

SECTION 1. GENERAL

Article B. Definitions

The words and phrases defined in R.I. Gen. Laws §45-23-32 shall control the meaning of terms used in these regulations. Where words or phrases used in these regulations are defined in the definition section of either the "Rhode Island Comprehensive Planning and Land Use Regulations Act," (Section 45-22.2-4), or the "Zoning Enabling Act of 1991," (Section 45-24-31) they shall have the meanings stated therein. Additional words and phrases used in these regulations shall have the following meanings:

- (1) Abutter. Owner of land within two hundred feet (200') perimeter of the subdivision as determined from the most recent public records. Land separated from proposed subdivisions by a street right-of-way or easement is considered as abutting land.
- (2) Administrative Officer. The municipal official designated by the local regulations to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies. The Town Planner shall be the primary administrative officer. See §45-23-55.
- (3) Administrative Subdivision. ~~Re-subdivision~~ Subdivision of existing lots that yield no additional lots for development; and involve no creation or extension of streets. Such ~~re-subdivision~~ shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
- (4) Board of Appeal. The local review authority for appeals of actions of the Administrative Officer ~~and/or the Planning Board on matters of land development or subdivision, which~~ shall be the Lincoln Zoning Board of Review. See §45-23-57. See Section 2. Article B(F).
- (5) Bond. See definition (30) improvement guarantee and definition (54) remediation guarantee.
- (6) Bridge. Shall mean a structure having a clear span of ten feet (10') or more, measured along the centerline of roadway, spanning a watercourse or other opening or obstruction.
- (7) Building. Any structure built for the support, enclosure or shelter of persons, animals, chattel or movable property of any kind and includes structures.
- (8) Buildable lot. A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practical by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.
- (9) Buildable lot area. A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practical by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations. In residential zoning districts, the buildable lot area shall not include

marshes, swamps, bogs, brooks, ponds, rivers, river and stream flood plains and banks, and shall meet all other dimensional requirements of this ordinance. See §45-23-60(4).

- (10) Building setback line. A line parallel to a property line that establishes the minimum distance buildings must be constructed from the property line as determined by the local zoning ordinance.
- (11) Certificate of completeness. A notice issued by Administrative Officer informing an applicant that the application is complete and meets the requirements of the town's regulations and that the applicant may proceed with the approval review process. This does not indicate project approval status.
- (12) Common Facilities. All the real property and improvements set aside for the common use and enjoyment of the residents, including, but not limited to, buildings, open land, private roads, parking areas, walkways, recreation areas, landscaped areas, drainage easements, and any utilities that service more than one unit.
- (13) Concept plan. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.
- (14) Condominium Association. A community association combining individual home ownership with shared use or ownership of common property and facilities organized in accordance with RI General Laws. The association is responsible for maintaining the property and delivering common services, but does not own the common property. Condominium is a legal form of ownership, not a specific building type.
- (15) Consistency with the Comprehensive Plan. A requirement of all land use regulations, which means that all the regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the town as the Lincoln Comprehensive Plan.
- (16) Cul-de-sac. A local street having only one (1) outlet, and having an appropriate terminal for the safe and convenient reversal of traffic, either temporary or permanent, at the closed "bulb" end.
- (17) Dedication, fee-in-lieu of. Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which the payments will be allowed and all ~~formulas~~ formulas for calculating the amount shall be specified in advance in the local regulations. See §45-23-47.
- (18) Development plan review. Design or site plan review of a development of a permitted use **for qualifying applications (see Section 20 of these Regulations)**. Development plan review is utilized under limited circumstances to encourage development to comply with design and/or performance standards 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.~~
- (18) ~~(19)~~ (19) Development regulations. Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulations, soil erosion control, or any other governmental regulations of the use and development of land.
- (19) ~~(20)~~ (20) Division of land. A subdivision.
- (20) ~~(21)~~ (21) Easement. The authorization by a property owner for the use by another, and for a specific purpose, of any designated part of the owner's property.
- (21) ~~(22)~~ (22) 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 definition (49) physical constraints to development.
- (22) ~~(23)~~ (23) Estate Lot. A large, privately-owned lot comprising all or part of an area of open land. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while keeping the land under private ownership and maintenance. Only a small portion of the estate lot may be developed; the remainder may be farmed or left in its natural state. Public access to estate lots is not required.
- (23) ~~(24)~~ (24) Final plan. The final stage of land development and subdivision review.
- (24) ~~(25)~~ (25) Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying materials as described in Section 22.
- (25) ~~(26)~~ (26) Flood plain or flood hazard area. An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency (FEMA) pursuant to the National Flood Insurance Act of 1968, as amended.
- (26) ~~(27)~~ (27) Floor area, gross. Gross Leasable Floor Area (GLFA) The total floor area of a commercial or industrial building designed for occupancy and exclusive use by tenant, including mezzanines and upper floors, if any, and excluding stairs, elevator shafts, air shafts, public toilets, utility and mechanical equipment areas that are used solely for the maintenance of the building.

- (27) (28) Governing body. The body of local government, (the Lincoln Town Council), having the power to adopt ordinances, accept public improvements and dedication, release public improvement guarantees, and collect fees.
- (28) (29) Homeowner's Association (HOA). A community association combining individual home ownership with shared use or ownership of common property and facilities. The homeowner owns the lot, including the interior and exterior of the individual home, while the association owns and maintains the common facilities.
- (29) (30) Improvements. Any natural or built item that becomes part of, is placed upon, or is affixed to, real estate.
- (30) (31) Improvement guarantee. A security instrument accepted by the town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the town as a condition of approval, will be completed in compliance with the approved plan and specifications of a development.
- (32) 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.
- (31) (33) Local regulations. The land development and subdivision review regulations adopted by the Lincoln Planning Board pursuant to RIGL 45-23.
- (32) (34) Lot. A smaller portion of land into which a larger tract or parcel of land is subdivided.
- (33) (35) Lot depth. The greatest linear distance of a lot, lying between and generally measured perpendicular, to a street right-of-way and a rear lot line.
- (34) (36) Lot width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. In the case of a lot fronting on more than one street, the lot line with the shortest frontage on a street shall be the front lot line. Reported in feet.
- (35) (37) Maintenance guarantee. Any security instrument that may be required and accepted by the town to ensure that necessary improvements will function as required for a specific period of time.
- (36) (38) Major land development project. Any land development not classified as a minor land development ~~plan~~ project.
- (37) (39) Major subdivision. ~~Any subdivision not classified as either an administrative subdivision or a minor subdivision~~ A subdivision creating ten (10) or more buildable lots.
- (38) (40) Master plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development

proposal, rather than giving full engineering details. Required in major land development or 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.

- (39) ~~(41)~~ Minor land development plan. A development ~~plan for a residential project provided that such development does not require waivers or modifications as specified in these regulations. All proposed nonresidential land development projects shall be considered as major land development plans~~ project involving any one of 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.
 4. Multi-family residential or residential condominium development of nine (9) units or less.
 5. Change in use at the property where no extensive construction of improvements are sought.
 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.
 7. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- (40) ~~(42)~~ Minor subdivision. A plan for a subdivision of land consisting of ~~five nine (59) or fewer buildable lots, provided that such subdivision does not require waivers or modification as specified in these regulations.~~
- (41) ~~(43)~~ Modifications of requirements. The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purpose and intent of the regulations; a waiver.
- (42) ~~(44)~~ Neighborhood. A development consisting of between 5 and 25 single-family detached dwellings, surrounded by open land that comprises at least 60% of the tract.
- (43) ~~(45)~~ Open Land. That portion of a tract (at least 60%) that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Open land may be accessible to the residents of the development and/or the Town of Lincoln, or it may contain

areas of farming or estate lots that are not accessible to the public.

- (44) (46) 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.
- (45) (47) Parking area or lot. All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.
- (46) (48) Permitting authority. The local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local ordinance to hear and decide specific matters pertaining to local land use.
- (47) (49) Phased development. Development, usually for large scale projects, where construction of public or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.
- (48) (50) Physical constraints to development. Characteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also (22) environmental constraints.
- (49) (51) Planning Board. The Planning Board of the Town of Lincoln, Rhode Island.
- (50) (52) 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.
- (51) (53) Pre-application conference. An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposal informally and to receive comments and directions from the municipal officials and others.
- (54) Preliminary plan. A required stage of land development and subdivision which generally requires engineered drawings.
- (52) (55) Public improvements. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.
- ~~(53) Public informational meeting. A meeting of the Planning Board or governing body preceded by a notice, open to the public and at which the public is heard.~~
- (54) (56) Remediation guarantee. A security instrument accepted by the town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the town as a condition of approval, will be completed in compliance with the approved plan and specifications of a development.

- ~~(55) Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of the local development and subdivision regulations. For the purposes of this act such action shall constitute a subdivision and be subject hereto.~~
- (56) (57) R.I. Standards. Where the term 'R.I. Standards' are used in these regulations, such term refers to the appropriate section of the Standard Specifications for Roads & Bridge Construction as published by the State of Rhode Island, Department of Transportation, Division of Public Works, and any amendments, changes, or additions thereto.
- (57) (58) Slope of land. The grade, pitch, rise or incline of the topographic landform or surface of the ground.
- (58) (59) Storm water detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
- (59) (60) Storm water retention. A provision for the storage of storm water runoff.
- (60) (61) Street. A public or private thoroughfare used, or intended to be used, for the passage or travel by motor vehicles. Streets are further classified by the function they perform. See definition (68) street classifications.
- (61) (62) Street, access to. An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.
- (62) (63) Street, alley. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (63) (64) Street, cul-de-sac. A local street with only one outlet and having an appropriate vehicle turnaround either temporary or permanent, at the closed end.
- (64) (65) Street, limited access highway. A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at the points and in the manner as may be determined by the public authority having jurisdiction over the highway.
- (65) (66) Street, private. A thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific municipal improvement standards. This definition does not apply to driveways.
- (66) (67) Street, public. All public property reserved or dedicated for street traffic.
- (67) (68) Street, stub. A portion of a street reserved to provide access to future development, which may provide for utility connections.

- (68) (69) Street classifications. A method of roadway organization which identifies a street hierarchy according to functions within a road system, that is, types of vehicles served and anticipated volumes, for the purpose of promoting safety, efficient land use and the design of neighborhoods and districts. Local classifications shall use the following as major categories:
- (a) Arterial. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
 - (b) Collector. A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - (c) Local. Streets whose primary function is to provide access to abutting properties.
- (69) (70) 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.
- (70) (71) Subdivision. The division ~~or re-division,~~ of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- (71) (72) Technical Review Committee. A committee appointed by the ~~Planning Board~~ Town Council for the purpose of reviewing, commenting, and making recommendations to the Administrative Officer and Planning Board with respect to approval of land development applications, development plan review applications, subdivision applications, and zoning applications, or other items referred to them by the Administrative Officer.
- (72) (74) Temporary Improvements. Improvements built and maintained by a developer during construction of a development project and prior to a release of the improvement guarantee, but not intended to be permanent.
- (73) (75) Vested rights. The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.
- (74) (76) Waiver of requirements. See definition (41) modifications of requirements. See §45-23-62.
- (75) (77) Watersheds. The region or natural drainage areas that contribute to drinking water supply within or adjacent to the Town of Lincoln.
- (76) (78) Wetlands. Fresh water wetlands, not including areas subject to storm flowage (ASSF), but including that area of perimeter wetlands within fifty (50) feet of the edge of any bog, marsh,

swamp or pond; or any applicable 100 or 200-foot riverbank wetlands, as defined by RI general Laws Section 2-10-20 (1987), as amended.

SECTION 2. LOCAL REGULATIONS – AUTHORITY TO CREATE AND ADMINISTER

Amended to reflect required changes to Notice in state law.

Article B. Public Hearing

(4) Public Hearing Notice and Requirement

These regulations shall be adopted, repealed, or amended after a public hearing has been held upon the question before the Planning Board. The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of ~~general~~ local circulation within the Town of Lincoln at least once each week for three (3) consecutive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The same notice shall be posted in the town clerk's office, one other municipal building, and on the town's website at least fourteen (14) calendar days prior to the hearing. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing. ~~The newspaper notice shall be published as a display ad, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:~~

- (1) Specify the place of said hearing and the date and time of its commencement;
 - (2) Indicate that adoption, amendment or repeal of local regulations is under consideration;
 - (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
 - (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined or copied; and
 - (5) State that the proposal shown therein may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alterations or amendments must be presented for comment in the course of said hearing.
- (6) The cost of the newspaper notice and mailings shall be borne by the applicant.

(B) Notice

Notice of the public hearing shall be sent by first class mail to the city or town Planning Boards of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand (2000) feet of the Town of Lincoln.

Notice shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable to be used as a public water source located within the Town of Lincoln or two thousand (2000) feet of the Town, provided, however, that a map survey has been filed with the building official as specified in RIGL Section 45-24-53 (E).

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

The above requirements are to be construed as minimum requirements.

(C) Publication and Availability

- (1) Printed copies of these regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies pursuant to RIGL 38-2-4.
- (2) Upon publication of these regulations and amendments hereto, the Town shall send a copy to the Rhode Island Department of Administration's Division of Planning and the state law library.

(D) Administration

- (1) Local administration of these regulations shall be under the direction of the Administrative Officer, who shall report to the Planning Board. The Town Council shall appoint a second qualified person as an assistant Administrative Officer that shall assist the Administrative Officer and shall fulfill the duties of the Administrative Officer upon their absence or as needed per the requirements of these regulations.
- (2) The Administrative Officer shall conduct, oversee and coordinate the review, approval, recording and enforcement of the provisions of these regulations, and serve as the chair of the Technical Review Committee as authorized in these regulations.
- (3) The Administrative Officer shall be responsible for coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws as directed by the Planning Board.
- (4) Enforcement of the local regulations shall be under the direction of the Administrative Officer who shall be responsible for coordinating the enforcement efforts of the zoning enforcement officer, the building official, the department of public works and other local officials responsible for the enforcement or carrying out of the elements of these regulations.

This language was changed to match state law and moved to its own Section E below

- ~~(5) There is hereby established a committee appointed by the Planning Board, to be known as the Technical Review Committee (TRC), which is established to conduct technical reviews of all applications for subdivisions and land development projects and other matters subject to Planning Board jurisdiction. All such reviews shall be advisory in nature, and in no case shall the recommendations of the TRC be binding on the Planning Board in its activities or decisions. Reports of the TRC to the Planning Board shall be in writing and shall be kept as part of the permanent documentation of the development application. All reports of the TRC shall be made available to the applicant prior to the meeting of the Planning Board at which the reports are first considered.~~
- ~~(6) Membership in the TRC shall consist of the Administrative Officer, a Town Engineer, the Zoning Official, a member of the Planning Board, and any other municipal staff deemed necessary by the chairman either to a particular subdivision or development~~

- ~~project or monthly for all projects being heard on the agenda of the TRC.~~
- ~~(7) The application types listed below shall be reviewed by the TRC subject to the confirmation by the Planning Board.~~
- ~~• Minor subdivision involving no street creation or extension~~
 - ~~• Development Plan Review~~
 - ~~• Pre-application review of minor subdivisions (if requested)~~
 - ~~• Setting, reducing or releasing of improvement or remediation guarantees~~
 - ~~• Requests for reinstatement or extension of applications~~
 - ~~• Recommendations to the Town Council on matters other than zoning amendments and zone changes~~
 - ~~• Zoning applications~~

~~For all such items, the TRC shall conduct the full review for vote by Consent Agenda of the Planning Board. The TRC shall forward its recommendation, along with all other essential project information to the Planning Board prior to the Planning Board meeting at which the application is scheduled.~~

- ~~(8) (5) Consent Agenda items are considered to be routine by the Planning Board and will be enacted by one (1) motion. There will be no separate discussion of these items unless any member of the Planning Board, at the time of the consideration of the Consent Agenda items, requests that an item be removed from the Consent Agenda. In this event the item shall be discussed and voted on by the Planning Board in the normal course of the agenda.~~

New section for the TRC

(E) Technical Review Committee

- (1) There is hereby established a committee appointed by the Town Council, to be known as the Technical Review Committee (TRC), which is established to conduct technical reviews of all applications for subdivisions and land development projects and other matters subject to Administrative Officer and Planning Board jurisdiction. All such reviews shall be advisory in nature, and in no case shall the recommendations of the TRC be binding on the Administrative Officer or Planning Board in its activities or decisions. Reports of the TRC to the Administrative Officer and Planning Board shall be in writing and shall be kept as part of the permanent documentation of the development application. Upon request, All reports of the TRC shall be made available to the applicant prior to the review or meeting of the Administrative Officer or Planning Board at which the reports are first considered.
- (2) Membership ~~in~~ of the TRC shall consist of the Administrative Officer, ~~a~~ the Town Engineer (or designee), the Zoning Official (or designee), a member of the Planning Board, and any other municipal staff deemed necessary by the chairman either to a particular subdivision or development project or monthly for all projects being heard on the agenda of the TRC. The Administrative Officer shall serve as chair of the TRC.

(3) The application types listed below may be reviewed by the TRC at the request of the Administrative Officer or Planning Board.

- Minor and major subdivision and land development applications
- Development Plan Review applications
- Pre-application review ~~of minor subdivisions~~ (if requested)
- ~~Setting, reducing or releasing of improvement or remediation guarantees~~
- Requests for reinstatement or extension of applications
- Recommendations to the Town Council on matters other than zoning amendments and zone changes
- Zoning applications

For all such items, the TRC shall conduct the full review for vote by Consent Agenda of the Planning Board. The TRC shall forward its recommendation, along with all other essential project information to the Administrative Officer or Planning Board prior to the consideration of the application for a decision.

(4) The Planning Board shall adopt written procedures establishing the TRC's responsibilities.

Updated to be consistent with state law and added the AO

(E) (F) Appeals ~~from~~ of a Decision of the Administrative Officer

~~The Zoning Board of Review of the Town of Lincoln shall serve as the Board of Appeals to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the Planning Board at the preliminary stage, providing that a public hearing has been held on the plan pursuant to Section 18. Decisions by the Administrative Officer approving or denying projects under Section 14 and Section 20 shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71.~~

- (1) An appeal to the board of appeal from a decision or action of the Administrative Officer may be taken by an aggrieved party to the extent provided in RIGL §45-23-66. The appeal must be taken within twenty (20) ~~calendar~~ days after the decision has been recorded in the town's land evidence records and posted in the office of the Town Clerk.
- (2) The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of appeal, if the local regulations governing land development and subdivision review so provide.
- (3) Upon receipt of an appeal, the Board of Appeal shall require the Administrative Officer to immediately transmit to the Board Of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

- a. Stay. An appeal stays all proceedings in furtherance of the action being appealed.
- b. Hearing
 1. The Board of Appeal shall hold a hearing on the appeal within forty-five (45) calendar days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The Bboard shall render a decision within ten (10) calendar days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.
 2. The Board Of Appeal shall only hear appeals of the actions of an Administrative Officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.
 3. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board Of Review, must be held as a separate meeting from any Zoning Board Of Review meeting. Separate minutes and records of votes as required by RIGL §45-23-70(d) shall be maintained by the Board Of Appeal.

(F) Process of Appeals

- ~~(1) An appeal to the Board of Appeals from a decision or action of the Planning Board or Administrative Officer may be taken by an aggrieved party. Such appeal must be taken within twenty (20) days after the decision has been recorded and posted in the office of the town clerk.~~
- ~~(2) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall be either sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeals. The town clerk shall accept delivery of an appeal on behalf of the Board of Appeal.~~
- ~~(3) Upon receipt of an appeal, the Board of Appeals shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeals, all papers, documents and plans, or a certified copy thereof, constituting the record of action which is being appealed.~~
- ~~(4) An appeal, when duly received, shall stay all proceedings in furtherance of the action being appealed.~~

(G) Board of Appeals, Public Hearing

- ~~(1) The Board of Appeals shall hold a public hearing on the appeal within forty five (45) days of receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.~~
- ~~(2) The Board of Appeals shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such~~

~~appeals and which has been so advertised.~~

- ~~(3) The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Appeals must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes as required by Section 2(H) shall be maintained by the Board of Appeals.~~

~~(H)~~ **(G) Appeals – Standards of Review**

- (1) As established by Rhode Island General Law 45-23, in instances of a Board of Appeal's review of an ~~Planning Board~~ or Administrative Officer decision on matters subject to these regulations, the Board of Appeals shall not substitute its own judgement for that of the Administrative Officer but must consider the issue upon the findings and record of the ~~Planning Board~~ or Administrative Officer and may reverse a decision of the ~~Planning Board~~ or Administrative Officer only on findings of prejudicial procedural error, clear error, or lack of support by the weight of evidence in the record.
- (2) The concurring vote of three (3) of the five (5) members of the Board of Appeals sitting at a hearing shall be necessary to reverse any decision of the ~~Planning Board~~ or Administrative Officer.
- (3) In the instance where the Board of Appeals overturns a decision of the ~~Planning Board~~ or Administrative Officer, the proposed project application shall be remanded to the ~~Planning Board~~ or Administrative Officer, at the stage in processing from which the appeal was taken, for further proceedings before the ~~Planning Board~~ or Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision.
- (4) The Board of Appeals shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeals shall include in the written record the reasons for each decision.

~~(H)~~ **(H) Appeals to the Superior Court**

- (1) ~~An aggrieved party may appeal a decision of the Board of Appeals, to the Superior Court of Providence County in accordance with the Rhode Island General Laws. An aggrieved party may appeal a decision of the board of appeal, a decision of an Administrative Officer made pursuant to Section 14 and Section 20 (RIGL §§45-23-38 or §45-23-50) where authorized to approve or deny an application, a decision of the technical review committee, where authorized to approve or deny an application, or a decision of the [Planning Board], to the superior court for Providence County by filing a complaint stating the reasons of for the appeal within twenty (20) calendar days after the decision has been recorded and posted in the office of the Town Clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) calendar days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the Planning Board shall be made parties to the proceedings. No responsive pleading is required for an appeal~~

- filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.
- (2) Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the Planning Board at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.
- (3) The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the Planning Board and, if it appears to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.
- (4) The court shall not substitute its judgment for that of the Planning Board as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:
- a. In violation of constitutional, statutory, ordinance or Planning Board regulations provisions;
 - b. In excess of the authority granted to the Planning Board by statute or ordinance;
 - c. Made upon unlawful procedure;
 - d. Affected by other error of law;
 - e. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
 - f. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

Added unified development review to be consistent with state law

SECTION 6. UNIFIED DEVELOPMENT REVIEW AND PRECEDENCE OF APPROVALS BETWEEN PLANNING BOARD AND OTHER LOCAL PERMITTING AUTHORITIES

(A) Unified Development Review

- (E) ~~Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous; then obtain conditional zoning relief, then return to the Planning Board for subsequent required approval(s).~~ Review of projects submitted under this section Projects subject to unified development review shall adhere to the procedures, timeframes and standards of the underlying

category of the project as listed in RIGL § 45-23-36, but shall also include the following procedures:

- a. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for ~~dimensional~~ variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of Subsection (e) shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or minor land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
- b. Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development plan review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of Subsection (e) of this section shall be held prior to consideration of the preliminary plan by the Planning Board; see RIGL §45-23-50(d)(1)(ii). The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.
- c. Major subdivisions and land-development projects.
 - i. Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (e) of this section, shall be held prior to consideration of the master plan by the Planning Board. The Planning Board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.

- ii. Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the Planning Board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of Subsection (e) of this section, shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the Planning Board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by Section 17 so that additional information can be provided and reviewed by the Planning Board.
- d. Decision. The time periods by which the Planning Board must approve, **approve with conditions** or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.
- e. Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to Section 6(A)(1)(a). The public hearing must meet the following requirements:
 - i. Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
 - ii. The notice area for notice of the public hearing shall be each owner of property within two hundred (200) feet of the perimeter of the property, and notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant

negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).S

- iii. Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
- iv. The cost of all public notice is to be borne by the applicant.
- f. The time periods by which the Planning Board must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the Planning Board must make a decision on the applicable review stage of the underlying type of project under review.
- g. The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
- h. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the Planning Board may be appealed pursuant to RIGL §45-23-71.

~~(1) Where an applicant requires both a special use permit under the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous; then obtain conditional zoning relief; then return to the Planning Board for subsequent required approval(s).~~

(B) Town Council.

- (1) Where an applicant application requires both Administrative Officer/Planning Board approval and Town Council approval for a zoning ordinance or zoning map change, the applicant application shall first obtain an advisory recommendation for the zoning change from the Planning Board, as well as conditional Administrative Officer/Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the Council, and then return to the Administrative Officer/Planning Board for subsequent required approval(s).

SECTION 7. WAIVERS-MODIFICATIONS AND REINSTATEMENT OF PLANS

- (A) Waiver and/or Modification of Standards by the Planning Board. The Planning Board shall have the power to grant waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intent of the provisions of these regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver or modification is in the best interest of good planning practices as evidenced by consistency with the Lincoln Comprehensive Plan and the Lincoln Zoning Ordinance.

(B) Waiver and/or Modification of Standards by the Administrative Officer. The Administrative Officer shall have the authority to grant waivers and/or modifications from the requirements of the following:

- Interior lot angles
- Angle of side lot lines
- Curbing and sidewalk requirements

For any waiver requested as part of an application under the review authority of the Administrative Officer, the Administrative Officer shall notify, by first class mail, all property owners within 200' of the subject property (or properties). The notice shall include the street address and plat and lot number of the subject property, a brief summary of the project, the nature of the waiver(s) requested, and clear directions on how to submit written objection. If written objection is received within 14 days of the postmark of the notice, the waiver request(s) shall be scheduled for the next available meeting before the Planning Board. If no written objections are received within 14 days, the Administrative Officer shall maintain the authority to grant the waiver. The Administrative Officer may apply any special conditions to the permit as may, in the opinion of the officer, be required to conform to the intent and purposes of the Zoning Ordinance and/or Land Development and Subdivision Regulations. The Administrative Officer shall keep public records of all requests for waivers, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting the waiver.

~~(B)~~ (C) Reinstatement. Whenever reinstatement of a development application occurs, the original deadline for each step as outlined in these regulations shall apply to the stage of approval under reconsideration or modification.

~~(C)~~ (D) Decision. The Planning Board shall approve, approve with conditions, or deny the request for either a waiver or modifications as described in (A) above, according to the requirements of Section 8 (D) herein.

Updated to be consistent with state law that addresses changes to any approved plan at any stage.

SECTION 10. CHANGES TO RECORDED PLATS AND PLANS

(A) For all changes to the approved plans of land development projects or subdivisions subject to these regulations, an amendment of the final development plans is required prior to the issuance of any building permit. Any changes approved in the final plan shall be recorded as amendments of the final plan in accordance with the procedures established for recording plats in Section 9 herein.

(B) Minor changes to a land development or subdivision plans at any stage may be approved administratively, by the Administrative Officer, ~~whereupon a permit may be issued~~. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from the Technical Review Committee or the Planning Board.

Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.

For the purpose of these regulations, the term “minor changes” shall mean any change that, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to the following:

- (1) Amendments to utility plans that are acceptable to the Town’s Engineer or to the appropriate utility company;
- (2) Lot line revisions that can be reviewed and approved as an administrative subdivision according to the provisions of these regulations;
- (3) Amendments to grading plans or drainage plans which are acceptable to the Town’s Engineer and which do not require approval of any state or federal reviewing authority;
- (4) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
- (5) Modifications to any construction plans for off-site improvements which are acceptable to the Town’s Engineering Department; or,
- (6) Modifications that are required by outside permitting agencies such as, but not limited to RIDEM and RIDOT.

(C) Major changes to a land development or subdivision plan at any stage may be approved only by the Planning Board and must follow the same review and public hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes include those as described herein. The Administrative Officer shall notify the applicant in writing within fourteen (14) calendar days of submission of the final plan application if the Administrative Officer determines the change to be a major change.

For the purpose of these regulations, the term “major changes” shall mean any change that, in the opinion of the Administrative Officer, is clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following:

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

Updated to be consistent with state law changing the permitting authority to the AO when there is no street creation/extension and/or UDR.

SECTION 14. MINOR LAND DEVELOPMENT AND MINOR SUBDIVISION REVIEW

(A) Review stages. Minor subdivision plan review shall consist of two stages, preliminary and final, provided that if a street creation or extension is involved, or the request for variances and/or special use permits are submitted pursuant to a unified development review application,

a public hearing is required. The ~~Planning Board~~ Administrative Officer may combine the approval stages, providing the requirements for both stages have been met by the applicant to the satisfaction of planning officials.

(B) Minor Application types.

(1) Applications ~~requesting relief from the zoning ordinance to be reviewed by the Planning Board.~~

- a. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development plan review pursuant to Section 20, and a request for review shall accompany the preliminary plan application.
- b. Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing.

(2) ~~Other applications~~ Applications to be reviewed by the Administrative Officer. The Administrative Officer shall review and grant, grant with conditions, or deny all other applications under this section and may grant waivers of design standards as they are set forth in the local regulations. The Administrative Officer may utilize the Technical Review Committee for review and recommendation of such applications. ~~The Administrative Officer may grant the following waivers:~~

- ~~a. Interior lot angles~~
- ~~b. Angle of side lot lines~~
- ~~c. Curbing and sidewalk requirements~~

~~(B)~~ (C) Submission requirements. Any applicant requesting approval of a minor land development or minor subdivision, as defined in these regulations, shall submit to the Administrative Officer, plans and supporting materials provided in the Minor Land Development/Minor Subdivision Preliminary Checklist and the items identified hereinafter in Section 21(D).

~~(C)~~ (D) Certification. The applicant shall be certified, in writing, complete or incomplete by the Administrative Officer within twenty-five (25) calendar days of the receipt of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. ~~or If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the Administrative Officer within fifteen (15) calendar days if no street creation or extension is required,~~ according to provisions of Section 12(B) above. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ~~fourteen (14)~~ ten (10) calendar days after its resubmission.

~~(D)~~ Administrative review. ~~The Administrative Officer shall review the application and shall comment and make recommendations to the Technical Review Committee. The application shall be referred to the Technical Review Committee.~~

(E) Technical Review Committee. The Technical Review Committee will review the application

and will comment and make recommendations to the permitting authority. ~~The application will be referred to the Planning Board as a whole if there is no Technical Review Committee. When reviewed by the Technical Review Committee:~~

- (1) ~~If the land development or subdivision plan is approved by a majority of the committee members, the application is forwarded to the permitting authority with a recommendation for preliminary plan approval without further review.~~
 - (2) ~~If the plan is not approved by a majority vote of the committee members, the minor land development and subdivision application is referred to the Planning Board.~~
- (F) Re-assignment to major review. The Planning Board may re-assign a proposed minor project to major review when the Planning Board is unable to make the positive finding required in Section 5.
- (G) Decision. If no street creation or extension or unified development review is required, the ~~Planning Board~~ Administrative Officer shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) calendar days of certification of completeness, or within such further time as is agreed to by the applicant and the ~~Board,~~ Administrative Officer according to the requirements of Section 8 herein. If a street extension or creation is required, and/or the application is reviewed under unified development review, the Planning Board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 18(B) & (C) and shall approve, deny, or approve with conditions, the preliminary plan with conditions within ninety-five (95) calendar days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 17.
- (H) Failure to act. Failure of the Administrative Officer ~~or~~ Planning Board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Administrative Officer ~~or~~ Planning Board to act within the required time period and the resulting approval shall be issued on the written request of the applicant.
- (I) Final Plan. ~~The Planning Board may delegate f~~Final plan review and approval or denial ~~to~~ shall be conducted by the Administrative Officer. ~~In such a case, the~~ The Administrative Officer shall report his/her findings to the Planning Board at its next regularly scheduled meeting, to be made part of the record. The Administrative Officer ~~may be authorized to sign (endorse) the final plat or plans for recording shall approve, deny, approve with conditions, or refer the application to the Planning Board based upon a finding that there is a major change to the application, within 25 calendar days of the certificate of completeness.~~ Endorsement of the final plat or plans by the Administrative Officer ~~or Planning Board Chairman~~ shall constitute an act of final approval.
- (J) Expiration of Final approval. ~~Final~~ Approval of a minor land development or subdivision plan shall expire ~~ninety (90) days~~ one year from the date of approval unless within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board.
- (K) Completion of Required Improvements. All required improvements shall be completed within

one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of regulations for the reinstatement or extension of applications, extend the period of time for completion of all required improvements, if requested by the applicant in writing.

(L) Appeal. Decisions under this section shall be considered an appealable decision pursuant to Section 2.

Updated to be consistent with state law

SECTION 15. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION REVIEW STAGES

- (A) Major plan review shall be required of all applications for land development and subdivision approval subject to these regulations, unless classified as an administrative subdivision or as a minor land development, ~~or a minor subdivision,~~ or a development plan review application.
- (B) Major plan review shall consist of three stages of review: master plan, preliminary plan, and final plan, following the Pre-application meeting(s) specified in Section 11 hereinabove. Also required is ~~a public informational meeting and~~ a public hearing.
- (C) ~~The Planning Board~~ Administrative Officer may vote to combine review stages and modify submission requirements. ~~The Planning Board and to modify and/or may~~ waive requirements as specified in these regulations. Review stages may be combined only after the ~~Planning Board~~ Administrative Officer determines that all necessary requirements have been met by the applicant or that the Planning Board has waived any submission requirements not included by the applicant.

SECTION 16. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS - MASTER PLAN

(A) Submission requirements:

- (1) The applicant shall first submit to the Administrative Officer the plans and supporting materials provided in the Major Land Development/ Major Subdivision Master Plan Checklist and the items required in Section 22(C).
- (2) Requirements for the master plan and supporting materials for this phase of review shall include, but not be limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland boundaries if applicable, the floodplain, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.
- (3) Initial comments shall be solicited from (a) local agencies including, but not limited to, the Town Administrator, the Town Engineer, the public works, fire and police departments, the conservation and recreation commissions, the school committee; (b) adjacent communities; (c) state agencies as appropriate including the R.I. Department of Environmental Management (RIDEM) and the R.I. Department of Transportation (RIDOT); and federal agencies as appropriate. The Administrative Officer shall coordinate review and comment by local officials, adjacent communities, and the state and federal agencies.

(B) Applications requesting relief from the zoning ordinance.

(1) Applications under this chapter which require relief which qualifies only as a modification under ~~§ 45-24-46 §260-74~~ of the Lincoln Zoning Ordinance shall proceed by filing a master plan application under this section and a request for a modification to the Zoning Enforcement Officer. If such modification is granted, the application shall then proceed to be reviewed by the Planning Board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development review pursuant to Section 6; see § 45-23-50.1.

(2) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review pursuant to Section 20; see § 45-23-50.1.

~~(B)~~(C) Certification. The application shall be certified, in writing, complete or incomplete by the Administrative Officer within ~~sixty (60)~~ twenty-five (25) calendar days, in accordance with 12(B) above. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the re-submission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ~~fourteen (14)~~ ten (10) calendar days after its re-submission.

(B) Technical Review Committee. The Technical Review Committee shall review the application prior to the first Planning Board meeting and shall comment and make recommendations to the Planning Board.

~~(C) Public Informational Meeting.~~ A public informational meeting shall be held prior to the Planning Board decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon Planning Board determination. Public Hearing. A public hearing shall be held prior to the Planning Board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.

~~(1) Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation in the Town. Postcard notice shall be mailed to the applicant and to include all property owners within the notice area (that is to all owners of abutting property within two hundred (200) feet of the property perimeter). Notice for the public hearing is required in accordance with Section 18.~~

~~(2) At the public informational meeting, the applicant shall present the proposed development project. The Planning Board must allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application. At the public hearing the applicant will present the proposed development project. the Planning Board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.~~

(E) Decision. The Planning Board shall, within ~~one hundred twenty (120)~~ ninety (90) calendar days of certification of completeness, or within such further time as may be consented to by

the applicant through the submission of a written waiver, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8.

- (F) Failure to act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the master plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on the written request of the applicant.
- (G) Vesting. The approved master plan shall be 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 Board for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant prior to the expiration of the approval date, in writing, and approved by the Planning Board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved plan drawing and supporting material. The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in Section 45-24-44.

SECTION 17. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION - PRELIMINARY PLAN

(A) Submission requirements:

- (1) The applicant shall first submit to the Administrative Officer the plans and supporting materials provided in the Major Land Development/Major Subdivision Preliminary Checklist and items required in Section 21(D) for preliminary plan.
- (2) Requirements for the preliminary plan and supporting materials for this phase of review shall include, but not be limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey by a registered land surveyor, all permits required by federal and state agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, public water systems, and connections to state or town roads.
- (3) The Administrative Officer shall solicit written comments and/or approvals of the Town of Lincoln's Department of Public Works, the Town Engineer, the Town Solicitor, other local governmental departments, commissions, or authorities as appropriate.
- (4) Prior to approval of the preliminary plan, an applicant must submit all permits required by state and/or federal agencies, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island Department of Transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit. The applicant shall submit copies of all legal documents describing the property, proposed easements and rights-of-way ~~shall be submitted.~~
- (5) If the applicant is requesting alteration of any variances and/or special use permits granted by the Planning Board at master plan pursuant to unified development review, and/or any new variance and/or special use permits, such requests and all supporting documentation shall be included as part of the preliminary plan materials.

- (B) Certification. The application shall be certified, in writing, as complete or incomplete by the Administrative Officer within ~~sixty (60)~~ twenty-five (25) calendar days so long as a completed checklist of requirements are provided with the submission, according to the provisions of Section 12 (B). The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ~~fourteen (14)~~ ten (10) calendar days after its re-submission.
- (C) Technical Review Committee. The Technical Review Committee shall review the application and shall comment and make recommendations to the Planning Board.
- (D) ~~Public Hearing Notice~~. Prior to a the first Planning Board decision meeting on the preliminary plan, ~~a public hearing, which adheres to the requirements for notice described in Section 18 must be held~~ public notice shall be sent to abutters only at least fourteen (14) calendar days prior to the meeting. ~~This meeting is not a public hearing but the Planning Board may provide for public comment at their discretion.~~
- (E) Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including the construction schedule and/or financial guarantees, shall be reviewed and conditionally approved by the Planning Board at the preliminary plan approval.
- (F) Decision. A complete application for a major subdivision or major land development plan shall be approved, approved with conditions or denied, in accordance with the requirements of RIGL Sections 45-25-60 and 45-25-63, within ~~one hundred twenty (120)~~ ninety (90) calendar days of the date when it is certified complete, or within such further times as may be consented to by the developer through the submission of a written ~~waiver request~~. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.
- (G) Failure to act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on the written request of the applicant.
- (H) Vesting. The approved preliminary plan shall be 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 Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant prior to the expiration of the deadline, and approved by the Planning Board. The vesting of the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting materials.

~~SECTION 18. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION- PUBLIC HEARING AND NOTICE~~

- (A) A public hearing shall be required on the preliminary master plan for a major land development or major subdivision or where a street extension or creation requires a public hearing for a minor land development or minor subdivision project, or where unified development review is

part of the development application.

(B) Notice requirements. Public notice of the hearing shall be given at least fourteen (14) calendar days prior to the hearing in a newspaper of ~~general~~ local circulation within the town following the town's customary practices for such advertising. The same notice shall be posted in the town clerk's office and one other municipal building in the municipality and on the town's website. The town is responsible for internal posting requirements. Notice shall be sent to the applicant and to each owner of property within two hundred (200) feet of the perimeter of the property, by ~~certified mail, return receipt requested~~ first class mail, of the time and place of the hearing not less than ten (10) calendar days prior to the date of the hearing. Such notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest intersection in tenths (1/10) of a mile. The board may require a supplemental notice that an application for development approval is under consideration be posted at the location in question. Such posting shall be for informational purposes only and shall not constitute required notice of a public hearing. For any notice sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(C) Notice Area.

(1) The distance for notice of the public hearing shall be to all owners of property within two hundred (200) feet of the perimeter of the entire property under consideration. Intervening streets, highways, roadways, easements or rights-of-way shall not nullify the intention of this notice area.

(2) Lincoln Water Commission. Notice shall be given to the Lincoln Water Commission for its review and recommendations with regards to potential impacts on current or future public, quasi-public water sources, or private water sources that are to be used or is suitable for use as a public water source.

(3) Watersheds. Additional notice within watersheds shall also be sent by first-class mail to the city or town's Planning Board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand (2000) feet of the municipal boundaries. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the Town, or two thousand (2000) feet of the municipal boundaries, provided, however, that a map survey has been filed with the building inspector as specified in Section 45-24-53 (~~E~~f) of the General Laws of Rhode Island.

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

(D) Notice costs. The cost of all such ~~notices and advertisement~~ newspaper and mailing notices shall be borne by the applicant.

SECTION 19. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS - FINAL

PLAN**(A) Submission requirements:**

- (1) The applicant shall submit to the Administrative Officer the plans and supporting materials provided in the Major Land Development/Major Subdivision Final Checklist and items required for final plan in Section 22(E), as well as all materials required by the Planning Board when the application was given preliminary approval.
- (2) ~~Certification of Arrangement for~~ completion of the required public improvements, including a construction schedule and/or any maintenance/remediation or financial guarantees.
- (3) Certification by tax collector that all property taxes are current.
- (4) For phased projects, the final plan for phases following the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(B) Certification. The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within ~~twenty-five (25)~~ fifteen (15) calendar days, so long as a completed checklist of requirements are provided with the submission, according to the provisions of Section 12(B) above. This time period may be extended to ~~forty-five (45)~~ twenty-five (25) calendar days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ~~fourteen (14)~~ ten (10) calendar days after its resubmission. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per subsection (C) below, the final plan shall be considered approved, subject to successful completion of the post construction warranty period or the posting of adequate guarantees as required herein.

~~(C) Referral to the Planning Board. If the Administrative Officer determines that an application for final approval does not meet the requirements set by the regulations or by the Planning Board at the preliminary approval, the Administrative Officer shall refer the final plans to the Planning Board for review. The Planning Board shall, within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted. Decision. The Administrative Officer, if referred to it, the Planning Board, shall review, grant, grant with conditions, or deny final plan approval. A decision shall be issued within forty-five (45) calendar days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve, or deny the final plan as submitted.~~

(D) Failure to act. Failure of the Administrative Officer or, if referred to it, the Planning Board to act within the period prescribed shall constitute approval of the final plan subject to post completion guarantees and periods and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued upon the written request of the applicant.

- (E) Expiration of approval. The final approval of a major land development or major subdivision project shall expire one (1) year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the Planning Board for the annual review, unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in these regulations. Thereafter, the Planning Board may, for good cause shown, extend the period for recording an additional period.
- (F) Acceptance of public improvements. Signature and recording as specified in these regulations shall constitute acceptance by the Town of any street or other public improvements or other land intended for dedication. Final plan approval shall not impose any duty upon the town to maintain or improve those dedicated areas until the Town Council accepts the completed public improvements as constructed and guaranteed in compliance with the final plans and the terms of these regulations.
- (G) Validity of recorded plans. The approved final plan, once recorded, shall remain valid as the approved plan for the site unless an amendment to the plan is approved under the procedures set forth in these regulations, or a new plan is approved by the Planning Board.
- (H) Sale of lots and building permits. Only after ~~obtaining a certificate of the recording of the~~ final plan approval shall the developer or subdivider or their heirs or assigns sell or transfer any lot in the subdivision or land development project. No person shall be entitled to building permits unless and until all subdivision or land development improvements have been completed and final ~~construction plan~~ approval has been certified by the Administrative Officer and recorded with Land Evidence.
- (I) Appeal. Decisions under this section shall be considered an appealable decision pursuant to Section 2.

This is a new section to address DPR to be consistent with state law and move the process from the zoning ordinance into the subdivision regulations.

SECTION 20. PHASING OF PROJECTS DEVELOPMENT PLAN REVIEW

- (A) Applicability. The following categories of projects that are not otherwise classified as land development or subdivision applications shall be subject to the provisions of this chapter:
- (1) A change in use at the property where no extensive construction of improvements is sought and no additional parking spaces are required to be constructed.
 - (2) A change in use at the property where no extensive construction of improvement is sought and additional parking spaces are required to be constructed.
- (B) Applicability Scope of Review. Development Plan Review (DPR) may include but shall not be limited to:
- (1) Prevention of strip commercial development directly on Lincoln roadsides.
 - (2) Protection of historic, architectural, archaeological and other cultural resources.
 - (3) Consistency of development with the Comprehensive Plan.
 - (4) Reduction of the effects of erosion, stormwater runoff and contaminant runoff.
 - (5) Protection of surface water, groundwater, and wetlands.

- (6) Promotion of energy conservation.
- (7) Protection of the overall neighborhood character.
- (8) Reduction of negative traffic impacts.
- (9) An adequate amount of the property left undeveloped or properly landscaped.

(C) Permitting authority. The Administrative Officer shall review and approve, **approve with conditions, or deny** administrative projects submitted, and the Planning Board shall **review and approve, approve with conditions, or deny** formal projects as described herein.

(D) DPR consists of two **categories of** review processes, administrative and formal.

(1) Administrative DPR consists of one stage of review and the authorized permitting authority is the Administrative Officer. The following activities are subject to administrative DPR:

- a. A change in use at the property where no extensive construction of improvements is sought and no additional parking spaces are required to be constructed.

(2) Formal DPR consists of the preliminary stage and final stage of review. The authorized permitting authority is the Planning Board. The following activities are subject to formal DPR:

- a. A change in use at the property where no extensive construction of improvement is sought and additional parking spaces are required to be constructed.

(3) The Administrative Officer may combine the stages of review for formal DPR, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the Administrative Officer.

(E) Waivers

(1) Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not **negatively** affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

(2) The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.

(3) The permitting authority may grant waivers of design standards. Waivers may include waivers for interior lot angles, angles of side lot lines, and curbing or sidewalk waivers.

(F) Application requesting relief from the zoning ordinance.

- (1) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in Article XIV Section 260-74, such application shall proceed under unified development review and be reviewed by the Planning Board.
- (2) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review, and a request for review shall accompany the preliminary plan application.

(G) Submission requirements.

- (1) Any applicant requesting approval of a proposed development under this chapter, shall submit to the Administrative Officer the items required by the DPR Checklist.
- (2) ~~Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special use permits or use variances related to projects qualifying for DPR shall be submitted and reviewed under unified development review. Applications subject to unified development review as required in subsection F(2) of this section shall submit the required application materials for the unified development review application as determined by the Administrative Officer.~~

(H) Certification.

- (1) The application shall be certified, in writing, complete or incomplete by the Administrative Officer within twenty-five (25) calendar days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the Administrative Officer within fifteen (15) calendar days.
- (2) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) calendar days after its resubmission.
- (3) If the Administrative Officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(I) Application review and decision

- (1) Administrative DPR. An application shall be approved, denied, or approved with conditions within twenty-five (25) calendar days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and Administrative Officer.
- (2) Formal DPR.
 - a. Preliminary plan. ~~Unless the application is reviewed under unified development review,~~ the Planning Board will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) calendar days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
 - b. Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the Administrative Officer. The officer will report its actions in writing to the Planning Board at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) calendar days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- (3) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the Administrative Officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
- (4) Vested rights. Approval of DPR shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the Administrative

Officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

(5) Modifications and changes to plans.

- a. Minor changes to the plans approved at any stage may be approved administratively, by the Administrative Officer, whereupon final plan approval may be issued. The changes may be authorized without an additional Planning Board meeting, at the discretion of the Administrative Officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the Administrative Officer from requesting recommendation from either the technical review committee or the permitting authority. Minor changes shall include:
 - i. Amendments to utility plans that are acceptable to the Town's Engineer or to the appropriate utility company;
 - ii. Lot line revisions that can be reviewed and approved as an administrative subdivision according to the provisions of these regulations.
 - iii. Amendments to grading plans or drainage plans which are acceptable to the Town's Engineer and which do not require approval of any state or federal reviewing authority;
 - iv. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
 - v. Modifications to any construction plans for off-site improvements which are acceptable to the Town's Engineering Department; or,
 - vi. Modifications that are required by outside permitting agencies such as, but not limited to RIDEM and RIDOT.
- b. Denial of the proposed minor change(s) shall be referred to the permitting authority for review as a major change.
- c. Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. Major changes shall include:
 - i. Changes that would have the effect of creating additional lots for development or dwelling units;
 - ii. Changes which would be contrary to any applicable provision of the Zoning Ordinance or which would require a variance or special use permit from the Zoning Board of Review; or,
 - iii. Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.
 - iv. Any change not considered a minor change is considered a major change.

- d. The Administrative Officer shall notify the applicant in writing within fourteen (14) calendar days of submission of the final plan application if the Administrative Officer determines that there has been a major change to the approved plans.

(J) Appeal. A decision under this section shall be considered an appealable decision.

(K) Design Standards. Standards for design of development for applications subject to DPR are provided in Section 23 of these regulations.

SECTION 21 SPECIFICATIONS AND SUBMISSIONS FOR PLANS AND PLATS PHASING OF PROJECTS

This change adds specific submission requirements for adaptive reuse projects to the master plan and preliminary plan submission requirements.

SECTION 22 ~~DESIGN STANDARDS~~ SPECIFICATIONS AND SUBMISSIONS FOR PLANS AND PLATS

Article C. Master Plans

The master plan shall be submitted in accordance with the provisions of Section 17 of these regulations. The master plan or master plat shall encompass the entire tract of land in continuous ownership by the subdivider or developer and abutting property and shall contain the following:

- (1) All information required in Articles A and B above.
- (2) Proposed design conceptualization plan.
- (3) Tentative construction phasing schedule.
- (4) Analysis of potential neighborhood/district impacts.
- (5) The appropriate fee identified on the fee schedule in Appendix A.
- (6) Topographical conditions such as ledge outcroppings and including the high water location of all brooks, streams, ponds, lakes, wetland areas, and other waterways within two hundred (200) feet of the proposed subdivision or land development project.
- (7) For adaptive reuse projects being reviewed as a major land development project the following items shall be submitted as part of the master plan submission:
 - a. The proposed residential density and the square footage of nonresidential uses. Residential density under the provisions of Article III Section 26-21 of the zoning ordinance shall require the submission of a detailed floor plan as described in item (7)b below.

- b. A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each room and each unit.

Article D. Preliminary Plats & Plans

1. The subdivider or developer shall file with the Administrative Officer in accordance with the regulations, but under no conditions less than thirty (30) calendar days in advance of the Planning Board's regularly scheduled meeting.
 - a. A fully completed preliminary plan application and the appropriate fee for such submission from the fee schedule in Appendix A.
 - b. A minimum of eleven (11) legible black line or blue line prints of the preliminary plat containing all the information required by the regulations and especially Article D (2) hereinafter.
 - c. A minimum of eleven (11) black line or blue line prints of centerline profiles of proposed streets.
 - d. Preliminary subdivision suitability determinations by the R.I. Department of Environmental Management as to the suitability of the soils within the plat boundaries for the safe and proper operation of individual sewerage disposal systems, if such systems are planned.
 - e. Certification by the Superintendent of the Lincoln Water Commission that the proposed water system is acceptable and that water can be provided to the proposed project. Location of fire hydrants shall be determined by the Lincoln Water Commission.
 - f. Groundwater elevations during the wet season or as determined by RIDEM or as evaluated by a certified soil evaluator, the standards required for certification for individual sewerage disposal systems, and in all areas proposed for detention and/or retention basins, proposed locations and elevations of foundations, and/or all other areas that may be deemed necessary by the Town Engineer or the Planning Board.
 - g. Certification by the Lincoln Public Works Department that the proposed sewer system layout is acceptable and can accept the effluent load of the proposed project.
 - h. An advisory opinion from the Lincoln Public Works Department as to the need for and the location of traffic control signs or other traffic control devices as well as any required ordinances deemed necessary for traffic control.
 - i. A notarized statement from the property owner(s) authorizing the submission of his/her(s) land to the subdivision and/or land development procedures if they are not the subdivider.
 - j. Ground elevation data referenced to North American Vertical Datum of 1988 (NAVD88) mean sea level and the subdivision's relationship with current Federal Flood Insurance

maps and reports.

- k. Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetland Act, as amended, that the proposed subdivision, and any off-site construction, have been reviewed and that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
 - l. A stamped electrical plan, accepted by the local electrical utility company, showing locations of conduits and street lighting devices to be accepted by the Town of Lincoln.
 - m. Written certification by a registered professional engineer licensed in the State of Rhode Island that all drainage structures and facilities will accommodate a twenty-five (25) year design frequency rainfall. The detention or retention areas shall be designed to accommodate a one hundred (100) year storm. The drainage plan shall consist of a plan showing existing and proposed drainage structures, the drainage basin areas and the drainage flow paths. Also required, shall be a report summarizing drainage calculations. The rational method, SES TR 20, SES TR 55, or accepted approved method shall be used for runoff calculations. Calculations shall include predevelopment and post development conditions. This design standard may be increased by the Planning Board upon request by the Town Engineer, or in such case as deemed warranted by the Planning Board.
 - n. Certification that all curb cuts and/or drainage proposals to be made on to state highways have been approved by the Rhode Island Department of Transportation.
2. The preliminary plat/plan shall encompass the entire tract of land in continuous ownership by the subdivider or developer and abutting property and shall contain the following:
- a. All information required in Articles A, B, and C above.
 - b. Location and ownership of cemeteries on or immediately adjacent to the subdivision parcel if applicable.
 - c. Dimensions, angles, and areas of streets and lots of the actual development or subdivision.
 - d. Proposed areas for public dedication.
 - e. Existing and proposed streets with the name of each. Street names shall not be a duplicate or of close resemblance to any existing street name.
 - f. Existing and proposed utility, drainage or other easements, with each clearly identified.
 - g. Contours at two (2) foot intervals. Spot elevations shall also be shown and at least two benchmarks shall be referenced.

- h. Any existing or proposed deed or plat restrictions or covenants.
- i. Lot lines and building setback lines.
- j. Existing and proposed curb lines, with curb cuts for each lot clearly indicated.
- k. Existing and proposed water line, drainage line, and sewer line, and other utilities whether publicly or privately owned, locations and diameter, grades, and direction of flow of each. All proposed utilities shall conform with the applicable requirements and standards of the Town and/or the appropriate utility. Final approval plans of the appropriate utility authority shall be required.
- l. Location and name of each abutter.
- m. Location of existing and proposed permanent monuments.
- n. Location of existing and proposed fire hydrants.
- o. Location of all existing structures including those on abutting lots. Each existing structure shall be identified with its existing use, and all setbacks from existing and proposed property lines shall be indicated on the plan.
- p. Location of existing private wells within two hundred (200) feet of the proposed project, location of wells within the project, and the location, exterior edge, and type of public wells within four hundred (400) feet of the subdivision or land development project.
- q. Location of existing cesspools, septic systems, seepage pits, or other sewerage disposal systems.
- r. A sedimentation and erosion control plan.
- s. Identification of flood areas in accordance with the flood hazard regulations in Article F below.
- t. Identification of any land located within the watershed areas as determined by the Town of Lincoln.
- u. Identification of storm water controls.
- v. Any other data that is relevant to good land planning and design.
- w. Centerline profiles of proposed streets containing the following:
 - 1. Existing and proposed street grades.
 - 2. Sewer mains.
 - 3. Water mains.
 - 4. Underground utilities.

- 5. Drainage facilities.
 - 6. Street light locations as accepted by local power company and Town Engineer.
 - 7. Other information as required by the Planning Board.
- x. All means of vehicular access to and from the site onto public roads as well as other offsite traffic improvements necessary to insure public safety and convenience.
- y. For adaptive reuse projects being reviewed as a minor land development project the following items shall be submitted as part of the preliminary plan submission:
- 1. The proposed residential density and the square footage of nonresidential uses. Residential density under the provisions of Article III Section 26-21 of the zoning ordinance shall require the submission of a detailed floor plan as described in item (y)2 below.
 - 2. A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each room and each unit.

~~SECTION 23 PUBLIC DESIGN AND IMPROVEMENT STANDARDS~~ DESIGN STANDARDS

~~SECTION 24 GUARANTEES FOR THE COMPLETION OF IMPROVEMENTS~~ PUBLIC DESIGN AND IMPROVEMENT STANDARDS

~~SECTION 25 SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS~~ GUARANTEES FOR THE COMPLETION OF IMPROVEMENTS

~~SECTION 26 SEVERABILITY~~ SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS

SECTION 27 SEVERABILITY

**APPENDIX A.
FEE SCHEDULE**

Application Review Fees.

Each application for development plan review, unified development review, subdivision or land development approval must be accompanied by the appropriate application fee payable to the Town of Lincoln as set forth below.

- Administrative Subdivision Review. Fifty dollars (\$50.00) per lot for each lot involved in the proposed administrative subdivision.
- Administrative Development Plan Review – Two hundred dollars (\$200.00)
- Formal Development Plan Review
 - A. Preliminary Plan Review. \$400.00
 - B. Final Plan Review. \$200.00
- Minor Subdivision and Minor Land Development Review.
 - A. Pre-application Meeting and Concept Review: \$200.00
 - B. Preliminary Plan Review. \$400.00
 - C. Final Plan Review. \$200.00
- Major Subdivision and Major Land Development Review.
 - A. Pre-application Meeting and Concept Review: \$200.00.
 - B. Master Plan Review. \$800.00 for up to five lots plus \$100.00 per each additional lot.
 - C. Preliminary Plan Review. \$800.00 for up to five lots plus \$100.00 per each additional lot.
 - D. Final Plan Review. \$800.00 for up to five lots plus \$100.00 per each additional lot.
- Unified Development Review – Two-hundred and fifty dollars and \$1.00 for each abutter within 200' of the subject property or properties. This fee is in addition to the associated development plan review, subdivision, and/or land development application.

Inspection fees shall be paid in full before construction begins of any improvements requiring inspection. Inspection fees shall be charged at a flat fee of \$2000.00 for up to five lots plus \$300.00 per each additional lot. If any improvements fail inspection, an additional inspection fee shall be collected prior to re-inspection.