water district.

- b. Where the development adjoins undeveloped property, provisions shall be made for the proper projections of the system by continuing appropriate water mains to the exterior boundaries of the development, at such size and grade as will allow for these projections, except, however, that the extension of water mains will not be required where the distance of such extension would be ten feet or greater outside of any proposed paved area.
- c. Service connections shall be provided to each lot shown on the approved final plan, unless there is specific approval from the appropriate water district to deviate from this requirement due to unusual topographic or technical difficulties.
- d. The water system shall be laid out to the satisfaction of the planning board and the respective water district. In general, water lines shall be installed within the northerly and easterly shoulders of the proposed street, unless the developer can justify otherwise due to conflict with other utilities. In residential areas, hydrants shall be installed not more than 500 feet apart and as close to the dividing lot as possible. In commercial and industrial areas hydrants shall be no more than 300 feet apart. The proposed locations of fire hydrants shall be submitted to the fire chief for his approval.

Sec. 23-53. Utilities service.

All electrical, gas, telephone and other utility mains, including service connections, shall be constructed and installed within the development as necessary to provide all lots or development sites therein adequate supply for domestic or other use. Each utility system shall be laid out to the satisfaction of the planning board and the respective utility. The installation of these systems, including the method of construction and the material used, shall conform to the current standard specifications of the respective utility and those contained in applicable state codes or laws.

Sec. 23-54. Landscaping.

Landscape plan. The planning board may require that a landscape plan be submitted to the board when it determines that existing landscaping is insufficient; where the site of the proposed development has been disturbed so as to require significant new vegetation; or where additional landscaping is

necessary to protect, preserve or enhance significant visual characteristics of the site. If a landscape plan is required by the board, the applicant shall be advised of this requirement at the preliminary review stage of a minor land development or subdivision, and at the master plan stage of a major land development or subdivision.

Sec. 23-55. Soil erosion and sediment control.

Soil erosion and sediment control plan. A plan to control erosion and sedimentation during construction, consistent with the requirements of the current Town of Tiverton soil erosion and sediment control ordinance shall be submitted.

Sec. 23-56. Off-site improvements.

- a. As a condition of final approval, the planning board may require a developer to construct reasonable and necessary improvements located off of the proposed land being developed or subdivided. Such improvements are those clearly and substantially related to the land development or subdivision being proposed, and are necessary to mitigate the impacts which are attributable to the proposed development.
- b. Off-site improvements may include, but are not limited to, the following:
 - (1) Sanitary sewers;
 - (2) Water supply systems;
 - (3) Drainage systems;
 - (4) Roadways; and
 - (5) Sidewalks.
- c. The planning board shall provide in its resolution of final approval the basis for requiring such off-site improvements. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for the neighborhood or district by the Tiverton comprehensive plan.

Sec. 23-57. Additional requirements.

The developer shall, at his own expense, construct the following improvements as required by the planning board and

according to the specifications of the director of public works or town engineer.

- a. *Curbs.* Curbs shall be provided as required by the planning board. As a general rule curbing will be discouraged in low density areas as it tends to concentrate stormwater runoff. When required, curbing in residential areas shall be Cape Cod berm. Curbing in commercial or industrial areas shall be either granite, precast concrete or Cape Cod berm. The type and minimum height of the curbing shall be as directed by the planning board, with a recommendation by the director of public works or town engineer.
- b. *Guardrails.* Guardrails may be required by the planning board where there are hazards such as a dropoff with a slope greater than 50 percent, water bodies adjacent to the shoulder, or other hazardous conditions. Wooden guardrails meeting the current construction and safety standards are preferred, particularly in low density developments.
- c. *Monuments.* Monuments meeting the specifications of the Rhode Island Society of Professional Land Surveyors Procedural and Technical Standards shall be placed where angles are turned in the survey, at street line intersections, at bearings and distances of chords where curves are involved, and at such other locations as the planning board may designate. All monuments shall be set flush with the finished grade.

ARTICLE X. GUARANTEE OF PERFORMANCE AND INSPECTION OF IMPROVEMENTS

Sec. 23-58. Definition and purpose.

- a. An improvement guarantee is a security instrument accepted by the town to ensure that all improvements, facilities or work required under these regulations, or as a condition of approval of a land development or subdivision plan by the planning board, will be completed in compliance with the approved plans and specifications. The term "improvements" as used herein shall be public improvements for which the town will ultimately accept for ownership and maintenance responsibility, or other improvements required under these regulations.
- b. An improvement guarantee shall consist of two parts, the legal agreement binding the developer to perform the

required improvements, and the surety, which is money or security the developer puts up to guarantee the agreement.

Sec. 23-59. Improvement guarantee requirements.

- a. Prior to the approval of any land development or subdivision plan by the planning board, and prior to the recording of any subdivision plats, the planning board shall approve agreements with the developer for the completion of all required improvements. Such agreements shall take the form of one of the following:
 - (1) Completion of actual construction of all improvements without improvement guarantees;
 - (2) Improvement guarantees; or
 - (3) A combination thereof.
- b. Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval of the development or subdivision plan. All construction shall be inspected and approved according to the procedures contained in section 23-61 and shall follow the time periods specified in section 23-63. Following certification in writing of the final completion of all improvements by the director of public works, or the town engineer, and the receipt of letters from the appropriate water district and other relevant utility companies stating that all constructed improvements are satisfactory, the final plat shall be approved by the planning board. The board shall then recommend to the Tiverton town council that all public improvements be accepted by the town. Upon such acceptance by the town council, the final plat may be recorded as provided in section 23-40, at which time the lots within the development may be transferred or sold.
- c. In the cases of developments which are being approved and constructed in phases, the planning board shall specify improvement guarantee requirements related to each phase.

Sec. 23-60. Procedure for setting and use of improvement guarantees.

- a. Improvement guarantees shall be in an amount and with all necessary conditions to secure for the town the actual construction and complete installation of all required improvements within three years. The amount shall be based on cost estimates for the required public improvements, as provided in writing from the director of public works, or

the town engineer, to the planning board. The board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate future economic or construction conditions.

- b. The surety shall be in the form of a certified check, bank book or letter of credit payable to the Town of Tiverton. Said check, bank book or letter of credit will be availed of by the town in the event of default by the developer, and shall be held by the town until release by the planning board.
- c. The administrative officer, in coordination with the director of public works or town engineer, shall be responsible for monitoring the status of all ongoing development with regard to their construction, inspection and performance guarantee status, and will advise the planning board appropriately.
- d. The Town of Tiverton shall hold the developer and surety in default of guarantee should one or more of the following occur:
 - (1) Failure to meet all specifications for construction of required improvements to the land;
 - (2) Failure to properly notify the director of public works or town engineer of the initiation and completion of all phases of construction of required improvements to the land, or to obtain the necessary inspections of these improvements as required in section 23-61;
 - (3) Failure to protect existing improvements and/or properly repair such improvements should damage occur during construction;
 - (4) Failure to clean debris from the site and adjacent areas upon completion of the construction; or
 - (5) Failure to complete required improvements to the land within the time prescribed, or within any extension granted by the planning board.
- e. Upon notification of default by the director of public works or town engineer, the planning board shall take appropriate action against that portion of the surety necessary to correct the deficiencies for which the developer is deemed to be in default, and shall cause the required improvements to be completed in a satisfactory manner.

Sec. 23-61. Inspection of improvements.

- a. One complete set of all construction plans, profiles, cross sections or other working drawings of required improvements to the land shall be submitted to the director of public works or town engineer prior to the start of any construction; these plans shall consist of either the final plans approved by the planning board or plans approved by the board for construction.
- b. Within 48 hours of the commencement of the construction of required improvements, the director of public works, or the town engineer, shall be so notified by certified mail. A copy of the letter shall also be sent to the planning board. The director of public works or the town engineer shall be further notified verbally at the following construction phases:
 - (1) Upon completion of clearing, grubbing, and excavation, but prior to placement of any suitable fill to reach subgrade;
 - (2) Upon completion of the installation of the underground utilities and drainage, but prior to backfilling;
 - (3) Prior to the installation of gravel on the subgrade for streets and sidewalks;
 - (4) Upon completion of the gravel base for streets and sidewalks at two stages: the placement of the bank run gravel, and the placement of the crushed gravel;
 - (5) Prior to the initiation of each application of bituminous concrete, [and] the pouring of concrete in sidewalks;
 - (6) Prior to placement of curbing; and
 - (7) At such time as materials and other items of work are ready for inspection such as the installation of bounds, loam and seeding, general cleanup or other items pertaining to the development.
- c. Upon completion of the required improvements, the developer shall notify the director of public works, or the town engineer, who shall conduct a detailed inspection of the completed work. Upon determining that the improvements have been completed in a satisfactory manner, the director or town engineer shall prepare a written report to be transmitted to the planning board stating that such improvements have been constructed or installed.

Sec. 23-62. Submission of as-built drawings.

Upon the completion of construction and the installation of all required improvements to the land, with the exception of the top coat for all roads, the developer shall furnish two complete sets of as-built drawings of such improvements, one to the director of public works and one to the planning board. All as-built drawings shall be signed by a registered land surveyor and a registered professional engineer. Upon the final completion of all construction, the developer shall ensure that the as-built drawings are current and on file at the respective offices.

Sec. 23-63. Acceptance of improvements and release of surety.

- a. Upon the completion of all required improvements with the exception of the top coat for all roads, and the submittal of the written report by the director of public works or town engineer to the planning board, the developer shall be eligible for a portion of the surety. The amount to be released shall be based upon a cost estimate of the remaining work prepared by the director of public works or town engineer; said estimate shall be doubled in value and this amount of the original surety retained. After a minimum period of one year, the developer shall install the top coat under the proper notification and inspection procedures described herein.
- b. Upon inspection and approval of the construction of the top coat and all other improvements by the director of public works or town engineer, and receipt of the written report by the planning board, the planning board shall notify the developer that he will be eligible for the release of the remaining surety after a minimum period of one year.
- c. Upon final inspection and approval of the roads by the director of public works or town engineer, in writing to the planning board, the board will recommend to the Tiverton town council that all public improvements be accepted by the town. Upon acceptance of the improvements by the town council, the remaining surety shall be released. The full release of the surety shall be conditioned upon the following:
 - (1) The faithful completion of all required improvements within a three-year period, as well as the expiration of all required waiting periods as described below;
 - (2) Payment of all invoices issued by the planning board to cover the cost of the required inspections;

- (3) Receipt by the planning board of copies of any department of environmental management and/or coastal resources management council final inspection reports or approvals;
 - (4) Receipt by the planning board of letters from the appropriate water district and other relevant utility companies stating that all constructed improvements related to the respective water district or utility are satisfactory;
 - (5) Submittal of accurate as-built drawings; and
 - (6) Acceptance of all public improvements by the Town of Tiverton.
- d. If, due to circumstances beyond the control of the developer, the required improvements are not completed within the prescribed three-year period, the planning board may grant a time extension. During such time extension, the guarantee shall remain in full force.

ARTICLE XI. AMENDMENT OF REGULATIONS

Sec. 23-64. Procedure for amendment.

- a. These land development and subdivision review regulations may be amended by the Tiverton planning board, following a public hearing before the board. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.
- b. All amendments shall be consistent with all provisions of the Land Development and Subdivision Review Enabling Act of 1992, and with the Tiverton comprehensive plan and the Tiverton zoning ordinance.

Sec. 23-65. Public hearing and notice requirements.

The planning board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of Tiverton at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. 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 include the following:

- a. The date, time and place of the hearing;
- b. A statement that amendment of the land development and subdivision review regulations is under consideration;
- c. A statement of the proposed amendment in its entirety, or a summary of the matter under consideration;
- d. The location(s) where and the times when a copy of the proposed amendment may be obtained or examined and copied; and
- e. A statement that the proposed amendment 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, and that any such alteration or amendment must be presented for comment in the course of the public hearing.

Sec. 23-66. Written notice requirements.

Written notice, which may be a copy of the newspaper notice, shall be mailed by first class mail at least two weeks prior to the hearing, to the following:

- a. The associate director of the division of planning of the Rhode Island department of administration.
- b. The city or town planning board of any municipality where there is a public or quasipublic water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of the town boundaries.
- c. 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, or groundwater resource, that is used or is suitable for use as a public water source located within either the town or 2,000 feet of the town boundaries, provided, however, that a map survey has been filed with the building official as specified in article XIX, section 4.d, of the Tiverton zoning ordinance.

ARTICLE XII. APPEALS

Sec. 23-67. Right of appeal.

Any party aggrieved by any decision of the planning board or administrative officer, on matters of review and approval of land development and subdivision projects, may appeal such decision with the Tiverton zoning board of review.

Sec. 23-68. Process of appeal.

- a. An appeal to the zoning board of review from a decision or action of the planning board or administrative officer under these regulations must be taken within 20 days after the decision has been recorded and posted in the office of the town clerk.
- b. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the zoning board of review.
- c. Upon receipt of an appeal, the zoning board of review shall require the planning board or administrative officer to transmit forthwith to the zoning board all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
- d. An appeal shall stay all proceedings in furtherance of the action being appealed.

Sec. 23-69. Public hearing.

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

scheduled zoning board meeting. Separate minutes and records of votes shall be maintained by the zoning board when acting as the board of appeal under these regulations.

- c. The zoning board of review shall keep complete records of all proceedings, including a record of all votes taken, and shall put all decisions on appeals in writing. The zoning board shall include in the written record the reasons for each decision.

Sec. 23-70. Standards of review.

- a. When reviewing a decision of the planning board or administrative officer on matters subject to these regulations, the zoning board of review shall not substitute its own judgment for that of the planning board or the administrative officer, but must consider the issue upon the findings and record of the planning board or administrative officer. The zoning board shall not reverse a decision of the planning board or administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- b. The concurring vote of three of the five members of the zoning board of review sitting at a hearing shall be necessary to reverse any decision of the planning board or administrative officer.
- c. Where the zoning board of review overturns a decision of the planning board or administrative officer, the proposed project application shall be remanded to the planning board or administrative officer at the stage of processing from which the appeal was taken, for further proceedings before the planning board or administrative officer and/or for the final disposition, which shall be consistent with the decision of the zoning board.

Sec. 23-71. Appeals to superior court.

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

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

- b. An appeal of an amendment of these regulations may be taken to the superior court by filing a complaint within 30 days after such amendment has become effective. The appeal may be taken by any legal resident or landowner of the Town of Tiverton, or by any association of residents or landowners of the town. The appeal shall not stay the enforcement of these regulations, as amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of bond, and make such other orders as it deems necessary for an equitable disposition of the appeal. The complaint shall set forth with specificity the area or areas in which the amendment is not consistent with the Comprehensive Planning Act, G.L. 1956, § 45-22.2-1 et seq.; the Zoning Enabling Act of 1991, G.L. 1956, § 45-45-1 et seq.; the Tiverton comprehensive plan; or the Tiverton zoning ordinance.

ARTICLE XIII. LEGAL STATUS

Sec. 23-72. Severability.

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.

Sec. 23-73. Effective date.

These regulations shall take effect on December 31, 1995, and on said date all prior regulations and amendments thereto are hereby repealed.

Sec. 23-74. Vested rights.

Under the provisions of this article, any application considered by the town shall be reviewed according to the

regulations in force at the time the application received preliminary approval from the planning board. If an application is so vested, action shall be taken by the applicant or owner within six months from the date of its last review or approval by the planning board, and diligently pursued until final approval and/or recording of plans. Any proposed development or subdivision plan for which either preliminary or final approval has been granted, and for which no further action has been taken, including the recording of plats if relevant, within said six-month period, shall require the submission of an application subject to the provisions of this chapter.

APPENDIX. CONSTRUCTION SPECIFICATIONS

I. Safety requirements.

The developer shall provide safe and convenient access to all parts of the development that require inspection. The developer shall comply with the rules and regulations promulgated by U.S. Occupational Safety and Health Administration (OSHA), Dig Safe and all other relevant federal and state agencies. All work related to the development shall be done so as to avoid hazard, damage or inconvenience to adjoining property owners and to the public.

II. Street construction and utility extension.

- a. *Clearing and grubbing.* The area within 6.5 feet from the edge of the curbing or Cape Cod berm, as shown on the plan or plat, shall be cleared and grubbed. All trees not intended for preservation, and all root systems, stumps, bushes and other objectionable material, shall be removed and disposed of, followed by removal of all loam and other yielding material prior to excavation and grading. Additional clearing may be required under special circumstances. Compliance with the approved soil erosion and sediment control plan for the development is required.
- b. *Subgrade.*
 - (1) Where objectionable materials are encountered to a greater depth than anticipated, the developer shall remove said materials.
 - (2) The subgrade shall be thoroughly compacted prior to grading or placement of any fill material.
 - (3) The developer shall provide and maintain grade stakes at a minimum of one foot off of the edge of pavement at

all 50-foot stations, prior to the placement of any fill on the subgrade or placement of the gravel base.

- (4) The director of public works will require a minimum of two compaction tests per street, or one test every 300 feet, whichever is greater. Test locations shall be determined and witnessed by the director of public works, town engineer or their designee. Compaction must be at 95 percent. The costs for undertaking the tests shall be borne by the developer.
- (5) When a pipe is to be laid in unstable material, as determined by the director of public works or town engineer, the unsuitable material shall be removed and replaced with a bedding of gravel or crushed stone to the specifications of the director or town engineer.
- (6) In locations where high groundwater is encountered, or where in the opinion of the director of public works or town engineer it may be encountered, or in wet spongy areas, subdrains shall be required. The director or town engineer may, upon visual inspection of field conditions, require that additional subdrains be installed during construction.

c. *Backfill of trenches.*

- (1) The backfill of trenches within the pavement areas and sidewalk areas, where applicable, shall be done in layers not exceeding 12 inches in thickness, and shall be thoroughly moistened. Each layer shall be tamped with a mechanical tamper to the satisfaction of the director of public works or town engineer.
- (2) All material used for the backfilling of the street subbase shall be subject to the inspection and approval of the director of public works or town engineer; under no circumstances shall frozen material be used for backfilling.
- (3) Bedding materials and methods for utility extension shall be as determined by the appropriate utility. A minimum of 12 inches of select material, with stones no larger than 1 1/2 inches, shall be placed over and on the sides of each utility line.
- (4) All utility trenches shall be backfilled a minimum of 30 days prior to the placement of the gravel base, unless waived by the director of public works or the town engineer.

d. *Gravel.*

- (1) Bank run gravel, processed gravel or recycled road base material of a quality acceptable to the director of public works or town engineer shall be placed within the street pavement area to a total depth of 12 inches.
- (2) After the subbase has been properly prepared and the curbs and shoulders set, the base course of bank run gravel shall be spread for the full width and in such volume as to provide an eight-inch cross section after compaction with a ten-ton roller or equivalent.
- (3) Where bank run gravel or recycled road base material is used, processed gravel conforming to the requirements of subsection M.01.09, table I, column II, of the Rhode Island Department of Transportation (R.I. DOT) Standard Specifications for Road and Bridge Construction shall be placed within the street pavement area to an average depth of four inches and thoroughly compacted.
- (4) The director of public works will require a minimum of two tests per street, or one test every 300 feet, whichever is greater, for gradation and compaction of the gravel to ensure compliance with the R.I. DOT standard specifications. Test locations shall be approved by the director or town engineer. The costs for undertaking the tests shall be borne by the developer.

e. *Bituminous concrete.*

- (1) *Seasonal limits.* Bituminous concrete shall be placed between the dates of April 1 and November 15, as weather conditions permit, unless waived by the director of public works or town engineer and approved by the planning board. Air and ground temperatures must be at least 35 degrees Fahrenheit and rising for bituminous concrete placement. Paving shall never be permitted on frozen or water-soaked services [surfaces].
- (2) *Binder course.* The binder course shall consist of bituminous concrete pavement (hot mix) class I, type I-1, conforming to the requirements of subsection M.03.06 of the R.I. DOT standard specifications. The binder course shall be applied at a temperature between 250 and 350 degrees Fahrenheit by means of an approved paving spreader. Such material shall be placed in sufficient quantity to provide a minimum compacted cross section of two inches. The binder course shall be

compacted as specified in section 401.03.11 of the R.I. DOT standard specifications.

- (3) *Surface course.* The surface course shall consist of an application of bituminous concrete pavement (hot mix) class I, type I-1. The binder course shall first be swept clean of all sand and debris. Ripples or unevenness in the surface shall be brought back to true line and cross section by the spot application and proper compaction of class I mix. The surface course shall be applied at a temperature between 250 and 350 degrees Fahrenheit by means of an approved paving spreader. Such material shall be placed in sufficient quantity to provide a minimum compacted cross section of 1 1/2 inches. The surface course shall be compacted as specified in section 401.03.11 of the R.I. DOT standard specifications. Upon completion of the application and compaction of the surface course, the street shall be allowed to stand for a minimum of eight hours without traffic.
 - (4) *Manholes and catchbasins.* If the surface course will not be applied within 90 days following placement of the binder course, sanitary and storm sewer manholes shall be installed so that the tops are at the binder course grade level.
 - (5) [*Core borings.*] The director of public works, or town engineer, may require a core boring every 300 feet of the pavement, if in the opinion of the director or town engineer, respectively, the integrity of the bituminous pavement is less than desired. The cost of this process, and pavement repair, shall be borne by the developer.
 - (6) [*Proof of delivery of concrete.*] A delivery ticket from an automatic printer system shall be supplied to the director of public works or his designated inspector for each load of bituminous concrete, or portion thereof, delivered to the development and placed.
- f. *Sidewalks and pedestrian ways.* Sidewalks shall be constructed of 4,000 pounds per square inch concrete with three-quarter-inch aggregate, 610 pounds per cubic yard cement, and seven percent air entrained content. The depth of the concrete shall be four inches minimum, except at driveways, where it shall be a minimum of six inches. Gravel under sidewalk shall be eight inches compacted. Where pedestrian ways are required to be paved, they shall be

constructed of two-inch bituminous material over a six-inch gravel base.

- g. *Water service.* The water shutoff shall be marked at the property line for every lot. Marker posts shall be oak or pressure treated wood a minimum of two inches by four inches, placed a minimum of 12 inches into the ground and exposed a minimum of 24 inches above the ground. Marker posts shall be painted blue and shall be in place for final inspection.

III. Storm drainage facilities.

- a. The State of Rhode Island Stormwater Design and Installation Standards Manual covering the design and construction and maintenance of structural BMPs such as wet ponds, extended detention ponds, infiltration practices, pretreatment devices, infiltration basins, infiltration trenches, dry wells and vegetated filter strips are incorporated by reference into these construction standards.
- b. All storm drainage structures and facilities, including culverts and storm drains, manholes, inlets and catchbasins, underdrains and paved waterways, shall conform to the drainage section of the R.I. DOT standard specifications.
- c. All catchbasins shall be designed as vertical drains. Catchbasins shall be built on both sides of the street on continuous grades such that surface water will not run along the edge of the pavement for a distance of more than 300 feet, at low points and sags in the street, and at intersections.
- d. Drain pipes shall be located when possible approximately one foot from the nearer edge of the pavement, and shall be laid in straight segments. Manholes shall be required at all changes in direction or grade, and at all pipe connections from catchbasins or other drains.
- e. Drain pipes shall be laid at a slope of not less than one percent nor greater than ten percent, and there shall be a minimum of 24 inches of fill between any reinforced concrete pipe and the finish grade. Storm drain pipes shall have a minimum diameter of 12 inches, and subsurface drainage system pipes shall have a minimum diameter of six inches.
- f. When vertical drains or other systems are designed to introduce stormwater into the ground, the leaching system shall be wrapped with a nonwoven filter fabric to prevent

fine materials from being carried between the washed crushed stone and surrounding materials.

- g. All detention and filtration systems shall be designed so that the bottom of any such facility is elevated at least one foot above the elevation of the highest groundwater table. Groundwater elevation tests, as conducted by the director of public works or town engineer, will be undertaken in any detention basin and in critical areas of road construction, to determine the highest groundwater elevation.
- h. Water collected from an on-site drainage system will be detained and filtered through manmade detention and filtration systems before discharging into the town drainage system, unless waived by the director of public works or town engineer and approved by the planning board.
- i. All manmade embankments shall be completely cleared of organic matter and shall consist of clean inorganic fill. Detention area embankments shall be properly compacted with maximum side slopes of three feet horizontal to one foot vertical. The interior side of the embankment shall not exceed six feet in height from the bottom of the detention area to the top. The embankment shall be covered with a minimum of four inches of loam and seeded. The engineer is encouraged to design basins and embankments that make use of existing topographic features.
- j. All new open watercourses will be seeded, sodded or paved, or riprapped, depending on grades and soil types.
- k. Where volume velocity of the surface runoff is high, the flow thereof shall be controlled by riprap, sediment basins, flow spreaders or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook and the State of Rhode Island Stormwater Design and Installation Standards Manual.

ATTACHMENT 1. CHECKLIST FOR INFORMAL CONCEPT PLAN REVIEW

Nine copies of all items

A concept plan of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed development or subdivision, with "Concept Plan" indicated.
3. _____ Name and address of property owner and applicant.
4. _____ Date of plan preparation, with revision date(s).
5. _____ True north arrow, and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
6. _____ Plat and lot number(s) of the land being developed or subdivided.
7. _____ Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel.
8. _____ Zoning district(s) of the land being developed or subdivided, with zoning boundary lines shown if there is more than one district.
9. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
10. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.
11. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
12. _____ Proposed buildings and other site improvements for a commercial or industrial development; proposed building lots with approximate lot areas and dimensions, with proposed lot lines drawn so as to distinguish them from existing property lines, for a residential development or subdivision.

13. _____ Proposed streets or street extensions and dimensions.

A natural and cultural features map of the subject parcel showing the following information:

1. _____ Location of wetlands, watercourses or coastal features within and immediately adjacent to the subject parcel.
2. _____ Existing contours at intervals of ten feet.
3. _____ Base flood elevation data.
4. _____ Location of wooded areas and areas of agricultural use, and approximate location of stone walls.
5. _____ Location of any other significant natural or cultural features within or immediately adjacent to the subject parcel.

Supplementary information:

1. _____ Calculations determining allowable density based upon the exclusion of unsuitable land from the total land area of the subject parcel, including the total acreage; the acreage of unsuitable land and the resulting total number of units.
2. _____ Determination if the proposed development or subdivision lies within the watershed protection overlay district for Stafford Pond, or within the watershed of Nonquit Pond, or any other area designated by the town or the state for purposes of environmental protection or natural or cultural resource protection.
3. _____ Soil types from the USDA Soil Survey of Rhode Island and the existence of any ledge or rock outcroppings.
4. _____ Availability of utilities, including water and sanitary sewers.

5. _____ Proposals for connection with existing water supply and sanitary sewer systems, if available, and/or concept for on-site sewage disposal.
6. _____ Concept for collecting and discharging stormwater.

ATTACHMENT 2. CHECKLIST FOR AN ADMINISTRATIVE SUBDIVISION

Nine copies of all items

A proposed plat, stamped and signed by a professional surveyor registered in the State of Rhode Island, showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name and address of the property owner and applicant.
3. _____ Date of plan preparation, with revision date(s).
4. _____ True north arrow, and graphic scale (one inch equals 100 feet, or as otherwise required).
5. _____ Plat and lot numbers of the parcel being resubdivided.
6. _____ Existing property lines, easements and rights-of-way.
7. _____ Zoning district(s) of the parcel being resubdivided, with zoning boundary lines shown if there is more than one district.
8. _____ Location, width and names of existing public, private or paper streets within or immediately adjacent to the parcel being resubdivided.
9. _____ Names of abutting property owners.

10. _____ Location and size of existing buildings, structures and improvements.
11. _____ Approximate location of wetlands and coastal features.
12. _____ Proposed property lines, drawn so as to distinguish them from existing property lines.
13. _____ Existing and proposed areas of the parcel being resubdivided.
14. _____ Certification (stamp) of a registered land surveyor indicating that a perimeter survey has been performed or that the plan is otherwise correct.
15. _____ Explanatory note summarizing the change being proposed, with appropriate references to deeds and recorded plats.

Supplementary information:

1. _____ If applicable, a notarized letter from the property owner to the planning board stating that the applicant has been given the specific authority to represent the owner in the matter before the board.

_____ Current filing fee.

ATTACHMENT 3. PRELIMINARY PLAT CHECKLIST FOR MINOR SUBDIVISIONS

This checklist is furnished by the planning board to assist in the application for preliminary approval of minor subdivisions. It does not relieve the applicant of the responsibility to review and comply with all applicable regulations in the Tiverton Town Code.

Nine copies of all items

Preliminary plans, stamped and signed by a professional surveyor registered in the State of Rhode Island, of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed subdivision.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer and/or land surveyor.
5. _____ Date of plan preparation, with revision date(s).
6. _____ True north arrow, and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
7. _____ Plat and lot number(s) of the land being subdivided.
8. _____ Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel, with a certification (stamp) of a registered land surveyor, and class of survey.
9. _____ Zoning district(s) of the land being subdivided, with zoning boundary lines shown if there is more than one district.
10. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
11. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.
12. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
13. _____ Location and dimensions of all existing utilities within or immediately adjacent to the subject parcel, including

gas, electric, water, sewer and stormwater drainage facilities.

14. _____ Location of flagged wetland boundaries, watercourses or coastal features within the subject parcel or within 200 feet of the perimeter of the parcel; if there are no such wetlands or coastal features, an affidavit signed by a qualified professional (wetlands biologist, registered professional engineer or professional land surveyor) stating this.
15. _____ Existing contours at intervals of two feet.
16. _____ Base flood elevation data.
17. _____ Location of wooded areas and areas of agricultural use.
18. _____ Location of any unique and/or historic features, including stone walls and historic cemeteries, within or immediately adjacent to the subject parcel.
19. _____ Proposed building lots, and areas, building setback lines and dimensions of proposed lots, with proposed lot lines drawn so as to distinguish them from existing property lines.
20. _____ Location, dimensions and area of any land proposed to be set aside as open space or to be conveyed to the Town of Tiverton for public purposes.
21. _____ Locations of existing and proposed permanent bounds.
22. _____ Location and dimensions of proposed easements and rights-of-way within the subject parcel.
23. _____ Proposed streets or street extensions and dimensions.
24. _____ Proposed landscaping treatment.

25. _____ Grading plan in sufficient detail to show proposed contours for all grading proposed for on- and off-site street construction, drainage facilities and individual house lots.
26. _____ Proposed soil erosion and sediment control plan, if required.
27. _____ Proposed drainage plan, including a profile, and the extension of existing stormwater lines and addition of on-site drainage facilities.
28. _____ Proposed utilities plan, including the extension of gas, electric, water and sewer, or other proposed utilities as applicable, and/or the location of on-site sewage disposal systems.

Supplementary information:

1. _____ The names and addresses of all property owners, adjoining communities or agencies requiring notification under these regulations.
2. _____ If applicable, a notarized letter from the property owner to the planning board stating that the applicant has been given the specific authority to represent the owner in the matter before the board.
3. _____ Calculations determining allowable density based upon the exclusion of unsuitable land from the total land area of the subject parcel, including the total acreage, the acreage of unsuitable land and the resulting total number of units.
4. _____ Determination if the proposed development or subdivision lies within the watershed protection overlay district for Stafford Pond, or within the watershed of Nonquit Pond, or any other area designated by the town or the state for purposes of environmental protection or natural or cultural resource protection.

5. _____ Soils map of the area, with the locations of any prime agricultural and/or hydric soils within the subject parcel indicated on the soils map.
6. _____ Drainage calculations supplementing the proposed drainage plan prepared by a registered professional engineer.
7. _____ Written confirmation from the director of public works that he or his designee has reviewed the proposed sewer plan and design, if applicable, and the preliminary plans for proposed stormwater control and street design.
8. _____ Written confirmation from the applicable water authority that it is able to provide water service connection to the subject parcel.
9. _____ Written comments from the technical review committee (provided by the administrative officer).
10. _____ Proposed deed restrictions or protective covenants.
11. _____ Either of the following:

_____ A letter to the planning board indicating the developer's intent to complete the required improvements prior to endorsement and recording; or

_____ A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board.

_____ Current filing fee.

This application is being filed for the purpose of being placed on the planning board agenda for review. All information in this application is complete and accurate to the best of my knowledge. I hereby authorize duly appointed members of the Tiverton planning board and Tiverton conservation commission to enter and inspect the property at reasonable times during the review and approval process for the purpose of ensuring compliance with the land development and subdivision review regulations and with other applicable portions of the Town Code.

Signature of applicant _____

Date _____

Information required prior to preliminary approval:

1. _____ A copy of the request for preliminary determination from DEM wetlands section, if wetlands exist on the subject property.
2. _____ A copy of the application for a preliminary soil suitability report from DEM individual sewage disposal systems (ISDS) section.
3. _____ An environmental review statement, in accordance with article VIII, section 5, of the Tiverton zoning ordinance, if the proposed development or subdivision lies within the watershed protection overlay district.
4. _____ A proposed stormwater management plan according to the provisions of section 23-51 of the regulations, if required by the planning board.

ATTACHMENT 4. FINAL PLAT CHECKLIST FOR MINOR SUBDIVISIONS

This checklist is furnished by the planning board to assist in the application for final approval of minor subdivisions. It does not relieve the applicant of the responsibility to review and comply with all applicable regulations in the Tiverton Town Code.

Nine copies of all items

Final plans, stamped and signed by a professional surveyor registered in the State of Rhode Island, of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed subdivision.
3. _____ Name and address of property owner and applicant.

4. _____ Name, address and telephone number of engineer and/or land surveyor.
5. _____ Date of plan preparation, with revision date(s).
6. _____ True north arrow, and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
7. _____ Plat and lot number(s) of the land being subdivided.
8. _____ Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel, with a certification (stamp) of a registered land surveyor, and class of survey.
9. _____ Zoning district(s) of the land being subdivided, with zoning boundary lines shown if there is more than one district.
10. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
11. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.
12. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
13. _____ Locations and dimensions of all existing utilities within or immediately adjacent to the subject parcel, including gas, electric, water, sewer and stormwater drainage facilities.
14. _____ Location of verified wetland boundaries, watercourses or coastal features within the subject parcel or within 200 feet of the perimeter of the parcel.

15. _____ Existing contours at intervals of two feet.
16. _____ Base flood elevation data.
17. _____ Locations of existing land uses, historic features and other site conditions as required by the planning board as a condition of preliminary approval.
18. _____ Proposed lots with areas indicated, and all interior lot lines, building setback lines and street lines with dimensions indicated.
19. _____ Location of any land proposed to be set aside as open space or to be conveyed to the Town of Tiverton for public purposes, with areas and dimensions indicated.
20. _____ Location and notation of type of existing or proposed easements and rights-of-way, with areas and dimensions indicated.
21. _____ Locations of existing and proposed permanent bounds.
22. _____ Final plans, profiles and cross section of each street or street extension, at a scale of one inch equals 40 feet horizontal, and one inch equals four feet vertical, including typical cross sections and paved areas delineated on the appropriate plans.
23. _____ Final grading plan stamped by a registered professional engineer.
24. _____ Final soil erosion and sediment control plan.
25. _____ Final drainage plan stamped by a registered professional engineer.
26. _____ Final utilities plan stamped by a registered professional engineer.

Supplementary information (as applicable):

1. _____ Notation of special conditions of approval imposed by the planning board.
2. _____ Written confirmation from the director of public works that he or his designee has approved the final plans for proposed sewage disposal, stormwater control and street design.
3. _____ Written confirmation from the DEM wetlands section that plans of the proposed development, including any required off-site construction, have been reviewed and that approval has been granted for the proposed site alteration, if wetlands exist on the subject property.
4. _____ Written approval from the R.I. coastal resources management council of the proposed development, including any required off-site construction, in the form of an assent as provided under the Rhode Island coastal resources management program, if the subject property has coastal shoreline.
5. _____ A copy of the soil suitability report from the DEM ISDS section for the subject parcel, or approved ISDS applications for individual lots.
6. _____ A physical alteration permit (PAP) issued by the R.I. department of transportation for any connection to or construction work within a state highway or other right-of-way.
7. _____ Two original signed copies of all legal documents describing proposed easements and rights-of-way, dedications, restrictions or other required legal documents.

Specify: _____

8. _____ Two signed copies of an irrevocable offer to convey to the Town of Tiverton all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas.

9. _____ Deed(s) transferring land proposed for dedication to the Town of Tiverton or other group or agency for open space purposes.
10. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
11. _____ Certificate from the chief of the fire department showing consent to the names of all proposed streets.

_____ Current filing fee.

Other required fees:

1. _____ Final plat recording fee--amount

2. _____ Financial guarantees

Initial amount _____

Description _____

Date set by planning board _____

This application is being filed for the purpose of being placed on the planning board agenda for review. All information in this application is complete and accurate to the best of my knowledge. I hereby authorize duly appointed members of the Tiverton planning board and the Tiverton conservation commission to enter and inspect the property at reasonable times during the review and approval process for the purpose of ensuring compliance with the land development and subdivision review regulations and with other applicable portions of the Town Code.

Signature of applicant _____

Date _____

**ATTACHMENT 5. MASTER PLAN CHECKLIST FOR MAJOR LAND DEVELOPMENTS
AND MAJOR SUBDIVISIONS**

This checklist is furnished by the planning board to assist in the application for master plan approval of major land developments and subdivisions. It does not relieve the applicant of the responsibility to review and comply with all applicable regulations in the Tiverton Town Code.

Nine copies of all items, except as noted

Plans, stamped and signed by a professional surveyor registered in the State of Rhode Island, of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed development or subdivision.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer and/or land surveyor.
5. _____ Date of plan preparation, with revision date(s).
6. _____ True north arrow, and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
7. _____ Plat and lot number(s) of the land being developed or subdivided.
8. _____ Dimensions and total area of subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel, with a certification (stamp) of a registered land surveyor, and class of survey.
9. _____ Zoning district(s) of the land being developed or subdivided, with zoning

boundary lines shown if there is more than one district.

10. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
11. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.
12. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
13. _____ Location and dimensions of all existing utilities within or immediately adjacent to the subject parcel, including gas, electric, water, sewer and storm drainage facilities.
14. _____ Location of flagged wetland boundaries, watercourses or coastal features within the subject parcel or within 200 feet of the perimeter of the parcel; if there are no such wetlands or coastal features, an affidavit signed by a qualified professional (wetlands biologist, registered professional engineer or registered land surveyor) stating this.
15. _____ Existing contours at intervals of two feet.
16. _____ Base flood elevation data.
17. _____ Location of wooded areas and areas of agricultural use.
18. _____ Location of any unique and/or historic features, including stone walls and historic cemeteries, within or immediately adjacent to the subject parcel.
19. _____ Proposed buildings, building setback lines and other site improvements for a commercial or industrial development; proposed building lots, and areas, building setback lines and dimensions of proposed lots, with proposed lot lines drawn so as to

distinguish them from existing property lines, for a residential development or subdivision.

20. _____ Location, dimensions and area of any land to be set aside as open space or to be conveyed to the Town of Tiverton for public purposes.
21. _____ Locations of existing and proposed permanent bounds.
22. _____ Location and dimensions of proposed easements and rights-of-way within the subject parcel.
23. _____ Proposed streets or street extensions and dimensions.
24. _____ Proposed drainage plan, including a profile, and the extension of existing stormwater lines and the addition of on-site drainage.
25. _____ Proposed utilities plan, including the extension of gas, electric, water and sewer or other proposed utilities as applicable, and/or the location of on-site sewage disposal systems.

Supplementary information:

1. _____ The names and addresses of all property owners requiring notification under these regulations.
2. _____ If applicable, a notarized letter from the property owner to the planning board stating that the applicant has been given the specific authority to represent the owner in the matter before the board.
3. _____ A site analysis as required in section 23-43 of the regulations.
4. _____ Calculations determining allowable density based upon the exclusion of unsuitable land from the total land area of the subject parcel, including the total

acreage, the acreage of unsuitable land and the resulting total number of units.

5. _____ Determination if the proposed development or subdivision lies within the watershed protection overlay district for Stafford Pond, or within the watershed of Nonquit Pond, or any other area designated by the town or the state for purposes of environmental protection or natural or cultural resource protection.
6. _____ Twenty copies of the proposed development plan reduced to an 11-inch by 17-inch sheet.
7. _____ Soils map of the area, with the locations of any prime agricultural and/or hydric soils within the subject parcel indicated on the soils map.
8. _____ An aerial photograph or a blue line copy of an existing aerial photograph of the subject parcel and surrounding area.
9. _____ A narrative statement regarding the potential impact of the proposed development on the neighborhood and the town, including an estimate of the approximate population of the proposed development, an estimate of the number of school-aged children to be housed in the proposed development and general traffic impacts.
10. _____ Proposed project phasing, if any.
_____ Current filing fee.

This application is being filed for the purpose of being placed on the planning board agenda for review. All information in this application is complete and accurate to the best of my knowledge. I hereby authorize duly appointed members of the Tiverton planning board and the Tiverton conservation commission to enter and inspect the property at reasonable times during the review and approval process for the purpose of ensuring compliance with the land development and subdivision review regulations and with other applicable portions of the Town Code.

Signature of applicant _____

Date _____

Initial written comments on the master plan (provided by the administrative officer) from the following:

Local Agencies			Date
A.	_____	Public works	_____
B.	_____	Building official	_____
C.	_____	Police department	_____
D.	_____	Fire department	_____
E.	_____	School department	_____
F.	_____	Conservation commission	_____
G.	_____	Applicable water authority	_____
H.	_____	Town manager	_____
I.	_____	Solicitor	_____
Adjacent communities (specify)			
A.	_____		_____
B.	_____		_____
State agencies			
A.	_____	Environmental management	_____
B.	_____	Coastal resources	_____

C.	_____	Transportation	_____
D.	_____	Other (specify)	_____

ATTACHMENT 6. PRELIMINARY PLAT CHECKLIST FOR MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

This checklist is furnished by the planning board to assist in the application for preliminary approval of major land developments and subdivisions. It does not relieve the applicant of the responsibility to review and comply with all applicable regulations in the Tiverton Town Code.

Nine copies of all items

Preliminary plans, stamped and signed by a professional surveyor registered in the State of Rhode Island, of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed development or subdivision.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer and/or land surveyor.
5. _____ Date of plan preparation, with revision date(s).
6. _____ True north arrow and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
7. _____ Plat and lot number(s) of the land being developed or subdivided.

8. _____ Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel, with a certification (stamp) of a registered land surveyor, and class of survey.
9. _____ Zoning district(s) of the land being developed or subdivided, with zoning boundary lines shown if there is more than one district.
10. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
11. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.
12. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
13. _____ Location and dimensions of all existing utilities within or immediately adjacent to the subject parcel, including gas, electric, water, sewer and stormwater drainage facilities.
14. _____ Location of verified wetland boundaries, watercourses or coastal features within the subject parcel or within 200 feet of the perimeter of the parcel.
15. _____ Existing contours at intervals of two feet.
16. _____ Base flood elevation data.
17. _____ Location of wooded areas and areas of agricultural use.
18. _____ Location of any unique and/or historic features, including stone walls and historic cemeteries, within or immediately adjacent to the subject parcel.

19. _____ Proposed buildings, building setback lines and other site improvements for a commercial or industrial development; proposed building lots, and areas, building setback lines and dimensions of proposed lots, with proposed lot lines drawn so as to distinguish them from existing property lines, for a residential development or subdivision.
20. _____ Location, dimensions and area of any land proposed to be set aside as open space or to be conveyed to the Town of Tiverton for public purposes.
21. _____ Locations of existing and proposed permanent bounds.
22. _____ Location and dimensions of proposed easements and rights-of-way within the subject parcel.
23. _____ Proposed pedestrian and bicycle circulation systems, including locations of proposed walkways and bikepaths.
24. _____ Proposed street plans, profiles and cross sections, at a scale of one inch equals 40 feet horizontal, and one inch equals four feet vertical, including typical cross sections and paved areas delineated on the appropriate plans.
25. _____ Landscaping plan, to show all removal of existing vegetation, revegetation and tree planting and landscaping on street rights-of-way and individual building lots, or as required by the planning board.
26. _____ Grading plan at two-foot contour intervals to show all proposed grading for on- and off-site street construction, drainage facilities and individual building sites or house lots.
27. _____ Proposed soil erosion and sediment control plan.

28. _____ Proposed stormwater management plan, as required in section 23-51 of the regulations.
29. _____ Proposed drainage plan, including a profile, and the extension of existing stormwater lines and the addition of on-site drainage facilities.
30. _____ Proposed utilities plan, including the extension of gas, electric, water and sewer lines or other proposed utilities as applicable, and/or the location of on-site sewage disposal systems.

Supplementary information (as applicable):

1. _____ The names and addresses of all property owners, adjoining communities or agencies requiring notification under these regulations.
2. _____ Drainage calculations supplementing the proposed drainage plan prepared by a registered professional engineer.
3. _____ Written confirmation from the director of public works that he or his designee has reviewed the proposed sewer plan and design, if applicable, and the preliminary plans for proposed sewage disposal, stormwater control and street design.
4. _____ Written confirmation from the applicable water authority that it is able to provide water service connection to the subject parcel.
5. _____ Written confirmation from the DEM wetlands section that plans of the proposed development, including any required off-site construction, have been reviewed and that approval has been granted for the proposed site alteration, if wetlands exist on the property.
6. _____ Written approval from the R.I. coastal resources management council of the proposed development, including any required off-site construction, in the form of an

assent as provided under the Rhode Island coastal resources management program, if the subject property has coastal shoreline.

7. _____ A copy of the soil suitability report from the DEM ISDS section for the subject parcel, or approved ISDS applications for individual lots.
8. _____ A physical alteration permit (PAP) issued by the R.I. department of transportation for any connection to or construction work within a state highway or other right-of-way.
9. _____ Draft copies of all legal documents describing proposed easements and rights-of-way, dedications, restrictions or other required legal documents.

Specify: _____

10. _____ Either of the following:

_____ A letter to the planning board indicating the developer's intent to complete the required improvements prior to endorsement and recording; or

_____ A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board.

_____ Current filing fee.

This application is being filed for the purpose of being placed on the planning board agenda for review. All information in this application is complete and accurate to the best of my knowledge. I hereby authorize duly appointed members of the Tiverton planning board and the Tiverton conservation commission to enter and inspect the property at reasonable times during the review and approval process for the purpose of ensuring compliance with the land development and subdivision review regulations and with other applicable portions of the Town Code.

Signature of applicant _____

Date _____

Final written comments on the preliminary plan (provided by the administrative officer) by the technical review committee and from the following, as required:

Local Agencies			Date
A.	_____	Public works	_____
B.	_____	Building official	_____
C.	_____	Police department	_____
D.	_____	Fire department	_____
E.	_____	School department	_____
F.	_____	Conservation commission	_____
G.	_____	Applicable water authority	_____
H.	_____	Town manager	_____
I.	_____	Solicitor	_____

ATTACHMENT 7. FINAL PLAT CHECKLIST [FOR] MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

This checklist is furnished by the planning board to assist in the application for final approval of major land developments and subdivisions. It does not relieve the applicant of the responsibility to review and comply with all applicable regulations in the Tiverton Town Code.

Nine copies of all items

Final plans, stamped and signed by a professional surveyor registered in the State of Rhode Island, of the subject parcel showing the following information:

1. _____ A general location map showing the relationship of the parcel to the area within a half-mile radius.
2. _____ Name of the proposed development or subdivision.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer and/or land surveyor.
5. _____ Date of plan preparation, with revision date(s).
6. _____ True north arrow and graphic scale (minimum of one inch equals 100 feet) on a 22-inch by 32-inch sheet.
7. _____ Plat and lot number(s) of the land being developed or subdivided.
8. _____ Dimensions and total area of the subject parcel, and location and dimensions of existing property lines, easements and rights-of-way within or appurtenant to the subject parcel, with a certification (stamp) of a registered land surveyor, and class of survey.
9. _____ Zoning district(s) of the land being developed or subdivided, with zoning boundary lines shown if there is more than one district.
10. _____ Location, width and names of existing public, private and paper streets within and immediately adjacent to the subject parcel.
11. _____ Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel.

12. _____ Location and approximate size of existing buildings or significant aboveground structures on the subject parcel.
13. _____ Locations and dimensions of all existing utilities within or immediately adjacent to the subject parcel, including gas, electric, water, sewer and stormwater drainage facilities.
14. _____ Location of verified wetland boundaries, watercourses or coastal features within the subject parcel or within 200 feet of the perimeter of the parcel.
15. _____ Existing contours at intervals of two feet.
16. _____ Base flood elevation data.
17. _____ Locations of existing land uses, historic features and other site conditions as required by the planning board as a condition of preliminary approval.
18. _____ Proposed lots with areas indicated, and all interior lot lines, building setback lines, street lines and walkways and bikeways with dimensions indicated.
19. _____ Location of any land proposed to be set aside as open space or to be conveyed to the Town of Tiverton for public purposes, with areas and dimensions indicated.
20. _____ Location and notation of type of existing or proposed easements and rights-of-way with areas and dimensions indicated.
21. _____ Locations of existing and proposed permanent bounds.
22. _____ Final plans, profiles and cross section of each street or street extension, at a scale of one inch equals 40 feet horizontal, and one inch equals four feet vertical, including typical cross sections and paved areas delineated on the appropriate plans.

23. _____ Final landscaping plan stamped by a registered landscape architect.
24. _____ Final grading plan stamped by a registered professional engineer.
25. _____ Final soil erosion and sedimentation control plan.
26. _____ Final drainage plan stamped by a registered professional engineer.
27. _____ Final utilities plan stamped by a registered professional engineer.

Supplementary information (as applicable):

1. _____ Notation of special conditions of approval imposed by the planning board.
2. _____ Two original signed copies of all legal documents describing proposed easements and rights-of-way, dedications, restrictions or other required legal documents.

Specify: _____

3. _____ Two signed copies of an irrevocable offer to convey to the Town of Tiverton all public streets and/or other public improvements, accompanied by a metes and bounds description.
4. _____ Deed(s) transferring land proposed for dedication to the Town of Tiverton or other group or agency for open space purposes.
5. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
6. _____ Certificate from the chief of the fire department showing consent to the names of all proposed streets.

7. _____ For phased projects, project phasing schedule and as-built drawings for the previous phase(s).

_____ Current filing fee.

Other required fees:

1. _____ Final plat recording fee--amount

2. _____ Financial guarantees

Initial amount _____

Description _____

Date set by planning board _____

This application is being filed for the purpose of being placed on the planning board agenda for review. All information in this application is complete and accurate to the best of my knowledge. I hereby authorize duly appointed members of the Tiverton planning board and the Tiverton conservation commission to enter and inspect the property at reasonable times during the review and approval process for the purpose of ensuring compliance with the land development and subdivision review regulations and with other applicable portions of the Town Code.

Signature of applicant _____

Date _____

APPLICATION COVER SHEET

This sheet is to be completed by the applicant and attached to the respective checklist.

Type of application (check one):

Administrative Subdivision _____

Minor Subdivision: _____ Preliminary Plan _____ Final Plan

Major Subdivision:

_____ Informal Concept Plan Review	_____ Master Plan
_____ Preliminary Plan	_____ Final Plan

Name of Development/Subdivision _____
 Location of Development/Subdivision _____
 Owner _____
 Address _____
 City/Town/Zip _____ Phone no. _____

Applicant (if other than owner) _____
 Address _____
 City/Town/Zip _____ Phone no. _____
 Authorization to represent owner attached _____ ()
 (See section 23-27 [23-37], paragraph e, Subdivision Regulations)

Preparers of Plans:

Surveyor _____	Engineer _____
Biologist _____	Others _____

Signature _____ (Owner/Applicant)	Date _____
Received by _____ (Planning Board)	Date _____