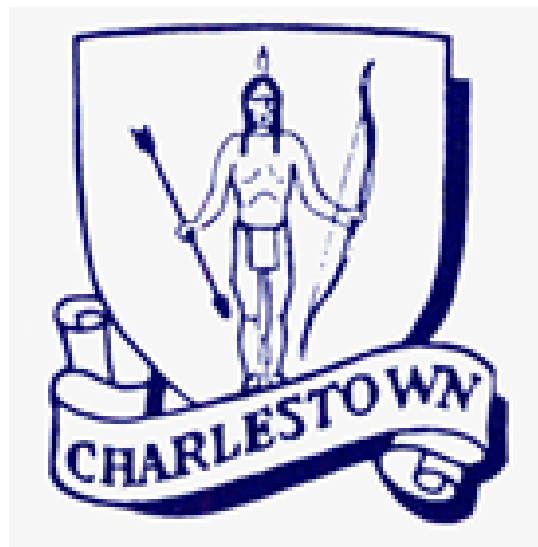


**TOWN OF CHARLESTOWN, RHODE ISLAND
SUBDIVISION AND LAND DEVELOPMENT
REGULATIONS**



CHARLESTOWN PLANNING COMMISSION

Adopted December 20, 2023
Effective January 1, 2024

TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS
TABLE OF CONTENTS

SECTION 1 AUTHORITY AND PURPOSE.....1

1.1 Authority.....1

1.2 Purpose.....1

1.3 Policies.....1

1.4 Applicability.....2

1.5 Construction and Intent.....2

1.6 Effective Date.....3

1.7 Vested Rights.....3

1.8 Administrative Officer.....4

SECTION 2 DEFINITIONS5

2.1 Definitions.....5

2.2 Terms Defined.....5

SECTION 3 GENERAL REQUIREMENTS.....14

3.1 General Procedure.....14

3.2 Required Findings.....14

3.3 Fees.....15

3.4 Time Periods.....17

3.5 Recording.....18

3.6 Changes to Recorded Plats and Plans.....18

SECTION 4 SPECIAL PROVISIONS.....19

4.1 Phasing.....19

4.2 Off-Site Improvements.....20

4.3 Development Density.....20

4.4 Environmental Analysis.....21

4.5 Land Development Projects.....23

**TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS
TABLE OF CONTENTS**

SECTION 5 DEDICATION OF IMPROVEMENTS.....34

5.1 Public Improvements.....34

5.2 Reserved (Impact Fees).....34

5.3 Recreation Facilities and Open Space Dedication.....34

SECTION 6 PREAPPLICATION AND MASTER PLAN REVIEW.....37

6.1 General.....37

6.2 Plan Believed Not To Require Approval.....37

6.3 Pre-Application Conference and Master Plan Review.....37

SECTION 7 ADMINISTRATIVE SUBDIVISION.....39

7.1 Submittal Requirements.....39

7.2 Review Procedure.....39

SECTION 8 MINOR SUBDIVISION/LAND DEVELOPMENT.....40

8.1 Submittal Requirements.....40

8.2 Review Procedures.....40

8.3 Public Meetings Required.....41

SECTION 9 MAJOR SUBDIVISION/LAND DEVELOPMENT.....42

9.1 Submission Requirements.....42

9.2 Major Subdivision/Land Development Review Procedures.....42

SECTION 10 ADMINISTRATION, AMENDMENT AND APPEALS.....46

10.1 Administration of Regulations.....46

10.2 Adoption and Amendments.....47

10.3 Review Procedures.....48

10.4 Violations and Penalties.....48

TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS
TABLE OF CONTENTS

10.5	Records.....	49
10.6	Public Meetings for Applications.....	49
10.7	Precedence of Approvals.....	50
10.8	Waivers, Modifications and Reinstatements.....	50
10.9	Appeals.....	51
10.10	Severability.....	51
SECTION 11 PHYSICAL DESIGN AND PUBLIC IMPROVEMENT STANDARDS.....		52
11.1	Generally.....	52
11.2	Street Design Standards.....	52
11.3	Lot Design Standards.....	57
11.4	Easements.....	58
11.5	Utilities.....	59
11.6	Flood Hazard Areas.....	59
11.7	Sidewalks.....	60
11.8	Stormwater.....	60
11.9	Erosion and Sediment Control.....	61
11.10	Site Design Standards.....	65
11.11	Temporary Improvements.....	66
11.12	Inspection Required.....	66
11.13	Maintenance of Improvements.....	67
11.14	Off-Site Improvements.....	67
SECTION 12 CONSTRUCTION SPECIFICATIONS.....		68
12.1	General.....	68
12.2	Street Construction Standards.....	68
12.3	Curbs.....	70
12.4	Sidewalks.....	71
12.5	Stormwater Management Structures and Facilities.....	71
12.6	Installation of Water Mains.....	73
12.7	Permanent Monuments.....	73

**TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS
TABLE OF CONTENTS**

12.8	Special Grading Provisions.....	73
12.9	Soil Erosion and Sediment Control.....	73
12.10	Residential Compound Common Private Way.....	73
SECTION 13 COMPREHENSIVE PERMIT PROCEDURES.....		75
13.1	Authority to Grant a Comprehensive Permit.....	75
13.2	Application Procedure.....	75
SECTION 14 SUBDIVISION APPLICATION CHECKLISTS.....		76
14.1	Plan Believed Not To Require Approval Checklist.....	77
14.2	Pre-Application Checklist.....	79
14.3	Administrative Subdivision Checklist.....	82
14.4	Minor Subdivision/Land Development Preliminary Plan Checklist.....	84
14.5	Minor Subdivision/Land Development Final Plan Checklist.....	88
14.6	Major Subdivision/Land Development Project Master Plan Checklist.....	90
14.7	Major Subdivision/Land Development Project Preliminary Plan Checklist.....	95
14.8	Major Subdivision/Land Development Project Final Plan Checklist.....	99

List of Figures

Figure 11.1	Typical Street Cross Section
Figure 11.2	Permanent Cul-De-Sac Detail
Figure 11.3a	Temporary Turn-Around Detail
Figure 11.3b	Temporary Cul-De-Sac Detail
Figure 11.4	Tree Planting
Figure 12.1	Cape Cod Street Berm Typical Section
Figure 12.2	Typical Street Cross Section Common Private Way

APPENDIX A

Administrative Subdivision Review Flowchart
Minor Subdivision/Land Development Review Flowchart
Major Subdivision/Land Development Review Flowchart

SECTION 1 AUTHORITY AND PURPOSE

1.1 Authority.

In order to assure the orderly and environmentally sound growth of the Town of Charlestown, the following regulations for land development and the control of the subdivision of land are hereby adopted by the Planning Commission in accordance with Title 45, Chapter 23, Sections 25 through 74 of the General Laws of Rhode Island, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, Chapter 40, Section 8, Regulatory Powers, of the Charlestown Code of Ordinances, and Article LIII, Planning Commission, of the Charlestown Town Charter.

1.2 Purpose.

These Regulations have been enacted to establish procedural provisions for the subdivision of land and land development projects. The Planning Commission shall have the power to negotiate with applicants filing under these regulations to ensure the protection of the Town's natural and built environment. The purpose of these Regulations are to accomplish the following, which are intended to be given equal priority and are lettered for reference only:

- A. Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- B. Promoting high quality, appropriate design and construction of land developments and subdivisions;
- C. Promoting the protection of the existing natural and built environments and the mitigation of all negative impacts of any proposed development on these environments;
- D. Promoting design of land developments and subdivision which are well integrated with the surrounding neighborhoods and which concentrate development in areas which can best support use by reason of natural characteristics and existing infrastructure;
- E. Promoting design and improvement standards to reflect the intent of the Comprehensive Plan with regard to the physical character of the various districts of the Town;
- F. Establishing requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof;
- G. Encouraging the establishment of procedures for record keeping on all matters of land development and subdivision review; and
- H. Protecting the public health, safety and welfare of the Town.

1.3 Policies.

The Planning Commission will base its actions on all subdivisions and land developments on the following considerations:

- A. Conformance with the Charlestown Comprehensive Plan and all subsequent amendments thereto.
- B. Conformance with the Charlestown Zoning Ordinance and all subsequent amendments thereto.
- C. Adherence to best available practices and techniques for site design to provide for 1) adequate, and safe circulation of pedestrian and vehicular traffic and emergency

services, 2) control and minimization of soil erosion and stormwater runoff volume and pollutant load, 3) suitable building sites, 4) the preservation of natural features, and 5) adequate sewage disposal.

- D. Preservation of the rural character of the Town.
- E. Protection of the Town's surface and groundwater resources, to prevent degradation of water quality, and where possible, to improve water quality.
- F. Provision of sufficient open space and recreational facilities to accommodate the projected intensity of use of the proposed site.
- G. Preservation of natural terrain, vegetation, soils, historical resources, floodplains, wetlands, drainage and reducing the need for cutting and filling on steep grades.
- H. Minimizing the amounts and costs of necessary roads and utilities.
- I. Establishing the adequacy of existing public improvements and services in the area including but not limited to water, sewer, drainage, roads, schools, recreation facilities, solid waste, fire and police protection, to serve the proposed subdivision, or evidence that such facilities and services will be provided as part of the proposed subdivision.
- J. Minimizing flood damage and the potential thereof, with particular attention to all areas located within Zone A1-A30 and V1-V30 as shown on the official Flood Insurance Rate Maps for the Town of Charlestown, R.I., and any amendments to said maps.
- K. Encouraging energy efficiency of building design, lot layout, etc.

1.4 Applicability.

- A. These rules and regulations shall be applicable in all of the following instances.
 - 1. In all cases of subdivision of land in the Town, as defined in Section 2.2 Terms Defined.
 - 2. In all cases of land development projects, as provided for in R.I. General Law Section 45-24-47 of the Zoning Enabling Act of 1991.
 - 3. In all cases of development plan review, as provided for in R.I. General Law Section 45-24-49 of the Zoning Enabling Act of 1991.
- B. Plats Required.
 - 1. All activity defined above shall require a plan, drawn to the specification of these Regulations, and shall be reviewed and approved by the Planning Commission or its agent; and
 - 2. Prior to recording, the approved plan shall be submitted for signature and recording as specified in Section 3.5 Recording. of these Regulations.

1.5 Construction and Intent.

- A. These regulations are hereby found by the Charlestown Planning Commission to be consistent with the Town of Charlestown Comprehensive Plan adopted May 4, 2021, as may be amended from time to time. The purposes stated in Section 1.2 Purpose. are consistent with the goals, policies, procedures, maps, and other policy statements in the Plan and are consistent with the Charlestown Zoning Ordinance, as may be amended from time to time.

- B. In the instance of uncertainty in the application of any section of these Regulations, these Regulations shall be construed to implement, and not be contrary to, the adopted Comprehensive Plan. Furthermore, these Regulations shall be construed in a manner consistent with the legislative findings, intents, and purposes of the R.I. Land Development and Subdivision Review Act of 1992.
- C. In their interpretation and application, these Regulations shall be held to be the minimum requirements. More stringent provisions may be required if, in the Planning Commission's opinion that, stricter standards are necessary to promote the public health, safety and general welfare.
- D. These regulations are not intended to supersede, abrogate, or interfere with any provisions of any other ordinance or law of the Town of Charlestown. In the event of a conflict between general regulations and a specific regulation applicable, the more restrictive regulation shall be controlling.

1.6 Effective Date.

Any land development, development plan review or subdivision submitted after January 1, 2024 shall conform to the provisions of these Regulations. Nothing herein contained shall impair the validity of any plan/plat legally recorded prior to the effective date of these Regulations.

1.7 Vested Rights.

The Planning Commission shall determine vested rights upon submission of a written request from an applicant. Complete applications which have been submitted to the Commission in accordance with the Subdivision Regulations in effect prior to January 1, 2024 may be continued to be reviewed by the Planning Commission and approved under those regulations in accordance with the following:

A. Final Approvals.

Any subdivision which, at the time of adoption of these amendments, has received final approval or final approval with conditions may record said plans in accordance with the Subdivision Regulations in effect at the time final approval was granted. All requirements of approval applicable to the subdivision shall continue to be a condition prior to the recording of the final plat.

B. Preliminary Approvals.

Any subdivision which, at the time of adoption of these amendments, has received preliminary approval or preliminary approval with conditions may construct the development and file final plans in accordance with the Subdivision Regulations in effect at the time preliminary approval was granted.

C. Other Status.

Any subdivision which at the time of adoption of these Regulations, has not received final or preliminary approval; or an incomplete application has been reviewed by the Commission for preliminary approval, but no approval has been granted; or for which only pre-application review(s) have been conducted shall be required to be reviewed under the provisions of these Regulations.

1.8 Administrative Officer.

A. Duties and Responsibilities.

The administration of these Regulations shall be the responsibility of the Administrative Officer, who shall have the following duties:

1. To oversee and coordinate the review, approval, and administrative procedures of these Regulations, including coordination with adjacent communities as is necessary to be consistent with applicable federal, state and local laws.
2. To oversee and coordinate the enforcement of these Subdivision Regulations. The Administrative Officer shall be responsible for assisting with the enforcement by other local officials responsible for the enforcement of particular sections of these Regulations, and to bring to the attention of the Town Solicitor any violations or lack of compliance of these Regulations.

B. Qualifications.

The Administrative Officer shall have training and/or experience in the administration of land use and environmental regulations, a strong familiarity with state land use laws, and a minimum of five years' experience in the areas of land use planning and site plan and development plan review; or otherwise be considered qualified to perform in a satisfactory manner by the Charlestown Planning Commission. The Administrative Officer may be an employee of the Charlestown Planning Department or Building/Zoning Department, a member of the Charlestown Planning Commission or an appointed official of the Town.

SECTION 2 DEFINITIONS

2.1 Definitions.

Where words or phrases used in these Regulations are defined in the definitions section of either: the Rhode Island Comprehensive Planning and Land Use Regulation Act of 1988, the Zoning and Enabling Act of 1991, the *Charlestown Zoning Ordinance*, or the Rhode Island Land Development and Subdivision Enabling Act of 1992, they shall have the meanings stated therein.

2.2 Terms Defined.

The following terms, for the purposes of these Regulations, shall have the meaning herein indicated.

AASHTO – The American Association of State Highway and Transportation Officials.

Abutter – One whose property abuts at a border, boundary, or point with no intervening land.

Administrative Officer – The municipal official designated by the local regulations to administer the land development and subdivision regulations, to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The Administrative Officer may be a member of, or the chair, of the planning commission, an employee of the municipal planning or zoning departments, or an appointed official of the municipality.

Administrative Subdivision – Re-subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots.

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

- A. Any person or persons or entity who can demonstrate that their property has been injured by a decision of any officer or agency responsible for administering these Regulations or
- B. Anyone requiring notice pursuant to these Regulations.

Agricultural Land – Any land of five contiguous acres or larger that by reason of soil suitability or other natural characteristics is suitable for agriculture as defined in R.I. General Laws 45-22.2-4.

Applicant – An owner or an authorized agent of the owner submitting an application.

Application – The completed form and all accompanying documents, exhibits, plans, and fees required by these Regulations for approval.

Area of Special Flood Hazard – Areas designated on the Town's official Flood Insurance Rate Maps as being located within zones V1-V30 and Zone A.

Board of Appeal – The local review authority for appeals of actions of the Administrative Officer, which shall be the local zoning board of review constituted as the board of appeal.

BMP (Best Management Practices) – Engineering, landscaping and site design techniques that have been determined to be the most effective, practical means of preventing or reducing pollution from non-point sources such as pollutants carried by runoff.

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

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope – The three dimensional space within which a structure is permitted to be built upon a lot and which is defined by building setbacks, maximum height, bulk, or other regulations, and/or any combination thereof.

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 review process.

Cluster – A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, agriculture, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. Under cluster development there is no increase in the number of lots over that which would be permitted under conventional development.

Coastal Feature – Also known as “shoreline feature,” as identified in Section 210 of the R.I. Coastal Resources Management Program, as amended.

Cold Water Stream – Coldwater fishery means waters in which naturally occurring water quality and/or habitat allow the maintenance of naturally reproducing indigenous coldwater fish populations.

Comprehensive Plan – All the policies and proposals for the future growth and development of the Town contained in a report entitled *Charlestown Comprehensive Plan*, adopted May 4, 2021, and all pursuant amendments or modifications adopted thereto pursuant to R.I. General Laws 45-22.2.

Conceptual Plan – A drawing with accompanying information showing the basic elements of a proposed land development plan, site plan, or subdivision as used for pre-application meetings, early discussions, and classification of the project.

Constraints to Development

- (1) Freshwater wetlands, as defined by R.I.G.L. § 2-1-20 (1987), as amended, and any definitions contained in the rules and regulations governing the Administration and Enforcement of the Freshwater Wetlands Act, adopted pursuant to R.I.G.L. § 2-1-20.1., as amended.
- (2) Water bodies.
- (3) Land located in any Special Flood Hazard Area or floodway, as shown on the Flood Insurance Rate Maps or floodway maps of the Town of Charlestown, dated October 16, 2013, and any revisions thereto.
- (4) The following types of coastal features as defined in the RI Coastal Resources Management Program, as amended:

<u>CRMP Section</u>	<u>Type of Coastal Feature</u>
210.1	Coastal beaches
210.2	Barrier islands and spits, undeveloped
210.3	Coastal wetlands
210.4	Coastal headlands, bluffs and cliffs
210.5	Rocky shores
210.6	Manmade shorelines
210.7	Dunes

- (5) Any area of the tract proposed to be developed equal to the area of any street, common private way, structural stormwater treatment practice not suitable for on-lot use due to safety and/or maintenance access needs, and/or utility rights-of-way, including drainage, gas or electrical power line easements.

- (6) Any area of ledge and/or rock outcrops within four (4) feet of surface.
- (7) Cemeteries and required buffers, sites having historical or archeological value as determined by RI Historical Preservation and Heritage Commission or the Narragansett Indian Tribal Council, and sites supporting federally endangered species of fauna or flora.

Conservation Development – The site planning and design process used to implement cluster subdivisions and land developments. Conservation development guides growth to the most appropriate areas within a parcel of land to avoid and minimize impacts to natural, cultural or recreational resources and other special features of the property, manages stormwater utilizing Low Impact Development (LID) techniques, and requires the set-aside of a permanent area of open space. This technique is further described in the Rhode Island Conservation Development Guidance Manual (DEM 2003). See Section 4.5 of these regulations.

Dedication, fee-in-lieu of – Contributions of cash when requirements for mandatory dedication of land are not met because of physical considerations of the site or other reasons.

Density, Residential – The number of dwelling units per unit of land.

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

- (1) A change in use at the property where no extensive construction of improvements is sought;
- (2) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
- (3) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
- (4) Development in a designated urban or growth center;
- (5) Institutional development design review for educational or hospital facilities; or
- (6) Development in a historic district.

Division of Land – A subdivision.

Drainage – A general term applied to the flow of surface or sub-surface water from a given area either by gravity or by pumping.

Dwelling Unit – A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

Easement – Authorization by a property owner for a specific use of any designated part of his/her property by another party.

Endorsement – Approval entered in writing by the Chair of the Planning Commission or the Administrative Officer on an approved plan.

Engineer – A person who is registered and lawfully permitted to practice professional engineering in the State of Rhode Island.

Environmental Analysis – A comprehensive, technical analysis and report by the applicant which is required to be submitted pursuant to Section 4.4 Environmental Analysis. of these Regulations.

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

Erosion – Detachment and movement of soil, rock, or other mineral or organic fragments by water, wind, ice, or gravity.

Erosion and Sediment Control Plan – A plan showing the devices and management practices placed, constructed on, or applied to the landscape that prevents or curbs the detachment of soil, its movement, and/or deposition. These plans shall be developed consistent with the guidelines provided in the “Rhode Island Soil Erosion and Sediment Control Handbook,” published by the USDA NRCS, RIDEM, and the Rhode Island Conservation Committee as may be amended.

FEMA – The Federal Emergency Management Agency.

Final Plan – The final stage of land development and subdivision review.

Final Plat – The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Commission and any accompanying material as required.

Floodplains or Flood Hazard Area – As defined in R.I. General Laws 45-22.2-4.

Flood Zone – All zones, A, V and floodways, indicating at least 1% chance per year of damage or hazards due to flooding, as defined by the Federal Emergency Management Agency and delineated on National Flood Insurance Program Floodway and Flood Insurance Rate Maps.

Grade – The slope of a street or other public ways, specified in percentage (%) terms.

General Laws – The General Laws of the State of Rhode Island, together with all amending and related General Statutes subsequently enacted. The General Laws shall be cited in these Regulations as R.I. General Law, Chapter #, Section #.

Groundwater – As defined in R.I. General Law 46-13.1-3.

Hazardous Waste – Any material defined as a “hazard substance” by Section 101 (14) of the {Comprehensive Environmental Response, Compensation and Liability Act of 1980} (42 U.S.C. 9605) as amended. Hazardous materials shall also include any hazardous waste, as well as any of the following materials: acetone, ethanol, ethylene oxide, methanol, methylene chloride and perchloroethylene.

Historic Features – Any site feature having importance to the history of the Town, including archaeological features.

Homeowner’s Association – An organization that is formed by a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hydric Soils – Soils that are saturated, flooded or ponded with water long enough during the growing season to develop anaerobic conditions in the upper soil layer.

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

Improvement – Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Infrastructure – Facilities and services needed to sustain residential, commercial, institutional and other activities.

Land Development Project – A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses.

A. Minor Land Development Project. A land development project involving any one the following:

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

B. Major Land Development Project. A land development project which exceeds the thresholds for a minor land development project.

Land Suitable for Development – Land exclusive of constraints to development, in accordance with state law, and exclusive of land considered undevelopable by means of state regulation (including but not limited to freshwater and coastal wetlands buffer). Land suitable for development is used in the application of lot design standards and in the calculation of required open space for cluster style developments and is not used when calculating minimum lot area under zoning or in the calculation of the number of lots in a yield plan.

Land Surveyor – A person who is registered and lawfully permitted to practice land surveying in the State of Rhode Island.

LID (Low Impact Development) – A comprehensive approach to managing stormwater that is integrated into a project design to minimize the hydrologic impacts of development. The LID design process shapes development to fit into the landscape. The approach to stormwater management focuses on preserving undisturbed open space and reducing impervious cover, and use of natural systems to achieve stormwater management objectives to the extent feasible. The primary goal of LID is to reduce runoff and mimic the predevelopment site hydrology by using site planning and design strategies to store, infiltrate, evaporate, and detain runoff as close as possible to the point where precipitation reaches the ground. Stormwater is managed in smaller, cost-effective treatment practices located throughout the development site rather than being conveyed to and managed in one or more centralized facilities located at the bottom of drainage areas. Use of these strategies helps to reduce off-site runoff and ensure adequate groundwater recharge.

Lot – Either:

A. The basic development unit for determination of lot area, depth, and other dimensional requirements, or

B. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

2.5:1 Lot Width/Length Ratio – The proportion of average lot depth to average lot width, which shall not exceed 2.5 feet of depth for every one foot of lot frontage.

Low and Moderate Income Housing – Any housing or community residence:

- (1) Subsidized by the federal or state government under any program to assist the construction or rehabilitation of low- and moderate-income housing as defined in the applicable federal or state statute; and
- (2) Built or operated by:
 - a. Any public agency or nonprofit organization or limited equity housing cooperative; or
 - b. Private developer of low- or moderate-income rental housing that remains low- and moderate-income housing for a period of not less than thirty (30) years from initial occupancy.
- (3) Except tenant-based rental assistance, mortgages and mortgage insurance where there is not construction or rehabilitation under a state or federal program.

Maintenance Guarantee – A security which is required and held by the Town Treasurer to ensure that necessary improvements will function as required for a specific period of time.

Major Subdivision – A subdivision creating ten (10) or more buildable lots.

Mass Clearing or Grading – With regard to a previously undisturbed site, any removal of vegetation or moving of earth that temporarily leaves underlying soils exposed and presents the possibility of erosion on a contiguous area greater than 1,000 square feet. Clearing activities required for the purposes of maintaining a site or accessing the site for pre-application purposes such as test pit development, survey, etc. shall not be included in this definition. Clearing activities performed for emergency purposes or otherwise performed to protect public health, safety or welfare by public official shall also not be included in this definition.

Master Plan – An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a development proposal, rather than giving full engineering details. Required in major land development or major subdivision review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held.

Minor Change – A change to an approved plan to show corrections resulting from construction activities or refinement of field data. Such changes typically are degree of slope, vertical curves, angle corrections, design changes reflecting field conditions, or legal corrections to survey information.

Minor Subdivision - A subdivision creating nine (9) or fewer buildable lots.

Modification – Approval issued to deviate from the provisions of these regulations as outlined in Section 10.8 Waivers, Modifications and Reinstatements.

Open Space – Any parcel or area of land dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land and as may be permitted by these Regulations.

Parcel – A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

Performance Standards – A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

Person – Any natural person, firm, trust, partnership, association or corporation.

Phase – A portion of a subdivision or a land development to be developed at a particular time.

Phased Development – Development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site, as part of an effort to coordinate population growth with the availability of facilities and services.

Physical Constraints to Development – Characteristics of a site either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

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

Planning Commission – Town of Charlestown Planning Commission.

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.

Pre-application Conference – An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

Preliminary Plan – A required stage of land development and subdivision review which generally requires detailed engineered drawings.

Public Hearing – A hearing before the Planning Commission which is duly noticed in accordance with state law, and which allows public comment.

Public Improvement – Any street or other roadway, sidewalk, pedestrian way, tree, landscaping, lawn, off-street parking area, drainage feature, or other facility for which the Town or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation.

RI CRMC – The Rhode Island Coastal Resources Management Council.

RI DEM – The Rhode Island Department of Environmental Management.

RI DOT – The Rhode Island Department of Transportation.

Right-of-way Line – A boundary line which establishes the area and width of land within a street or easement.

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice.

Significant Natural Features – Tidal and inland rivers, streams, creeks, fresh and saltwater wetlands and marshes, wildlife habitats, beaches, islands, ponds, aquifers and recharge areas, drainage basins, historic features and public open space.

Site Plan – The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

Soil – The unconsolidated mineral and organic matter, such as sands, silts, clays, stones or humus, on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Specimen Vegetation – Rhode Island Natural Heritage Program plant species listed as either state endangered, state threatened, state interest species of concern, or state extirpated; plant species providing habitat for animal species listed by the Heritage program in the above mentioned categories; species such as American Holly (*Ilex opaca*) and Rhododendron (*Rhododendron maximum*) which are at the limits of their natural range; any species such as American Elm (*Ulmus Americana*) and American Chestnut (*Castenata dentata*) whose population has been drastically reduced by disease, insects or habitat destruction.

Stormwater Detention – A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm event.

Stormwater Management Plan – Plan describing the proposed methods and measures to prevent or minimize water quality and quantity impacts associated with a development project both during and after construction. It identifies selected LID source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

Stormwater Retention – A provision for storage of stormwater runoff.

Stormwater Management System – A system for the removal of surface water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwater quality and the prevention and/or alleviation of flooding.

Street – A public way established or maintained under public authority, private ways open for public use, and a private way platted for ultimate public use, whether constructed or not. Streets are classified by the functions they perform. See street classification.

Street, Access To – An adequate and permanent way of entering a lot.

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

Street, Limited Access Highway – A freeway or expressway providing for through traffic with limited access for abutting property as approved by the public authority having jurisdiction over the highway.

Street, Private – A thoroughfare established as a separate tract for the benefit of multiple adjacent properties meeting specific improvement standards that is not maintained by the Town.

Street, Public – A thoroughfare reserved or dedicated for public street traffic, dedicated to the Town or state and maintained by the same.

Street Classification – A street hierarchy identified according to function within a road system for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The following shall be used as major categories:

- A. Arterial – A major street that serves as an avenue for the circulation of traffic into, out of or around the Town and carries high volumes of traffic.
- B. Collector – A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- C. Local – Streets whose primary function is to provide access to abutting properties.

Subdivider – Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

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

A. Administrative Subdivision. Subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets.

B. Minor Subdivision. A subdivision creating nine (9) or fewer buildable lots.

C. Major Subdivision. A subdivision creating ten (10) or more buildable lots.

Technical Review Committee. A committee or committees appointed by the Town for the purpose of reviewing, commenting, approving and/or making recommendations to the Planning Commission or Administrative Officer, as set forth in these Regulations.

TR-20 – A method of drainage analysis for large complex watersheds and systems beyond the scope of “TR-55”.

TR-55 – A method of drainage analysis for calculating stormwater runoff volumes, peak discharge rate and flood storage requirements for site development between one acre and two thousand acres.

Undeveloped Land – Land in its natural state before development.

Unmitigated Impact – A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site for development or on off-tract property or facilities.

USACE – The United States Army Corps of Engineers.

Vested Rights – The right to continue with an application for development under the Subdivision Regulations applicable at the time the application was submitted and deemed complete. It is also the right to continue the development of an approved project for a specified period of time, under the Subdivision 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.

Waters – As defined in R.I. General Laws 46-12-1(23).

Wellhead Protection Area – The critical portion of a three-dimensional zone, surrounding a public well or wellfield through which water will move toward or reach such well or wellfield as designated by the RIDEM.

Wetland, Coastal – As defined in R.I. General Laws 45-22.2-4.

Wetland, Freshwater – As defined in R.I. General Laws 45-22.2-4.

Yield Plan – A plan of development which demonstrates the maximum density (number of lots or units) of a given parcel of land based on its zoning designation, and meeting all environmental and dimensional regulations. A yield plan is used to determine the acceptable density of a cluster or conservation development subdivision by showing the development that could reasonably be achieved under a conventional subdivision. A yield plan must be approved by the Planning Commission and meet the standards contained in Section 4.3 of these regulations.

Zoning Ordinance – The Charlestown Zoning Ordinance enacted by the Charlestown Town Council and all amendments or revisions pursuant thereto.

SECTION 3 GENERAL REQUIREMENTS

3.1 General Procedure.

In order for an item to be placed on the Planning Commission agenda, a written request and all materials must be submitted to the Planning Office at least three (3) weeks prior to the next regularly scheduled meeting. Applications not certified complete will not be placed on the agenda. The Planning Commission may limit the number of items to be considered at any monthly meeting as a part of the Commission's operating rules.

3.2 Required Findings.

The Administrative Officer and the Planning Commission shall base their actions on requirements within these Regulations and shall make positive findings on the considerations listed below, as part of a project's record prior to approval. The Administrative Officer and the Planning Commission shall have the authority to make special conditions of approval which insure a project's conformance with the general purposes of these Regulations.

- A. That the proposed application is consistent with the current Comprehensive Plan and all subsequent amendments thereto;
- B. That the proposed application is consistent with the Charlestown Zoning Ordinance and all amendments thereto;
- C. That there will be no significant negative environmental impact from the proposed application based on the plans, information submitted, and sworn to by the applicant, with all required conditions for approval.
- D. That the application will not result in the creation of individual lots with physical constraints to development such that building on such lots would be impractical or impossible.
- E. That all proposed lots have adequate and permanent physical access to a street which has been dedicated to and/or will be accepted by the Town Council.
- F. That the application has preserved the natural terrain and drainage flow patterns to the maximum extent practicable and has utilized stormwater management techniques that mimic natural hydrology consistent with Section 11.8 of these regulations. In no case shall an application propose a design that increases flooding onto an adjacent property.
- G. No individual lot shall be located or designed in a manner that will result in flooding on that lot unless standing water is intended as part of a stormwater BMP (i.e., bioretention facilities, constructed wetlands, etc.). No individual lot or stormwater BMP shall be located or designed such that groundwater mounding would negatively impact on-site utilities or structures.
- H. That the application has provided sufficient recreation areas and open space to accommodate the increased population resulting from approval of the development or has provided sufficient fees-in-lieu of land dedication.
- I. That the application has designed the development with the most economical and efficient road, utilities, and land usage.
- J. That based on the information submitted that adequate public services exist or will be installed as part of the development.
- K. That the special requirements of these Regulations and any rules of the RI DEM and RI CRMC, and/or any other appropriate state or federal agencies have or will be met.

- L. That the existing public improvements and services in the area including, but not limited to water, septic, drainage, roads, schools, recreation, planning, fire, and police to service the proposed application are adequate or evidence that such public facilities and services necessary to the application will be either provided as part of the proposed improvements or an impact fee will be paid to avoid excess demand or unmitigated impacts on such services and facilities.

3.3 Fees.

A. Administrative Fees.

An administrative fee shall be applied to offset the expense of review by the Planning Commission and town departments with regard to all subdivision and land development applications. The fee shall be paid at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work by the Town shall commence until the fee has been paid in full.

Administrative fees are separate from, and in addition to, fees imposed by the Town Clerk for the recording of plats and other documents in the Land Evidence Records, as described in Section 3.5 below.

The following administrative fees are established for the processing and review of applications. When approved by the Planning Commission, the application for a combined preliminary/final plan shall pay the preliminary plan review fee only.

<u>Submission</u>	<u>Fee</u>
*Plan believed not to require approval	no charge
*Pre-application:	
Minor Land Development Project	\$ 200
Minor Subdivision	\$ 200
Major Land Development Project	\$ 300
Major Subdivision	\$ 300
*Administrative Subdivision Plan:	\$ 250
*Master Plan:	
Major Land Development Project	\$ 500 plus \$100 per new unit or per 2,000 SF of new space
Major Subdivision	\$ 500 plus \$100 per new lot
*Preliminary Plan:	
Minor Subdivision	\$ 400 plus \$100 per new lot
Major Subdivision	\$ 500 plus \$100 per new lot
Land Development Project	\$ 500 plus \$100 per new unit or per 2,000 SF of new space

*Final Plan:

Minor Subdivision	\$ 400
Minor Land Development Project	\$ 400
Major Subdivision	\$ 800
Major Land Development Project	\$ 800

*Amendment(s) to Approved Plans:

Administrative Subdivision	\$ 100
Minor Change	\$ 200
Land Development Project	\$ 400
Major Change	\$ 800

B. Project Review Fees.

In addition to the administrative fee for all subdivisions and land development projects, the Planning Commission may impose a project review fee on those applications which require, in the judgment of the Planning Commission, review by outside professional consultants due to the size, scale or complexity of a proposed project; the project's potential impacts; or because the Town lacks the necessary expertise to perform the review work required for project approval.

1. Services. In hiring outside consultants, the Town may engage engineers, planners, scientists, landscape architects, architects, attorneys or other appropriate professionals able to assist the Planning Commission and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to:
 - a. Analysis or design review of an application to determine consistency with the Charlestown Comprehensive Plan;
 - b. Review and identification of site features including fresh and saltwater wetlands, significant trees or stands of trees, wildlife habitats, archeological sites and historically significant structures and sites;
 - c. Soil or water sampling and testing;
 - d. Assessing the environmental, archaeological and/or historic impacts of a proposed development, with recommendations for mitigation;
 - e. Review of all proposed design elements, including roads and stormwater management systems;
 - f. Traffic studies;
 - g. Review of landscaping plans and other proposed site amenities;
 - h. Review of building architecture and design; and
 - i. Review of lighting to ensure compliance with the Town's Dark Sky Ordinance.

2. **Assignment of Fee.** The Planning Commission may request such professional project review at any stage of a proposed subdivision or land development project, although efforts will be made to identify such a need at the time of master plan review for a major subdivision or land development project, or preliminary plan review for a minor subdivision or land development project. As part of the public record, the Planning Commission will indicate what outside professional services will be contracted, as well as the specific scope of the review.
3. **Total Fee.** The total fee shall equal the actual cost to the Town of Charlestown for the professional consultant services. Project review fees are separate from, and in addition to, fees imposed by the Town for inspecting a project during construction or implementation as provided in Section 11.12.
4. **Special Account.** Project review fees are to be deposited into a special account as established by the Treasurer for the Town of Charlestown. Outside consultants retained by the Town to assist in the review of an application shall be paid from this account. When the balance in an applicant's escrow account falls below twenty-five percent (25%) of the initial professional project review fee, as imposed above, the Planning Commission may require a supplemental fee to cover the cost of the remaining project review.

3.4 Time Periods.

The following time periods are hereby established for these Regulations:

<u>Submission</u>	<u>Complete Application Review</u>	<u>Approval or Denial</u>	<u>Approval Expires at</u>
Administrative Subdivision:			
Administrative Review	15 days	15 days	90 days
Planning Commission Review	15 days	65 days	90 days
Minor Subdivision:			
Preliminary Plan no street or unified dev review	15 days	65 days	
Preliminary Plan w/ street or unified dev review	25 days	95 days	
Final Plan	same	25 days	1 year
Major Subdivision:			
Master Plan (public hearing)	25 days	90 days	2 years
Preliminary Plan (public meeting)	25 days	90 days	2 years
Final Plan	15 days	45 days	1 year

More detail on time periods are contained in the respective chapters for each category of subdivision.

3.5 Recording.

Under the provisions of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992 and these Regulations, no plan of a subdivision, or portion thereof, shall be filed or recorded with the Town Clerk until the following conditions are met:

- A. Endorsement. The Chairman or the Administrative Officer shall sign the plan to be recorded certifying that the requirements of these Regulations have been met and affix the date of final approval. The materials to be recorded for all plans and plats shall include all plans, notes, and any other information as required by the Planning Commission.
- B. Payment of Taxes. The applicant shall affix to the plan to be recorded a certificate from the Charlestown Tax Collector and appropriate Fire District that all taxes due on the land described on the plat for the period of five years preceding the date of such application have been paid.

3.6 Changes to Recorded Plats and Plans.

Minor changes may be approved by the Administrative Officer. Such changes may be authorized at the discretion of the Administrative Officer. The Administrative Officer has the right to refer the proposed changes to the Planning Commission. Denial of minor changes can be appealed to the Commission. Major changes may be approved by the Commission after a public hearing is described in Section 10.6, Public Hearings, of these Regulations.

SECTION 4 SPECIAL PROVISIONS

4.1 Phasing.

Nonresidential land development projects and subdivisions may be done in phases, at the option of the developer. Major subdivisions that result in residential building lots shall be planned and implemented in phases in accordance with Article XIV of the Zoning Ordinance. The Planning Commission shall review the adequacy of existing and proposed public improvements, services, and facilities which may be impacted by the proposed development in its entirety. The Commission shall have the authority to establish a rate of development for residential building lots consistent with the provision of improvements necessary by requiring it to be built in two or more phases. Minor subdivisions shall be treated as a single phase subdivision for the purposes of the priority established pursuant to the §218-92 of the Zoning Ordinance.

A. Master Plan.

The entire site design must first be approved as a master plan according to the requirements of these Regulations. Thereafter, the applicant shall be required to submit plans for preliminary review and approval by phases. The Planning Commission shall set the physical limits of phases and percentages of total number of units proposed to be constructed, completion timetables, interim improvements, and other provisions as necessitated by special conditions. No more than two phases shall be in the process of review and/or construction simultaneously. The master plan documents shall contain the physical improvements installation, provisions for interim public improvements, improvement guarantees approved by the Commission, and the completion timetable for construction of all phases.

B. Preliminary Plan.

The applicant shall submit preliminary plans and information as required by these Regulations as per the schedule of phases as approved by the Commission.

C. Final Plan.

The applicant shall submit a final plan, as built, for each phase within two years of the preliminary approval for each phase or the preliminary approval will expire. The final plans shall comply with the requirements of these regulations and show a layout of remaining and previous phases in relationship to the as-built for the existing phase.

D. Vesting. The master plan shall remain vested as long as work is proceeding on either the approval stages or on the construction of approved phases as shown in the approved master plan. The applicant shall submit written evidence in the form of engineering fees paid for work on additional phases of the master plan or copies of approved Public Works inspections on the construction phases at the completion of each phase.

E. Interim Improvements. When interim improvements are necessitated by phases, such improvements shall be part of the overall master plan. Such improvements shall be intended to be fully functional upon completion of all phases. Interim improvements shall be approved in design and installation by the Public Works Director.

4.2 Off-Site Improvements.

Applicants shall mitigate off-site impacts and provide off-site improvements for impacts which are directly or indirectly attributable to new development. Off-site improvements shall reflect the character of the neighborhood. Off-site improvements may include, but are not limited to improvements to the following:

- A. streets/intersections
- B. sidewalks/walkways
- C. stormwater management systems
- D. water supply systems
- E. sanitary sewers
- F. recreation areas

4.3 Development Density

Constraints to Development. When calculating the maximum number of allowable lots on any parcel, constraints to development as defined in these regulations, shall be deducted from the total acreage of the parcel, and from the minimum area of each lot required under zoning. Such land may be included in any lot in a subdivision or land development project, provided, however, that such land shall not be counted toward the minimum lot size.

- A. Yield Plan. When a residential compound, conservation development or any other non-conventional subdivision is proposed, the number of developable lots shall be the number of lots which would be allowed under a conventional subdivision, determined by the submittal of a yield plan, as defined in these regulations, and accepted and approved by the Planning Commission.
- B. Yield Plan Standards. Yield plans shall be prepared at each phase of the development. Yield plans shall show all areas with constraints to development, proposed streets and drainage facilities, easements and rights-of-way, and house lots designed according to the dimensional standards required by zoning (§218-41 of the Charlestown Zoning Ordinance) and including minimum lot areas free of land with constraints to development. All streets shall meet the street design standards of Section 11.2 and all house lots shall meet the lot design standards contained in Section 11.3 of these Regulations, including minimum contiguous areas of land suitable for development, as defined in these regulations. The location of the well and onsite wastewater disposal system shall be shown on each lot.

The yield plan must be drawn to scale, and be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account all site characteristics, including soil suitability for on-site wastewater disposal, and all applicable state regulations and local development standards. In addition to meeting all dimensional requirements, the yield plan shall not assume that any waivers or other relief from the zoning and subdivision regulations will be granted. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such yield plan, provided, however, that the Planning Commission's determination of the basic maximum number of viable lots shall be conclusive.

4.4 Environmental Analysis.

- A. Analysis Required. The Planning Commission shall require the applicant to submit an environmental analysis of the proposed development if one or all of the following conditions are applicable to the proposed development. The applicant shall be informed at the pre-application meeting that an environmental analysis shall be required. The Commission reserves the right to require an Environmental Analysis if it finds environmental resources that may be threatened by the proposed development.
1. Groundwater – Includes land entirely or partially designated by the Town as a Groundwater Protection District or the RI DEM as a groundwater reservoir, groundwater recharge area, or wellhead protection area.
 2. Wetlands and High Watertables – Includes watertables within 3.5 feet of the grounds surface. In general, but not limited to, the following soil types as designated in the Soil Survey of RI are characterized by high water tables: Aa, Co, Dc, Ma, Mk, Nt, Pp, Rc, Re, Rf, Ru, Sb, ScA, Ss, Stb, Sub, Svb, Tb, WgA, WgB.
 3. Percolation Rates – Includes soils with percolation rates in the substratum slower than 40 minutes per inch or faster than 5 minutes per inch. In general, but not limited to, the following soil types as designated in the Soil Survey of RI are characterized by slow and rapid percolation respectively; (slow) – Ma, Mc, PaA, PaB, PbB, PbC, PD, Re, Rf, WhB, WoB, WrB(rapid) – BhA, BhB, EfA, EFB, GhC, GhD, HKA, HKC, HKD, HnC, MmA, MmB, Mv, Nt, Rc, Sb, Tb, WgA, WgB.
 4. Boulders and Bedrock – Includes soils where the presence of large boulders or ledge will hamper the proper functioning and installation of septic systems. In general, but not limited to the following soil types as designated in the Soil Survey of RI are characterized by the presence of ledge or large boulders; BoC, CaC, Cad, CkC, Rf.
 5. Slope – Greater than 25% of the development has slopes exceeding 15%.
 6. Wetlands – Contains freshwater wetlands as defined in R.I. General Laws 2-1-20, or Coastal wetlands as defined by the RI CRMC.
 7. CRMC Designation – Is partially or wholly within an area subject to review by RI CRMC’s Salt Pond Regional: A Special Area Management Plan, and any amendments thereto.
 8. FEMA Designation – Is partially or wholly within an area designated as a floodway, V zone or one hundred year flood plain by the FEMA Flood Insurance Rate Map for the Town of Charlestown, dated September 30, 1995, any amendments, developed subsequent thereto.
 9. R.I. Natural Heritage Program – Includes any flora, fauna, or habitats designated by the R.I. DEM Heritage Program as priority areas, state endangered, state threatened, state interest, species of concern or state extirpated.
 10. All land within proposed major subdivisions or land developments.
 11. Or where the Planning Commission finds a reasonable cause that the proposed development will have a negative environmental impact on the natural or manmade environment on the property or upon nearby properties or natural systems.
- B. Scope of Environmental Analysis. An environmental analysis report shall include research and documentation describing and assessing short and long term impacts.

The analysis shall be prepared by professionals experienced and licensed in their fields. The applicant shall bear all costs of the analysis. Impacts to be studied may include, but not be limited to impacts upon:

1. Aesthetics:
 - Lighting
 - Landscaping
 - Visual/Scenic Views
2. Man Made Environment:
 - Existing Neighborhood Land Use
 - Zoning
 - Historic/Archaeological Sites
3. Natural Environment:
 - Air and Noise Pollution
 - Water Pollution – Surface & Groundwater
 - Stormwater Management
 - Soils
 - Wetlands
 - Coastal Features
 - Vegetation
 - Wildlife
 - Water Supply
 - Sewage Disposal
 - Open Space
4. Planning:
 - Comprehensive Plan
5. Public Services:
 - Schools
 - Police
 - Fire
 - Recreation
 - Solid Waste Disposal
 - Road Maintenance
6. Traffic

C. Approval. Where an environmental analysis is required, the Commission can impose conditions on approval, based on the environmental analysis, that are reasonably necessary to minimize projected adverse impacts that the development may have on the natural or man-made environment. The Commission may also refer the environmental analysis to other agencies for their review and comments.

- D. Cost/Benefits Analysis. The Environmental Analysis shall include a cost/benefit analysis. This shall be an analysis of the municipal benefits to be derived and municipal costs to be incurred as a result of the proposed development.

4.5 Land Development Projects.

A. Residential Conservation Development.

1. Purpose.

The purpose of conservation development is to allow the flexibility to design residential development to achieve the following pursuant to §218-52 Residential Conservation Development of the Charlestown Zoning Ordinance, and to meet the policies and actions of the Charlestown Comprehensive Plan:

- a. To conserve and link sensitive natural resources, including but not limited to forests, waterbodies, riparian areas, aquifers and habitat areas;
- b. To protect the quality of the town's groundwater drinking water sources and surface waters for public health and environmental quality;
- c. To develop a greenway system of connected areas of protected open space to be used for passive recreation and wildlife corridors;
- d. To protect historical and archaeological resources, and to conserve and create scenic view and preserve the rural character of the town;
- e. To protect existing farms and forests and areas of the town with productive agricultural and forest soils for continued or future agricultural/silvicultural use by conserving blocks of land large enough to allow for efficient farm and forest operations;
- f. To more effectively apply low impact development site design and stormwater management practices as the required standard to avoid, reduce and manage runoff to the maximum extent practicable;
- g. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of impervious surfaces required for residential development;
- h. To allow for and encourage a diversity of lot sizes and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;
- i. To encourage more sustainable and resilient development;
- j. To create neighborhoods with direct visual and/or physical access to open space land; and
- k. To provide for the appropriate management of protected open space.

2. Applicability.

Conservation development subdivisions as authorized by §218-52 of the Charlestown Zoning Ordinance are subject to the provisions of this section. Residential conservation development is required for any subdivision of six (6) or more lots but is encouraged for all subdivisions of three (3) or more lots.

3. General Requirements.

Application and review procedures for a conservation development subdivision shall be done in accordance with those for a minor or major subdivision, based on the number of lots or dwellings in the development, as provided in Sections 8 and 9, respectively, of these regulations.

4. Uses and Dimensional Regulations.

The permitted uses and dimensional regulations applicable to a conservation development subdivision shall be as provided in the Charlestown Zoning Ordinance under the provisions of §218-52 Residential Conservation Development and §218-41 Dimensional Table.

5. Lot Dimensions and Modifications of Lot Requirements.

The minimum lot size for a residential conservation development lot shall be as contained in Section §218-52 D.4 of the Charlestown Zoning Ordinance. At the request of the applicant, lot area, shape and other dimensions permitted for a lot under a conservation development can be modified from those required for a conventional lot. However, the minimum lot dimensions, including lot frontage and width, setbacks and building coverages, are as contained in §218-52 D.5 of the Charlestown Zoning Ordinance.

6. Maximum Number of House Lots.

The number of developable lots allowed in a conservation development subdivision shall be the number of lots which would be allowed under a conventional subdivision, determined by the submittal of a yield plan, as defined in these regulations, and accepted and approved by the Planning Commission under the provisions of Section 4.3.

The Planning Commission shall complete their initial review of the yield plan and maximum number of house lots at the master plan phase for a major subdivision, and at the preliminary plan phase for a minor subdivision. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent phases of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent phases, the number of lots may be increased or be reduced. An accurate yield plan must be submitted at each phase of the subdivision.

7. Conservation Development Design Process

a. Pre-Application Meeting.

The Administrative Officer will schedule a pre-application meeting at which the applicant and Planning Commission may informally discuss the proposed subdivision. During the pre-application conference, a site walk with the applicant will be scheduled so the Planning Commission members and other applicable municipal officials can become more familiar with the property. For pre-application meetings, the applicant shall submit the information required by the pre-application checklist (Section 14.2).

b. Site Walk.

Prior to the submission of a formal application, a site walk with the Planning Commission shall be undertaken to reach a consensus on the sensitive and

noteworthy natural, cultural and potential recreational resources on the parcel, and to determine the best options for development which include identifying areas to be preserved or incorporated into the common open space. The site walk shall be mandatory and as required by state law, shall be open to all neighbors and interested members of the public.

c. Ten Step Process.

The design of a conservation development shall follow the design process specified in the following steps. Some steps can be done simultaneously, and all are integrated into the review process for a major or minor subdivision. The applicant can use existing RI Geographic Information System data for conceptual designs to be supplemented with site specific field verification of wetlands, other constraints to development and other natural, cultural and recreational site features that may be located on the parcel. As a guide in designing conservation developments, applicants are encouraged to review the provisions of the Rhode Island Conservation Development Manual, RIDEM, June 2003 in the preparation of plans. The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the master plan is submitted for a major subdivision, or the preliminary plan for a minor subdivision, the applicant shall demonstrate to the Planning Commission that this design process was considered in determining the layout of proposed streets, building locations, and open space.

Step 1 - Analyze the site. The first step is to identify and map all the constraints to development as defined in Section 2.2. Next is to inventory existing noteworthy natural, cultural and recreational site features, and determine the connection of these important features to each other, adjacent parcels and priority for protection. For the master plan phase, this information shall be submitted in the form of an existing resources and site analysis map, as specified in Subsection 8.C below.

Step 2 - Evaluate site context. The second step is to evaluate the parcel in its larger context of the neighborhood and town by identifying natural, cultural and recreational resources that may be impacted by the development of the parcel. This information shall be submitted in the form of a site context map, as specified in Subsection 8.B below.

Step 3 - Determine maximum number of house lots. At the master plan phase for a major subdivision, or at the preliminary plan phase for a minor subdivision, the applicant and Planning Commission shall agree upon a number of house lots that will be permitted in the conservation development, using the yield plan approach as described in Section 4.3. This number shall not be greater than what would be permitted under a conventional subdivision.

Step 4 - Designate potential conservation areas. The fourth step is to identify the areas on the site to be preserved as open space. The open space shall at a minimum include portions of the site that have constraints to development and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the town comprehensive plan.

Step 5 - Locate development areas and explore conceptual alternatives. As part of the pre-application submission, the applicant shall show a minimum of two alternative proposed development layouts in the form of a concept plan overlain

on appropriate site mapping, as described in Subsection 8.A below. These alternative plans shall be substantially different and avoid or minimize development impacts, to the extent possible, to the potential conservation areas identified in step 4. The Planning Commission shall review how each alternative impacts the viability of the development plan, versus the benefits to the town of each approach. This concept plan shall be further refined for re-submission and discussion between the commission and applicant during subsequent phases of review, as an overlay to the existing resources and site analysis map.

Step 6 - Locate the house sites. The sixth step is to locate the most suitable location(s) for house sites, using the proposed open space as a base map as well as other relevant data on the existing resources and site analysis map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with the town's rural character.

Step 7 - Lay out streets, trails and other infrastructure. Upon designation of the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards herein and bearing a logical relationship to topographic conditions. Detailed information regarding low impact development stormwater management, water supply and wastewater treatment, trails, sidewalks and other infrastructure are also provided during this step.

Step 8 - Draw in the lot lines. Upon completion of the preceding seven steps, the next step is simply to draw in the lot lines to delineate the boundaries of individual residential lots. Where possible, lot lines shall not include any areas with constraints to development.

Step 9 - Design and program open space. Details regarding the use, design, ownership and management of proposed open spaces shall be developed throughout the review process. Starting with conceptual proposals at the early stages of review, the function of open space areas shall be developed and refined. Based on review by the Planning Commission and input from other interested and relevant parties, these concepts shall be clarified during the approval process to establish as clear an approach to the use and maintenance of open space as it does for development areas.

Step 10 - Establish ownership and management of open space and other community elements. At the preliminary plan phase for a major subdivision, or at the final plan phase for a minor subdivision, a more detailed open space use and management plan as described in Subsection 10.D below shall be submitted.

8. Mapping Requirements

a. Concept Plans.

The design process described above shall be documented by the applicant and presented to the Planning Commission. To expedite this process, conceptual plan(s) for development shall be presented as overlays superimposed on top of more detailed site surveys and environmental data (at the same scale). This is a conceptual plan and should not be an engineered site plan. It may be submitted electronically.

At the pre-application phase of review, the initial concept plans may be presented as overlays to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development.

At the preliminary plan phase of review for minor subdivisions, and at the master plan phase for major subdivisions, the concept plan of development shall be presented as an overlay to the existing resources and site analysis map.

b. Site Context Map.

A map showing the location of the proposed development within its neighborhood context shall be submitted. The site context map, which may be superimposed on an aerial photograph, shall be drawn to a scale of 1 inch = 400 feet, or as necessary to show the area within two miles of the subdivision parcel, or at a distance determined by the Planning Commission at the pre-application phase. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, RI conservation opportunity areas, floodplains or flood hazard areas, aquifers and significant public facilities shall be indicated on this map. Topography at two-foot contour intervals shall be shown.

c. Existing Resources and Site Analysis Map.

All conservation development applications shall be required to prepare an existing resources and site analysis map (see checklists in Section 14 of these regulations). The purpose of this map is to provide the Planning Commission with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The Planning Commission shall review the map to assess its accuracy, conformance with local regulations, and likely impact upon the natural and cultural, and recreational resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a single standard size sheet (24" × 36"). Where necessary for clarity, the map may be submitted as a series of more than one map. Upon review and approval by the Planning Commission, a composite map of all resources may be requested. The following information shall be included in this mapping:

1. Topography and Slopes.

Topographic mapping determined by photogrammetry or on-site survey prepared by a professional land surveyor, showing contours at two-foot intervals. Slopes between fifteen percent (15%) and twenty-five percent (25%) and exceeding 25% shall be clearly indicated by shading on the map, and the area in acres indicated.

2. Natural Resources Inventory.

- a. Sensitive natural resources as identified on the site analysis map that will need a buffer from development such as cold-water streams, vernal pools, bogs and special aquatic sites, as well as sensitive or endangered plant and animal habitats.
- b. Conservation opportunity areas, existing agricultural uses, prime farmland soils and soils of statewide importance, ground water reservoirs and recharge areas, well head protection areas, drinking water supply watersheds and floodplains.

- c. Vegetative cover conditions on or adjacent to the property, according to general cover type including cultivated land, agricultural land, grassland, meadow, pasture, old-field, unfragmented forest of 100 acres or greater and dominant forest type such as mixed oak, oak/pine, red maple etc.
 - d. Soils as classified by the hydrologic soil group, depth to seasonal high-water table, and presence of restrictive layers such as hardpan and bedrock. RIGIS soil maps or other current digital soil surveys should be used (in place of the outdated 1981 Soil Survey of Rhode Island). Where onsite soil evaluation is required for OWTS suitability determination or where soil permeability and infiltration is required for stormwater treatment systems, results for seasonal high-water table, depth to restrictive layer, and hydrologic soil group shall be compared with the digital soil survey. Where the soil survey is inconsistent with the field data, the applicant shall be required to obtain a field verification of the site-specific soils by a professional soil scientist.
 - e. Other unique natural resources as may be determined by the Planning Commission during the site visit.
3. Cultural Resources Inventory.
- a. Location of all historically significant sites or structures on the parcel, including but not limited to, cemeteries, stone walls, cellar holes, foundations and known archaeological resources.
 - b. A viewshed analysis showing the location and extent of views both from and within the proposed development parcel, as well as views into the property from adjacent public or private streets and properties.
 - c. All existing man-made features including but not limited to, driveways, farm roads, logging roads, buildings, foundations, walls, wells, dumps and excavated areas.
4. Recreational Resources Inventory.
- a. Location of trails that have been in public use, as well as historic trails (pedestrian, equestrian, bicycle, etc.).
 - b. Boat launches, stream access locations and water trails.
 - c. Existing play fields and recreation areas.
5. Utilities and Infrastructure.
- a. Location of all easements and other encumbrances of property, which are or have been filed on record with the land evidence records of the town.
 - b. Location of all streets and utilities.
6. Other Resources.
- Other unique resources that may be identified by the Planning Commission after the site walk.

9. Low Impact Stormwater Management.

Low impact development stormwater management is required. The objectives to achieve low impact development are described below.

a. Avoid Impacts to Natural Features and Predevelopment Hydrology:

1. Protect as much undisturbed open space as possible to maintain existing hydrology and allow precipitation to naturally infiltrate the ground;
2. Maximize the protection of natural drainage areas, streams, surface waters, wetlands, and their buffers;
3. Minimize clearing and grading and avoid areas susceptible to erosion and sediment loss; and
4. Minimize soil compaction and restore soils that were compacted due to construction or other activities.

The preservation of open space and minimizing the clearing of existing vegetation for house lots and keeping lot lines outside of wetland jurisdictional areas, to the extent possible, helps to meet this objective.

b. Reduce Surface Impacts:

1. Provide low maintenance, native vegetation that encourages water retention and minimizes the use of lawns, fertilizers and pesticides; and
2. Minimize impervious surfaces to minimize stormwater volume.

Reduced road lengths and widths as well as shorter/ narrower driveways and minimizing lawns can meet this objective. Pervious pavement is encouraged for parking in common areas.

c. Manage Impacts at the Source:

1. Infiltrate precipitation as close as possible to the point it reaches the ground using vegetative conveyance and treatment systems instead of structural detention basins; and
2. Break up or disconnect the flow of runoff over impervious surfaces.

10. Open Space Requirements

a. Open Space Protection Space Required.

Every conservation development subdivision shall provide protected open space in accordance with §218-52D.7 of the Charlestown Zoning Ordinance, including the amount of land suitable for development, as defined in the zoning ordinance and in these regulations, to be set aside, the percentage of open space to be allowed for active recreation purposes, the provisions for access to the open space, and ownership.

The Planning Commission may reduce the amount of required open space based upon the characteristics of the parcel to be subdivided if they determine that the subdivision design and amount of protected open space otherwise meets the stated purposes of a conservation development.

b. Allowable Uses.

Unless otherwise permitted and determined to be in keeping with the purposes of these regulations by the Planning Commission, the open space in a conservation

development subdivision shall be devoted only to conservation or for park, recreation, forest management and agricultural purposes.

c. Open Space Plans Required.

The Planning Commission shall specifically authorize plans for the ownership, use, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirement within a conservation development shall not be excavated or re-graded, except as permitted by the Planning Commission. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the Planning Commission to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat.

d. Open Space Plan Contents

At the time of master plan review by the Planning Commission for a major subdivision, or preliminary plan review for a minor subdivision, the applicant shall submit a separate open space use plan containing:

1. The general location and area of all proposed open space;
2. The general proposed use(s) of the open space;
3. Existing topography and existing ground cover of open space areas;
4. The location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;
5. Areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
6. Generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas;
7. The location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas, recreation areas, and pathways and trails; and
8. Areas proposed to be left in their existing natural states without any disturbance.

At the time of the preliminary plan phase of the conservation development subdivision, a more detailed management plan that specifies the use of the open space shall be submitted to the Planning Commission for review and approval. As a condition of final plan approval, the Planning Commission shall require the submittal of an open space plan which details all proposed site alterations. This plan may be combined with any required landscaping, grading, soil erosion or stormwater management plans required for final plan approval.

11. Open Space Design Standards

a. Resources to be Conserved

The design of open space lands in any conservation development shall reflect the standards set forth in this subsection and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant, at a minimum, should be

consulting the maps for natural, cultural and recreational resources as identified in the Charlestown Comprehensive Plan.

1. Stream channels, floodplains, hydric soils, swales, springs, and other freshwater or coastal wetland areas, including adjacent buffer areas that may be required to ensure their protection;
2. Wellhead protection areas;
3. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;
4. Conservation opportunity areas as defined and mapped in the RI DEM Wildlife Action Plan;
5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
6. Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;
7. Active agricultural uses, pastures, croplands;
8. Prime farmland soils and farmland soils of statewide importance;
9. Historic structures and archaeological sites;
10. Visually prominent topographic features such as knolls, hilltops and ridges;
11. Geologic features such as eskers or kettle holes;
12. Scenic view sheds as seen from public roads (particularly those with historic features);
13. Existing or potential trails connecting the parcel to other locations in the town; and
14. Any other natural, cultural or recreational resources determined by the Planning Commission.

b. Design Considerations

The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:

1. They shall be free of all structures except historic buildings or structures, stone walls, and structures related to open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
2. They shall be large and contiguous, with meaningful value(s). Narrow, disconnected or islands of open space are discouraged.
3. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land.

4. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Commission, without interfering with adjacent dwelling units, parking, driveways, and roads.
5. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision.
6. They shall provide buffers to adjoining parks, preserves or other protected lands;
7. They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
8. Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation.
9. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.
10. They shall be consistent with the comprehensive plan.

c. Vegetated Buffer

As part of the protected open space, the Planning Commission may require a vegetated buffer of open space, which may include wetlands, around the entire perimeter, or a portion of the perimeter, of the conservation development subdivision. The intent is to provide a visual and audio screen between adjacent land uses, with consideration given to the presence of natural resources on an adjacent parcel that would be protected by a buffer. Perimeter buffers which comprise the majority of the required protected open space and minimize the protection of the most important site features are to be discouraged. No structure may be built in the buffer, with the exception of waterfront structures, such as docks, piers or boathouses, if approved by the Planning Commission. The width of the buffer shall be as determined by the Planning Commission, with consideration of the ameliorative effects of the following:

1. Land adjacent to the conservation development subdivision which is already designated as open space, with evidence provided of its permanent protection;
2. The existence of any substantial natural barrier on either the conservation development subdivision parcel or adjoining parcel that will serve as a permanent buffer; and/or
3. The presence of sensitive interior lands that would be better protected by perimeter development of the conservation development subdivision, determined by an environmental analysis, as required in Section 4.4 of the Subdivision Regulations.

d. Limits on Site Disturbance.

Clearing and excavation of open space areas may be permitted only for the installation of stormwater management facilities, other necessary utilities, or for permitted park, recreational, agricultural or forest management uses in

accordance with a plan approved by the Planning Commission. Such uses shall not degrade the soil or make use of noxious chemicals.

B. Planned Development District

1. Development of the Planned Development District shall be as authorized by the Charlestown Zoning Ordinance and is subject to the provisions of these Regulations. The applicant shall prepare preapplication plans for developing the lands as a conventional subdivision and several plans for a planned development district. The applicant shall proceed with the Commission's preferred design.

SECTION 5 DEDICATION OF IMPROVEMENTS

5.1 Public Improvements.

Public Improvements shall be conveyed to the Town by warranty deed. Approval and acceptance of a final subdivision or land development shall be deemed to be acceptance of any street or public areas offered therein for dedication, but shall not impose any duty upon the Town to maintain or improve such dedicated areas until the Town Council shall have authorized maintenance or improvements of the same in accordance with these Regulations, the Town Charter, and other local provisions governing public expenditures for such purposes.

5.2 Reserved (Impact Fees).

5.3 Recreation Facilities and Open Space Dedication.

- A. **Dedication Required.** Every application subject to these Regulations shall dedicate land, pay a fee, or do both, for the purpose of providing open space, and park and recreational facilities, to serve the immediate needs of present and future residents of the proposed development. Land dedication or fees are considered a condition of the preliminary plat approval. Land so deeded and dedicated shall not be subject to any reservations of record, encumbrances of any kind, or easements that will hinder the use of the land for its intended purpose. If any questions exist as to the presence of any reservations, encumbrances, or easements, the Commission may require the applicant to present a title insurance policy insuring the marketable state of the property to be dedicated.
- B. **Amount Required.** The density of the proposed development shall determine the amount of land required for dedication. Employing 3.75 persons per unit as a standard from the Comprehensive Plan, the resident population shall be determined by multiplying the maximum number of units allowed by the standard of persons per unit. The result will be the total anticipated population for the land being subdivided and developed. This figure will be multiplied by the constant of .01 to determine the amount of acreage to be dedicated or to be used to determine the fee to be paid in lieu thereof. The formula is expressed as follows:

(maximum units) X 3.75 persons/unit X .01 acres/person = amount of land to be dedicated

- C. **Ownership.** The land required may be conveyed to the Town or to a private homeowner's association which holds the land in common ownership by all owners within the plat. The preliminary plat shall be accompanied by all documents and agreements showing the proposed ownership, methods of maintenance and utilization of the dedicated land.
- D. **Standards.** The land required shall have minimum area as determined by the Planning Commission for the uses proposed. The Commission may require that the land be located at a suitable place within the development or on the edge so that additional land may be added at such time the adjacent land is subdivided. The provisions of this Section are minimum standards. The applicant can provide private land for recreational or open space in addition to the requirements of this Section. The following factors shall be considered for land dedication:
1. The topography, geology, access and location of the proposed dedication.
 2. The size and shape of the proposed dedication.
 3. The feasibility of dedication.

4. The availability of previously acquired property.
 5. The dedication's compatibility with the Comprehensive Plan.
 6. The desirability of the land for park, open space, or recreation use.
- E. Fee-In-Lieu Of. The Planning Commission may require in place of dedication of land a cash contribution or combination of land and cash. The amount of such fee shall be based upon the fair market value of the amount of undeveloped land which would otherwise be required to be dedicated. Fair Market Value of the land shall be established by the Charlestown Tax Assessor at the time of final plan review. Fair market value of the land shall be established assuming subdivision approval has been granted and review of recent sales of comparable vacant undeveloped land within the Town and neighboring Towns. The amount of such fee shall be determined by the following formula:

$$\begin{array}{rcccl} \text{Fee-in-lieu of} & & \text{Fair Market value per acre} & & \text{Amount of} \\ \text{land dedication} & = & \text{of undeveloped land} & \times & \text{land to be dedicated} \end{array}$$

1. If the applicant objects to the amount of such evaluation, the Commission may, at the applicant's expense, obtain an additional appraisal by a qualified real estate appraiser.
- F. Procedure. The Planning Commission shall determine, as part of the preliminary approval, whether to require a dedication of land, require a payment of a fee-in-lieu thereof, or a combination of both. The choice shall be indicated on the approved preliminary plan. The determination of the Commission shall be based upon the following considerations.
1. The present availability of types and future need for open space or park and recreation facilities in the area of the development, and the fiscal ability of the Town to provide and maintain such facilities.
 2. The preservation of significant natural features.
- G. Use of Fees Collected. Fees-in-lieu of land dedication shall be held by the Town Treasurer in a restricted account for recreation and open space activities only. Such account shall be used to purchase, maintain, and operate parks, playgrounds, recreational facilities, and open space areas to be used by the approved developments for which the fees were collected. Such account may not be used for other governmental purposes. A proportionate share may be used for capital improvements at existing recreational or open space areas demonstrated to be used by the approved subdivision.
- H. Improvements. Any land or portion of land to be dedicated for recreational purposes shall be required to be graded, and finished for the use approved by the Planning Commission. Recreational improvements shall be held to the standards of Sections 11 and 12 dealing with physical design standards and construction specifications. The land received by the Town under these Regulations shall be used only for the purpose of providing parks, playgrounds, recreational facilities and open space.
- I. Private Open Space. The Planning Commission may allow developments to provide the required open space or recreational areas in private ownership. The Commission may find it is in the public interest to do so, if the following standards are met:
1. That the minimum lot areas required by the Zoning Ordinance shall not include the private open space in their computation.

2. That the private ownership and maintenance of the open space be permanently provided for by written legal agreements and restricted to open space and/or park and recreational purposes by recorded covenants which run to the Town and to the owners of property within the tract. Such covenants shall not be released without consent of the Planning Commission.
3. That the proposed private open space is suitable for use as open space and/or park and recreational facilities taking into consideration such factors as size, shape, topography, wetlands, geology, historical or archaeological features, access and location. No more than five percent of private open space land shall be wetlands.

SECTION 6 PRE-APPLICATION AND MASTER PLAN REVIEW

6.1 General.

Whenever any subdivision is proposed, the owner shall apply for and secure approval of such in accordance with these Regulations. An applicant shall submit all of the materials required by the appropriate section of these Regulations to the Administrative Officer. The following items shall accompany all submissions:

- A. A cover letter or letter of transmittal indicating the date, the materials being submitted, and the requested action. No materials shall be accepted without said cover letter. The cover letter shall be stamped with the date it was received.
- B. If an application for approval is made by someone other than the owner of the land, the applicant shall submit a written statement from the owner authorizing such application.

6.2 Plan Believed Not To Require Approval.

Any person who wishes to record in the Land Evidence Records of Charlestown, a plan of land or/and who believes that the plan does not require approval under these Regulations, shall submit to the Administrative Officer the items listed within Section 14.1 Plan Believed Not To Require Approval Checklist.

6.3 Pre-Application Conference and Master Plan Review.

- A. Procedure. In order to make the subdivision and land development application procedure more efficient and effective, and to avoid unnecessary misunderstandings and delays during later stages of the subdivision process, prior to the filing of any subdivision plat the following procedures are required:
 1. Pre-Application Meetings. One or more pre-application meetings shall be held for all major land development or subdivision applications. Pre-application meetings may be held for administrative and minor applications, upon request of either the municipality or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may have bearing upon the proposed development project.

Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.
 2. Planning Commission Review. At the pre-application stage, the applicant may request the Planning Commission meet for an informal concept plan review for a development. The purpose of the concept plan review is also to provide for Planning Commission input in the formative stages of major subdivision and land development concept design before extensive engineering work is performed. It is at the concept plan review stage that the applicant should demonstrate that LID site planning and design techniques will be utilized to the maximum extent practicable at the site as required by Minimum Standard 1 and from the Stormwater Design and Installation Standards manual.

- B. Submittal Requirements. Applicants seeking a pre-application meeting or an informal concept plan review shall submit general, conceptual materials in advance of the meeting(s) as requested by Municipal officials and which may include the items listed within Section 14.2 Pre-application Review Checklist.

SECTION 7 ADMINISTRATIVE SUBDIVISION

7.1 Submittal Requirements.

An applicant for approval of an administrative subdivision shall submit a plan labeled "Administrative Subdivision", drawn to a scale of not less than 1 inch to 100 feet showing all of the items listed in Section 14.3 Administrative Subdivision Checklist.

7.2 Review Procedure.

An Administrative Subdivision review procedure flowchart is provided in Appendix A.

- A. Certificate of Completeness. Within fifteen (15) days of receipt of an application for an administrative subdivision, the Administrative Officer shall either issue or deny a certificate of completeness for the application materials submitted. Such certificate shall only be issued if all requirements of the administrative checklist are complete and submitted with the application. The Administrative Officer shall notify the applicant of the issuance or denial of the certificate in writing by regular mail.
- B. Review. Within fifteen (15) days after the issuance of a certificate of completeness, the Administrative Officer shall review the application and approve, approve with conditions, deny or refer it to the Planning Commission with recommendations. The Administrative Officer shall report all actions on administrative subdivisions to the Planning Commission at its regularly scheduled monthly meetings. If the Administrative Officer fails to take any action after the fifteen days following the issuance of a certificate of completeness, the application shall be placed on the next available agenda of a regularly scheduled meeting of the Planning Commission.
- C. Approval. If the Administrative Officer approves the application, the applicant shall prepare a mylar of the plat. The mylar shall be signed by the Officer and the applicant shall record the mylar in accordance with the provisions of Section 3.5 Recording. of these Regulations. The applicant shall record the approved and signed mylar within ninety days. Approval shall expire if the mylar has not been recorded within the ninety days.
- D. Denial. Denial of the application by the Administrative Officer shall require the application to be submitted to the Planning Commission as a minor subdivision application.
- E. Planning Commission Referral. When an administrative subdivision application is referred to the Commission, the Commission shall consider the application and the recommendations of the Administrative Officer. The Commission shall approve, approve with conditions, or deny the application within sixty-five (65) days of the issuance of the Certificate of Completeness. Failure of the Commission to act within the required time shall constitute approval of the administrative subdivision plan. The Administrative Officer shall verify as to the failure of the Commission to act within the required time and the resulting approval upon written request from the applicant.

SECTION 8 MINOR SUBDIVISION/LAND DEVELOPMENT

8.1 Submittal Requirements.

Minor plan review shall consist of two stages: preliminary and final. A public hearing shall be held prior to preliminary plan approval for a minor subdivision involving a street creation or extension or for any application requesting a variance or special use permit (requiring unified development review). For all other minor subdivisions consisting of three or more lots, or as otherwise requested by the Administrative Officer, and for all minor land developments, a public meeting in the form of a duly advertised Technical Review Committee meeting shall be held.

An applicant for a minor subdivision or land development shall submit a preliminary plan appropriately labeled and drawn to scale of not less than one inch to one hundred feet showing all of the items listed in Section 14.4 Minor Subdivision / Land Development Preliminary Plan Checklist.

8.2 Review Procedures.

A minor application review procedure flowchart is provided in Appendix A.

- A. Certificate of Completeness. The Administrative Officer shall issue or deny a certificate of completeness within twenty-five (25) days of receipt of an application for a minor subdivision where a street creation is included or for an application requiring unified development review. Where a street is not being created, or where no zoning relief is requested, the certificate of completeness shall be issued or denied within fifteen (15) days of receipt. The certificate shall be issued only if all of the requirements of the minor checklist are complete. The Administrative Officer shall notify the applicant of the issuance or denial in writing. A corrective submission shall be determined to be complete or incomplete within ten (10) days of receipt.
- B. Preliminary Plan. If no street creation is required or zoning relief requested, the Administrative Officer or the Planning Commission shall either approve, approve with conditions or deny the preliminary plan within sixty-five (65) days of the certification of completeness or within such further time as agreed to by the applicant. If a street is being created or the application is reviewed under unified development review, the Planning Commission will hold a public hearing and shall either approve, approve with conditions or deny the preliminary plan within ninety-five (95) days of the certification of completeness or within such further time as agreed to by the applicant.
- C. Final Plan. Final plan review and approval shall be done by the Administrative Officer unless the Administrative Officer refers it to the Technical Review Committee. The Administrative Officer, or the TRC, shall approve, approve with conditions or deny the final plan within twenty-five (25) days of the certification of completeness or within such further time as agree to by the applicant. The Administrative Officer or the TRC may refer the application back to the Planning Commission upon a determination that there is a major change in the application.
 1. Vesting. Approval of a minor subdivision or land development shall expire two (2) years from the date of final plan approval unless within such period a mylar plan in conformity with such approval is recorded by the applicant as specified in Section 3.5 Recording. of these Regulations.
 2. Final Plan Submittal Requirements. An applicant for final approval of a minor subdivision or land development shall submit a final plan appropriately labeled

prepared, stamped, and signed by a Rhode Island Registered Professional Engineer and/or Land Surveyor at a scale no smaller than 1 inch = 100 feet. Individual sheets to be recorded shall not exceed 24 inches x 36 inches, and show the items listed in Section 14.5 Minor Subdivision / Land Development Final Plan Checklist.

- D. Reassignment to Major Review. The Planning Commission may reassign a minor application to major application to review when the Commission is unable to make the positive findings required in Section 3.2 Required Findings. of these Regulations.

8.3 Public Meetings Required.

Except as otherwise noted under the provisions of this section, all minor applications shall be reviewed in the course of a public meeting according to the requirements of Section 10.6 Public Meetings.

SECTION 9 MAJOR SUBDIVISION/LAND DEVELOPMENT

9.1 Submission Requirements.

- A. Generally. Major plan review shall consist of three stages of review: master plan; preliminary plan; and final plan, following the pre-application meeting(s) required under Section 6.3. The Administrative Officer may combine review stages if the applicant has met all necessary requirements for the combined stages.
- B. Technical Review of Application. Initial comments shall be solicited by the applicant, with assistance from the Town Planner, from the Department of Public Works, the Building /Zoning Official, the Fire District servicing the property, the Police Department, and as appropriate adjacent communities, federal and state agencies, including but not limited to, DEM, CRMC and DOT. The Town Planner shall coordinate all responses and schedule a review of the application at a meeting of the Technical Review Committee. At a minimum this review and advisory by the TRC shall take place prior to the closing of the public hearing for the master plan stage, and then as needed for the preliminary and/or final plan stage.
- C. Major Subdivision Master Plan Submission. The master plan review stage is to allow the applicant to present an overall plan for a proposed project. A master plan describes the general, basic parameters rather than detailed development intentions and shall be drawn to a scale of not less than one inch to one hundred feet showing all of the items listed in Section 14.6 Major Subdivision/Land Development Project Master Plan Checklist.
- D. Major Subdivision Preliminary Plan Submission. For all major plans, after the master plan has been approved, a preliminary plan shall be filed within two years or such extended time as approved by the Commission. The preliminary plat shall be labeled "Preliminary Plat for a Major Subdivision", drawn to a scale of not less than one inch to one hundred feet showing all of the items listed in Section 14.7 Major Subdivision/Land Development Project Preliminary Plan Checklist.
- E. Major Subdivision Final Plan Submission. An applicant for a final approval of a major plan shall submit a plan labeled "Final Plan for a Major Subdivision", showing the as-built condition of the subdivision, and updating all of the information on the major plan preliminary plat checklist. The final plan map shall be prepared and stamped by a Rhode Island Registered Professional Engineer and/or Land Surveyor at a scale of 1 inch = 100 feet. Individual sheets to be recorded shall not exceed 24 inches x 36 inches, and show the items listed in Section 14.8 Major Subdivision/Land Development Project Final Plan Checklist. in addition to the above items.

9.2 Major Subdivision/Land Development Review Procedures.

A Major Subdivision review procedure flowchart is provided in Appendix A.

- A. Master Plan.
 - 1. Certificate of Completeness. Within twenty-five (25) days of the submission of a master plan, the Administrative Officer shall issue or deny a certificate of completeness. The certificate shall be issued only if all of the requirements of the master plan checklist are complete. The Administrative Officer shall notify the applicant of the issuance or denial by regular mail. A corrective submission shall be determined to be complete or incomplete within ten (10) days of receipt.

2. Master Plan Public Hearing. A public hearing is required prior to the Planning Commission's approval of a master plan as outlined in Section 10.6.A.2.
3. Site Visit. Before the master plan is approved, the Planning Commission may schedule a field trip to the site.
4. Planning Commission Action. The Planning Commission shall, within ninety (90) days after certificate of completeness, or within such further time as agreed to by the applicant, approve the master plan, approve with conditions, or deny the master plan. Failure of the Commission to act within the period prescribed shall constitute approval of the master plan. A certificate as to the failure of the Commission to act within the required time and resulting approval shall be issued by the Administrative Officer upon written request by the applicant.
5. Vesting of Master Plan. The approved master plan is vested for a period of two (2) years, with the right to extend for two (2) one year extensions upon written request by the applicant, who must appear before the Planning Commission for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the Planning Commission. Master plan vesting includes the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.

B. Preliminary Plan.

1. Review Comments. Final written comments, approvals and/or permits required by state or federal agencies, including, but not limited to, permits related to freshwater wetlands, the coastal zone, floodplains, suitability of land for individual septic disposal systems, public water systems, public sewer systems, and connections to local, state and federal roads shall be submitted with the major plan preliminary application.
2. Certificate of Completeness. Within twenty-five (25) days of the submission of a major plan preliminary application, the Administrative Officer shall issue or deny a certificate of completeness. The certificate shall be issued only if all of the requirements of the preliminary plan major checklist are complete. The Administrative Officer shall notify the applicant of the issuance or denial in writing by regular mail. A corrective submission shall be determined to be complete or incomplete within ten (10) days of receipt.
3. Preliminary Plan Public Meeting. A public meeting is required prior to the Planning Commission's decision on the preliminary plan, which adheres to the requirements for notice described in Section 10.6. Public Meetings.
4. Planning Commission Action. The Planning Commission shall, within ninety (90) days after the certificate of completeness, or within such further time as agreed to by the applicant, approve, approve with conditions, or deny the preliminary plan. Failure of the Commission to act within the period prescribed shall constitute approval of the preliminary plan. A certificate as to the failure of the Commission to act within the required time and resulting approval shall be issued by the Administrative Officer upon written request by the applicant. The Commission may refer the preliminary application to any other appropriate review agency, for specialized review of the proposal. All fees related to such review services shall be paid by the applicant prior to the Commission scheduling the public meeting.

5. Vesting of Preliminary Plan. The approved preliminary major plan shall be vested for a period of two (2) years. The vesting may be extended by the Commission for a longer period of time, for good cause, if requested in writing by the applicant with documentation explaining the delay of the project.
- C. Final Plan. Within two (2) years after approval of the preliminary plat, the subdivider shall complete construction of the subdivision and submit five (5) copies of the final plat at a scale of 1 inch – 100 feet. Individual sheets of the final plat shall not exceed 24” x 36”. The final plat shall show surveyed measurements of lot lines, roads and road profiles as built, installed utilities and other improvements. The final plat shall comply in all respects with the preliminary plat, as approved.
1. Covenants and Deed Restrictions.
 - a. For any lot in a final plat which is intended to be deeded with any type of restrictions thereon, such intended restrictions shall also be noted on the final plan.
 2. Completion of Improvements.
 - a. All required improvements shall be installed and constructed prior to final endorsement and recording of conditionally approved plats.
 - b. All construction improvements as required in these Regulations and as specified in the preliminary approval by the Planning Commission shall be installed and completed to the satisfaction of the Administrative Officer and the Director of Public Works before the plat is endorsed for final approval by the Administrative Officer.
 - c. A final plat must be endorsed and recorded in the Land Evidence Records of the Town before any lot or parcel of land indicated on the plat can be sold or conveyed.
 3. Recording the Final Plat.
 - a. Upon receipt in writing from the Director of Public Works that all required improvements as approved by the Planning Commission have been installed and constructed, according to an approved phasing schedule (where applicable), the Administrative Officer shall review the final plat.
 - b. The original mylar shall be placed on file by the applicant in the office of the Town Clerk. All recording fees are to be paid by the applicant. Paper copies shall be forwarded by the Planning Department to the Director of Public Works, Building Official and Tax Assessor, and one copy shall be retained by the Planning Department. No plat shall be recorded until all public roads have been accepted by the Town Council. When the roads are accepted and the final plan is filed for record, the Town Clerk shall notify the subdivider by certified mail that he/she is at liberty to sell lots in the approved plat.
 4. Maintenance Bond.
 - a. Prior to acceptance of the improvements for maintenance by the Town, the subdivider shall be required to file a maintenance bond of ten (10) percent of the total cost of the public improvements, and in a cash form satisfactory to the Town Treasurer guaranteeing the proper functioning of all improvements for period of one year period subsequent to completion, inspection and acceptance of the improvement(s) unless there are extenuating circumstances. The applicant shall provide cost estimates for the

maintenance of all public improvements and the Public Works Director shall review and approve the amount of the required maintenance bond.

5. Formal Dedication.
 - a. Final plat shall be an irrevocable offer to convey title, in fee simple to the Town, of all land designated on the plat as public streets rights of way, public open space or other public use land. This offer shall bind the subdivider, successors or assigns, and shall require that deeds of conveyance be executed upon approval by the Town of any and all improvements required in these Regulations. Acceptance of formal offers of dedication shall be by authority of the Town Council. The approval by the Administrative Officer of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat.
6. Review Procedure.
 - a. Certificate of Completeness. Within two (2) years of the Planning Commission's preliminary approval or other such time approved by the Commission of the major plan, the applicant shall submit an application for a final plan. The application for final plan approval shall be certified complete or incomplete by the Administrative Officer in writing, within fifteen (15) days. This time period may be extended to twenty-five (25) days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. The Administrative Officer shall notify the applicant of the issuance or denial by regular mail.
 - b. Administrative Action. The Administrative Officer shall within forty-five (45) days after the certificate of completeness, or such further time as may be agreed by the applicant, endorse the application for recording or refer the application to the Planning Commission, for not meeting the requirements of these Regulations.
 - c. Planning Commission Action. The Planning Commission shall within forty-five (45) days after the issuance of the certificate of completeness, or within such further time as agreed to by the applicant, approve or deny the final plan as submitted. Failure of the Commission to act within the period prescribed shall constitute approval of the final plan. The Administrative Officer shall certify as to the failure of the Commission to act within the required time and the resulting approval upon the written request of the applicant.
 - d. Vesting of Final Plans. The approved final plan for a major plan shall expire two years from the date of approval unless, within, that period, the mylar plan with the Administrative Officer's signature is recorded as specified in Section 3.5. Recording, of these Regulations.

SECTION 10 ADMINISTRATION, AMENDMENT AND APPEALS

10.1 Administration of Regulations.

- A. Administrative Officer. The administration of these Regulations shall be under the direction of the Administrative Officer. The Planning Commission shall designate the Administrative Officer according to the qualifications contained in Section 1.8B. The duties and responsibilities of the Administrative Officer shall include, but not be limited to:
1. Coordination of the review, approval, recording and enforcement provisions of these Regulations;
 2. Coordination with other local boards and commissions, municipal staff and state agencies as appropriate; and
 3. Chairperson of, and ex-officio membership on, the Technical Review Committee.
- B. Technical Review Committee. There is hereby established a committee to be known as the Technical Review Committee (TRC). The purpose of the TRC is to conduct technical reviews of applications for subdivisions and land developments subject to the provisions of these Regulations, and to advise the Administrative Officer or the Planning Commission.
1. Membership. The Administrative Officer shall serve as chairperson of the TRC. The membership of the TRC shall be the following persons, or their designee, as follows:
 - a. Town Planner
 - b. Public Works Director
 - c. Town Engineer
 - d. Building/Zoning Official
 - e. Zoning/Code Enforcement Officer
 - f. Wastewater/Stormwater Manager
 - g. Fire Chief for the district in which the parcel is located

The membership shall also include two members of the Planning Commission, with two members and two alternates selected initially, and rotated every six months, with all members and alternates eligible to serve.
 2. Meeting Protocol. Meetings of the TRC shall be considered public meetings subject to the requirements of Section 10.6. The quorum of the TRC shall consist of three (3) members. If the Town Planner or any other member identified above also serves as the Administrative Officer, that member shall serve in an ex-officio (non-voting) capacity on the TRC. Only one member of the Planning Commission may vote on any application.
 3. Advisory Review. The TRC shall review and advise on subdivision and land development applications that are designated as projects subject to administrative review under the provisions of Chapter 45-23 of the General Laws of Rhode Island. These include, but may not be limited to:

- a. Minor subdivisions of three to nine lots not involving a street creation or extension;
- b. All minor land developments not subject to administrative review under Article XII of the Charlestown Zoning Ordinance; and/or
- c. Any application not requiring unified development review.

The TRC shall also review and advise on the master plan application for a major subdivision or land development per Section 9.1 B. and may also review and advise on other applications that would otherwise require a public meeting before the Planning Commission. The TRC review shall be advisory to either the Administrative Officer or to the Planning Commission, as appropriate.

4. Decisions. Recommendations of the TRC to the permitting authority shall be made in writing and kept as part of the permanent record of the application. The recommendation of the TRC shall be made following a vote of a majority of members present. When the TRC is advisory to the Administrative Officer, the decision shall be binding on the Administrative Officer.

10.2 Adoption and Amendments.

- A. Adoption. These Regulations and any subsequent amendment or repeal shall be adopted after a public hearing has been held by the Commission. The Commission shall give notice of the hearing by a display ad in a local newspaper at least once each week for three (3) successive weeks prior to the date of hearing, which may include the week the hearing is to be held. A copy of the notice shall be mailed by first class mail to planning boards of all abutting towns and any governing body of any state or municipal water department or agency as described in RIGL 45-23-53(E). A copy of the notice shall be mailed to the Associate Director of the Rhode Island Division of Planning two weeks prior to the date of the hearing. No defect in any form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.
- B. Notice Requirements. The newspaper notice shall be published as a display advertisement using a type size of the normal type size used by the newspaper in its articles and shall specify the following:
 1. The place of the hearing;
 2. The date of the hearing;
 3. The time of the hearing;
 4. Indicate that adoption, amendment, or repeal of the Planning Commission's Subdivision Regulations is proposed, and contain a statement summarizing the matter under consideration;
 5. Advise where and when a copy of the matter under consideration may be reviewed and/or purchased, and;
 6. State that proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing.

- C. Publication and Availability. Copies of these Regulations shall be available to the general public for a fee. The Administrative Officer shall set a fee for the staff time and expenses incurred for maintenance and reproduction. The Administrative Officer shall maintain these Regulations.

10.3 Review Procedures.

- A. Public Works Director. The Public Works Director shall report to the Administrative Officer in writing his approval, modifications, or denial of applications filed. The Director shall make specific findings on such applications that are deficient to the design requirements of these Regulations and where possible, make recommendations for the adjustments thereof. The Planning Commission may request the attendance of the Director for review of an application.
- B. Review by Town Officials. The applicant shall submit letters of review with comments from the appropriate fire district, police department and any other agencies as appropriate. If an official or agency fails to report, such failure shall be noted in the minutes of the public hearing for that application. The Commission reserves the right to refer any application to local boards and/or state or federal agencies for review.

10.4 Violations and Penalties.

- A. Permits. Building permits shall not be issued for the construction of any structure within a subdivision unless a final plat of such is legally recorded in the Land Evidence Records of the Town. No building permits in subdivisions shall be issued unless all lots have frontage and access to an improved road that has been accepted by the Charlestown Town Council.
- B. Improvements. Unless a plan of such subdivision has been approved as provided by these Regulations, no property or right-of-way shall be improved, relocated, or offered for dedication and conveyance to the Town, and no other public improvements shall be installed or constructed. Any person, who begins construction of any structure or improvement subject to these Regulations, without having first received the appropriate approval from the Administrative Officer or the Planning Commission, shall be in violation of these Regulations.
- C. Violations. Violations shall include lack of compliance with any terms or conditions of any action imposed by the Planning Commission or the Administrative Officer. Any owner, or agents of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of a subdivision before such subdivision has been finally approved shall be in violation of these Regulations.
- D. Penalties. The penalty for violations shall relate to the seriousness of the offense, a maximum of five hundred dollars (\$500) for each violation, and each day of existence of any violation shall be deemed a separate offense. Any such fine shall inure to the Town of Charlestown.
- E. Injunctive Relief. The Town Solicitor shall have the authority to bring suit in Washington County Superior Court to restrain the violation of, or compel compliance with, the provisions of these Regulations. Any action for injunctive relief may be consolidated with action seeking penalties for violations of these Regulations and to recover such costs of the injunction from the subdivider.

10.5 Records.

Records of the Planning Commission shall be kept by the Administrative Officer. Applications which have been submitted to the Commission for review will be available for review. All votes of the Commission shall be made part of the permanent record.

10.6 Public Meetings for Applications.

A. Notice Requirements.

1. TRC Public Meetings. When the TRC is reviewing applications which have been identified under § 45-23-38 or § 45-23-39 of the RI Land Development and Subdivision Review Enabling Act as qualifying for administrative review, the Administrative Officer shall send notice to all owners within two hundred (200) feet, or greater as determined by the Administrative Officer, by regular mail, and email if available. All public meetings shall also be made accessible on the home page of the Town of Charlestown website.
2. Public Hearings. Where a public hearing is required, the details of the notice requirements shall be sent to the applicant by the Administrative Officer.
 - a. Public notice of the hearing shall be submitted by the Administrative Officer for publication at least fourteen days prior to the date of the hearing in the local newspaper of the Town, and made accessible on the home page of the Town of Charlestown website. The applicant shall bear all costs of the advertising.
 - b. The applicant shall send notice by first class mail to each owner of property within two hundred (200) feet of the proposed project, excluding the area encompassed by public or private right-of-ways, not less than two (2) weeks prior to the date of the hearing. The Planning Commission reserves the right to extend the minimum area of notice if it deems a greater area of town will be impacted by the proposed project. The applicant shall submit a notarized affidavit of mailing of notice to abutters.

B. Notice Contents. The contents of the public notice and letters shall be as follows:

1. The applicant's name;
2. A description specifying the type of development proposed;
3. The time and place of the hearing;
4. A copy of the reduced 11" x 17" subdivision or site plan;
5. A statement that the proposed development may be revised by the Planning Commission as a result of further study or because of views expressed at the public hearing;
6. Advise where a full set of the proposed plans may be examined.

C. Property Notice A notice that an application for development approval has been filed shall be additionally posted as a temporary sign on the property of the application by the applicant. The sign shall state the items identified in Subsection B above and a contact telephone number of the applicant. The Administrative Officer shall provide a sample sign. Such posting shall be for informational purposes, be visible from an abutting public right-of-way, and shall not constitute a substitute for the other notice requirements for a public hearing. The sign shall be posted not less than two (2) weeks prior to the date of the public hearing.

- D. Adjacent Towns. At the applicant's expense, the Administrative Officer shall send notice to an abutting town if:
 - 1. The notice area extends into the adjacent town;
 - 2. The development site extends into the adjacent town; or
 - 3. There is potential for significant impact on the adjacent town.
- E. Watersheds. Notice of the public hearing shall be sent by the applicant for areas which fall within watersheds as required by R.I. General Law 45-23-53 b and c.

10.7 Precedence of Approvals.

- A. Zoning Issues. Any zoning issue concerning an application subject to these Regulations shall be resolved with the Building Inspector/Zoning Board before the Administrative Officer or Commission will review the application for approval.
- B. Town Council. Where an applicant submits a zoning ordinance or zoning map amendment, the applicant shall first obtain a recommendation on the zoning change/amendment, then obtain approval of the zoning request from the Town Council, and then return to the Commission for subsequent required approvals.

10.8 Waivers, Modifications and Reinstatements.

- A. Waivers and Modifications. The Planning Commission may grant such waivers and/or modifications from the requirements for approval and design standards as may be reasonable and consistent with the general purposes and intent of these Regulations upon written application from the applicant. The criteria for a waiver and/or modifications shall be, but not limited to:
 - 1. The literal enforcement of one or more provisions of these Regulations is impractical because of particular site conditions of the land of the application; and
 - 2. The waiver/modification is not based on economic consideration; and
 - 3. The waiver/modification is in the public interest and not detrimental to the public health, safety and welfare; and
 - 4. The waiver/modification will promote the best site layout and design and is an example of good planning practice; and
 - 5. The waiver/modification is consistent with the adopted Comprehensive Plan and any subsequent amendments.
- B. Reinstatements/Extensions. When the deadlines of these Regulations are exceeded, an application or approval is therefore rendered invalid. The application shall return to the conceptual review process with the Planning Commission. The Commission at this meeting shall review written evidence from the applicant as to why the time period for approval has expired. The Commission shall determine if the application has any merit in being reinstated to the last point of approval in the review process, or if the applicant has documented an extension of approval is merited. The applicant shall pay a reinstatement/extension fee consisting of the filing fee for the review stage of approval that expired. The Commission may waive such expiration of the approval. The Commission may extend the approval to a date certain as determined appropriate by the Commission. The application may be reinstated/extended by the Commission under the following conditions:

1. The application is consistent with the Comprehensive Plan; and
2. The Subdivision Regulations and Zoning Ordinance are substantially the same as they were at the time of original approval; and
3. The zoning of the parcel is substantially the same as it was at the time of original approval; and
4. The physical conditions on the parcel are substantially the same as they were at the time of original approval; and
5. Any applicable state or federal regulations are substantially the same as they were at the time of original approval and the applicant has pursued obtaining the appropriate permits.

10.9 Appeals.

- A. Board of Appeal. An appeal from a decision of the Administrative Officer related to the enforcement of these Regulations may be taken to the Board of Appeal by an aggrieved party. Such appeal must be taken within twenty (20) days after the decision has been posted in the office of the Administrative Officer. The appeal shall clearly state the issue which is being appealed, the reason for appeal and the relief sought. The appeal shall be sent by certified mail to the agent of the Board of Appeal's office. Upon notification of an appeal from the agent of the action which is being appealed, the Board of Appeal shall hold a hearing on the appeal as required by R.I. General Law 45-23-69.
- B. Appeals to Superior Court. An appeal from a decision of the Administrative Officer or the Planning Commission related to a decision on a development plan review, land development or subdivision application, and from a decision of the Board of Appeal may be made by filing a complaint to Superior Court, as set forth in R.I. General Law § 45-23-71.
- C. Appeal of Enactment of or Amendment of Regulations. Any appeal of an enactment of or an amendment of these Regulations may be taken by filing a complaint, as set forth in R.I. General Law 45-23-72.

10.10 Severability.

If any provision of these Regulations or 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 such Regulations, rule or determination and the application of such provisions to other persons, agencies or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of the Regulations.

SECTION 11 PHYSICAL DESIGN AND PUBLIC IMPROVEMENT STANDARDS

11.1 Generally.

The applicant, at his own expense, shall construct all streets and improvements where required by these Regulations.

11.2 Street Design Standards.

The following design standards shall be followed for safety, efficiency, minimized environmental impact, livability of residential environment, and economy of land use where applicable in the design and construction of any subdivision or land development project:

- A. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided meets one of the following criteria:
1. Has frontage on an existing state- or town-maintained road that has been dedicated to the public and accepted by the Town.
 2. Has the minimum frontage on a private street that existed prior to September 21, 1982, and which has had private arrangements established for the maintenance of the private street(s) since September 21, 1982 and which private arrangements remain in existence at the time of application for subdivision and which arrangements continue to provide for the permanent, long-term maintenance of the street(s).
 3. Has received approval for a residential compound as defined by the Charlestown Zoning Ordinance.
 4. If such an existing street has not been improved to the standards of these Regulations, the Planning Commission shall require the applicant to make certain improvements along the street where necessary. See Section 4.2. Off-Site Improvements. All such improvements are required prior to final approval of a subdivision. Streets platted, but not improved or accepted for maintenance by the Town or not improved or maintained by an existing association, shall not be considered as existing improved public streets. Where these streets are incorporated or abut an application they shall be improved by the applicant to meet the standards of these Regulations.
- B. Topography and Layout.
1. Street layout shall consider the existing street system and conform to the Comprehensive Plan. Limited access to arterial roads and highways shall be required for safety purposes.
 2. Street alignment shall follow the natural terrain and topography and no unnecessary cuts or fills shall be allowed. Horizontal curves shall have a minimum radius of one hundred (100) feet. The combination of steep grades and curves shall be avoided. Vertical curves shall be limited to a maximum of one hundred and fifty (150) feet.
 3. The use of gridiron street patterns will not be permitted. The use of curvilinear streets, reverse curves, cul-de-sacs, or U-shaped streets will be encouraged where such use will result in a more aesthetic layout.
 4. All streets shall be related to population densities, and to existing and proposed land uses.

5. All streets shall be laid out to permit effective drainage and utility systems, and to provide the minimum length of roadway necessary for safe access to property.
 6. The Planning Commission may require street systems to have two principal, immediate or future, means of access for developments of more than fifteen lots unless the applicant can demonstrate that two access points are not feasible due to environmental constraints. Proposed streets shall provide for their continuation or projection to intersect with existing streets or to adjacent vacant property in order that such streets may be extended at a future time.
 7. The maximum continuous run of a street segment that does not reverse grade shall be five hundred (500) feet. A short up slope bench shall be provided whose crest is six (6) inches higher than its trough, with drainage inlets on each side of the bench to intercept runoff from the proceeding run.
 8. Grades of minor, local residential streets shall not be less than 0.5% nor more than 8%. Arterial streets shall not exceed 6% in grade nor be less than 0.5% in grade.
- C. Street Classification. Street design shall conform to a street hierarchy system as established herein. The right-of-way width and pavement width, on-street parking, drainage and other public improvement design standards shall be tailored to the street's function. The categories of street classification are established in Table 11.1.

TABLE 11.1
STREET CONFIGURATIONS****

Street Type	Paved Lane	Graded Shoulder**	Paved Parking***	Total Paved	Right of Way	Sidewalk	Curbs
Arterial/ Collector	14'	12'	--	26'	50'	Optional 3' minimum	Optional*
Local/ Minor	12'	10'	--	24'	50'	Optional 3' minimum	Optional*
Industrial/ Commercial	12'	--	8'	24'	50'	Optional 3' minimum	Optional*
Cul-de-sac	12'	10'	--	24	70' outside radius	Optional 3' minimum	Optional*

* As drainage, pedestrian or traffic control require.

** Optional - as drainage, pedestrian or traffic control require.

*** Optional, depends on project/community needs.

**** The Planning Commission may consider reducing pavement and right of way widths where principles of Conservation Development are proposed.

Note: See Figures 11.1 and 11.2.

TABLE 11.2
STREET CONSTRUCTION STANDARDS***

Street Type	Gravel Borrow	Crushed Gravel	Mod. Bituminous Base Course	Modified Binder*	Surface Course**
Arterial/ Collector	16"	2"		3"	2"
Local/Minor	14"	2"		3"	2"
Industrial/ Commercial	18"	2"	3"	2"	2"

* R.I. Spec. M.03.01 Bituminous Concrete.

** Medium texture type I-1 R.I. Spec. M.03.01 Bituminous Concrete.

*** All dimensions are depths after compactions by a 15 ton roller.

Note: See Figure 11.1 Typical Street Cross Section.

- D. Blocks. Blocks shall be designed to allow traffic to move with ease and to provide safety to pedestrians and motorists.
- E. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial road, no frontage lots or access for individual lots from the arterial road shall be allowed. Screening shall be provided in a twenty (20) foot strip of landscaped land along the rear or side property line of lots which abut an arterial road.
- F. Dead End Streets. Dead end streets which cannot be extended shall have at their termination a cul-de-sac with a minimum outside radius of seventy (70) feet and shall be clearly marked at their entrances. Where a proposed street is to provide access to adjacent property, the Planning Commission shall require a temporary turnaround until such time as the adjacent tract is developed and the street extended. When the street is extended, the temporary turnaround will be reconfigured to match the paved width of the street. Dead end streets shall be limited in length as determined by the Planning Commission. See Figures 11.2, 11.3.a, and 11.3.b.

If presented for permitting, cul-de-sacs shall include landscaped islands in the center to reduce their impervious cover. See Figure 11.2. The following design criteria for cul-de-sacs and dead end streets shall be considered:

- Utilize the landscaped island for stormwater management (e.g., bioretention area).
- Reduce the radius of the turnaround bulb or consider alternative cul-de-sac design, such as “tee” and “hammerheads” turn-a-rounds for streets 200 feet or shorter in length, or looping lanes.

- G. Street Names. An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be different from any existing street name in the Town.

- H. Reserve Strip. The creation of reserve strips of land, or any physical barrier intending to control access to a street or land dedicated for other public use will not be permitted.
- I. Street Trees. Street layout and design shall follow natural terrain to maximize preservation of existing trees and vegetation. Where existing tree growth is determined to be insufficient, the Commission shall require the applicant to plant street trees appropriate for the terrain, soil, and climatic conditions encountered on the site. Existing features such as woodlands, wetlands, cemeteries, wildflower sites, archeological sites, areas of unique botanical interest and similar irreplaceable assets shall be preserved in the design of the subdivision. Street trees shall be planted in accordance with the following conditions.
1. Location. Street trees shall be located on the portion of building lots within ten feet of the street right-of-way line. No street trees shall be located that interfere with overhead or underground utility lines or be planted any closer than seven feet from the edge of any pavement.
 2. Spacing. Trees shall be planted at intervals no closer than forty feet, and no further than eighty feet, measured between trunks. Trees shall not be located within thirty feet of intersecting rights-of-way lines. The species and size of such trees must be approved by the Planning Commission at the time of preliminary approval. The Commission or Administrative Officer may consult with a qualified arborist or other expert on recommendations for proposed street trees.
 3. Size. Approved species shall be no less than two inches caliper measured one foot from ground level in place and eight feet of height in place. Street trees shall be of licensed nursery stock. Street trees shall be balled and burlaped with good root development and branching characteristics. No bare root stock shall be permitted.
 4. Planting. Street trees shall be planted in holes at the same depth as the root ball and two to three times wider. If soil is extremely poor, it should be replaced with good quality top soil, amended as necessary. -Street trees shall be securely triple-staked with stakes of a minimum size of two inches by two inches by six feet. See Figure 11.4 Tree Planting.
 5. Inspection. A qualified arborist or other expert shall inspect all street tree plantings and report to the Director of Public Works if the proper planting techniques and maintenance have been followed.
 6. Species. Sustainable plant species are preferred for their tolerance of drought and dry soils, resistance to wind damage, and tolerance of ocean, roadside or aerial salt. Native species are strongly preferred in most instances. Applicants can refer to University of Rhode Island Cooperative Extension and Rhode Island Natural History Survey for advice and current information. No invasive or potentially invasive species are to be used.
- J. Street Signs. Street signs shall be erected at applicant's expense as contained in the "U.S. DOT – Manual on Uniform Traffic Control Devices" and as approved by the Director of Public Works.
- K. Street Intersection.
1. All street center lines shall coincide precisely at intersections or shall be offset at least 125 feet between centerlines. No more than two streets can intersect at any intersection.

2. Street center lines shall intersect at ninety degree angles. Lesser angles between seventy-five degrees and ninety degrees may be approved by the Planning Commission if demonstrated a more efficient site layout is accomplished without impacting traffic safety.
 3. Intersections shall be designed with a section of street at or near level grade at the approach to the intersection. A maximum grade of two (2) percent is required for two hundred (200) feet back from the intersection right-of-way.
 4. Intersection right-of-way lines shall have rounded corners. The right-of-way radius shall be ten (10) feet and the curb radius for pavement shall be twenty (20) feet.
 5. Lots at intersections shall be graded to provide adequate sight distance for motor vehicles approaching the intersection.
- L. Private Streets. Private streets shall not be permitted except for such existing private streets that were established and existed prior to September 21, 1982, and which had private arrangements established for the maintenance of the private street(s) since September 21, 1982, or as a residential compound private way; see Section 12.10. These private arrangements shall remain in existence at the time of application for subdivision and shall provide for the permanent, long-term maintenance of the street(s).
- M. Street Lighting. Full cut-off street lighting shall be installed at the applicant's expense where required by the Director of Public Works.
- N. Street Surfacing. Street rights-of-way and pavement widths shall not be less than those prescribed in Table 11.1. Pavement shall be measured between the inner faces of the curbs, berms, or shoulders as applicable, and centered between right-of-way lines. See Figure 11.1.
- O. Landscaping Standards.
1. Required Landscaping. Landscaping shall be required for a subdivision or land development projection. The landscaping design shall be used to integrate the various elements of site development and create a pleasing aesthetic identity for the site. Landscaping shall include plant materials such as trees, shrubs, ground covers, grass, flowers, etc. and may include other materials such as rocks, ledges, wetlands, stone walls, decorative paving materials, planters, signage, and street furniture. Areas which will be required to be landscaped shall include, but are not limited to, the following:
 - a. Stormwater BMPs
 - b. Entrance features
 - c. Open space areas that have been disturbed (i.e., not areas of preserved native vegetation)
 - d. Proposed recreation facilities
 - e. Buffer areas
 - f. Areas subject to soil erosion and sediment control (See Section 11.9)
 - g. Cemeteries
 2. Stormwater BMP Landscaping. Selection of vegetation for stormwater BMP landscaping shall be consistent with the guidance provided in Appendix B of the Rhode Island Stormwater Design and Installation Standards manual as may be amended.

- P. Engineering and Land Surveying. Where these Regulations mandate the applications be prepared by Rhode Island Registered Professional Engineers and/or Land Surveyors, all such applications shall be prepared according to existing and amended standards of the State of Rhode Island Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Land Surveyors.

11.3 Lot Design Standards.

A. Lot Arrangement and Access.

1. The lot layout shall be such that there will be no environmental constraints or constraints to physical access on any lots. All lots shall be in compliance with the regulations of the RI DEM, and the RI CRMC.
2. Lots shall not derive access from an arterial or collector street unless otherwise determined by the Commission. Where driveway access from an arterial or collector may be necessary for several existing adjoining lots, the Planning Commission shall require that such lots be served by a common access drive in order to limit traffic hazards on such roads.

B. Lot Dimensions.

1. All lots shall conform to the minimum dimensional requirements of the Charlestown Zoning Ordinance established for the district within which the site is located and shall be designed so as to contain the minimum land area required exclusive of land unsuitable for development.
2. All lots shall have a minimum contiguous area of land suitable for development with direct and unconstrained access to the street from which the lot takes its frontage and which is the area intended for development as follows:
 - a. Thirty thousand square feet for a new lot in the R-40 Zone
 - b. One acre for a new lot in the R-2A Zone
 - c. One and one-half acre for a new lot in the R-3A Zone
3. All residential conservation development subdivision lots created under the provisions of Section 4.5 of these regulations shall have the minimum lot area required per Section 218-52 of the Charlestown Zoning Ordinance that consists entirely of contiguous land suitable for development.
4. Lots shall have no interior angles of more than two hundred degrees.
5. The proportion of average lot depth to average lot width shall not exceed two and one half (2.5) feet of depth to one foot of frontage.
6. Side lot lines shall be as near right angles or radial to street lines, unless the Planning Commission determines that a variation from this standard will provide a better lot layout design.
7. The minimum lot dimensions established by the Zoning Ordinance may be increased by the Planning Commission if larger lot dimensions are needed for the safe and effective operation of individual sewage disposal systems. Lots in areas where public water is not available shall be of such area, shape, and dimensions as will allow the operation of individual sewage disposal systems in such a manner that the existing and future water supplies of said lots and all surrounding lots provide potable drinking water.

8. Lots not approved for septic system suitability by the RI DEM will not be approved for a subdivision or land development project.

C. Lot Frontage and Setback Requirements.

1. All lots shall abut an existing or a proposed public street dedicated to the public and maintained by the town or state or have the minimum frontage on a private street that existed prior to September 21, 1982 and which had private arrangements established for the maintenance of the private street(s) since September 21, 1982 and which had private arrangements remain in existence at the time of application for subdivision and which arrangements provide for the permanent, long-term maintenance of street(s). Residential lots shall front on local minor streets only.
2. Other than at corners, lots shall abut only one existing or proposed street. Through lots which front on two streets shall not be permitted.
3. Building envelopes shall be established and indicated for all lots and such lines shall run parallel to the street right-of-way line and lot lines.
4. Long, narrow lots shall not be approved. Unusual shapes, angles and dimensions shall be avoided in lot layout and design. The Commission and Administrative Officer have the authority for any application submitted under these regulations to require modifications to the proposed lot layout to achieve the purposes of these Regulations.

D. Curb Cut Standards.

1. One curb cut shall be permitted per lot and shall be approved by the Director of Public Works.
2. Curb cuts for lots shall not be located any closer than twenty-five (25) feet to an intersection.
3. Curb cuts are prohibited for any corner lot on any arterial streets.
4. Curb cuts shall be prohibited across required buffer or easement areas.

11.4 Easements.

The Planning Commission shall require the provision of easements for the placement of improvements. The Commission may require the dedication of land to the Town in lieu of easements if such dedication would provide greater control over and access to the intended use. Any such easement shall have a width in accordance with the following minimum standards:

TABLE 11.3

<u>Type of Easement</u>	<u>Easement Width</u>
Sanitary sewer	20 feet
Storm drains	20 feet
Water and gas mains	15 feet
Underground conduits and cables	15 feet
Pedestrian	10 feet
Stormwater Management	as necessary
All other purposes	as necessary

- A. Drainage Easements. Where aboveground drainage flows are directed over private property and where publicly owned and maintained stormwater management systems outfall on private land, a drainage easement shall be dedicated to the Town over the entire area. Easement into and upon aboveground drainage facilities such as stormwater BMPs shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is directed to such facilities.
- B. Grading Easements. The Planning Commission shall require the dedication of an easement to the Town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage or sight distances.
- C. Sight Distance Easements. The Planning Commission shall require the dedication of an easement to the Town in order to establish or maintain adequate sight distances for vehicular traffic. The dedication of an easement may be required, which would prohibit the erection or maintenance of any structure, tree, shrub, wall, earthen embankment, hill or any other visual obstruction.

11.5 Utilities.

- A. Water Lines. Water lines shall be installed as shown in Figure 11.1 where connection to a public system is feasible. Installation shall precede road construction.
- B. Sanitary Sewers. Sanitary Sewers shall be installed as shown in Figure 11.1 where connection to a public system is feasible. The sanitary sewer system shall be separate and independent of any storm water drainage system. Installation shall precede road construction.
- C. Gas Lines. Natural gas lines may be installed in any subdivision or land development project where connection to a public system is feasible. Installation shall precede road construction.
- D. Electric and Communication Lines. All electric, telephone and cable TV lines shall be installed by the applicant. All new telephone, electric, cable or other such wired service lines shall be installed underground and shall be in conformance with the appropriate utility company's policy and construction design requirements. Such utilities shall be designed, installed to meet all applicable state and federal codes, and shown on the as-built drawings. Inspection shall be by a Rhode Island Registered Electrical Engineer, paid for by the applicant, who submitted a stamped letter of conformance for such installation. Surface pad mounted service boxes and transformers are allowed to be within the street right-of-way. Such items shall be landscaped by evergreen trees and shrubbery.
- E. Subsurface Drainage Systems. The use of underground sub-drains to artificially lower the water table of a lot to increase a lot's suitability for any purpose is not permitted.

11.6 Flood Hazard Areas.

Special Flood Hazard Area on the Charlestown Flood Insurance Rate Maps (FIRM), the Flood Hazard Boundary Maps (FHBM) and Floodway Maps dated October 19, 2010 (and any subsequent amendments thereto) are on file with Building Official. These maps and any amendments thereto and the scientific and engineering report entitled, Flood Insurance Study, Town of Charlestown, Rhode Island, dated June 17, 1986, are incorporated by reference and declared to be part of these Regulations. Approval by the Planning Commission or

Administrative Officer of an application that is located wholly or partly in a Special Flood Hazard Area shall be conditioned on the following:

- A. That a general note is entered on the preliminary and final plats indicating that the subdivision or land development project is located within a Special Flood Hazard Area. The boundary lines of all flood zones and floodways shall be indicated.
- B. That the base flood elevation of the site is clearly indicated on the preliminary and final plats and the maximum and minimum elevation above mean sea level of each lot on the application is indicated.
- C. That a copy of all necessary permits and approvals of all government agencies from which approval is required by federal or state laws has been submitted as a precedent to the issuance of preliminary approval.
- D. A finding of fact with regard to the following:
 1. That the proposed application will minimize damage from flooding.
 2. That the applicant has submitted written certification that all public improvements, facilities and utilities are located and will be constructed to prevent or eliminate damage from flooding.
 3. That no increase in runoff and adequate drainage is provided to reduce exposure to flood hazards.
 4. That all proposed earth removal and/or filling will not increase base flood levels.
 5. Where a proposed application provides for the alteration of a watercourse, that the applicant has notified adjacent communities and obtained approval from the Rhode Island Statewide Planning Program, RI DEM, the USACE and the Office of the Federal Insurance Administration.

11.7 Sidewalks.

Sidewalks may be required where the Planning Commission deems necessary for pedestrian safety. Sidewalks shall be installed by the applicant as shown in Figure 11.1.

Sidewalk lengths and widths should be minimized on a development site, where possible, to reduce overall imperviousness. The following must be considered:

- Provide common walkways linking pedestrian areas.
- Use alternative sidewalk and walkway surfaces.
- Shorten front setbacks to reduce walkway lengths.
- Permeable pavers may be used for sidewalks.

11.8 Stormwater.

The stormwater management system may be comprised of non-structural and structural elements. Appropriate structural elements include BMPs described in the RI Stormwater Design and Installation Standards manual, and elements associated conveyance system. LID site planning and design elements that mitigate pollution, reduce sedimentation, provide visual amenities and provide wildlife habitat shall be utilized over structural, constructed elements. A stormwater management plan and calculations shall be prepared by a Rhode Island Registered Professional Engineer. The methods used to design the stormwater management system meet the requirements in the RI Stormwater Manual.

- A. Required Information. The stormwater management plan and calculations shall contain the information listed in Appendix A of the RI Stormwater Manual.

B. Design Standards.

1. The proposed stormwater management system shall be designed to meet the 11 Minimum Standards, as well as the BMP design criteria, listed in the RI Stormwater Design and Installation Standards Manual as may be amended from time to time unless other standards are specifically prescribed in the regulations.
2. Each lot shall have adequate drainage and be compliant with the RI Stormwater Design and Installation Standards Manual for storms that exceed the 1-year frequency. For storms that are less than or equal to the 1-year frequency, stormwater management practices shall retain or re-use all runoff on site.
3. Existing watercourses shall be left open.
4. Where any part of the stormwater management system is proposed for location outside the public street right-of-way, provisions for future maintenance and all necessary easements shall be supplied by the applicant.
5. Consistent with the RI Stormwater Design and Installation Standards, the Commission may require a downstream analysis to ensure that controls proposed for the site will adequately protect areas that already experience flooding.

The Planning Commission may consult with outside expertise in order to properly evaluate an application at the applicant's expense.

11.9 Erosion and Sediment Control.

A. Generally. All major applications shall submit a soil erosion and sediment control plan as part of the preliminary checklist. Minor subdivisions and land developments and administrative subdivisions shall not be required to submit such plans if the land disturbing activity involved in construction meets all the following criteria:

1. Construction activity will not take place within two hundred feet of any water body, watercourse, wetland or coastal feature.
2. Slopes of the land disturbance do not exceed ten percent.
3. The total area of the land disturbance does not exceed one thousand (1,000) square feet.
4. The proposed grading does not exceed two feet of cut or fill at any point.
5. The grading does not involve a quantity of fill greater than fifty (50) cubic yards imported into the site and fill excavated and moved elsewhere on the site does not exceed fifty (50) cubic yards.
6. That all disturbed surface areas are promptly and effectively protected to prevent soil erosion and sediment control.

B. Plan Requirements.

1. Preparation. The plan shall be consistent and prepared with the guidelines of the "1989 Rhode Island Soil Erosion and Sediment Control Handbook" and the "Rhode Island Stormwater Design and Installation Standards Manual," as may be amended from time to time. The plan shall be prepared by a Registered Rhode Island Engineer, a Soil and Water Conservation Society Certified Erosion and Sediment Control Specialist, or a Certified Professional Soil Scientist.
2. Contents. The plan shall contain the following:

- a. The grades, elevations and contours of the site and land within one hundred feet prior to disturbance and the proposed grades, elevations and contours to be created. Two-foot contour intervals shall be required. Where slopes are three percent or less, one-foot contour intervals shall be required. On slopes of less than one percent, spot elevations or a grid elevation shall be used.
- b. The location and description of existing natural (e.g., trees, steep slopes, all V and A flood zones, wetlands and their buffers, etc.) and manmade features, on the property where the work is to be performed, and on land within one hundred feet of the property.
- c. The location and description of proposed changes on the site.
- d. Location and technical description of all erosion and sediment control measures proposed, including sizing calculations as applicable.
- e. The sequence of installation of planned erosion and storm water control measures, both temporary and permanent, including the total area of soil surface which is to be disturbed during each stage, cut and fill calculations, topsoil management measures, and estimated starting and completion dates.
- f. A description of methods to be employed in processing and disposing of soil and other material that is removed from the grading site, including the location of disposal sites.
- g. A narrative report describing the nature, distribution, and strength of existing soils, proposed grading procedures, design criteria, and erosion prevention measures.
- h. A slope stabilization and re-vegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed, the method of disposal, the vegetation to be planted, and both the temporary and permanent slope stabilization measures to be installed, including the environmental effects of such operations on slope stability, soil erosion, and water quality.
- i. A program for inspection and maintenance of erosion and sediment control measures throughout the course of construction.

C. Design Standards.

1. Development shall minimize adverse effects upon the natural or existing topography and soil conditions to minimize the potential for erosion and sedimentation.
2. Stormwater runoff shall be minimized during construction and recharged on site to the maximum extent practicable. Sediment shall be retained on site.
3. Natural vegetation and features shall be retained and protected. Topsoil shall be stockpiled and reused on site with supplemental topsoil where needed to achieve a minimum six inch depth. Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved. Individual large trees shall be retained whenever feasible; the area beyond the drip line, or crown of the tree, should be fenced or roped off to protect trees and their roots from construction equipment.
4. Roads and structures shall be located along natural contours to the maximum extent practicable to keep grading and other site preparation to an absolute minimum. Grade changes shall not exceed four feet at any point, except for

structure foundations, required mounded septic systems, or other situations that may be identified by the Town. Excess cutting, filling or stripping of vegetation shall not be permitted. Grading shall not be done so as to divert water onto the property of another landowner without the expressed written consent of that landowner and the Planning Commission.

5. Clearing is prohibited on any slope steeper than 25%. Slopes exceeding 10% should be avoided if possible. For slopes 10-25%, aggressive erosion control practices are required. Percent slopes are measured as average change in elevation over a length (horizontal run) of 50 feet.
6. Any clearing not associated with a development plan shall limit clearing to within the required setbacks of the applicable zoning district with the exception of clearing along the frontage of the lot required for access to the site.
7. Land shall be developed in increments that can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations. ESC measures shall be used with each increment of the construction/development process.
8. Land disturbing activities that involve, but not limited to, grading, clearing, excavation and/or filing that affect areas greater than five (5) acres in area or where more than 50 percent of a site is disturbed either in one event or cumulatively on a site submitted for land development and/or subdivision approval may be required by the Planning Commission to include an environmental remediation plan along with all other requirements of these regulations to mitigate against any negative and/or undesirable impacts associated or resulting from such land disturbing activities.
9. Prior to the start of any land disturbance activities on a site, the developer shall physically mark limits of no land disturbance with tape, signs, or orange construction fence consistent with limits of disturbance shown on approved plans. At a minimum, the 100-year floodplain; wetlands and associated buffers; areas with erodible soils; tree stands and other natural open space to be protected; and areas designated for stormwater practices and onsite treatment systems shall be protected from disturbance and/or compaction. These limits shall be reviewed and modified as necessary during a mandatory on-site preconstruction meeting with the contractor, designer, and Town representative(s), as identified by the Commission.
10. A perimeter sediment control system shall be installed and maintained around active construction areas such as, but not limited to, borrow or stockpile areas, roadway improvements, and areas within 50 feet of a building under construction, to be inspected prior to initial disturbance.
11. Vehicle tracking pad(s) shall be installed prior to initial disturbance at all construction entrance/exit points of the site to reduce the amount of soil carried onto roadways and off the site.
12. Temporary sediment trapping practices used during construction shall be sized to store 1 inch of runoff from contributing drainage areas. Sediment basins, debris basins, or silt traps shall be installed where determined necessary, in conjunction with the initial grading operations, and maintained through the development process. Such facilities shall, wherever possible, use natural topography, natural vegetation, and be landscaped. On-site facilities shall be properly maintained by the owner in such manner that they do not become nuisances. Nuisance

conditions shall include: improper storage resulting in uncontrolled runoff and overflow, stagnant water with concomitant algae growth, insect breeding and odors, discarded debris, and safety hazards.

13. Temporary stormwater conveyance systems used during construction shall be designed for the 10-year, 24-hour (Type III) storm event.
14. Offsite runoff shall be diverted from highly erodible soils and steep slopes to more stable areas.
15. Dust controls shall be employed on the site as needed to minimize soil disturbance through applying mulch and establishing vegetation, water spraying, surface roughening, and/or applying polymers, spray-on tackifiers, chlorides, and barriers.
16. Temporary seeding, mulching, or other suitable stabilization measures shall be used to protect exposed areas during construction and between construction seasons. Any disturbed areas remaining idle for more than 14 days shall be stabilized with hydroseeding or other appropriate stabilization measure(s).
17. All slopes steeper than 3:1, as well as perimeter dikes, sediment basins or traps, and embankments must, upon completion, be stabilized as soon as practicable with sod, seed, anchored straw mulch, or other approved stabilization measures; areas outside of the perimeter sediment control system must not be disturbed. The cut side of roads and ditches shall be stabilized immediately with rock rip-rap or other non-erodible erosion control liners, or where appropriate, vegetative measures such as sod.
18. Topsoil shall be stockpiled and reused on site with supplemental topsoil where needed such that there is a minimum of 4 inches of topsoil over all disturbed pervious areas. Stockpile areas should be clearly identified on the plan and stabilized within five (5) business days of completion of construction of a given area. Stockpile side slopes shall not be greater than 2:1.
19. Temporary sediment trapping devices shall not be removed until permanent stabilization is established in all contributory drainage areas, and stabilization shall be established and the facilities shall be cleaned prior to converting temporary sediment traps/basins into permanent (post-construction) stormwater management facilities.
20. Permanent seeding shall be undertaken in the spring (from March through June) or in the late summer and early fall (from August 1st to October 15th). During the peak summer months and in the fall after October 15th, when seeding is found to be impractical, an appropriate temporary mulch or sod shall be applied. Permanent seeding may be undertaken during the summer if plans provide for adequate mulching and irrigation. If planting is performed during the peak summer months and in the fall after October 15th, a cash seeding bond is required.
21. As-built topographic surveys shall be required for site compliance to prevent more cut and/or fill than shown on an approved site plan.
22. Cash performance bonds shall be required to ensure that sites are preserved, cleared, graded, stabilized, and revegetated according to the approved site plan. A site shall be considered revegetated when more than 75% of the disturbed area is stabilized. Bond shall cover the cost of removal and replacement of trees and other vegetation earmarked for preservation when damaged by construction activities (up to two years after completion of construction).

- D. Review. The Planning Commission may consult with outside expertise on any application at the applicant's expense in order to properly evaluate the application.
- E. Completion Surety Required. The estimated cost to complete all measures of an Erosion and Sediment Control Plan approved by the Planning Commission shall be required to be covered by adequate and appropriate surety to ensure the completion of the plan. The form and amount of surety shall be approved by the Planning Commission and may include one or a combination of either cash or completion bond. Said surety may be released upon application to the Planning Commission and only upon a finding by the Planning Commission that the plan has been satisfactorily completed. The Planning Commission may seek recommendations from an outside consultant or appropriate Town official to properly evaluate whether the plan has been satisfactorily completed. The Planning Commission may release a portion of the surety if work remains to be completed on the plan or should a dispute over the quality of the work to complete the plan exists at the time a release of surety is sought.

11.10 Site Design Standards.

- A. Generally. Proposed development shall be based on the characteristics of the site. The development shall be so laid out to preserve the natural features of the site, to avoid areas of environmental constraints, and to minimize negative impacts and alteration of natural and manmade features. The development shall be laid out 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 abutting properties.
- B. Residential Development. Every residential lot shall have sufficient access for emergency vehicles and for the lot's proposed use. The placement of dwelling units shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values. Vegetated buffer areas shall be required where necessary to avoid adverse impacts from adjacent uses.
- C. Nonresidential Development.
 - 1. General. If a proposed application involves land zoned for nonresidential purposes, the application shall accommodate such provisions as the Planning Commission may require. A nonresidential development shall conform to all requirements set forth in the Zoning Ordinance, the requirements of these Regulations, and to the Comprehensive Plan.
 - 2. Standards. The applicant shall demonstrate that the land itself and the proposed design and site layout is appropriate for the uses proposed and does not impact other uses in the vicinity. The following standards shall be observed:
 - a. Parcels shall be suitable in area and dimensions for the types of development proposed.
 - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volumes of traffic proposed to be generated.
 - c. Special requirements may be imposed by the Planning Commission with respect to the installation of public utilities, including, but not limited to water, sewer, storm drainage, street, curb, gutter and sidewalk design and construction.
 - d. Residential areas shall be buffered from potential impacts of a nonresidential development, including, but not limited to the provision of extra depth in

parcels abutting existing or potential residential uses and provisions for a permanently landscaped buffer strip.

- e. Streets carrying nonresidential traffic shall not be extended to the boundaries of adjacent existing or potential residential areas, or connect to existing local residential streets.

- D. Cemeteries. Historic and archaeological gravesites/cemeteries possess cultural and scientific values and shall be preserved within proposed projects. Applications shall utilize the least disruptive means of integrating such sites into the overall layout and design of a site. A historic or archaeological gravesite/cemetery shall be indicated on a preliminary plan and all subsequent plans submitted for approval under these Regulations. A buffer area of twenty-five (25) feet which is permanently landscaped shall be maintained around the perimeter of the boundary of the gravesite/cemetery. A written description of the gravesite/cemetery, its age and condition, historical importance, type of burial site, a listing of those known to be interred or suspected to be interred, and a plan indicating the position of graves shall be submitted as part of the preliminary plat checklist for any property which contains said gravesite/cemetery.

11.11 Temporary Improvements.

The applicant shall build and pay for all costs for temporary improvements and shall maintain the same for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvements, the developer shall file with the Town Treasurer a cash bond for temporary facilities which shall insure that the temporary facilities will be properly constructed and maintained. Acceptance of formal offers of dedication shall be only by authority of the Town Council. The approval by the Planning Commission of a temporary improvement shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown.

11.12 Inspection Required.

- A. Generally. All improvements shall be inspected at the applicant's expense and approved by the Director of Public Works or his designee. Failure to provide adequate notice (48 hours exclusive of Saturdays, Sundays and holidays) or receive inspection shall cause the Director to order the removal of the improvement(s) at the applicant's expense when such removal is required by the Director of Public Works. Inspections shall be billed to the developer or his or her designee at the rate of \$75 per hour. If an invoice is not paid within thirty (30) days no further inspections will occur. No final plat will be endorsed by the Administrative Officer until all outstanding inspection fees have been paid.
- B. Notification. No step in the construction of required improvements shall commence until the Director of Public Works has been notified, in writing, at least forty-eight (48) hours in advance of the beginning of the steps.
- C. Inspection of Improvements.
 - 1. Each phase or step in the construction of required improvements shall be inspected at the applicant's expense and approved, in writing, by the Director of Public Works or his representative. Inspections shall be performed during the regular work hours of the Public Works Department. No work requiring inspection shall occur outside the regular work hours of the Department without the prior written approval of the Director of Public Works and the advance

payment of one and a half (1.5) times the regular inspection fee. No subsequent phase or step shall commence until such inspection is approved at the following stages.

- a. Following installation of underground drainage and utilities, prior to backfilling.
 - b. Following preparation of the sub-base, backfilling and the installation of curbing or shoulders, prior to application of the base course.
 - c. Following spreading and compaction of the base course and crushed gravel base course surface.
 - d. Immediately prior to and at all times during the application and compaction of the binder and surface course on the roadway.
 - e. Following completion of improvements and installation of monuments.
 - f. Following the completion of required landscaping.
2. The Director of Public Works may require inspection at such other intervals as he may deem necessary to assure proper construction of improvements.
 3. The Director of Public Works upon proper written notification, shall not impede the construction of improvements by delaying inspection and approval without just cause.
- D. As-Built Drawings. Upon completion of construction of required improvements, two sets of as-built drawing of such improvements shall be furnished to the Director of Public Works.

11.13 Maintenance of Improvements.

The applicant shall be required to maintain all improvements, secure from vandalism, provide for mowing and snow removal if required, until final approval and acceptance of said improvements by the Town Council. The applicant shall be required to file a maintenance bond with the Town Treasurer, prior to final recording, in an amount as recommended by the Director and in a form satisfactory to the Town, in order to assure the satisfactory function and maintenance of the required improvements, for a period of one year period subsequent to completion, inspection and acceptance of the improvement(s) unless there are extenuating circumstances.

11.14 Off-Site Improvements.

Applicants shall mitigate off-site impacts and provide off-site improvements for impacts which are directly or indirectly attributable to new development. Off-site improvements shall reflect the character of the neighborhood. Off-site improvements may include, but are not limited to improvements to the following:

- A. streets/intersections
- B. sidewalks
- C. drainage systems
- D. water supply systems
- E. sanitary sewers
- F. recreation areas

SECTION 12 CONSTRUCTION SPECIFICATIONS

12.1 General.

- A. Construction Plans. Along with the preliminary application and prior to any construction, one complete set of construction plans including profiles, cross sections, and other working drawings of required construction improvements shall be submitted to the Director of Public Works.
- B. Reference Standard for Specifications. Reference is herein made to include as a minimum standard, the construction methods and procedures described in the “Standards Specification for Road and Bridge Construction” Revision of 1971, as corrected June 1, 1974, and amendments thereto, published by the RI DOT, Division of Public Works which is incorporated into these Regulations by reference. In addition, safety provisions shall be subject to OSHA regulations and additional written comments of the Chief of the Police.
- C. Clearing and Grubbing. The applicant shall clear and grub the entire area within the paved road and drainage area limits, as shown on the approved plan, of trees, stumps, root systems, bushes and other objectionable material. Living trees outside of the pavement areas shall be cut only as directed by the Director of Public Works. The branches of any trees left standing shall be carefully trimmed to give a clear height of at least fourteen feet over the pavement area.
- D. Earth Excavation. Earth excavation includes, but is not limited to: the removal of clay, sand, gravel, mud, loam, soft or disintegrated rock which can be removed without blasting; boulders of less than one cubic yard in volume (one half cubic yard in all trenches) and other unacceptable materials within the limits of the roadway, drainage or other excavation. This item of work also includes the backfilling of all stump holes and other surface irregularities with suitable gravel borrow material. Excavations shall be to a depth and cross-section as shown on the approved plans, profiles and cross-section drawings.
- E. Rock and Ledge Excavation. Rock and ledge excavation includes removal and disposal of all boulders one cubic yard or more in volume (one half cubic yard in all trenches), and all hard ledge rock which can be removed only by drilling and splitting by hand, by mechanical means or by blasting. Such excavation shall be to a depth at least twelve inches below subgrade and, where applicable, ledge side slopes shall be four feet vertical to one foot horizontal from the edge of pavement to the right-of-way edge.
- F. Subsurface Water. Where free water is encountered within three feet of existing grade during the wet season, the subbase box elevation shall be constructed no less than four (4) feet above the height of seasonal water table.

12.2 Street Construction Standards.

- A. Materials.
 - 1. Base Course. Gravel borrow may be bank run or filler may be added by approved methods and shall consist of sound, durable particles, free from loam, silt, clay, and vegetable matter, containing no cobbles over six inches in its largest dimension and meeting all other gradation requirements for gravel borrow of the Town’s standards. See Table 12.1.

TABLE 12.1
BASE COURSE GRAVEL GRADATION STANDARD

Sample _____ Provided By _____ Date _____
 Drying Time _____ Test Date _____
 Signature _____

<u>Screen</u>	<u>Wgt. Passing</u>	<u>% Passing</u>	<u>Acceptable % Passing</u>
1/2	_____	_____	50-65%
3/8	_____	_____	45-60%
# 4	_____	_____	40-55%
# 40	_____	_____	0-10%
# 200	_____	_____	0-5%

2. Base Courses Surface. Crushed bank run gravel meeting gradation requirements for crushed gravel in the referenced standard. Note section M.01.09, Table 1, of the reference standard. Gravel produced by screening without crushing shall not be acceptable.
 3. Binder Course. Bituminous modified binder (hot mix) conforming to specifications of Section M.03.01 of the reference standard sufficient to yield a uniform depth of not less than three inches.
 4. Surface Course. Bituminous concrete (hot mix), medium texture Type 1-1, sufficient to yield a uniform depth of not less than two inches. Mix design minimum shall be seven percent of asphalt cement by weight.
 5. Materials. All materials must be made of a quality acceptable to the Director of Public Works.
- B. General Conditions. During construction maintain the subdivision roads in passable condition and take measures to eliminate the creation of erosion, sediment, drainage or dust nuisances during construction. A crushed stone construction pad entrance shall be required to prevent mud transfer to existing roads.
- C. Construction Method.
1. Street Base and Pavement Standards. Streets shall be constructed to meet or exceed the minimum standards of Tables 11.1 and 11.2 and 12.1 and Figures 11.1 through 11.3b of these Regulations. Road construction stakes shall be placed at linear intervals no greater than fifty (50) feet and offset at least one foot beyond, but no greater than four (4) feet from the proposed finished road surface edge.
 2. Preparation of Sub-base. Install underground sewer and water lines, utilities, laterals, service lines, electric, communication lines, and related facilities prior to any street construction. Thoroughly compact sub-base with a fifteen ton vibratory drum roller, or its equivalent, true to the lines, grades, and cross-section shown on the approved construction drawings, at least thirty days after filling and compaction of utility trenches. Sweep or otherwise clean the sub-base clear of mud, loose and foreign material. Thoroughly dry sub-base before spreading base course.

3. Curbs. Where curbs are required, hold the edge of the wearing surface to line and grade by the installation of curbs in accordance with Section 12.3, Curbs. See Figures 11.2 and 12.1.
4. Base Course. After the sub-base has been properly prepared and the curbs or shoulder set, spread the base course for the full road width and in such volume as to provide a cross section conforming to the specifications and measurements of Table 11.1, Tables 11.2, and 12.1 after compaction with a fifteen ton vibratory drum roller or greater. Note section 305.03.1 of the referenced standard.
5. Base Course Surface. Following through compaction of the base course, spread the crusher-run gravel for the base course surface for the full road width to a depth of two inches after compaction with a fifteen ton vibratory drum roller or equivalent.
6. Application of Asphalt Surface. Asphalt shall be applied in accordance with the following specification:
 - a. The modified binder and surface courses shall consist of bituminous concrete placed to minimum depths conforming to the specifications of Table 11.2. Both layers shall meet the specifications of Section M.03 of the reference standard.
 - b. Placement of mixtures shall be by an approved self-propelled paving spreader equipment with a compactor. The paving machine shall be capable of paving not less than one full lane width and pavement depth from twin operator stations at the rear of the screed. The mixture shall be laid only upon a dry base containing no frozen materials swept clean of all debris, mud, or other loose material and when outside temperatures are above 50 degrees F. Mixtures shall be between 250 and 350 degrees F.
 - c. Compaction shall be effected by rolling with a fifteen ton vibratory roller of greater, equipped with a sprinkler system to wet the wheels or rolls. The finished surface will have a density of no less than ninety-six percent of voidless pavement composed of the same materials in like proportion. Upon completion of the application and compaction of the surface course, the street shall be closed to traffic for a minimum of twenty-four hours.
 - d. Traffic passing over newly constructed streets shall be limited to wheeled vehicles and no tracked equipment permitted.
 - e. All joints shall present the same texture, density and smoothness as other section of the course. The joints between successive day's work shall be made carefully in a manner to ensure a continuous bond between old and new sections. Where new pavement is to meet existing bituminous pavement, the existing pavement shall be sawed to a straight edge presenting a vertical face for its full depth so as to expose a fresh surface. This edge shall be painted with asphalt cement and the new pavement placed to meet this line smoothly.
 - f. All paving shall be done during the regular work hours of the Public Works Department. No weekend or holiday work will be acceptable.

12.3 Curbs.

- A. Minimum Requirements. As required, streets shall be curbed with asphalt curbing as shown on Figure 12.1 as a minimum requirement. Curbing may be interrupted or

perforated in places where stormwater runoff shall be conveyed to road side swales or other BMPs acceptable to the Planning Commission. Curbing shall be placed by suitable mechanical means in accordance with the materials for the road as specified.

1. Alternate curbing which is also acceptable shall be:
 - a. R.I. Standard #35 granite. See Figure 11.1.
2. At all street intersections, curb returns shall have a radius of at least twenty feet.
3. Granite curbing shall have a minimum base thickness of six inches, a minimum top thickness of six inches, a minimum depth of eighteen inches, and shall extend above the finished gutter grade. The horizontal and vertical alignment of the curbing shall conform to the established line and grade as shown on the approved plan and profiles.
4. All cape cod berms shall be five inches and formed and compacted in one piece with the surface course.

12.4 Sidewalks.

Construct sidewalks in accordance to the sidewalk cross-section as detailed in Figure 11.1 as follows:

- A. Materials: Refer to Section 12.2 Street Construction, A. Materials.
- B. Base Course: Compacted depth of six inches.
- C. Base Course Penetration: Apply a minimum rate of 0.75 gallons per square yard. Allow application to stand for twenty-four (24) hours without covering, after which it may receive a light covering of course sand.
- D. Surface Course: Compacted depth of two (2) inches, 1-2 bituminous concrete in conformance with Section M.03.01 of the reference standard.
- E. Observe same timing of successive steps, use limitations, and surface preparations as outlined for steps of road construction.

12.5 Stormwater Management Structures and Facilities.

- A. Earthwork and Drainage. The minimum subsurface drainage pipe size shall be eighteen inches of new class three reinforced concrete pipe. Upon review by the Planning Commission, and in consultation with the Public Works Director, the minimum size may be reduced to accommodate situations where smaller pipes are integral to the effective management of stormwater and the successful operation of LID BMPs.

Construct surface and subsurface stormwater structures and facilities to conform to the RI Stormwater Design and Installation Standards manual, and the following sections of the referenced standard, exclusive of any items therein covering methods of measurement and basis of payment.

1. Earthwork:
 - Section 203, Structure Excavation and Backfill
 - Section 204, Trimming and Fine Grading
 - Section 205, Trench Excavation

2. Drainage:
 - Section 701, Culverts and Storm Drains
 - Section 702, Manholes, Inlets, Catch Basins, and Headwalls
 - Section 703, Underdrains
 - Section 704, Paved Waterways

All catch basins and grates shall conform to RI DOT Spec. 4.31 and have a five foot minimum diameter with a three foot sump. Such standard specifications may be modified at the discretion of the Director of Public Works with the approval of the Planning Commission. Examples of modifications may include, but are not limited to, those situations where catch basins are used as pre-treatment devices in accordance with Stormwater Design and Installation Standards manual.

- B. Manholes. Locate manholes on storm sewer trunk lines:
 1. At maximum distances of three hundred feet;
 2. At angles in the sewer lines, no curved designs will be acceptable;
 3. At street intersections and other points where catch basins, inlets or laterals are to be connected;
 4. At points where pipe sizes change;
 5. At points where the grade of the sewer changes;
 6. All catch basins shall conform to the referenced standards and shall be installed at intervals of three hundred feet or at such other intervals as may be required by the Director of Public Works.
 7. Drainage frames and grates shall conform to RI Standard 6.3.4 High Capacity Frame and Grates (Bicycle Safe). See diagram on page 100A.
- C. Minimum Cover. Provide subsurface drainage structures and facilities within street rights-of-way, with a minimum cover of three feet. Where required minimum cover is physically impossible to achieve, the Planning Commission will review for approval, an alternative proposal. Do not cover any installed work until it has been inspected and approved by the Director of Public Works.
- D. Minimum Dimensions. All subsurface drainage structures shall be constructed using reinforced concrete pipe of an inside diameter no less than eighteen inches. The pipe joints shall be totally sealed with mortar cement. Upon review by the Planning Commission, and in consultation with the Public Works Director, the minimum size may be reduced to accommodate situations where smaller pipes are integral to the effective management of stormwater and the successful operation of LID BMPs.
- E. Backfill Materials and Compaction. Drainage structures shall be backfilled utilizing compactable crushed gravel borrow material with stones no larger than two inches in any dimension. The materials shall be placed and compacted in layer not more than eight inches in depth after compaction. Compaction shall be achieved by mechanical tampers, vibrators or rammers in accordance with 202.03.6 of the reference standard. A period of thirty days shall pass after full mechanical compaction of all subsurface drainage structures in the right-of-way. If after twenty-one days, less than one inch of rainfall (measured at Green State Airport) has occurred, the structures shall be thoroughly drenched with water to the degree that water puddling is observed on the compacted material over the structures.

12.6 Installation of Water Mains.

Install water mains when required, in conformance with the current American Water Works Association Standard Specification.

12.7 Permanent Monuments.

- A. Location. Set at every lot corner, perimeter corner and angle point on the boundary line of the subdivision and at every angle point of curvature on the proposed street rights-of-way. Except in existing historic stonewalls where the angle change is less than ten degrees.
- B. Materials. Quarry split (peen hammered top) granite or pre-cast reinforced concrete conforming in size and shape to the specifications below:
 - 1. Dimensions:
 - a. At least thirty-six inches in length and four inches square in cross-section.
 - b. Place and center on top surface of the monument a drill hole one-half inch in diameter and three quarters of an inch deep.
 - c. Install at points indicated on preliminary plat.
- C. Setting Monuments. Set so as not to protrude more than four inches above the finished grade.

12.8 Special Grading Provisions.

Within ten feet of abutting property, limit changes to existing grade to a slope of 2:1. Provide retaining structures to contain slopes that exceed the 2:1 ratio. Rip-rap or other retaining walls shall be sloped back at an angle of no more steep than one foot horizontal to three feet vertical and constructed of boulders with at least three sharp angular flat or cut surfaces. The installation of rip rap walls shall be in conformance with accepted structural engineering practices. The construction of such shall be inspected and certified by means of a signed and stamped letter from a Rhode Island Registered Professional Engineer.

12.9 Soil Erosion and Sediment Control.

All soil erosion and sediment control measures required by these Regulations shall be constructed in accordance with the standards and procedures set forth in the *1989 Rhode Island Soil Erosion and Sediment Control Handbook*, as may be amended from time to time. Said handbook is adopted as an Appendix to these Regulations and is available for review from the Administrative Officer.

12.10 Residential Compound Common Private Way.

A common private way in a residential compound shall have a right-of-way width between property lines of not less than twenty-four (24) feet and a travel way width of no less than twelve (12) feet. See Figure 12.2. A travel way is defined as that portion of a right-of-way that is actually used for vehicular travel. The Planning Commission may require additional right-of-way or travel way widths if conditions warrant for reasons of public health or safety. Notwithstanding any other provision of these Regulations, the travel way within a residential compound shall have no sidewalks and shall have a pervious surface composed of a two (2) inch layer of

crushed stone [one-half (1/2) inch to two (2) inch crushed stone] on top of a normal base course as required by Section 12.2, Street Construction Standards. Adequate drainage appurtenances are required to prevent washout and excessive erosion. In addition, a turn-around or cul-de-sac may be required by the Commission if conditions warrant.

SECTION 13 COMPREHENSIVE PERMIT PROCEDURES

13.1 Authority to Grant a Comprehensive Permit.

In accordance with Title 45, Chapter 53 of the Rhode Island General Laws, the R.I. Low and Moderate Income Housing Act, as amended (the "Act"), and the Town of Charlestown Zoning Ordinance, Article V, the Planning Commission has been designated as the local review board and shall have the authority to issue a comprehensive permit to build a qualifying low or moderate income housing project, which relief shall include all approvals or permits from any local board or town official having supervision of the construction of buildings or the power of enforcing land use regulations, but not limited to, the power to attach to the approval or permit, any conditions and requirement with respect to setbacks, height, site plan, size, shape, building materials, landscaping and parking consistent with the terms of the Act. All definitions and terms contained in the Act are incorporated into these regulations by reference. The regulations contained herein are intended to be complementary and to be used in unison with Article V of the Charlestown Code of Ordinances, Zoning, Low and Moderate Income Housing.

13.2 Application Procedure.

Any applicant proposing to build low or moderate income housing may submit to the local review board a single application for a comprehensive permit to build that housing in lieu of separate applications to the application local boards. The complete requirements for filing such application are set forth fully in the Charlestown Code of Ordinances, Zoning at Article V *et seq.*

SECTION 14 SUBDIVISION APPLICATION CHECKLISTS

This section contains the subdivision application checklists for:

- Plan Believed Not to Require Approval;
- Pre-Application;
- Administrative Subdivision;
- Minor Subdivision/Land Development Preliminary Plan;
- Minor Subdivision/Land Development Final Plan;
- Major Subdivision/Land Development Master Plan;
- Major Subdivision/Land Development Preliminary Plan; and
- Major Subdivision/Land Development Final Plan.

Review procedures for each of the subdivision/land development applications may be found within Sections 6, 7, 8, and 9.

All plan sheets and supporting documents must be submitted in a digital format. Supporting documents shall be provided to the Planning Department as part of the application package. Please contact the Department for appropriate formats. See the checklist for appropriate plan sheet formats.

These checklists apply to both subdivision and major land development applications. Conservation development items are marked with (CD ONLY). Land development items are marked with (LD ONLY); those items are not required for subdivision submissions. Applicants should contact the Planning Department if they have any questions about the applicability of a checklist item for a submission.

14.1 Plan Believed Not To Require Approval Checklist

Any person who wishes to record in the Land Evidence Records of Charlestown, a plan of land and who believes that the plan does not require approval under these Regulations, shall submit to the Administrative Officer the following items: (Please see the Planning Department for the required number of plans, will not exceed 13 copies but may be fewer).

- _____ 1. The original mylar plan for recording.
- _____ 2. Digital file of the site plan in one of the following formats, or as approved by the GIS Office: CAD format (e.g. DXF, DWG), .shp, .TAB, or geodatabase.
- _____ 3. Cover letter requesting review with explanation of the plan.
- _____ 4. The appropriate review fee as specified in Section 3.3.
- _____ 5. Evidence to show why the plan does not require approval.
- _____ 6. Certificate of Payment of Taxes from Tax Collector and appropriate Fire District that all taxes due the Town and Fire District in the past five years have been paid.

A plan not requiring approval shall be prepared by a Rhode Island Registered Land Surveyor and shall be legibly drawn to scale and suitable to the requirements of the recording rules adopted by the Town Clerk. The scale of the plan shall be 1 inch = 100 feet unless another scale is deemed acceptable by the Planning Department in advance of the submittal. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan. A plan not requiring approval shall contain the following information.

- _____ 1. Title Block: Plan shall be entitled "Approval Not Required Plan" and contain the following:
 - _____ a. Assessor's plat and parcel number(s).
 - _____ b. Date.
 - _____ c. Designed, drawn, checked by, initialed.
 - _____ d. Revision box, if applicable.
- _____ 2. Locus map inset at a scale not greater than 1"=2000'.
- _____ 3. Surveyor's signed stamp.
- _____ 4. Owner's name and address.
- _____ 5. Applicant name and address.
- _____ 6. Graphic scale and true north arrow.
- _____ 7. Reference survey information used to establish survey.
- _____ 8. Current zoning district(s) and any district boundaries within the tract(s).
- _____ 9. Dimensional requirements for the zoning district.
- _____ 10. Flood zone with reference panel number if applicable.
- _____ 11. Abutters name and address.
- _____ 12. Adjacent roadways with right of way widths (labeled public or private) and street names.
- _____ 13. Existing lots with bearings, dimensions, curve radii, and length.
- _____ 14. Existing survey data with ties to property.
- _____ 15. Area and square footage.

- _____ 16. Directional arrow for bearings (clockwise).
- _____ 17. Existing easements.
- _____ 18. Existing dwellings.
- _____ 19. Existing wetlands.
- _____ 20. General notes.
- _____ 21. Label all land that is not intended as a building lot as "Not a building lot".

14.2 Pre-Application Checklist

Applicants submitting Pre-application phase materials for any size subdivision or land development project shall provide a site plan(s) containing the information below entitled “Pre-Application Plan”. Contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Applicants are strongly encouraged to meet with the Town Planner in advance of submitting pre-application materials to receive guidance on the format, scale, and level of detail recommended for the submittal. As a default requirement, maps or plans developed for the pre-application phase shall be at a scale of 1 inch = 100 feet and submitted on 24 x 36 inch sheets. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan.

A. Basic Information. The following information, where applicable, shall appear on all plans and or plan size maps presented to the Planning Commission unless specifically waived thereby.

- _____ 1. Name of proposed subdivision or development.
- _____ 2. Date of plan/materials preparation and any revision dates.
- _____ 3. Assessor’s plat and lot number(s).
- _____ 4. Graphic scale.
- _____ 5. True north arrow.
- _____ 6. Zoning districts and/or overlay designation(s). (e.g. Official Zoning Map).
- _____ 7. All building setbacks required by the zoning ordinance for existing and proposed lots.
- _____ 8. Location, width and purpose of all existing rights-of-way, easements, and reservations within and adjacent to the property within two hundred (200) feet.
- _____ 9. Name and address of property owner(s).
- _____ 10. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- _____ 11. Professional stamps for surveyors, civil engineers, or other design professionals that prepared the plan.
- _____ 12. Approximate location and names of all existing streets or other public ways within two hundred (200) feet of the tract. (e.g. Tax Assessor’s Maps).
- _____ 13. Approximate location, dimensions and areas of existing platted lots and boundary lines of the parcel and within two hundred (200) feet of its perimeter. (e.g. Tax Assessor).

B. Existing Conditions Plan – Basic. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.
- _____ 3. Approximate location, description and dimensions of existing public open spaces, including parks, playgrounds, greenbelts and public shoreline access ways, based on available information. Cite source of data. (e.g. Comprehensive Plan).
- _____ 4. Areas listed, or eligible for listing on National Register of Historic Places. (e.g. RI Historical Preservation & Heritage Commission, Town Survey).

- _____ 5. Approximate location, description and dimensions of existing structures and uses on and minimally within two hundred (200) feet of the property.
- _____ 6. Location of any existing OWTS water table and percolation test holes data.
- _____ 7. Known documentation showing location, dimensions, grades and flow direction of existing sewers, water mains, culverts and other underground and above ground utilities.
- _____ 8. Approximate location of any gravesites, cemeteries, or stone walls.

C. Existing Conditions Plan – Environmental Features. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic information described in Subsection A above.
- _____ 2. Approximate location and area of slopes greater than 15% as shall be identified by two-foot contour topographical survey. Slopes greater than 15% shall be marked by shading that distinguishes the sloped area.
- _____ 3. Ledge/rock outcrops as may be identified in the *Soil Survey of Rhode Island*.
- _____ 4. Soil Types and general analysis of their suitability for the development proposal. (e.g. Soil Survey of Rhode Island).
- _____ 5. Designation of aquifer recharge area, wellhead protection areas, and groundwater protection area information. (e.g. Charlestown Zoning Map).
- _____ 6. Coastal feature(s) designation as per CRMC and/or SAM plan guidelines (contact CRMC).
- _____ 7. The use categories of any tidal waters abutting or within two hundred (200) feet of the site, as set by CRMC.
- _____ 8. Floodways, V and A Zones from current FEMA maps.
- _____ 9. Approximate location of wooded areas and existing ground cover.
- _____ 10. Approximate areas of water courses and wetlands.
- _____ 11. Approximate areas of agricultural use.

D. Proposed Development Plan:

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Approximate location, dimensions and areas of proposed lots.
- _____ 3. Approximate location and widths of proposed streets.
- _____ 4. Approximate location, dimensions and areas of all land proposed to be set aside for open space, and/or parks, playgrounds and recreation areas.
- _____ 5. Concept plans of alternative developments. (**CD ONLY**)
- _____ 6. Site Context Map. (**CD ONLY**)
- _____ 7. Approximate location of proposed buildings and/or improvements. (LD ONLY)
- _____ 8. Approximate location and size of parking areas. (LD ONLY)
- _____ 9. Approximate location of landscape areas. (LD ONLY)

E. Supporting Materials:

- _____ 1. Aerial photograph of the proposed site and surrounding area.
- _____ 2. Two (2) copies of an 11" x 17" reduction of the proposed sketch plat(s).
- _____ 3. Filing fee.
- _____ 4. Statement verifying that the applicant and/or their representative and their engineer have walked the site of proposed project.
- _____ 5. Statement verifying that the applicant and/or their representative and their engineer have read and understand Section 4.3 Development Density.
- _____ 6. Certificate of Tax Collector and appropriate Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ 7. Existing statements and conditions of easements, deed restrictions or covenants existing or proposed on land within the plat.
- _____ 8. Initial yield plan.

14.3 Administrative Subdivision Checklist

Applicants submitting materials for an Administrative Subdivision shall provide a site plan(s) containing the information below entitled “Administrative Subdivision Plan”. Contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Applicants are therefore strongly encouraged to meet with the Town Planner in advance of submitting materials to receive guidance on the format, scale, and level of detail recommended for the submittal. As a default requirement, maps or plans developed for the pre-application phase shall be at a scale of 1 inch = 100 feet and submitted on 24 x 36 sheets. Where any materials are generated electronically, the format requirements provided for electronic submittals at the beginning of Section 14 shall be followed. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan.

A. Required Information. The following information, where applicable, shall appear on all plans and or plan size maps submitted to the Planning Department unless specifically waived by the Planning Commission.

- _____ 1. Name of proposed subdivision or development.
- _____ 2. Date of plan/materials preparation and any revision dates.
- _____ 3. Assessor’s plat and lot number(s).
- _____ 4. Graphic scale.
- _____ 5. True north arrow.
- _____ 6. Zoning districts and/or overlay designation(s). (e.g. Official Zoning Map).
- _____ 7. All building setbacks required by the zoning ordinance for existing and proposed lots.
- _____ 8. Location, width and purpose of all existing rights-of-way, easements, and reservations within and adjacent to the property within two hundred (200) feet.
- _____ 9. Name and address of property owner(s).
- _____ 10. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- _____ 11. Professional stamps, with signatures, for surveyors, civil engineers, or other design professionals that prepared the plan.
- _____ 12. Class I survey of property boundary.
- _____ 13. Approximate location and names of all existing streets or other public ways within two hundred (200) feet of the tract. (e.g. Tax Assessor’s Maps).
- _____ 14. Approximate location, dimensions and areas of existing platted lots and boundary lines of the parcel and within two hundred (200) feet of its perimeter. (e.g. Tax Assessor).
- _____ 15. Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.
- _____ 16. Approximate location, description and dimensions of existing structures and uses on and within two hundred (200) feet of the property.
- _____ 17. Approximate location of any gravesites, cemeteries, or stone walls.
- _____ 18. Floodways, V and A Zones from current FEMA maps.
- _____ 19. Area of the subdivision and all subdivision boundaries.

- _____ 20. Location and dimensions of all property lines, drawn so as to distinguish them from existing property lines.
- _____ 21. The location, bearing and length of all property lines and street lines. No “plus or minus” distances shall be submitted. All survey data shall be referenced to the U.S. Geological Survey, where appropriate. Where curve data applies, the following information shall be given based upon the arc definition of curve:

Central Angle	in degrees, minutes and seconds
Radius	in feet and hundredths
Length	in feet and hundredths
Tangent Distance	in feet and hundredths

B. Supporting Materials:

- _____ 1. Aerial photograph of the proposed site and surrounding area.
- _____ 2. Ten (10) copies of an 11” x 17” reduction of the blue line plat(s).
- _____ 3. Filing fee.
- _____ 4. Certificate of Tax Collector and appropriate Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ 5. Existing statements and conditions of easements, deed restrictions or covenants existing or proposed on land within the plat.
- _____ 6. Digital file of the site plan in one of the following formats, or as approved by the GIS Office: CAD format (e.g. DXF, DWG), .shp, .TAB, or geodatabase.

14.4 Minor Subdivision/Land Development Preliminary Plan Checklist

Applicants submitting materials for a Minor Subdivision Preliminary Plan shall provide a site plan(s) containing the information below entitled “Preliminary Plan for a Minor Subdivision”. Contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Applicants are strongly encouraged to meet with the Town Planner in advance of submitting materials to receive guidance on the format, scale, and level of detail recommended for the submittal. As a default requirement, maps or plans developed for the pre-application phase shall be at a scale of 1 inch = 100 feet and submitted on 24 x 36 sheets. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan.

A. Basic Information. The following information, where applicable, shall appear on all plans and or plan size maps presented to the Planning Commission unless specifically waived thereby.

- _____ 1. Name of proposed subdivision or development.
- _____ 2. Date of plan/materials preparation and any revision dates.
- _____ 3. Assessor’s plat and lot number(s).
- _____ 4. Graphic scale.
- _____ 5. True north arrow.
- _____ 6. Zoning districts and/or overlay designation(s). (e.g. Official Zoning Map).
- _____ 7. Name and address of property owner(s).
- _____ 8. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- _____ 9. Professional stamps, with signatures, for surveyors, civil engineers, or other design professionals that prepared the plan.
- _____ 10. Class I survey of property boundary.
- _____ 11. Location and names of all existing streets or other public ways within two hundred (200) feet of the tract.
- _____ 12. Location, dimensions and areas of existing platted lots and boundary lines of the parcel and within two hundred (200) feet of its perimeter.
- _____ 13. Locations, width and purpose of all existing rights-of-way, easements and reservations within and adjacent to the property within two hundred (200) feet.

B. Existing Conditions Plan – Basic. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.
- _____ 3. Location, description and dimensions of existing public open spaces, including parks, playgrounds, greenbelts and public shoreline access ways, based on available information. Cite source of data.
- _____ 4. Areas listed, or eligible for listing on National Register of Historic Places. (e.g. RI Historical Preservation & Heritage Commission, Town Survey).
- _____ 5. Approximate location, description and dimensions of existing structures and uses on and within two hundred (200) feet of the property.

- _____ 6. Location of any existing OWTS water table and percolation test holes data.
- _____ 7. Known documentation showing location, dimensions, grades and flow direction of existing sewers, water mains, culverts and other underground and above ground utilities.
- _____ 8. Location of any gravesites, cemeteries, or stone walls on the site.

C. Existing Conditions Plan – Environmental Features. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. When in an area of CRMC or SAM Plan jurisdiction, the location of coastal features on site, and the use categories of any water body abutting or within two hundred (200) feet of the site and the land use classification.
- _____ 3. CRMC and/or the DEM determinations of the location of any watercourses or wetlands and required buffer areas and the approval of any proposed alteration of fresh or salt water wetland areas as defined by state law.
- _____ 4. The location of floodways and all V and A Zones.
- _____ 5. The location of all water table test holes and percolation tests for both stormwater and wastewater management. Depth to water table and percolation rates shall be noted on the map at each test site. The approval of the DEM for subdivision septic suitability and verified water table tests is necessary for three (3) or more lots.
- _____ 6. Any areas of agricultural use.
- _____ 7. Accurate location of specimen vegetation and other unique vegetative, landscape, or historic features (such as stonewalls) designated for protection in an Environmental Analysis (Section 4.4).
- _____ 8. Location and area of existing slopes greater than 15% as shall be identified by two-foot contour topographical survey. Slopes greater than 15% shall be marked by shading that distinguishes the sloped area.
- _____ 9. Location of cemeteries or gravesites, on or immediately adjacent to the parcel being subdivided.
- _____ 10. Ledge/rock outcrops as may be identified in the *Soil Survey of Rhode Island*.
- _____ 11. Soil Types and general analysis of their suitability for the development proposal. (e.g. Soil Survey of Rhode Island).
- _____ 12. Designation of aquifer recharge areas, wellhead protection areas, and groundwater protection district information.
- _____ 13. Approximate location of wooded areas and existing ground cover.
- _____ 14. Existing contours at two foot intervals.
- _____ 15. Existing Resources and Site Analysis Map. **(CD ONLY)**

D. Proposed Development Plans

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Area of subdivision and all of subdivision boundaries.
- _____ 3. Location, dimensions and areas of all proposed lots and all proposed property lines drawn so as to distinguish them from existing property lines.

- _____ 4. Sketch of any remaining part of the subdividers' tract showing tentative layout of streets.
- _____ 5. Location, description and dimensions of proposed dedicated or reserved public open spaces and access including parks, playgrounds, greenbelts and public shoreline access ways based on available information. (e.g. Comprehensive Plan).
- _____ 6. Concept plan overlay. **(CD ONLY)**
- _____ 7. Site Context Map. **(CD ONLY)**
- _____ 8. Streetscape design including street trees (specify type), sidewalks (where applicable) street lights and traffic and street signs, if street creation or extension is proposed.
- _____ 9. Location, dimensions, linear and square footage of proposed roads, proposed road names, and all other public improvements necessary to proposed road.
- _____ 10. Profiles showing existing and proposed elevations along the centerline of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads, within one hundred (100) feet of the intersection, shall be shown.
- _____ 11. Plans and profiles showing the location, type and typical section of road pavements, including curbs and gutters, sidewalks, manholes, catch basins, and street lights, the location, size, and invert elevation of existing and proposed sanitary sewers, stormwater BMPs and conveyances, water mains and fire hydrants.
- _____ 12. Sufficient data acceptable to the Director of Public Works for the location bearing and length of all property lines and street lines. No plus or minus distances shall be submitted. Where curve data applies, the following information shall be given upon the arc definition of curve:

Central Angle	in degrees, minutes and seconds
Radius	in feet and hundredths
Length	in feet and hundredths
Tangent Distance	in feet and hundredths
- _____ 13. Landscape plan depicting species, location, size, and planting schedules and demonstrating compliance with the Zoning Ordinance.
- _____ 14. Soil erosion plan consistent with the requirements of the Zoning Ordinance and Section 11.9 of these regulations.
- _____ 15. Stormwater management plan consistent with Section 11.8 of these regulations.
- _____ 16. All building setback required by the Zoning Ordinance for existing and proposed building lots.
- _____ 17. Placement of permanent bounds to make property lines.

E. Supporting Materials:

- _____ 1. Environmental analysis, where required, by Section 4.4 Environmental Analysis.
- _____ 2. Filing fee.
- _____ 3. Two (2) copies of an 11" x 17" reduction of the site plan.
- _____ 4. Updated names and addresses of all owners of property within two hundred (200) feet of the perimeter of the land proposed to be subdivided.

- _____ 5. Certificate of Tax Collector and appropriate Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ 6. Existing statements and conditions of easements, deed restrictions or covenants existing or proposed on land within the plat.
- _____ 7. Brief written description of site characteristics, including soils, vegetation, wetlands, unique features, topography, ground and surface water quality as they relate to the proposed development.
- _____ 8. Aerial photograph of the proposed site and surrounding area.
- _____ 9. Narrative description and calculations to accompany the soil erosion plan.
- _____ 10. Soil erosion and sediment bond recommendation from Director of Public Works.
- _____ 11. Narrative description and calculations to accompany the stormwater management plan.
- _____ 12. Any documentation related to CRMC or DEM determinations related to the site.
- _____ 13. Operations and maintenance plan narrative for stormwater management BMPs not controlled by the Town of Charlestown.
- _____ 14. Verification that the applicant and/or their representative and their engineer have walked the site of proposed project.
- _____ 15. Verification that the applicant and/or their representative and their engineer have read and understand Section 4.3 Development Density.
- _____ 16. An estimate of approximate population of the proposed subdivision. (e.g., The New Practitioner's guide to Fiscal Impact Analysis Burchell/Listoken).
- _____ 17. An estimate of the number of school aged children to be housed in the proposed subdivision. (e.g., The New Practitioner's guide to Fiscal Impact Analysis Burchell/Listoken).
- _____ 18. An estimate of number of cars to be on-site and total number of daily trips to be generated by the development. (e.g., ITE Transportation and Land Development Stover/Koepke, Prentice Hill).
- _____ 19. Any required public notice, certified letters, property notice, notice to adjacent towns, and watershed-related notices pursuant to Section 10.6, with return receipts for any notices or letters sent by certified mail.
- _____ 20. Fiscal impact statement.
- _____ 21. Yield plan, modified with any new or more accurate information.

14.5 Minor Subdivision/Land Development Final Plan Checklist

An applicant for a final approval of a minor subdivision shall submit a plan labeled “Final Plan” for a Minor Subdivision”, showing the as-built condition of the subdivision, and updating all of the information on the minor plan preliminary checklist. Plans shall be prepared, stamped, and signed by a Rhode Island Registered Professional Engineer and/or Land Surveyor at a scale no smaller than 1 inch = 100 feet. Contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Where any materials are generated electronically, the format requirements provided for electronic submittals at the beginning of Section 14 shall be followed. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan. Individual sheets to be recorded shall not exceed 24 x 36 inches, and show the following in addition to the above items:

- _____ 1. Date of preliminary minor plan approval.
- _____ 2. Date of final plat submission.
- _____ 3. Surveyed measurements showing the location and dimensions of the following (as built):
 - _____ a. Road profiles, establishing road grades and cross sections every one hundred (100) feet;
 - _____ b. Radii and angles of intersection of curves including:
 - _____ (i) length
 - _____ (ii) central angles
 - _____ (iii) tangent distances
 - _____ (iv) tangent bearings
 - _____ (v) arc lengths
- _____ 4. Accurate dimensions as follows:
 - _____ a. Width of streets and other rights-of-way
 - _____ b. Length and bearing of lot lines
 - _____ c. Length of right-of-way lines
 - _____ d. Length of subdivision boundary lines
 - _____ e. Areas of lots
- _____ 5. Center line profiles of constructed streets drawn at a horizontal scale of forty (40) feet equals one (1) inch and a vertical scale of ten (10) feet equals one (1) inch showing the location of as-built drainage, sewer and water lines and structures, street surface grades and the finished ground elevation.
- _____ 6. A definite bearing and distance tie between permanent monuments on the exterior boundary of the subdivision and existing street intersections, or other permanent monuments where installed.
- _____ 7. Any restrictions stipulated by the Planning Commission’s preliminary approval as requiring notation on final plat.
- _____ 8. Limits of grading and clearing.
- _____ 9. Supporting Materials.
 - _____ a. Any documentation related to CRMC or DEM determinations related to the site.

- _____ b. Certificate of Tax Collector and Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ c. Two (2) notarized executed copies of existing and proposed protective covenants, easements, and deed restrictions which regulate and protect the proposed subdivision.
- _____ d. Two (2) notarized executed copies of an irrevocable offer to convey to the Town all public streets and to convey all designated open space land to the Town if such open space is to be publicly owned or to a private association or the purchaser of land in the plat where such open space is to be privately owned.
- _____ e. Certification of a Rhode Island Registered Professional Engineer and/or Land Surveyor that the plan is correct and accurate as built.
- _____ f. Filing fee.
- _____ g. 911 house numbers as outlined by the numbering ordinance where new streets are to be created consisting of one copy of the subdivision map at scale of 1" = 100' annotated with house numbers.
- _____ h. Payment of fees in lieu of land dedication (if appropriate).
- _____ i. Certification from the Director of Public Works that all road inspection fees have been paid.
- _____ j. A bond to cover the cost of construction, maintenance, and removal of temporary improvements if required as recommended by the Director of Public Works.
- _____ k. A maintenance bond as recommended by the Director of Public Works to cover the maintenance of all improvements within the subdivision for a period of one (1) year after their acceptance by the Town Council.
- _____ l. Digital file of the site plan in one of the following formats, or as approved by the GIS Office: CAD format (e.g. DXF, DWG), .shp, .TAB, or geodatabase
- _____ m. Certificate of Tax Collector and Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.

14.6 Major Subdivision/Land Development Project Master Plan Checklist

Applicants submitting materials for a Major Subdivision Master Plan shall submit a plan titled “Master Plan for a Major Subdivision (or Land Development)”. Applicants shall contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Applicants are therefore strongly encouraged to meet with the Town Planner in advance of submitting materials to receive guidance on the format, scale, and level of detail recommended for the submittal. As a default requirement, maps or plans developed for the pre-application phase shall be at a scale of 1 inch = 100 feet and submitted on 24 x 36 inch sheets. Where any materials are generated electronically, the format requirements provided for electronic submittals at the beginning of Section 14 shall be followed. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan.

A. Basic Information. The following information, where applicable, shall appear on all plans and or plan size maps presented to the Planning Commission unless specifically waived thereby.

- _____ 1. Name of proposed subdivision or development.
- _____ 2. Date of plan/materials preparation and any revision dates.
- _____ 3. Assessor’s plat and lot number(s).
- _____ 4. Graphic scale.
- _____ 5. True north arrow.
- _____ 6. Zoning Districts and/or overlay designation(s). (e.g. Official Zoning Map).
- _____ 7. All building setbacks required by the zoning ordinance for existing and proposed lots.
- _____ 8. Locations, width and purpose of all existing rights-of-way, easements and reservations within and adjacent to the property within two hundred (200) feet.
- _____ 9. Name and address of property owner(s).
- _____ 10. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- _____ 11. Professional stamps for surveyors, civil engineers, or other design professionals that prepared the plan.
- _____ 12. Approximate location and names of all existing streets or other public ways shown on the plans.
- _____ 13. Approximate location, dimensions and areas of existing platted lots and boundary lines of the parcel and for other parcels shown on the map. (e.g. Tax Assessor).

B. Existing Conditions Plan – Basic. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.
- _____ 3. Approximate location, description and dimensions of existing public open spaces, including parks, playgrounds, greenbelts and public shoreline access ways, based on available information. Cite source of data. (e.g. Comprehensive Plan).
- _____ 4. Areas on the site listed, or eligible for listing on National Register of Historic Places. (e.g. RI Historical Preservation & Heritage Commission, Town Survey).

- _____ 5. Location of any existing OWTS water table and percolation test holes data.
- _____ 6. Known documentation showing location, dimensions, grades and flow direction of existing sewers, water mains, culverts and other underground and above ground utilities.
- _____ 7. Location of any gravesites, cemeteries, or stone walls.
- _____ 8. Approximate location, dimensions and areas of existing platted lots and boundary lines of the parcel and within two hundred (200) feet of its perimeter. (e.g. Tax Assessor).
- _____ 9. Approximate location and dimensions of existing buildings and uses, streets sidewalks, driveways and parking areas or other public ways on and within two hundred (200) feet of the property.
- _____ 10. The location and capacity of existing water mains, gas lines, septic systems, drains, utility lines and other underground structures within the tract and immediately adjacent thereto.

C. Existing Conditions Plan – Environmental Features. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission:

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Approximate location and area of slopes greater than 15% as shall be identified by two-foot contour topographical survey. Slopes greater than 15% shall be marked by shading that distinguishes the sloped area.
- _____ 3. Ledge/rock outcrops as may be identified in the *Soil Survey of Rhode Island*.
- _____ 4. Soil Types and general analysis of their suitability for the development proposal. (e.g. Soil Survey of Rhode Island).
- _____ 5. Designation of aquifer recharge area, wellhead protection areas, and groundwater protection area information.
- _____ 6. Within an area of CRMC or SAM Plan jurisdiction, the location of coastal features and required buffers on site, and the use categories of any water bodies abutting or within two hundred (200) feet of the site and the land use classification. (contact CRMC).
- _____ 7. The location of any fresh or salt water water courses, wetlands and buffer areas as defined by state law.
- _____ 8. The use categories of any tidal waters abutting or within two hundred (200) feet of the site, as set by CRMC. (contact CRMC).
- _____ 9. Floodways, V and A zones from current FEMA maps.
- _____ 10. Approximate location of wooded areas and existing ground cover.
- _____ 11. Surveyed flags for wetlands and watercourses along with any state agency jurisdictional buffer. Verification from DEM for wetland locations is not required in the Master Plan phase.
- _____ 12. Approximate areas of agricultural use.
- _____ 13. Location of specimen vegetation and other unique vegetative, landscape or historic features (such as stone walls) designated for preservation as defined in these regulations.
- _____ 14. Existing contours at two foot intervals.

_____ 15. Location of historic cemeteries or archeological resources, on or immediately adjacent to the parcel being subdivided.

_____ 16. Existing Resources and Site Analysis Map **(CD ONLY)**

D. Proposed Development Plan:

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Area of the proposed subdivision with approximate location, dimensions and areas of proposed lots.
- _____ 3. Approximate location and widths of proposed streets.
- _____ 4. Approximate location, dimensions and areas of all land proposed to be set aside for open space, and/or parks, playgrounds and recreation areas. For conservation development subdivisions see open space requirement Section 4.5.A.10.
- _____ 5. Concept plan overlay **(CD ONLY)**
- _____ 6. Site context map **(CD ONLY)**
- _____ 7. Approximate limit of disturbance during construction.
- _____ 8. Approximate location for all buildings.
- _____ 9. Conceptual grading for the site at a minimum five-foot contour intervals.
- _____ 10. Conceptual location of OWTS installations, on-site wells, and significant stormwater BMP features.
- _____ 11. Conceptual phasing for construction with labeled division lines between different phase areas.
- _____ 12. Proposed facilities and utilities within the subdivision.
- _____ 13. Proposed water supply plan, where applicable.
- _____ 14. Location of proposed dedicated or reserved public open spaces and access including parks, playgrounds, greenbelts and public shoreline access ways to the coastal ponds and Atlantic Ocean with intended ownership and use so designated.
- _____ 15. Total area and percent of existing and proposed impermeable surfaces.
- _____ 16. Approximate location of proposed buildings and/or improvements. **(LD ONLY)**
- _____ 17. Approximate location and size of parking areas. **(LD ONLY)**
- _____ 18. Approximate location of landscape areas. **(LD ONLY)**

E. Supporting Materials:

- _____ 1. Environmental analysis, where required, by Section 4.4 Environmental Analysis.
- _____ 2. Filing fee.
- _____ 3. Two copies of each plan at 11" x 17".
- _____ 4. Certificate of Tax Collector and appropriate Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ 5. Names of the abutting property owners, property owners immediately across any adjacent streets, and within two hundred (200) feet of the perimeter of the site.
- _____ 6. Names and addresses of all property owners of land within two hundred (200) feet of the perimeter of the land proposed to be subdivided.

- _____ 7. Existing statements and conditions of easements, deed restrictions or covenants existing or proposed on land within the plat.
- _____ 8. Aerial photograph of the proposed site and surrounding area.
- _____ 9. Narrative description of proposed soil erosion and sediment control measures.
- _____ 10. Narrative description of proposed approach to stormwater, wastewater and water supply management.
- _____ 11. Verification that the applicant and/or their representative and their engineer have walked the site of proposed project.
- _____ 12. Verification that the applicant and/or their representative and their engineer have read and understand Section 4.3 Development Density.
- _____ 13. An estimate of approximate population of the proposed subdivision. (e.g., The New Practitioner's guide to Fiscal Impact Analysis Burchell/Listoken).
- _____ 14. An estimate of the number of school aged children to be housed in the proposed subdivision. (e.g., The New Practitioner's guide to Fiscal Impact Analysis Burchell/Listoken).
- _____ 15. An estimate of number of cars to be on-site and total number of daily trips to be generated by the development. (e.g., ITE Transportation and Land Development Stover/Koepke, Prentice Hill).
- _____ 16. Fiscal impact statement.
- _____ 17. Proposed building elevations and building materials list and descriptions. **(LD ONLY)**
- _____ 18. Yield plan, modified with any new or more accurate information.
- _____ 19. Director of Public Works soil erosion and sediment control bond recommendation.
- _____ 20. Site Analysis which shall include written and graphic analysis of the following, in accordance with the description of the Existing Resources and Site Analysis Map required for Conservation Developments (see Subsection 4.5A.8C.)
 - _____ a. Site locus and geographical setting
 - _____ b. Topography and slopes between 15% and 25% and over 25%
 - _____ c. Agricultural lands and prime farmland soils
 - _____ d. Wetlands and coastal features
 - _____ e. Special aquatic sites
 - _____ f. Groundwater reservoirs and watersheds
 - _____ g. Areas subject to sea level rise
 - _____ h. Vegetative cover and forest type
 - _____ i. Sensitive plant and animal habitats
 - _____ j. Soils by hydrological soil group
 - _____ k. Historically significant sites and structures
 - _____ l. Visual features and viewsheds
 - _____ m. Man-made features (historic roadways, foundations and excavated areas)
 - _____ n. Recreational resources (trails, boat launches, playing fields)

- _____ o. Road networks and utilities
 - _____ p. Other unique resources
 - _____ q. Brief written description of site characteristics including soil, vegetation, wetlands, unique features, topography, ground and surface water quality as they relate to the proposed development
- _____ 21. Initial written comments on the master plan from the following agencies (gathered with assistance from the Town Planner):
- _____ a. Public Works Director
 - _____ b. Building/Zoning Official
 - _____ c. Fire District
 - _____ d. Police Department
 - _____ e. Adjacent Communities as required by state law
 - _____ f. State Agencies (as applicable)
 - _____ (i) Department of Environmental Management
 - _____ 1) OWTS
 - _____ 2) Natural Heritage
 - _____ 3) Wetlands
 - _____ 4) RIPDES / UIC
 - _____ (ii) Coastal Resources Management Council
 - _____ (iii) Department of Transportation
 - _____ (iv) R.I. Scenic Roadways Board
 - _____ (v) R.I. Historical Preservation and Heritage Commission
 - _____ (vi) R.I. Department of Health
- _____ 22. Federal Agencies
- _____ a. U.S Army Corps of Engineers
 - _____ b. Federal Emergency Management Agency

14.7 Major Subdivision/Land Development Project Preliminary Plan Checklist

Applicants submitting materials for a Major Subdivision Preliminary Plan shall submit plans titled “Preliminary Plan for Major Subdivision (or Land Development)”. Applicants shall contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Applicants are therefore strongly encouraged to meet with the Town Planner in advance of submitting materials to receive guidance on the format, scale, and level of detail recommended for the submittal. As a default requirement, maps or plans developed for the pre-application phase shall be at a scale of 1 inch = 100 feet and submitted on 24 x 36 sheets. Where any materials are generated electronically, the format requirements provided for electronic submittals at the beginning of Section 14 shall be followed. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan.

A. Basic Information. The following information, where applicable, shall appear on all plans and or plan size maps presented to the Planning Commission unless specifically waived thereby.

- _____ 1. Name of proposed subdivision or development.
- _____ 2. Date of plan/materials preparation and any revision dates.
- _____ 3. Assessor’s plat and lot number(s).
- _____ 4. Graphic scale.
- _____ 5. True north arrow.
- _____ 6. Zoning districts and/or overlay designation(s). (e.g. Official Zoning Map).
- _____ 7. Name and address of property owner(s).
- _____ 8. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- _____ 9. Professional stamps for surveyors, civil engineers, or other design professionals that prepared the plan.
- _____ 10. Class I survey of property boundary.
- _____ 11. Approximate location and names of all existing streets or other public ways within one hundred (100) feet of the tract. (e.g. Tax Assessor’s Maps).
- _____ 12. Approximate location, dimensions and areas of existing platted lots and boundary lines of the parcel and within one hundred (100) feet of its perimeter. (e.g. Tax Assessor).
- _____ 13. Locations, width and purpose of all existing rights-of-way, easements and reservations within and adjacent to the property within two hundred (200) feet.

B. Existing Conditions Plan – Basic. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.
- _____ 3. Location, description and dimensions of existing public open spaces, including parks, playgrounds, greenbelts and public shoreline access ways, based on available information. Cite source of data.
- _____ 4. Areas onsite listed, or eligible for listing on National Register of Historic Places. (e.g. RI Historical Preservation & Heritage Commission, Town Survey).

- _____ 5. Approximate location, description and dimensions of existing structures and uses on and within two hundred (200) feet of the property.
- _____ 6. Location of any existing OWTS water table and percolation test holes data.
- _____ 7. Known documentation showing location, dimensions, grades and flow direction of existing sewers, water mains, culverts and other underground and above ground utilities.
- _____ 8. Locations of any gravesites, cemeteries, or stone walls onsite.

C. Existing Conditions Plan – Environmental Features. The following features, where applicable, shall be shown on map or plan documents unless specifically waived by the Planning Commission.

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. When in an area of CRMC or SAM Plan jurisdiction, the location of coastal features on site, and the use categories of any water body abutting or within two hundred (200) feet of the site and the land use classification.
- _____ 3. CRMC and/or the DEM determinations of the location of any watercourses or wetlands and required buffer areas and the approval of any proposed alteration of fresh or salt water wetland areas as defined by state law.
- _____ 4. The location of floodways and all V and A Zones.
- _____ 5. The location of all water table test holes and percolation tests for both stormwater and wastewater management. Depth to water table and percolation rates shall be noted on the map at each test site. The approval of the DEM for subdivision septic suitability and verified water table tests is necessary for three (3) or more lots.
- _____ 6. Any areas of agricultural use.
- _____ 7. Accurate location of specimen vegetation and other unique vegetative, landscape, or historic features (such as stonewalls) designated for protection in an Environmental Analysis (Section 4.4).
- _____ 8. Location and area of existing slopes greater than 15% as shall be identified by two-foot contour topographical survey. Slopes greater than 15% shall be marked by shading that distinguishes the sloped area.
- _____ 9. Location of cemeteries or gravesites, on or immediately adjacent to the parcel being subdivided.
- _____ 10. Ledge/rock outcrops as may be identified in the *Soil Survey of Rhode Island*.
- _____ 11. Soil types and general analysis of their suitability for the development proposal.
- _____ 12. Designation of aquifer recharge areas, wellhead protection areas, and groundwater protection area information.
- _____ 13. Location of wooded areas and existing ground cover.
- _____ 14. Existing Resources and Site Analysis Map. **(CD ONLY)**

D. Proposed Development Plans

- _____ 1. Basic Information described in Subsection A above.
- _____ 2. Area of subdivision and all of subdivision boundaries.
- _____ 3. Location, dimensions and areas of all proposed lots and all proposed property lines drawn so as to distinguish them from existing property lines.

- _____ 4. Placement of permanent bounds.
- _____ 5. All building setback required by the zoning ordinance for existing and proposed lots.
- _____ 6. Sketch of any remaining part of the subdividers' tract showing tentative layout of streets.
- _____ 7. Location, description and dimensions of proposed dedicated or reserved public open spaces and access including parks, playgrounds, greenbelts and public shoreline access ways.
- _____ 8. Streetscape design including street trees (specify type), sidewalk, street lights and traffic and street signs (where applicable), if street creation or extension is proposed.
- _____ 9. Location, dimensions, linear and square footage of proposed roads, proposed road names, and all other public improvements necessary to proposed road.
- _____ 10. Location and dimensions (including height) of all proposed buildings.
- _____ 11. Location of parking areas including lined spaces, travel lanes, and number of spaces shown for each proposed parking area.
- _____ 12. Profiles showing existing and proposed elevations along the centerline of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads, within one hundred (100) feet of the intersection, shall be shown.
- _____ 13. Plans and profiles showing the location, type and typical section of road pavements, including curbs and gutters, sidewalks, manholes, catch basins, and street lights, the location, size, and invert elevation of existing and proposed sanitary sewers, stormwater BMPs and conveyances, water mains and fire hydrants.
- _____ 14. Sufficient data acceptable to the Director of Public Works for the location bearing and length of all property lines and street lines. No plus or minus distances shall be submitted. Where curve data applies, the following information shall be given upon the arc definition of curve:

Central Angle	in degrees, minutes and seconds
Radius	in feet and hundredths
Length	in feet and hundredths
Tangent Distance	in feet and hundredths
- _____ 15. Lighting plan, including the location, number, type and intensity of proposed lighting, and demonstrating compliance with §218-75 of the Charlestown Zoning Ordinance and Chapter 155-15, et seq. of the Charlestown Code of Ordinances, with consideration given to the cumulative impacts of the proposed lighting with existing site lighting. **(LD ONLY)**
- _____ 16. Location of proposed buildings and/or improvements. **(LD ONLY)**
- _____ 17. Location and size of parking areas showing marked spaces and travel lanes. **(LD ONLY)**
- _____ 18. Landscape plan depicting species, location, size, and planting schedules and demonstrating compliance with the Zoning Ordinance.
- _____ 19. Soil erosion plan consistent with the requirements of the Zoning Ordinance and Section 11.9 of these regulations.
- _____ 20. Stormwater management plan consistent with Section 11.8 of these regulations.

_____ 21. Total area and percent of existing and proposed impermeable surfaces.

E. Supporting Materials:

The applicant shall submit to the Administrative Officer thirteen (13) copies of a narrative report which provides a general description of the uses and type of development proposed.

- _____ 1. Environmental analysis, where required, by Section 4.4 Environmental Analysis Regulations.
- _____ 2. Filing fee.
- _____ 3. Two copies of an 11" x 17" reduction of the preliminary plat.
- _____ 4. Names and addresses of all owners of land lying within two hundred (200) feet of the perimeter of land proposed to be subdivided.
- _____ 5. Certificate of Tax Collector showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.
- _____ 6. Existing statements and conditions of easements, deed restrictions or covenants existing or proposed on land within the plat.
- _____ 7. Written approval of the RI DEM that the plans of the proposed subdivision or land development project including any off-site construction have been reviewed and indicating applicability of the Wetlands Act and if approval has been granted for the proposed site alteration.
- _____ 8. Written approval of the RI CRMC of the proposed subdivision or land development project, including any off-site construction, in the form of an assent.
- _____ 9. A Physical Alteration Permit (PAP) issued by the RI DOT or Public Works Director for any connection to or construction work within a state highway or town right-of-way.
- _____ 10. Final building elevations with a building materials list and description. **(LD ONLY)**
- _____ 11. Preliminary suitability determination approval by the DEM for the use of onsite wastewater treatment systems.
- _____ 12. Names and addresses of all agencies, or communities requiring notification as required by these regulations.
- _____ 13. Return receipts for certified letter listed in (4) above.
- _____ 14. Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other public improvements.
- _____ 15. A letter of commitment stating the applicant understands he/she is responsible to complete all required improvements prior to the submission of the final plat.
- _____ 16. Yield plan, modified with any new or more accurate information.
- _____ 17. Final written comments on the preliminary plan from the following:
 - _____ a. Public Works Director
 - _____ b. Building Inspector

14.8 Major Subdivision/Land Development Project Final Plan Checklist

An applicant for a final approval of a major plan shall submit a plan labeled “Final Plan for a Major Subdivision”, showing the as-built condition of the subdivision, and updating all of the information on the major plan preliminary plat checklist. Applicants shall contact the Planning Department for the number of required copies (this will not exceed thirteen (13) but may be fewer). Plans shall be prepared and stamped by a Rhode Island Registered Professional Engineer and/or Land Surveyor at a scale of 1 inch = 100 feet. Where any materials are generated electronically, the format requirements provided for electronic submittals at the beginning of Section 14 shall be followed. Individual sheets to be recorded shall not exceed 24 x 36 inches, and show the following:

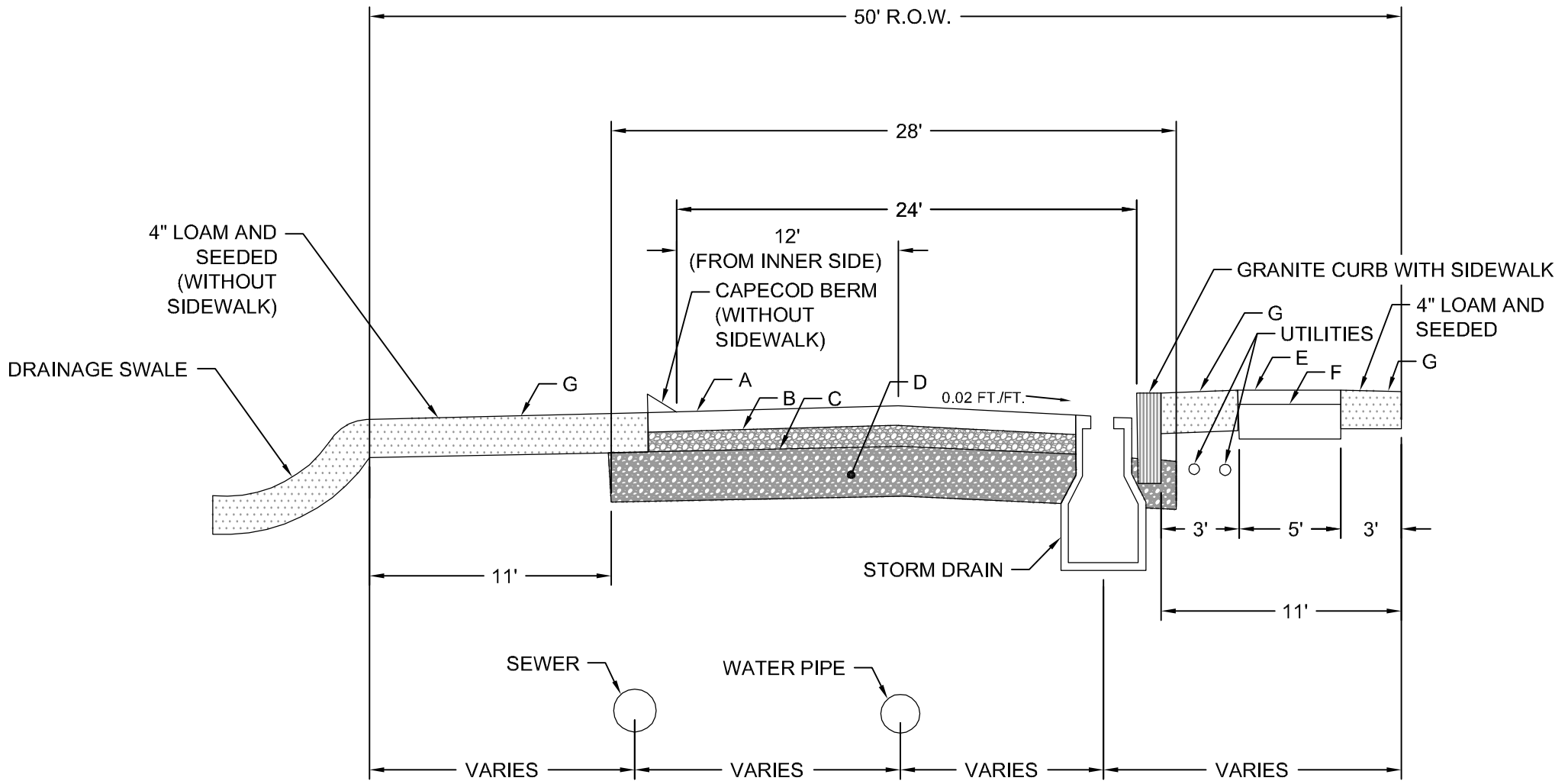
- _____ 1. Date of preliminary major plan approval;
- _____ 2. Date of final plat submission;
- _____ 3. Surveyed measurements showing the location and dimensions of the following, (as built):
 - _____ a. Road profiles, establishing road grades and cross sections every one hundred (100) feet:
 - _____ (i) length of radii
 - _____ (ii) central angles
 - _____ (iii) tangent distances
 - _____ (iv) tangent bearings
 - _____ (v) arc lengths
- _____ 4. Accurate dimensions as follows:
 - _____ a. Width of streets and other rights of way
 - _____ b. Lengths of bearing of lot lines
 - _____ c. Length of right-of-way lines
 - _____ d. Length of subdivision boundary lines
 - _____ e. Areas of lots
- _____ 5. Center line profiles of constructed streets drawn at a horizontal scale of forty (40) feet equals one (1) inch and a vertical scale of ten (10) feet equals one (1) inch showing the location of as built drainage, sewer and water lines and structures, street surface grades and the finished ground elevation.
- _____ 6. A definite bearing and distance tie between permanent monuments on the exterior boundary of the subdivision and existing street intersections, or other permanent monuments where installed.
- _____ 7. Any restrictions stipulated by the Planning Commission’s conceptual or preliminary approval as requiring notation on final plat.
- _____ 8. Limits of grading and clearing.
- _____ 9. Supporting Materials:
 - _____ a. Certificate of Tax Collector and appropriate Fire District showing that all taxes due on the land have been paid for a period of five (5) years prior to filing.

- _____ b. Two (2) notarized executed copies of existing and proposed protective covenants, easements and deed restrictions which regulate and protect the proposed subdivision.
- _____ c. Two (2) notarized executed copies of an irrevocable offer to convey to the Town all public streets and to convey all designated open space land to the Town if such open space is to be publicly owned or to a private association or to the purchaser of land in the plat where such open space is to be privately owned.
- _____ d. Certification of a Rhode Island Registered Professional Engineer and/or Land Surveyor that the plan is correct and accurate as built.
- _____ e. Filing fee.
- _____ f. 911 House numbers as dedicated by the numbering ordinance and one copy of subdivision map at scale of 1" = 100' annotated with house numbers.
- _____ g. Payment of fees in lieu of land dedication (if appropriate).
- _____ h. Certification from Director of Public Works that all inspection fees have been paid.
- _____ i. A bond to cover the cost of construction, maintenance and removal of temporary improvements if required as recommended by the Director of Public Works.
- _____ j. A maintenance bond as recommended by the Director of Public Works to cover the maintenance of all improvements within the subdivision for a period of one (1) year after their acceptance by the Town Council.
- _____ k. Digital file of the site plan in one of the following formats, or as approved by the GIS Office: CAD format (e.g. DXF, DWG), .shp, .TAB, or geodatabase.

TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

LIST OF FIGURES

Figure 11.1	Typical Street Cross Section
Figure 11.2	Permanent Cul-De-Sac Detail
Figure 11.3a	Temporary Turn-Around Detail
Figure 11.3b	Temporary Cul-De-Sac Detail
Figure 11.4	Tree Planting
Figure 12.1	Cape Cod Street Berm Typical Section
Figure 12.2	Typical Street Cross Section Common Private Way



NOTES:

- A- 2" MEDIUM TEXTURE TYPE 1-1 RI SPEC. M.03.01 BITUMINOUS CONCRETE
- B- 3" MEDIUM BINDER RI SPEC. M.03.01 BITUMINOUS CONCRETE
- C- 2" CRUSHED GRAVEL BASE COURSE SURFACE
- D- 14" GRAVEL BORROW BASE COURSE
- E- 2" BITUMINOUS CONCRETE DENSE TEXTURE
- F- 6" GRAVEL BORROW
- G - SLOPE = .03 FT./FT.

FIGURE 11.1
TOWN OF CHARLESTOWN
TYPICAL STREET CROSS SECTION

NOT TO SCALE

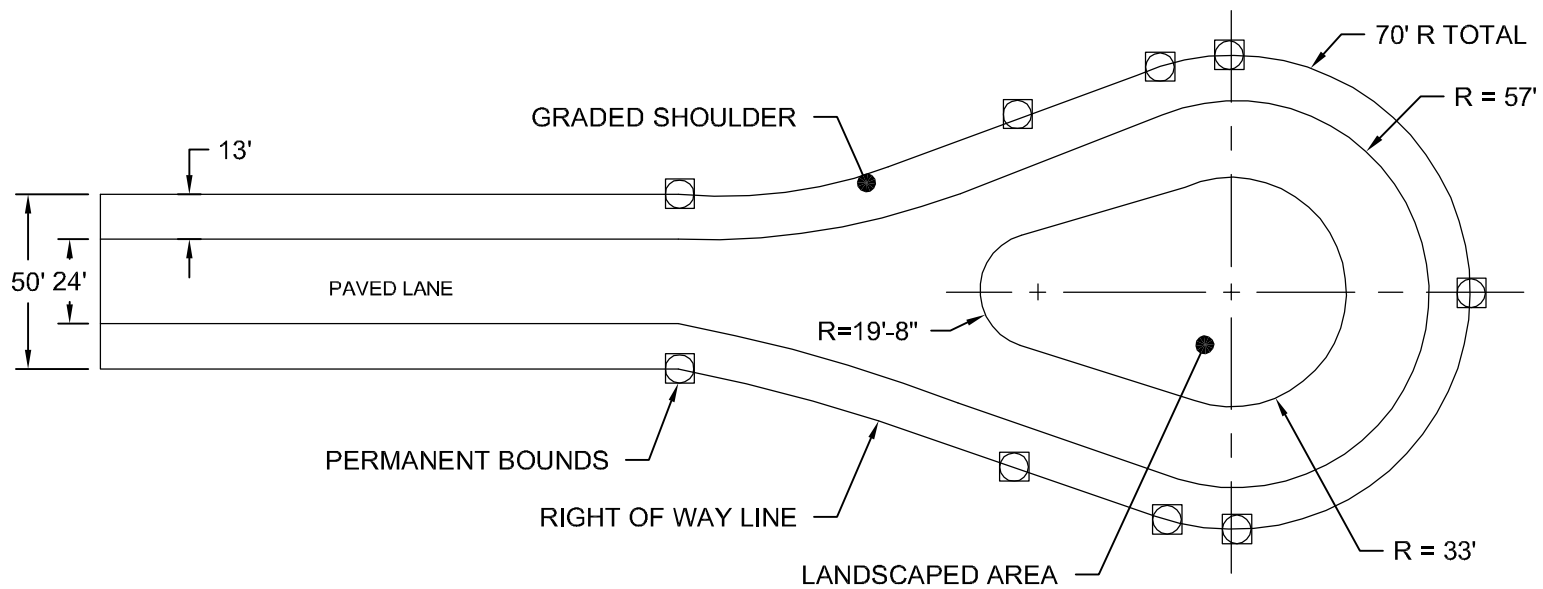


FIGURE 11.2
TOWN OF CHARLESTOWN
PERMANENT CUL-DE-SAC DETAIL

NOT TO SCALE

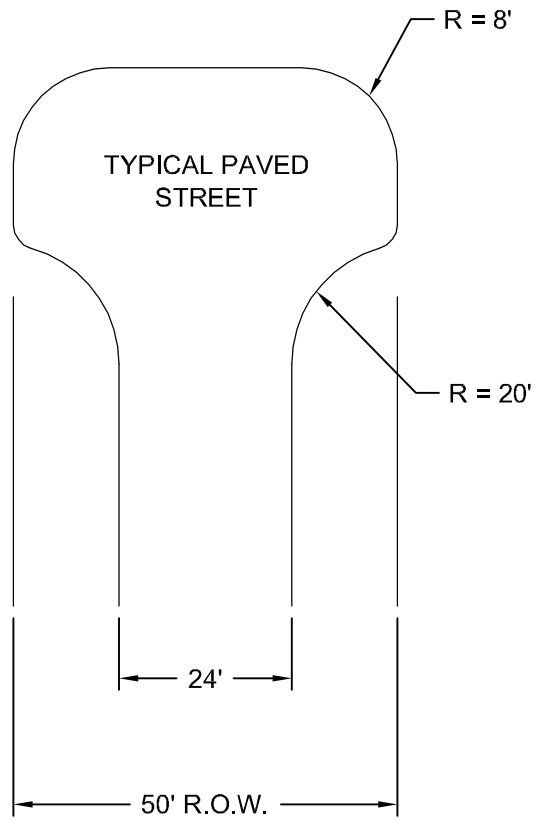


FIGURE 11.3a
TEMPORARY TURN-AROUND DETAIL
NOT TO SCALE

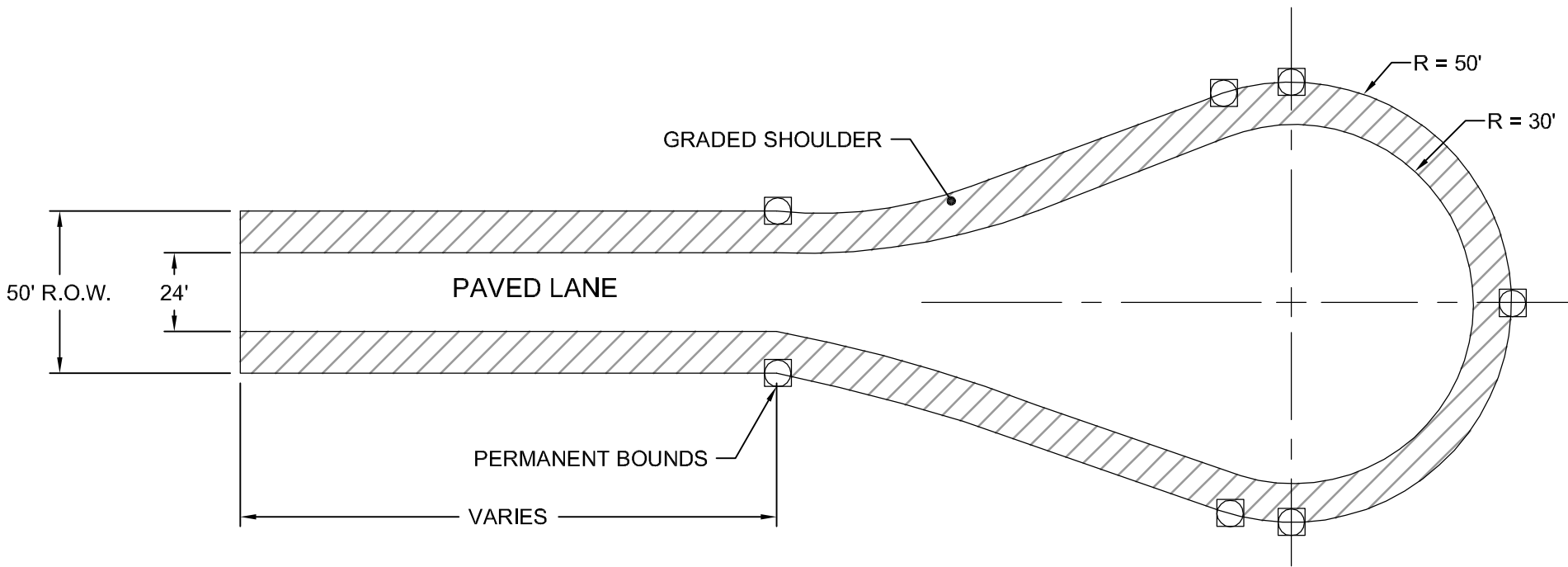


FIGURE 11.3b
TOWN OF CHARLESTOWN
TEMPORARY CUL-DE-SAC DETAIL

NOT TO SCALE

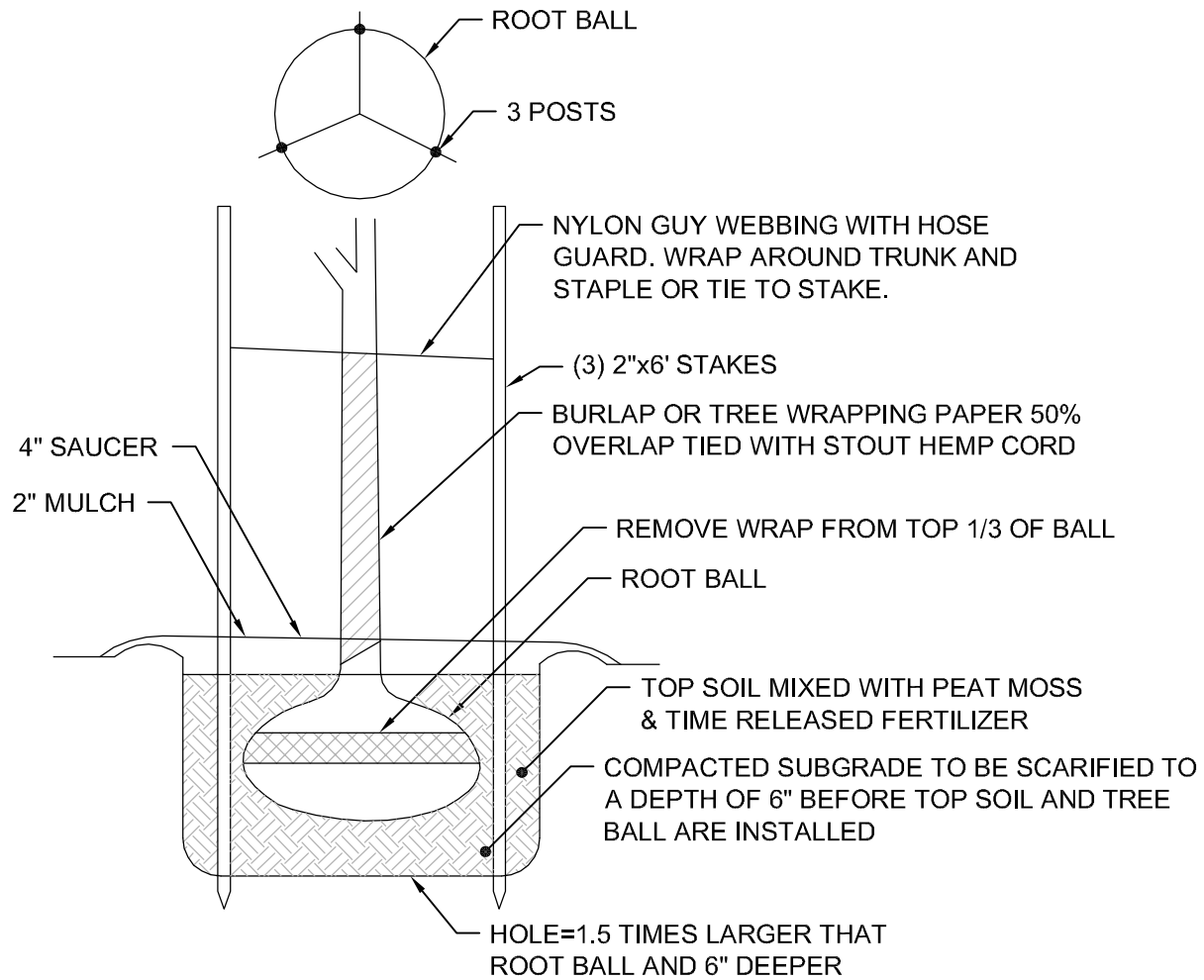


FIGURE 11.4
TOWN OF CHARLESTOWN
TREE PLANTING

NOT TO SCALE

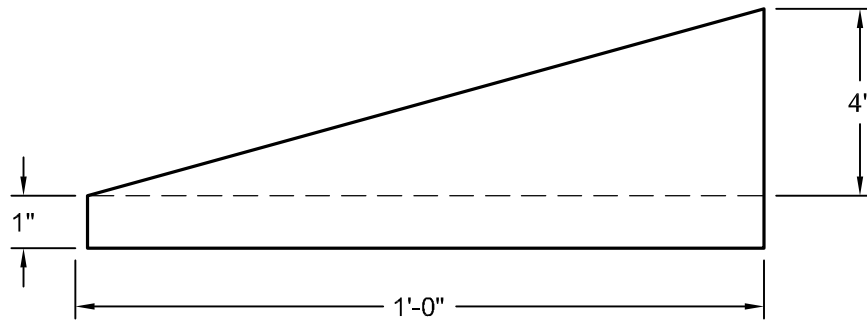


FIGURE 12.1
TOWN OF CHARLESTOWN
CAPE COD STREET BERM TYPICAL SECTION

NOT TO SCALE

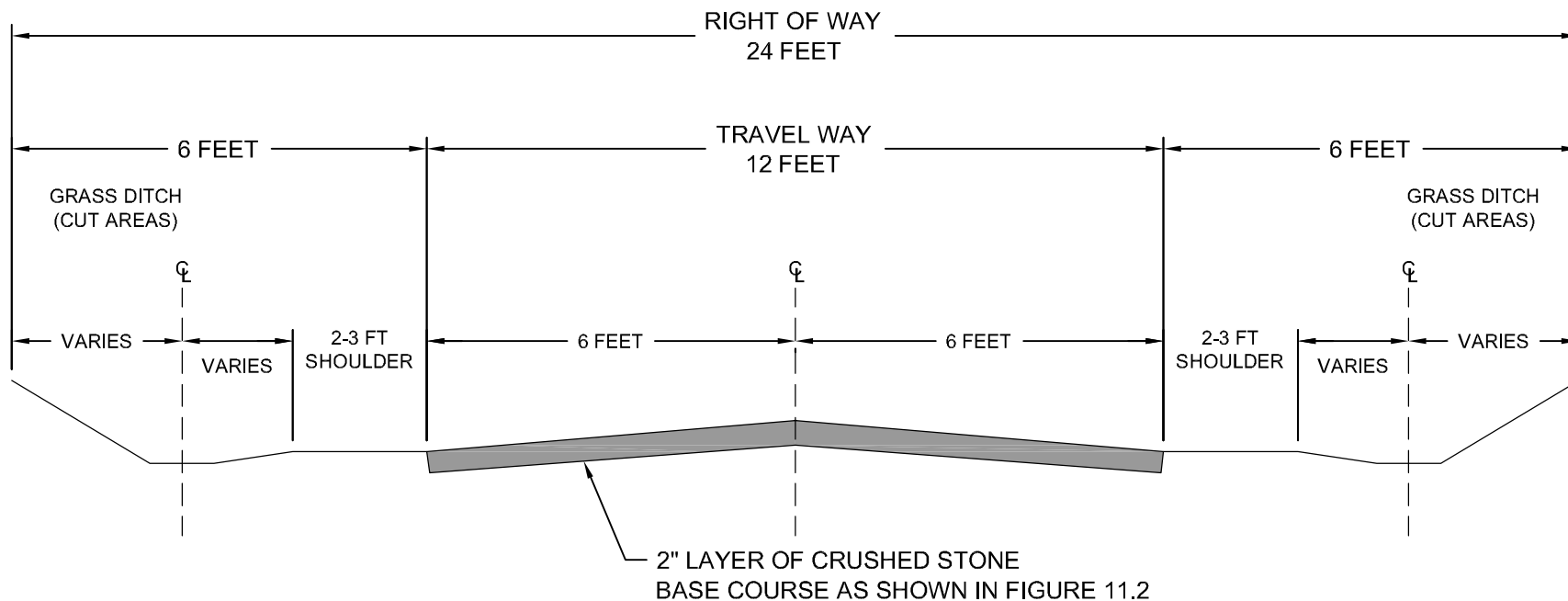


FIGURE 12.2
TOWN OF CHARLESTOWN
TYPICAL STREET CROSS SECTION COMMON PRIVATE WAY
 NOT TO SCALE

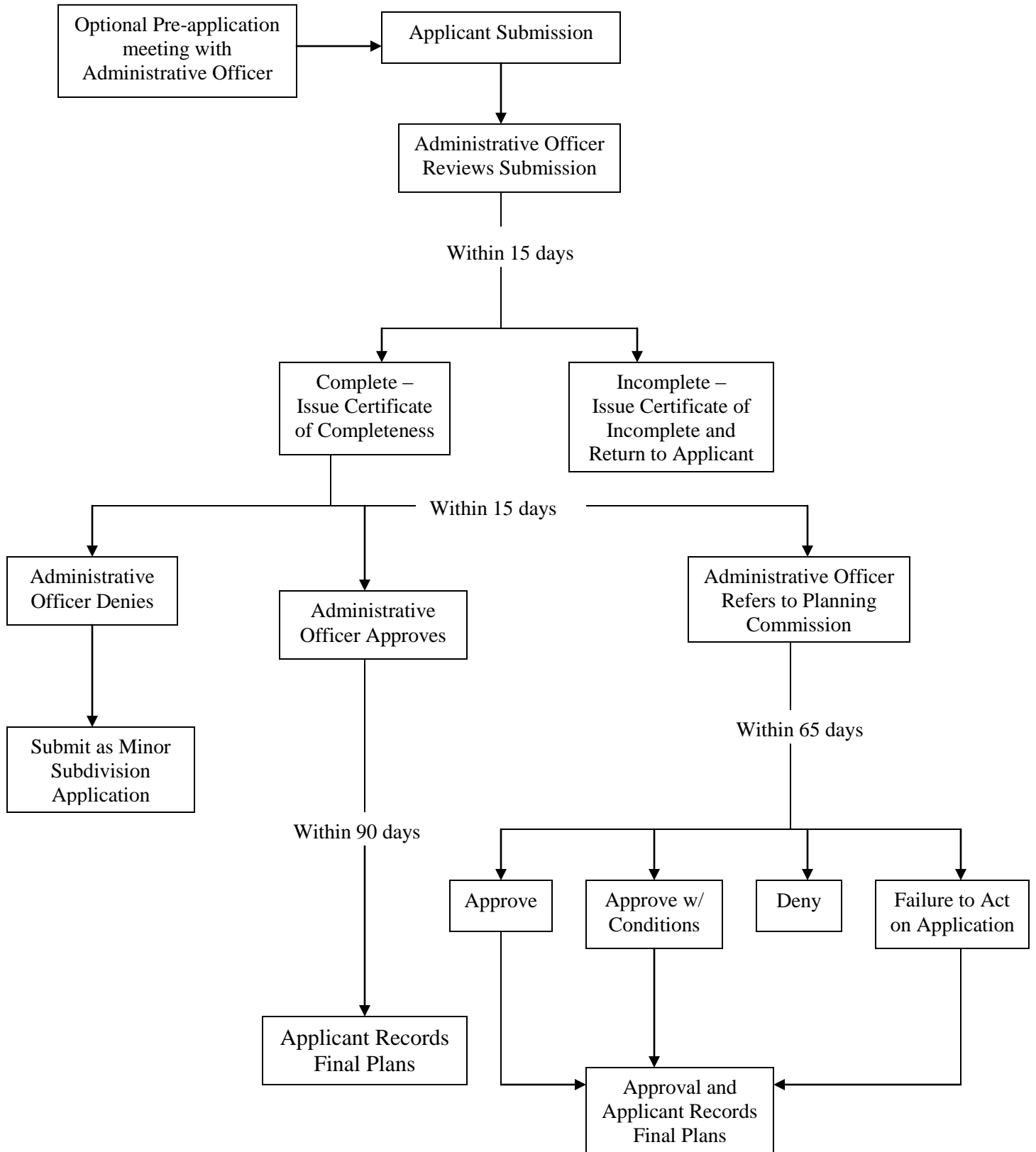
TOWN OF CHARLESTOWN
CHARLESTOWN PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

APPENDIX A

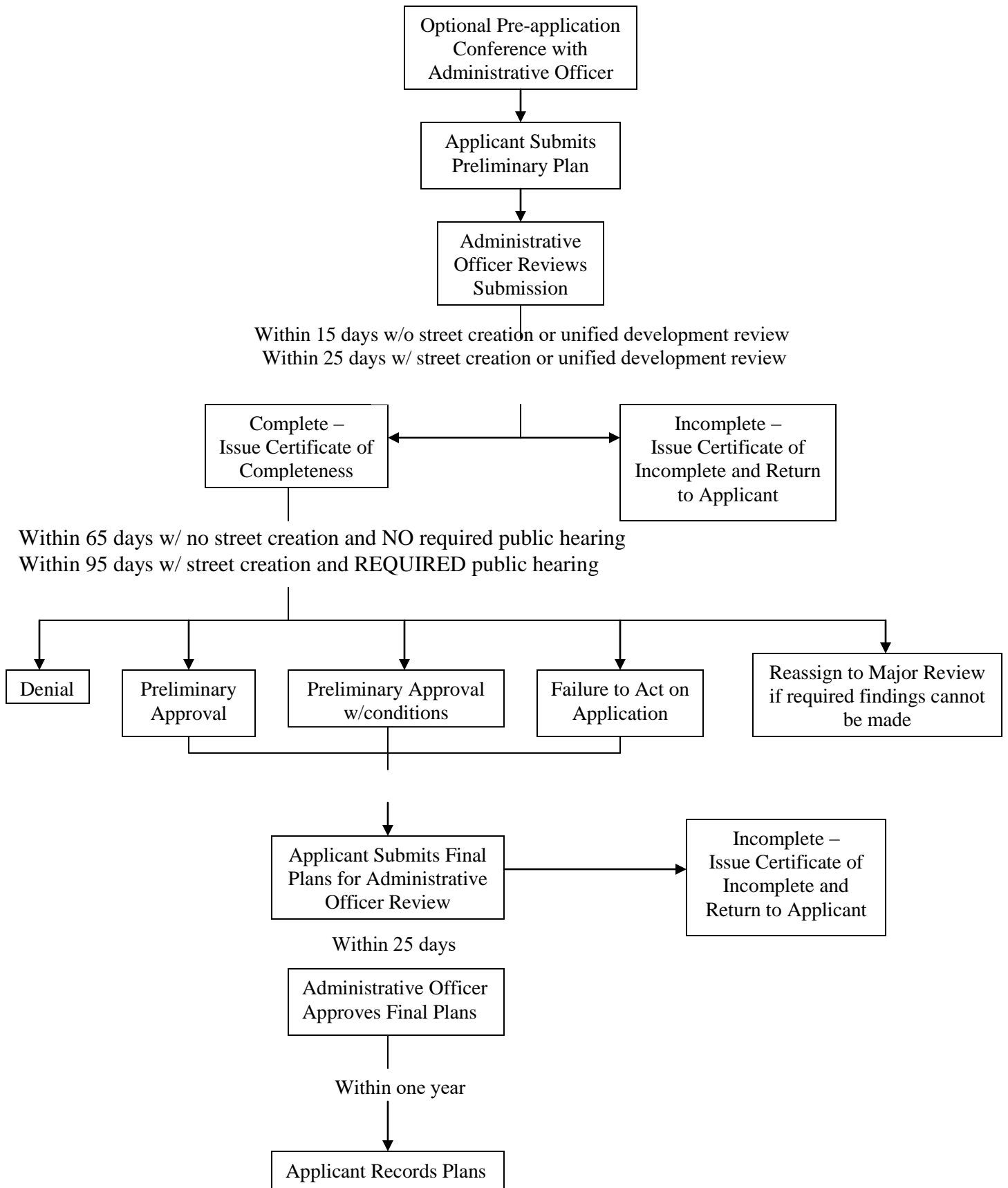
Administrative Subdivision Review Flowchart
Minor Subdivision and Land Development Review Flowchart
Major Subdivision and Land Development Review Flowchart

December 20, 2023; Effective January 1, 2024

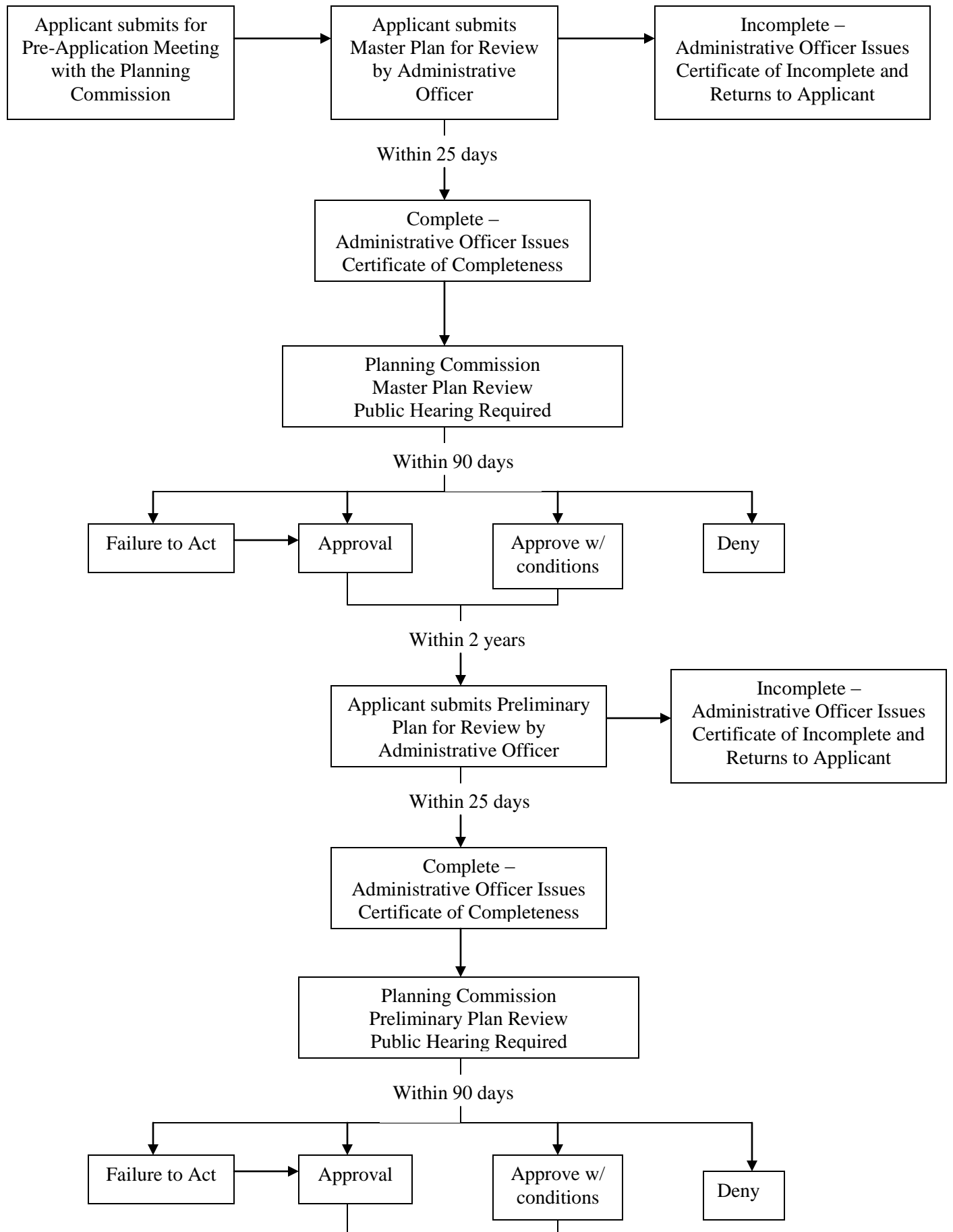
Administrative Subdivision Review



Minor Subdivision and Land Development Review



Major Subdivision and Land Development Review



continued on next page

Major Subdivision and Land Development Review Continued

