



# **TOWN OF WARREN RHODE ISLAND**

## **PLANNING BOARD**

### **RULES AND REGULATIONS**

**As Amended Through October 2005**

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**ARTICLE I**

## **GENERAL PROVISIONS**

### **SECTION I-1 - AUTHORITY**

In accordance with the authority vested in the Planning Board of the Town of Warren under the provisions of an act passed by the General Assembly of the State of Rhode Island known as the "Rhode Island Land

Development and Subdivision Review Enabling Act of 1992", the Planning Board, hereafter known as the Board, hereby adopts the following rules and regulations governing and restricting the platting or other subdivision of land, pursuant to such rules and regulations. All prior regulations governing such subdivision of land and all prior amendments thereto which are inconsistent herewith are hereby repealed.

### **SECTION I-2 - LOCAL REGULATIONS**

By ordinance, The Town Council has empowered the Planning Board to adopt, modify and amend regulations and rules governing land development and subdivision projects within this municipality and to control land development and subdivision projects pursuant to those regulations and rules.

### **SECTION I-3 - PURPOSE**

These regulations are designed to promote the health, safety, morals and general welfare of the inhabitants of the Town of Warren by providing rules, regulations and standards for the design and construction of well organized, efficient and safe streets and highways within the Town's transportation systems; to secure an appropriate amount of land area in new development for recreational, educational and all other requirements of community life, and to conform to the Comprehensive Plan for the Town of Warren, R.I.

Selected rules, regulations and standards shall address the following purposes:

- (1) To provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) To promote high quality and appropriate design and construction of land developments and subdivisions;
- (3) To promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) To promote design of land developments and subdivisions which are well-integrated with the

surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

- (5) To encourage local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) To promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) To encourage local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) To encourage the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

These regulations are designed to cover the majority of cases and indicate the intent to ensure the orderly development of land for the greatest benefit to all in the Town.

#### **SECTION I-4 - DEFINITIONS**

For the purpose of these rules and regulations and to provide for a common understanding, the following terms shall have the meanings ascribed to them by this section. Where words or phrases used in these Rules and Regulations are defined in the definitions section of either the "Rhode Island Comprehensive Planning and Land Use Regulation Act", or the "Zoning Enabling Act of 1991", they shall have the meanings stated therein. In addition, the following words and phrases shall have the following meanings:

- (1) *Administrative Officer.* The municipal official designated by these regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. The administrative officer may be a member of, or the chairperson, of the Planning Board, or an appointed official of the Town of Warren.
- (2) *Administrative Subdivision.* Re-subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
- (3) *Board of Appeal.* The local review authority for appeals of actions of the Administrative Officer and the Planning Board on matters of land development or subdivision, which shall be the local Zoning Board of Review constituted as the

Board of Appeal.

- (4) *Bond*. See improvement guarantee.
- (5) *Buildable lot*. A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practicable by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.
- (6) *Certificate of completeness*. A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the Town of Warren's regulations, and that the applicant may proceed with the approval process.
- (7) *Concept plan*. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.
- (8) *Consistency with the Comprehensive Plan*. A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the Town of Warren as the comprehensive community plan.
- (9) *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 such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations.
- (10) *Development regulation*. Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.
- (11) *Division of land*. A subdivision.
- (12) *Environmental constraints*. Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also *physical constraints to development*.
- (13) *Final plan*. The final stage of land development and subdivision review.

- (14) *Final plat.* The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in the Town's regulations and/or required by the Planning Board.
- (15) *Floor area, gross.* See R.I. State Building Code.
- (16) *Governing body.* The Warren Town Council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.
- (17) *Improvement.* Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
- (18) *Improvement guarantee.* A security instrument, in the form of cash or certified check, made payable to the Town of Warren, accepted by the Town of Warren, 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 plans and specifications of a development.
- (19) *Local regulations.* The land development and subdivision review regulations adopted under the provisions of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. For purposes of clarification, where reference is made to local regulations, it shall be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to this act.
- (20) *Maintenance guarantee.* Any security instrument which may be required and accepted by the Town of Warren to ensure that necessary improvements will function as required for a specific period of time. See *improvement guarantee*.
- (21) *Major land development plan.* Any land development plan not classified as a minor land development plan.
- (22) *Major subdivision.* Any subdivision not classified as either an administrative subdivision or a minor subdivision.
- (23) *Master plan.* A overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review.
- (24) *Minor land development plan.* A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in these Rules and Regulations. All nonresidential land development projects shall be considered as major land

development plans.

- (25) *Minor subdivision.* A plan for a subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in these Rules and Regulations.
- (26) *Modification of requirements.* See Article II, Section 17 of these Rules and Regulations.
- (27) *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.
- (28) *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.
- (29) *Permitting authority.* The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.
- (30) *Phased development.* Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.
- (31) *Physical constraints to development.* Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also *environmental constraints*.
- (32) *Planning Board.* The official planning agency of the Town of Warren.
- (33) *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 the local regulations.
- (34) *Pre-application conference.* An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.
- (35) *Preliminary plan.* The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits.



- (36) *Public improvement.* Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.
- (37) *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 shall be heard.
- (38) *Re-subdivision.* Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records; or change that affects the lot lines of any areas reserved for public use; or change that affects any map or plan legally recorded prior to the adoption of the local land development and subdivision regulations. For the purposes of these regulations any such change shall constitute a subdivision.
- (39) *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.
- (40) *Storm water retention.* A provision for storage of storm water runoff.
- (41) *Street.* A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See *street classification*.
- (42) *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.
- (43) *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.
- (44) *Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.
- (45) *Street, limited access highway.* A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.
- (46) *Street, private.* A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition shall not apply to driveways.

- (47) *Street, public.* All public property reserved or dedicated for street traffic.
- (48) *Street, stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.
- (49) *Street classification.* A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:
- (a) *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the 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.
- (50) *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.
- (51) *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. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- (52) *Technical Review Committee.* A committee appointed by the Planning Board for the purpose of reviewing, commenting, and making recommendations to the Planning Board with respect to approval of land development and subdivision applications.
- (53) *Temporary improvement.* Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.
- (54) *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.

- (55) *Waiver of requirements.* See Article II, Section 17 in these Rules and Regulations.

### **SECTION I-5 - GENERAL PROVISIONS**

Land development and Subdivision regulations adopted by the Warren Planning Board on December 18, 1995 set forth in text and may incorporate other necessary technical and graphic material necessary for the proper use of the regulations.

### **SECTION I-6 - AVAILABILITY**

- (A) Once adopted, printed copies of the local regulations shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies.
- (B) Upon publication of the regulations and any amendments thereto, the Town of Warren shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library.

### **SECTION I-7 - AMENDMENTS**

#### **Procedure for adoption and amendment.**

- (A) The Planning Board, shall adopt or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.
- (B) Provisions of the local regulations and appendices shall be set forth in text and may incorporate maps, and other technical and graphic material. These regulations, and all the amendments thereto, shall be consistent with all provisions of Chapter 23 of the State Enabling Acts Relating To Land Use, as well as the Town of Warren's Comprehensive Plan and Zoning Ordinance.

#### **Public hearing and notice requirements.**

- (A) No regulations shall be adopted, repealed, or amended until 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 circulation within the municipality at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing opportunity shall be given to all persons interested to be heard upon the matter of the

proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- (1) Specify the place of said hearing and the date and time of its commencement;
  - (2) Indicate that adoption, amendment or repeal of local regulations is under consideration;
  - (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
  - (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
  - (5) State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.
- (B) Notice of the public hearing shall be sent by first class mail to the city or town 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 feet (2,000') of the Town of Warren's boundaries.
- (C) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the Town of Warren or two thousand feet (2,000') of the Town of Warren's boundaries, provided, however, that a map survey has been filed with the building inspector as specified in the State Enabling Acts Related to Land Use Planning.
- (D) No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

#### **SECTION I-8 - REVIEW OF RULES and REGULATIONS**

The provisions of these rules and regulations shall be reviewed in January of each year by the Planning Board for the purpose of proposing amendments deemed appropriate in light of changing conditions or policies.

## **SECTION I-9 - RIGHT OF APPEAL**

- (A) Local regulations adopted pursuant to Chapter 23 of the State Enabling Acts Relating to Land Use & Planning of 1992 shall provide that an appeal from any decision of the Planning Board, or Administrative Officer charged in the regulations with enforcement of any provisions, except as provided herein, may be taken to the Board of Appeal by an aggrieved party. Appeals from a decision granting or denying approval of a final plan shall be limited to the elements of such 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 Article II, Section 8.
- (B) Local regulations adopted pursuant to Chapter 23 of the State Enabling Acts Relating to Land Use & Planning of 1992 shall provide that an appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the Superior Court for the county in which the Town of Warren is situated.

### **Process of appeal.**

- (A) An appeal to the Board of Appeal from a decision or action of the Planning Board or Administrative Officer may be taken by an aggrieved party to the extent provided in Section 45-23-66 of the General Laws. Such appeal must be taken within twenty (20) days after the decision has been recorded and posted in the Office of the Town Clerk.
- (B) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal.
- (C) Upon receipt of an appeal, the Board of Appeal shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

### **Stay of proceedings.**

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

### **Public hearing.**

- (A) The Board of Appeal shall hold a public hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice thereof, as well as due notice to the parties of

interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The Board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.

- (B) The Board of Appeal shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.
- (C) 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 the State Enabling Acts Relating to Land Use & Planning, shall be maintained by the Board of Appeal.

### **Standards of review.**

- (A) In instances of a Board of Appeal's review of the Planning Board or Administrative Officer's decision on matters subject to Chapter 23 of the State Enabling Acts Relating to Land Use & Planning, the Board of Appeal shall not substitute its own judgment for that of the Planning Board or the Administrative Officer but must consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeal shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- (B) The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing, shall be necessary to reverse any decision of the Planning Board or Administrative Officer
- (C) In the instance where the Board of Appeal overturns a decision of the Planning Board or Administrative Officer, the proposed project application shall be remanded to the Planning Board or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision.
- (D) The Board of Appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include in the written record the reasons for each decision.

### **Appeals to the Superior Court.**

- (A) An aggrieved party may appeal a decision of the Board of Appeal, to the Superior Court for the county in which the Town Of Warren is situated by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Office of the Town Clerk. The Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the Court within thirty

(30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

- (B) 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 shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.
- (C) The court shall not substitute its judgment for that of the 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:
  - (1) In violation of constitutional, statutory, ordinance or Planning Board regulations provisions;
  - (2) In excess of the authority granted to the Planning Board by statute or ordinance;
  - (3) Made upon unlawful procedure;
  - (4) Affected by other error of law;
  - (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
  - (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

**Appeals to the Superior Court -- Enactment of or amendment of local regulations.**

- (A) An appeal of an enactment of or an amendment of local regulations may be taken to the superior court for the county in which the Town Of Warren is situated by filing a complaint, as set forth herein, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the Town Of Warren or by any association of residents or landowners of the Town Of Warren. The appeal **SHALL NOT** stay the enforcement of the local regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the

filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

- (B) The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act; the Zoning Enabling Act of 1991; the Town Of Warren's Comprehensive Plan; or the Town Of Warren's Zoning Ordinance.
- (C) The review shall be conducted by the Court without a jury. The Court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act; the Zoning Enabling Act of 1991; the Town Of Warren's Comprehensive Plan or Zoning Ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the local regulations to be consistent, but may suggest appropriate language as part of the court decision.
- (D) The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including a municipality.

**Appeals to the Superior Court -- Priority in judicial proceedings.**

Upon the entry of any case or proceeding brought under the provisions of Chapter 23 of the State Enabling Acts Relating to Land Use & Planning, including pending appeals and appeals hereinafter taken to the court, the court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

**SECTION I-10 - RECORDING OF PLATS**

**(A) Procedure -- Signing and recording of plats and plans.**

- (1) All approved final plans and plats for land development and subdivision projects shall be signed by the appropriate Planning Board official with the date of approval. The final plans and changes thereto shall be digitized and submitted on an acceptable electronic media, in a format compatible with the Town's mapping software. Plans and plats for major land developments and subdivisions shall be signed by the Planning Board chairperson or the secretary of the Planning Board attesting to the approval by the Planning Board. All minor land development or subdivision plans and plats and administrative plats shall be signed by the Planning Board chairperson or secretary or the Board's designated agent.
- (2) Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the appropriate municipal departments. The material to be



recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the Town of Warren, permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board.

- (3) Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the Town Of Warren's departments responsible for implementation and enforcement.
- (4) The Administrative Officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.
- (5) A Certificate of Occupancy shall not be issued by the Building Inspector for any building or structure until a developer has complied will all the provisions of these regulations.

**(B) Procedure -- Changes to recorded plats and plans.**

- (1) For all changes to the approved plans of land development projects or subdivisions subject to this act, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in Article II, Section 10.
- (2) As defined in the local regulations, Minor changes to a land development or subdivision plan may be approved administratively, by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical Review Committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a Major change.
- (3) As defined in the local regulations, Major changes to a land development or subdivision plan may be approved, only by the Planning Board and must follow the same review and public hearing process required for approval of preliminary plans as described in Article II, Section 7.
- (4) **Rescission procedure.** The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the Comprehensive Plan, and is not in compliance with the standards and provisions of the Town's Zoning Ordinance and/or these Rules and Regulations

and shall hold a public hearing, which adheres to the requirements for notice described in Article II, Section 8. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of Article II, Section 18. If it is necessary to abandon any street covered under Chapter 6 of Title 24, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in this Section.

## **SECTION I-11 - SALE OF LAND IN NON-APPROVED SUBDIVISIONS**

### **Administration -- Violations and penalties.**

- (A) These regulations provide for a penalty for any violation of the regulations, or for a violation of any terms or conditions of any action imposed by the Planning Board or of any other agency or officer charged in the regulations with enforcement of any of the provisions.
- (B) Violation of the regulations shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Town Of Warren land evidence records, shall be in violation of these regulations.
- (C) The penalty for violation of these regulations shall be Three Hundred Dollars (\$300) for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the Town of Warren.
- (D) The Town of Warren may also cause suit to be brought in the Supreme or Superior Court, to restrain the violation of, or to compel compliance with, the provisions of these regulations. The Town of Warren may consolidate an action for injunctive relief and/or fines under the local regulations in the Superior Court of the county in which the subject property is located.
- (E) No street and no mains, drains, common sewer, water supply lines, nor any other public improvement shall be constructed within a subdivision unless a plat of said subdivision has been approved as provided in these rules and regulations.
- (F) Any sale of land subdivided in violation of the provisions of these regulations shall be considered void at the option of the purchaser thereof and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged therefore together with any damages sustained by such purchaser, who may maintain an action of the case, to recover any amounts due him under the provisions of this section.

## **SECTION I-12 - DEDICATION OF LAND FOR PUBLIC PURPOSES**

- (A) Dedication of land for public purposes shall conform to the following requirements: Where

the Town of Warren requires, as a condition of approval of a proposed land development or subdivision project, dedication of land to the public, public improvements, payment-in-lieu of dedication or construction, or payment to mitigate the impacts of a proposed project, these regulations require the following:

- (1) All required public improvements must reflect the character defined for that neighborhood or district by the Town's Comprehensive Plan;
  - (2) The need for all dedications of land to the public and for payments-in-lieu of such dedications must be clearly documented in the adopted plans of the Town, i.e., the Comprehensive Plan and the Recreation, Conservation, and Open Space Plan;
  - (3) No dedications of land to the public or payments-in-lieu of dedications may be required until the need for such are identified and documented by the Town of Warren, the land proposed for dedication is determined to be appropriate for the proposed use, and the formulas for calculating a payment-in-lieu of dedication has been established in the local regulations;
  - (4) All dedications, improvements, or payments-in-lieu thereof, for mitigation of identified negative impacts of proposed projects must meet the above standards. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. The mitigation required as a condition of approval must be related to the significance of the identified impact; and
  - (5) All payment-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required.
- (B) Approval and acceptance of a final subdivision by the Planning Board shall be deemed the acceptance by the public of any street or other public areas offered therein for dedication but shall not impose any duty upon the Town of Warren to maintain or improve such dedicated area until the Town Council shall have authorized maintenance or improvement of the same in accordance with the laws of the State of Rhode Island and the Town of Warren governing public expenditures for such purpose.

### **SECTION I-13 - CLUSTER ALTERNATIVE SUBMISSION**

For purposes of density calculation and comparison of alternatives a conventional subdivision concept plan must be submitted along with the cluster alternative(s). Submission of a cluster alternative is required for all subdivisions in the R-10, R20, R-30, and R-40 districts. The Planning Board may select the most desirable development option for said parcel.

### **SECTION I-14 - LAND UNSUITABLE FOR DEVELOPMENT AND DENSITY CALCULATION**

(A) Land Unsuitable for Development

1. When calculating the number of residential, commercial or industrial building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the minimum building acreage of the parcel:
  - a) Fresh water wetlands, except that area of perimeter wetland within fifty (50) feet of the edge of any bog, marsh, swamp or pond and any applicable 100-foot or 200-foot riverbank wetlands, as defined by Rhode Island General Laws Section 2-1-20 (1987), as amended, whichever is greater.
  - b) Coastal wetlands, except any directly associated contiguous areas, as defined by Rhode Island General Laws Section 46-23-6(B) (3)(1990), as amended.
  - c) Areas with slopes in excess of twenty-five (25 ) percent.
2. Land described in Subsection 1(a), (b) and (c), above, may be included as part of any lot in any subdivision or land development project; provided, however, that land unsuitable for development shall not be counted toward the minimum lot size required in Article VIII of the Warren Zoning Ordinance. This requirement does not apply to existing lots of record.

(B) Density Calculation

The maximum number of units in a residential cluster development (RCD) and a conventional subdivision or land development project shall be determined by the following method:

1. Land unsuitable for development as the term is defined in Article XIII, Section 32-76.1 of the Warren Zoning Ordinance and above in Article I, Section 14 of the Planning Board Regulations shall be subtracted from the total acreage of the parcel. In addition, the area of any streets rights-of-way actually designed for the proposed subdivision shall be subtracted from the total acreage.
2. The remaining acreage of the parcel shall be divided by the minimum lot size for the standard subdivision lots for the zoning district in which the parcel is located.
3. A conventional subdivision concept plan establishing a base number of units is required with the submission of any cluster alternative. For density purposes, lots in an unsewered area that are not likely to support an ISDS must be removed from the density calculation.

## **SECTION I-15 - SEVERABILITY**

- (A) If any section, paragraph, clause or provision of these rules and regulations or of any rule, regulation or determination made there under, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the section, rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these rules and regulations shall not affect the validity of the remainder of the rules and regulations.

## **ARTICLE II**

### **OPERATING PROCEDURES FOR SUBMITTING A PROPOSED**

### **SUBDIVISION OF LAND**

## **SECTION II-1 - GENERAL PROVISIONS - PRE-APPLICATION MEETINGS AND CONCEPT REVIEW**

- (A) Pre-application meetings

One or more pre-application meetings shall be held for all major land development or subdivision applications. Pre-application meetings may be held for administrative and minor applications, upon request of either the municipality or the applicant. Pre-application

meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

(B) Concept plan review

At the pre-application stage the applicant may request the Planning Board or the Technical Review Committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide Planning Board or Technical Review Committee input in the formative stages of major subdivision and land development concept design.

(C) Concept plan review - submission of materials

Applicants seeking a pre-application meeting or an informal concept review shall submit general, conceptual materials in advance of the meeting(s) as requested by the Administrative Officer.

(D) Concept plan review - purpose

Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

(E) Filing and proceeding with an application

Provided that at least one (1) pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Section 2 of the Article.

**SECTION II-2 - GENERAL PROVISIONS - APPLICATION FOR DEVELOPMENT AND CERTIFICATION OF COMPLETENESS**

(A) Classification

The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. The following types of applications, as defined in the regulations may be filed:

- (1) Administrative subdivision
- (2) Minor subdivision or minor land development plan
- (3) Major subdivision or major land development plan

(B) Certification of a complete application

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification of the application is not made within the time specified in these regulations for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in the local regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

(C) Planning Board actions

Notwithstanding subsections (A) and (B) above, the Planning Board may subsequently require correction of any information found to be in error and submission of additional information specified in these regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

(D) Postponement with consent

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

**SECTION II-3 - GENERAL PROVISIONS - ADMINISTRATIVE SUBDIVISIONS**

(A) Submission of material

Any applicant requesting approval of a proposed administrative subdivision, as defined in this article, shall submit to the Administrative Officer the items required by the local regulations.

(B) Certification process

The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Article II, Section 2(B).

(C) Review process:

- (1) Within fifteen (15) days of certification of completeness, the Administrative Officer, or the Technical Review Committee, shall review the application and approve, deny

or refer it to the Planning Board with recommendations. The Officer or Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

- (2) If no action is taken by the Administrative Officer or the Technical Review Committee within the fifteen (15) days, the application shall be placed, by the applicant, on the agenda of the next regular Planning Board meeting.

(D) Planning Board Actions

If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and/or the Technical Review Committee and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Failure of the Planning Board to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board or committee to act within the required time and the resulting approval shall be issued on request of the applicant.

(E) Denial of the application

Denial of an application by the Administrative Officer and/or the Technical Review Committee shall not be appealable and shall require the plan to be submitted as a minor subdivision application.

(F) Approval expiration

Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in Article I, Section 10.

**SECTION II-4 - GENERAL PROVISIONS - MINOR LAND DEVELOPMENT  
AND MINOR SUBDIVISION REVIEW**

(A) Review stages.

Minor plan review shall consist of two stages, preliminary and final, provided, that if a street creation or extension is involved, a public hearing is required. The Planning Board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the Administrative Officer.

(B) Submission requirements.

Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this Section, shall submit to the Administrative Officer the items required by



the local regulations.

(C) Certification

The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) or within fifteen (15) days of its submission if no street creation or extension is required, according to the provisions of Article II, Section 2(B). The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

(D) Technical Review Committee action

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

- (1) If the land development or subdivision plan is approved by a majority of the committee members, the application shall be forwarded to the Planning Board 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 shall be referred to the Planning Board.

(E) Re-assignment to major review

The Planning Board may re-assign a proposed minor project to major review only when the Planning Board is unable to make the positive findings on the following standard provisions:

- (1) The proposed development is consistent with the Comprehensive Plan or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the Warren Zoning Ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
- (4) Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical. (See definition of **Buildable Lot**). Lots with such physical

constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved recorded plans; and

- (5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

(F) Decisions by the Planning Board

If no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the board.

If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval. The Planning Board shall approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board.

(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 request of the applicant.

(H) Final Plan

The Planning Board may delegate final plan review and approval to either the Administrative Officer or the Technical Review Committee. The Officer or Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

(I) Vesting

Approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval is submitted for signature and recording as specified in these regulations. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the Planning Board.

**SECTION II-5 - GENERAL PROVISIONS -- MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION REVIEW STAGES.**

- (A) Major plan review shall be required of all applications for land development and subdivision approval subject to these Rules and Regulations, unless classified as an administrative subdivision or as a minor land development or a minor subdivision.

- (B) Major plan review shall consist of three stages of review, master plan, preliminary plan and final plan, following the pre-application meeting(s) specified in Article II, Section 1. Also required is a public informational meeting and a public hearing.
- (C) The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in Article II, Section 17. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant.

**SECTION II-6 - GENERAL PROVISIONS -- MAJOR LAND DEVELOPMENT  
AND MAJOR SUBDIVISION -- MASTER PLAN.**

- (A) *Submission requirements:*
  - (1) The applicant shall first submit to the Administrative Officer the items required by these regulations for master plans.
  - (2) Requirements for the master plan and supporting material 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 and coastal zone boundaries, the flood plains, 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 department of public works, fire and police departments, the conservation and recreation commissions; (b) adjacent communities; (c) state agencies, as appropriate, including the Departments of Environmental Management and Transportation, and the Coastal Resources Management Council; and (d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.
- (B) *Certification.* The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions of Article II, Section 2 (B). The running time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.
- (C) *Technical Review Committee.* The Technical Review Committee, shall review the application and shall comment and make recommendations to the Planning Board.
- (D) *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.

- (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 within the Town of Warren. Postcard notice shall be mailed to the applicant and to all property owners within the notice area, as specified by local regulations.
  - (2) At the public informational meeting the applicant shall present the proposed development project. The Planning Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.
- (E) *Decision.* The Planning Board shall, within one hundred and twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Article II, Section 18.
- (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 request of the applicant.
- (G) *Vesting.*
- (1) The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant 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 master plan drawings and supporting materials.
  - (2) The initial two year vesting for the approved master plan shall constitute the vested rights for the development as required in Article II, Section 10(B).

**SECTION II-7 - GENERAL PROVISIONS -- MAJOR LAND DEVELOPMENT  
AND MAJOR SUBDIVISION -- PRELIMINARY PLAN.**

- (A) *Submission requirements.*
- (1) The applicant shall first submit to the Administrative Officer the items required by these regulations for preliminary plans.
  - (2) Requirements for the preliminary plan and supporting materials for this phase of the

review shall include, but not be limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, flood plains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.

- (3) At the preliminary plan review phase, the administrative officer shall solicit final written comments and/or approvals of the Department of Public Works, the Town Solicitor, other local government departments, commissions, or authorities as appropriate.
  - (4) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights-of-way.
- (B) *Certification.* The application shall be certified as complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions of Article II, Section 2 (B). The running time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.
  - (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.* Prior to Planning Board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in Article II, Section 8, must be held.
  - (E) *Public improvement guarantees.* Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at preliminary plan approval.
  - (F) *Decision.* A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further time as may be consented to by the developer.
  - (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 request of the applicant.
  - (H) *Vesting.* The approved preliminary plan shall be vested for a period of one (1) year and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant, and approved by the Planning Board. The vesting for the preliminary plan

approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

**SECTION II-8 - GENERAL PROVISIONS -- MAJOR LAND DEVELOPMENT  
AND MAJOR SUBDIVISION -- PUBLIC HEARING AND NOTICE.**

- (A) A public hearing shall be required for a major land development project or a major subdivision or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision.
- (B) *Notice Requirements.* Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the Town of Warren following the Town of Warren's usual and customary practices for such advertising. Notice shall be sent to the applicant and to each owner within the notice area, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.
- (C) *Notice area.*
  - (1) The distance(s) for notice of the public hearing shall be specified in these regulations. The distance may differ by zoning district and scale of development. At a minimum, all abutting property owners to the proposed development's property boundary shall receive notice.
  - (2) *Watersheds.* Additional notice within watersheds shall also be sent as required in Article I, Section 7.
  - (3) *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 cost.* The cost of all such notice shall be borne by the applicant.
- (E) *Continuation.* A continuation of a public hearing shall be advertised at least once prior to the meeting date.

**SECTION II-9 - GENERAL PROVISIONS -- MAJOR LAND DEVELOPMENT  
AND MAJOR SUBDIVISION -- FINAL PLAN.**

(A) *Submission requirements:*

- (1) The applicant shall submit to the Administrative Officer the items required by these regulations for final plan, as well as all material required by the Planning Board when the application was given preliminary approval.
- (2) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- (3) Certification by the 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) days, according to the provisions of Article II, Section 2 (B). This time period may be extended to forty-five (45) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per subsection (C) below, the final plan shall be considered approved.

(C) *Referral to the Planning Board.* If an application for final approval does not meet the requirements set by these regulations, or by the Planning Board at preliminary approval, the administrative officer shall refer the application for final approval to the Planning Board for review.

The Planning Board shall, within forty-five (45) days after either, (1) the certification of completeness, or (2) the referral of the application for final approval by the administrative officer to the Planning Board for review, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

(D) *Failure to act.* Failure of the Planning Board to act within the period prescribed shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

(E) *Recording.* The final approval of a major subdivision or land development project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Article I, Section 10. The

Planning Board may, for good cause shown, extend the period for recording for an additional period.

- (F) *Acceptance of public improvements.* Signature and recording as specified in Article I, Section 10 shall constitute the acceptance by the Town of Warren of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the Town of Warren to maintain or improve those dedicated areas until the Warren Town Council accepts the completed public improvements as constructed in compliance with the final plans.
- (G) *Validity of recorded plans.* The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in Article I, Section 10 (B), or a new plan is approved by the Planning Board.

## **SECTION II-10 - GENERAL PROVISIONS - PHYSICAL DESIGN REQUIREMENTS**

- (A) Within one (1) year following the Planning Board's action on the pre-application meeting, the developer must initiate a formal subdivision review process by submitting the required materials to the Administrative Officer.

### (B) Responsibility of the Developer

The Developer shall submit the following to the Administrative Officer:

- (1) Seven (7) copies of a preliminary plat, prepared by a registered professional engineer and showing the engineer's stamp of registration and signature.
- (2) The preliminary plat drawing shall not exceed thirty six (36) inches by twenty-four (24) inches in size, and shall be drawn to a scale of forty (40) feet to one (1) inch. A margin of one (1) inch shall be left on all edges of each sheet. Match lines shall be provided for multiple sheet drawings and each sheet shall be numbered sequentially. The preliminary plat drawings shall contain the following information:
  - (a) Name of the subdivision, name of the owner(s), name of the registered engineer, date, north point, scale and location map, Assessor's plat and lot numbers, and the zoning districts in which the land is located.
  - (b) Names of owners of all land within 200 feet of any boundary of the plat, including those who would be within 200 feet except for an intervening street.
  - (c) Boundary line of the proposed subdivision.
  - (d) Existing Town boundary lines, water courses, railroads, street right-of-way, utility lines and easements, surface and subsurface drainage facilities, and lot lines.



- (e) Proposed street rights-of-way, curb lines, street names, easements, lot lines, and existing buildings.
  - (f) Dimensions as follows:
    - (1) Width of street rights-of-way.
    - (2) Width of street pavement.
    - (3) Width of sidewalks, if required.
    - (4) All angles and dimensions of lot lines, right-of-way lines, and subdivision boundaries.
    - (5) Areas of lots.
    - (6) Curve data to include lengths or radii, central angles, and tangential distances.
  - (g) Existing and proposed contours at intervals no greater than two (2) feet, or as specified by the Board upon advice of the Town Engineer, and existing contours shall extend fifty (50) feet beyond the boundaries of the proposed development. Contours shall be actual elevations above sea level.
  - (h) Parcels of land proposed for conveyance to the Town of Warren for public purposes.
  - (i) Location of existing and proposed permanent monuments.
  - (j) If either temporary or permanent individual sewerage disposal systems are to be used, a written report will be required from R.I. Department of Environmental Management (DEM) stating the analysis results of percolation tests for each proposed lot.
- (3) Where appropriate, the Planning Board will require a written statement from DEM relative to whether or not the Fresh Water Wetlands Act of the General Laws of the State of R.I. applies to any part of the proposed subdivision. If applicable, the Board will require DEM approval of the subdivision plans.
  - (4) Where appropriate, the Planning Board will require a written statement from the Coastal Resources Management Council (CRMC) relative to whether or not the Coastal Resources Management Act of the General Laws of the State of R.I. applies to any part of the proposed subdivision. If applicable, the Board will require CRMC approval of the subdivision plan.
  - (5) Certification, where applicable, from Bristol County Water Authority that water service will be available and that lines and hydrants are acceptable in size and location.

- (6) Certification from the proper authority that sewer service is acceptable in size and location.
- (7) Ground elevation data referenced to mean sea level and the base flood elevation data from current Federal Emergency Management Agency maps and reports.
- (8) Where appropriate, the Planning Board will require a physical alteration permit from the R. I. Department of Transportation (DOT) for state highway connections.
- (9) Certification from appropriate utility companies for electric and/or gas service in acceptable amounts, lines and locations.
- (10) A receipt from the Town Clerk of the Town of Warren, R.I. for payment of a Filing Fee and/or a Review Fee from the most recently approved Schedule of Fees for the Town of Warren.
- (11) All other requirements of these Rules and Regulations.

(C) Responsibility of the Planning Board.

When all of the required materials have been submitted, the Planning Board will take the following actions:

- (1) A copy of the preliminary plan, the contour plan and the street profiles will be forwarded to the Town's Engineer, the Director of Public Works, the Police Department, the Fire Department and the Warren Conservation Commission. Each of these town agencies will be requested to comment, in writing, on these preliminary plans.
- (2) The Technical Review Committee will review and discuss the preliminary plat and all accompanying materials. The subcommittee may inspect and reinspect the land proposed for subdivision and may consult with appropriate town or State agencies. The Committee will report its recommendations to the Planning Board.
- (3) Where appropriate, the Planning Board may identify and contract with engineer, whose services will be paid for by the developer, to provide technical assistance to the Board during the plan review process.
- (4) The Planning Board will return one (1) copy of the preliminary plan to the developer with a statement of the conditions that need to be satisfied or the reasons for disapproval.

**SECTION II-11 - GENERAL PROVISIONS -- PUBLIC DESIGN AND IMPROVEMENT STANDARDS.**

- (A) Required improvements. The Subdivider shall at their own expense, construct improvements to the land in accordance with the specifications in these regulations and any other required improvements stipulated by the Planning Board. Required improvements are as follows:

- (1) Street rights-of-way shall be cleared and graded for their entire width in accordance with specifications in these regulations.
  - (2) Street shall be graded, graveled and paved in accordance with the specifications in these regulations.
  - (3) Street signs shall be installed immediately after grading and preparation of sub base. Street signs shall be of the size, type and number specified by the Director of Public Works.
  - (4) Curbs shall be installed in conformance with the specifications in these Rules and Regulations.
  - (5) Sidewalks, where required to serve the subdivision, shall be installed in accordance with the specifications in the Rules and Regulations.
  - (6) Surface and subsurface storm drainage structures and facilities shall be installed in accordance with Rhode Island Department of Transportation Standards and the approval of the Director of Public Works.
  - (7) The Subdivider shall file, with the Bristol County Water Authority, an application for all proposed water main and water service installations in accordance with the current "BCWA Rules and Regulations". All BCWA approvals are granted via this application process.
  - (8) Sanitary sewers shall be installed in accordance with the specifications recommended by the Town's Engineers. The Subdivider shall provide a performance bond, or proof of bonding, for the installation of all sewers as described in Article II, Section 12. No sewer line shall be installed without on-site inspection by a qualified or designated official of the Town.
  - (9) Street trees may be required, and if desired, shall be planted in accordance with Article III.
  - (10) The Subdivider may be required to install oversized improvement by the Director of Public Works in which case the Subdivider may negotiate with the Town of Warren for the reimbursement of the expense incurred over and above the cost of a normal size improvement.
- (B) All public improvements required in a land development project or subdivision by the Town of Warren shall reflect the physical character and design for that district which is specified by the Town of Warren's Comprehensive Plan. Public improvement requirements and standards need not be the same in all areas or districts of the Town of Warren.

**SECTION II-12 - GENERAL PROVISIONS -- CONSTRUCTION AND/OR IMPROVEMENT GUARANTEES.**

(A) Planning Board responsibility.

The Planning Board shall approve all agreements that concern the required public improvement in the following form: 1) completion of actual construction in all improvements, 2) improvement guarantees, or 3) a combination thereof.

(B) Construction before final approval

Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval. All construction shall be inspected and approved under the direction of the Director of Public Works and according to these regulations.

(C) Surety Improvement Guarantees

Surety improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town of Warren the actual construction and complete installation of all the required improvements, within the period specified by the Planning Board. The amount shall be based on actual cost estimates for all required public improvements and these estimates shall be reviewed and approved by the Planning Board. The Board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions. The security shall be in the form of a performance bond or certified check, made payable to the Town of Warren.

(D) A subdivision performance bond in the form of cash or a certified bank check made out to the Town of Warren, to cover the cost of all required improvements estimated by the Director of Public Works and approved by the Planning Board, shall be required from all developers. The performance bond and the accrued interest will be considered principle. The entire amount, including the accrued interest, shall be available to assure satisfactory completion of the project. The expiration date of such bond or surety shall be a minimum of one (1) year after the completion of all required improvements have been certified by the Director of Public Works and will not exceed two (2) years unless extended by the Board. The adequacy of the performance bond shall be reviewed with any extension. The performance bond, or surety, will not be released until the project is complete and all the requirements specified in the approved plat and covered by the bond, or surety, have been met and certified by the Director of Public Works. The performance bond will then be released in its entirety.

(E) In the cases of developments and subdivisions which are being approved and constructed in phases, the Planning Board shall specify improvement guarantee requirements related to each particular phase.

(F) Maintenance Guarantees

The Planning Board shall require maintenance guarantees to be provided for a one (1) year

period subsequent to completion, inspection and acceptance of the improvement(s), unless there are extenuating circumstances.

- (G) Procedures for the acceptance of required improvements shall stipulate that all such improvements, once inspected and approved, shall be accepted by the Town of Warren or other appropriate Town agency for maintenance and/or as part of the Town's system.
- (H) The Town of Warren is hereby granted the power to enforce the guarantees by all appropriate legal and equitable remedies.

### **SECTION II-13 - REQUIREMENTS FOR DEDICATION OF PUBLIC LAND**

Where land within a proposed development or subdivision is deemed to be of unique natural character or is included in the Warren Comprehensive Community Plan as a part of the town open space system, or where the proposed development or subdivision is of sufficient size so as to warrant consideration of the provision of a recreation site to serve future residents of the development or subdivision, the Planning Board may accept a dedication of a portion of the land area of said development or subdivision for such purposes.

### **SECTION II-14 - SPECIAL PROVISIONS -- PHASING OF PROJECTS.**

- (A) The Planning Board may provide for the preliminary and final review stages, and for the construction of major land developments and subdivisions, to be divided into reasonable phases. The Planning Board may require any residential development in excess of ten (10) units be phased.
- (B) When phasing of a project is required the Subdivider must adhere to the following:
  - (1) Approval of the entire site design first as a master plan. Thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phase(s).
  - (2) General standards and regulations for determining physical limits of phases, completion schedules, and guarantees, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans and may include other provisions as necessitated by local conditions.
  - (3) The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

- (C) *Vesting.* The master plan shall remain vested as long as it can be proved, to the satisfaction of the Planning Board, that work is proceeding on either the approved stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information shown on the approved master plan documents.

**SECTION II-15 - SPECIAL PROVISIONS -- LAND DEVELOPMENT PROJECTS.**

- (A) Authority - The Warren Planning Board may provide for development plan or site plan review as defined in Section 45-24-7 of the Zoning Enabling Act of 1991.
- (B) Consistency - Development plans shall be in accordance with the requirements set forth in the Warren Zoning Ordinance, adopted December 20, 1994, for **Cluster Development**, Article XVI and **Planned Unit Developments**, Article XXI.

**SECTION II-16 - PROCEDURE -- PRECEDENCE OF APPROVALS BETWEEN PLANNING BOARD AND OTHER LOCAL PERMITTING AUTHORITIES.**

- (A) *Zoning Board.*
- (1) 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 Board relief, and then return to the Planning Board for subsequent required approval(s).
- (2) 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 a conditional special-use permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).
- (B) *Town Council.* Where an applicant requires both Planning Board approval and Council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the Council, and then return to the Planning Board for subsequent required approval(s).

**SECTION II-17 - PROCEDURE -- WAIVERS -- MODIFICATIONS AND REINSTATEMENT OF PLANS.**

- (A) *Waiver of development plan approval.*
- (1) A Planning Board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Planning Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
  - (2) The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.
- (B) *Waiver and/or modification of requirements.* The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for 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 and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Town of Warren's Comprehensive Plan and Zoning Ordinance.
- (C) When the deadlines set forth in these regulations and approval agreements for particular actions are exceeded and the development application or approval is therefore rendered invalid, the application shall be reinstated at the Preliminary Plan stage.
- (D) *Decision.* The Planning Board shall approve, approve with conditions or deny the request for either a waiver or modification as described in subsection (A) or (B) above, according to the requirements of Article II, Section 18.

**SECTION II-18 - PROCEDURE -- MEETINGS -- VOTES -- DECISIONS AND RECORDS.**

- (A) (A) The Planning Board proceedings and decisions shall be written and kept permanently available for public review and must be completed prior to the next scheduled meeting unless extended for good cause by the Board. The completed applications for proposed land development and subdivision projects under review by the Planning Board, will be available for public review.
- (B) Participation in a Planning Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct,

knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

- (C) All final written comments to the Planning Board from the Administrative Officer, municipal departments, the Technical Review Committee, state and federal agencies, and local commissions shall be part of the permanent record of the development application.
- (D) *Votes.* All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership. When a vote of the Planning Board or the Technical Review Committee has been taken, the plans and/or documents upon which that vote was based shall be signed and dated by the presiding officer and such plans and/or documents shall be the official record for the next phase of the process.
- (E) All Developers shall meet all of the requirements regarding submission of plats. The Planning Board may, in appropriate cases, by a vote of the Board waive any one or more of the above requirements for the submission of plats where a strict adherence to such requirements is not feasible due to special conditions of the land or other features of the subdivision, or where, in the opinion of the Board, such adherence is not necessary for best design, provided that such waiver is not contrary to the general intent of these regulations.
- (F) Regardless of the above, the Board may not waive any requirements for public hearing or public notice.
- (G) The Administrative Officer shall be placed on the agenda of the Planning Board's regularly scheduled monthly meetings with a complete list of all planning activities.
- (H) The permanent record shall be maintained by the Administrative Officer and shall constitute the official record.

#### **SECTION II-19 - PROCEDURE - SUBMISSION OF AS-BUILT PLANS.**

Prior to the final bond release, all applicants applying for the issuance of a certificate of occupancy for all buildings and structures located in any administrative subdivision, minor land development, major land development, minor subdivision or major subdivision, shall first submit "as-built" plans for all improvements to the land development or subdivision, including but not limited to land elevations, benchmarks, roads, drainage structures and other drainage features such as easements, utilities including sewer lines, and all buildings or structures erected, to the Planning Board. The Planning Board shall be required to compare the as-built plans to the approved plans. Any changes to be valid, must be noted in the final plans.

No certificate of occupancy shall be issued until the Planning Board has certified that the as-built plans conform to the approved plans, or that the Planning Board has granted a waiver or



modification for any deviations between the as-built plans and the approved plans pursuant to the provisions of Article II, Section 17(a) of these regulations. However, notwithstanding the above, if the land development or subdivision is not fully completed, the Building Official may issue a certificate of occupancy for those buildings or structures that are deemed by the Building Official to be in a habitable condition. No certificate of occupancy shall issue if the Building Official deems the land development or subdivision not to be in substantial compliance with the approved plans as of the date the certificate of occupancy is requested.

Final certification that the as-built plans conform to the approved plans shall be by the Planning Board. This shall be required of all land developments and subdivisions once the land development or subdivision is completed.

Any as-built plans for a development or subdivision that do not conform to the approved plans, or have not received a waiver or modification from the Planning Board, shall constitute a violation of these regulations pursuant to Article I, Section 11.

## **SECTION II-20 – IMPACT STATEMENTS**

At the discretion of the Planning Board, an impact statement may be required at the expense of the developer. Where an impact statement is required, the developer may chose the person or company to prepare such statement subject to prior approval of the Board. Where the Board is given discretion to require an impact statement, it shall only be done pursuant to a vote of the Board with findings setting forth the need for such a statement. Such impact statements shall include, but are not limited to, the following:

### **(A) Environmental**

In accordance with R.I.G.L. 45-23-60(3), in order to make a positive finding that there will be no significant negative environmental impacts, the Planning Board may require that an environmental impact statement be prepared by the developer of any subdivision or development project.

### **(B) Fiscal**

In accordance with R.I.G.L. 45-23-60(1), a fiscal impact statement, detailing the estimated cost of providing services to the proposed development and the estimated revenue to be derived from taxes and other fees, may be required of all major land development projects and of all major subdivisions



## ARTICLE III

### **DESIGN STANDARDS FOR SUBDIVISION CONSTRUCTION**

#### SECTION III-1 - GENERAL

- (A) The Board shall require that the proposed subdivision follows the Comprehensive Plan for the Town of Warren in regard to land use, density of development, street and highways, parks, school sites, municipal requirements and other features of the Comprehensive Plan. Failure to meet any one or more of these requirements of the plan will be grounds for disapproval.
- (B) Land deemed unsuitable for development by the Board on the basis of soils, sanitation, water supply or other environmental impact considerations will not be approved for subdivision.
- (C) Land subject to the jurisdiction of the Rhode Island Department of Environmental Management (DEM) in the case of fresh water wetlands, or the Rhode Island Coastal Resources Management Council (CRMC) in the case of coastal areas and features, will not be given final approval for subdivision in the absence of approval from these agencies.
- (D) Development proposals which include either physical development or roads in a flood prone area shall be reviewed to assure that:
  - (1) development is sited to minimize flood damage within the flood-prone area, whenever possible, development is to be situated outside of the flood-prone area;
  - (2) all public utilities and facilities, including, but not limited to, sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and
  - (3) adequate drainage is provided to reduce exposure to flood hazards.
- (E) In any subdivision, the layout should show due regard for natural features such as large trees, groves, water courses, scenic points, historic points or other community assets which add to the attractiveness or value of the area. Extensive heavy grading or filling should be avoided and existing stream channels should be preserved. Among other considerations the Board shall consider are the prevailing winds, flooding, hurricane damage, adjoining land uses, topography, swampy areas, health, welfare, and safety. In designing a subdivision, the Board will require the developer to incorporate the standards herein.
- (F) The entire right-of-way areas as shown on the plat shall be cleared and grubbed, except that

upon the approval of the Director of Public Works, healthy trees within the Right-of-way may be left standing provided that the trunks are no more than five (5) feet from the right-of-way line. All root systems, trees, stumps, bushes and other objectionable material shall be removed and properly disposed.

- (G) No phase or step in the construction of required improvements shall begin without the supervision of the Director of Public Works or his authorized representative.
- (H) Any subdivision of land in an unsewered area that results in two or more lots must meet current Rhode Island Department of Environmental Management ISDS requirements. This includes the upgrading of existing septic and cesspool to meet current standards.

## **SECTION III-2 - STREETS**

### **(A) Street Layout Requirements.**

Streets shall be laid out, graded, graveled and paved in accordance with these and following specifications:

- (1) All subdivision residential streets, as a minimum, shall have forty (40) foot rights-of-way of which twenty-four (24) feet shall be paved.
- (2) In areas of dense residential, commercial or industrial use or in the development of major through streets, the Planning Board may require rights-of way to 60 feet and increased paving widths.
  - (3) Where a residential subdivision abuts or contains an existing arterial street, railroad right-of-way, limited access highway or expressway, the Board may require marginal access streets, screen planting, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic from local traffic.
  - (4) Where a subdivision in a commercial or industrial district borders on or contains a railroad-right-of-way, limited access highway or expressway, the Board may require a marginal access street approximately parallel to and on each side of such right-of- way, and at a distance suitable for the appropriate use of the intervening land.
- (5) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (6) Street layout shall be considered in relation to the existing and planned street system. Proposed streets shall provide for continuation or projection of principle streets existing on adjoining property and shall be continued with at least the same width through the subdivision except where, in the opinion of the Board, such continuance or conformity is impractical or undesirable.
- (7) Landscaping must be in place and to grade, for a distance of 10 feet from the paved edge of the road prior to the issuance of a building permit. Tress must be planted in accordance

with Article III, Section 10 (D) within this landscaped area. The rear lot must not be to grade for not less than 10 feet unless the Board deems it unwise due to extenuating circumstances.

**(B) Cul-de-Sacs and Dead End Streets.**

Dead-end streets and cul-de-sacs shall be kept to an absolute minimum. Where appropriate, the Board shall require the redesign of street systems to eliminate such features. However, where applicable, dead-end streets or cul-de-sacs shall not be more than six hundred (600) feet in length and shall have at their closed end a circular turn-around with a minimum paved radius of fifty (50) feet measured to the curb face as shown in Appendix A. Figure 1.

**(C) Street Access.**

There shall be no private streets or reserve strips controlling access to streets. Each lot in a subdivision shall be provided with satisfactory frontage and access to an existing or proposed public street.

**(D) Street Grades.**

- (1) Residential streets shall have a grade of not less than one-half (0.5) percent nor greater than ten (10) percent.
- (2) Where a residential street intersects, the maximum grade of the street may not exceed one (1) percent for a distance of thirty (30) feet from the intersection.

**(E) Intersecting Streets.**

- 1) Streets shall intersect as nearly as practicable at right angles and no intersection shall have an angle of less than sixty (60) degrees.
- (2) Corners at intersections shall be rounded to provide a curb radius of not less than fifteen (15) feet wherever possible.

**(F) Street Offsets.**

Cross streets shall intersect precisely or shall be offset by a distance of at least one hundred and twenty-five (125) feet measured from center line to center line as shown in Appendix A. Figure 2.

**(G) Street Deflections.**

- (1) Where a deflection angle occurs in a street, a curve with sufficient radius shall be introduced to provide a smooth flow of traffic around the corner.
- (2) A deflection angle of ten (10) degrees or more at any point in the center line of a street is to be accommodated by a curve of reasonable radius and extent.

- (3) Intersecting property lines at street intersections shall be joined by a curve radius of at least fifteen (15) feet.

**(H) Reverse Curves.**

A tangent of not less than one hundred and fifty (150) feet shall be introduced between reverse curves on arterial and collector streets as shown in Appendix A, Figure 2. All curved streets must be designed to permit safe vehicular travel.

**(I) Curbs.**

- (1) When required by the Board, curbs shall be installed along the gutter line of streets and shall be at least six (6) inches above the gutter grade with a minimum radius of fifteen (15) feet measured to the curb face at street intersections and curb returns.
- (2) Wheelchair ramps shall be constructed at the curb line where sidewalks meet marked pedestrian crossings.
- (3) Curbing will be composed of granite.
- (4) Where granite curbs are to be used, the shoulder must be stabilized and run off definitively channeled and directed away in such a manner that it cannot erode shoulders or embankments, nor undermine the edge of the pavement. Curbs shall be installed at the edges of the street pavement areas as shown in Appendix A, Figure 3.

**(J) Street Names and Signs.**

An extension of an existing street shall have the same name as said existing street. Names of other proposed streets shall be dissimilar to any existing street name in the town. New Street names shall be approved by the Board with the final determination of street names resting in the Town Council. Street Signs shall be of a size and type specified by the Director of Public Works.

**(K) Residential Street Construction.**

- (1) All streets constructed within subdivisions shall conform to the standards listed herein and to the cross-section shown in Appendix A, Figure 3.
- (2) Materials used in construction shall consist of:
  - a) Base Course shall consist of a minimum of 12 inches of processed gravel.
  - b) Binder Course shall consist of an application of a modified binder Class 1-I, a minimum of 2 ½ inches thick.
- (c) Bituminous Tack Coat.

- (d) Finish Course shall consist of Asphaltic Concrete (hot mix) Class "I", Type "I-1", 1 ½ inches thick for a total thickness of asphalt of 4 inches.

**(L) Construction Method.**

- (1) The entire area within the exterior lines of all streets in the subdivision shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation shall be removed and transported away from the subdivision.
- (2) All underground sewer and water lines, utilities, laterals, service lines, etc. shall be installed prior to the Base Course.
- (3) The Sub-base shall be thoroughly compacted at least thirty (30) days following the filling and compaction of all utility trenches.
- (4) The Shoulders shall be cleared and leveled to curb grade. That portion of the street to be surfaced shall be graded to a level at twenty-one (21) inches below the approved curb grade.
- (5) After the Sub-base has been properly prepared and the curbs set, the base course of processed gravel shall be spread for the full width and in such volume as to provide a twelve (12) inch cover after compaction with a ten (10) ton roller or the equivalent.
- (6) The Binder course shall be allowed to stand for thirty (30) days before application of the surface course. In addition, the surface course shall be applied not less than six (6) months following the backfilling and compaction of all utility trenches unless a shorter time is permitted by the Director of Public Works. The Binder shall be swept clean of all sand and debris. Any protrusions shall be removed and any holes, ripples or unevenness in the surface shall be brought back to true line and cross-section by spot application and proper compaction of Class "I" mix.
- (7) The Surface course shall consist of an application of Asphaltic Concrete Pavement (hot mix) Class "I", Type "I-1", applied at a temperature of 250 to 350 degrees Fahrenheit (121 to 177 degrees Celsius) by means of an approved paving spreader with a compactor.
  - (a) At a suitable time after placement, the surface course shall be compacted with a ten (10) ton roller equipped with a sprinkler system to wet the wheels.
  - (b) After the surface course has been applied and compacted, the street shall be allowed to stand a minimum of eight (8) hours without traffic.

**(M) Climate and Temperature Restrictions.**

No bituminous material shall be applied to road surfaces when the air temperature is forty (40) degrees Fahrenheit (five (5) degrees Celsius) and falling, or during unfavorable weather conditions as may be determined by the Director of Public Works.

**(N) Permitted Vehicle Traffic.**

Vehicular traffic over constructed streets shall be limited to wheeled vehicles. Tracked vehicles or equipment shall not be permitted.

**(O) General Conditions.**

The Developer shall maintain the subdivision roads in passable conditions at all times, including snow removal, and shall take appropriate measures to eliminate any nuisance conditions until said road is accepted by the Town Council.

**SECTION III-3 - SIDEWALKS**

**(A) Placement.**

- (1) Sidewalks shall be placed along all arterial, collector and residential streets and along schools, playgrounds, shopping centers, or other community facilities where the Board considers it necessary for pedestrian safety and convenience.
- (2) Where sidewalks are to be constructed, they shall be placed in the area between the back of the curb line and the right-of-way line. Such sidewalks shall be a minimum of five (5) feet in width, measured from the edge of the right-of-way line.

**(B) Design.**

- (1) Sidewalks shall be constructed of two (2) layers of bituminous pavement material; each layer to be one and one-half (1-1/2) inches thick and applied and compacted separately. The pavement shall be placed over a six inch gravel base except at driveway crossings where the base shall be increased to eight (8) inches of gravel.
- (2) Where, in the opinion of the Board, special sidewalk design and location is applicable such design and location will be determined by the Planning Board.
- (3) Where sidewalks are not to be constructed. the area between the back of the curb line and the right-of-way line shall be graded with loam to a depth of four (4) inches and seeded with a suitable perennial grass seed.

**(C) Pedestrian Rights-Of Way.**

- (1) At the discretion of the Board, Pedestrian Rights-of-Way shall be constructed where they are appropriate to the area and/or between areas.
- (2) Pedestrian Rights-of-Way shall be constructed of the same materials and according to the same design as sidewalks. Pedestrian rights-of-way shall be paved over the full width of the right-of-way.



**(D) Ramps and Wheelchair-Accessible Facilities.**

Provisions shall be made for wheelchair ramps at marked pedestrian street crossings and where stairs are constructed for moving to higher or lower elevations.

**SECTION III-4 - BLOCKS**

**(A) Residential.**

In residential subdivisions, intersecting streets shall be laid out so that blocks between street lines shall not be greater than thirteen hundred and twenty (1320) feet in length. Block widths shall be determined by the restrictions that govern the dimensions of area lots in accordance with the local Zoning Ordinance.

**(B) Commercial, Industrial and Group Housing Blocks.**

- (1) Industrial blocks shall be large enough to accommodate the potential industries.
- (2) Commercial and Industrial blocks shall make provisions for adequate off-street parking for employees and customers and for off-street zones for loading and receiving.
- (3) Group Housing blocks shall be designed to allow traffic to move with ease through the development and to provide for the safety of pedestrians and residents.

**(C) Provision for Pedestrians Rights-of-Way.**

- (1) Where it is deemed appropriate to the design and function of the block, the Board may require that provisions be made for pedestrian rights-of-way within the block. All such pedestrian rights-of-way shall be a minimum of five (5) feet in width and constructed in accordance with Article III, Section 3, Par C.
- (2) Pedestrian Rights-of-Way, constructed within blocks, may be dedicated to the Town after being properly constructed.

**SECTION III-5 - LOTS**

**(A) Design and Placement.**

- (1) All Lots shall front on an existing street shown on the Town's Official Map or on a proposed public street.
- (2) Lots shall not extend through a block to another existing or proposed public street, whenever possible.

- (3) All Lots shall conform to the dimensional requirements of the Zoning Ordinance established for the subdivision.
- (4) Corner Lots shall have sufficient widths to provide for the required building setback lines on both abutting streets.
- (5) Building setback lines shall be established on all lots and such lines shall run parallel to the street right-of-way line or front lot line.
- (6) All side lot lines shall be as near right angles to street right-of-way lines as practicable or radial in arrangement when the street right-of-way is a curve.

### **SECTION III-6 - DRAINAGE.**

#### **(A) Drainage Considerations in Lot Sizes.**

- (1) Where, in the opinion of the Board or a report of DEM or CRMC, it is indicated that larger areas are required in order to provide for adequate sewerage disposal, adequate drainage or for the protection of valuable natural resources, the Board may require that lot sizes be larger than the size prescribed in the Zoning Ordinance. The Board also may condition its approval on the elimination of certain lots in the subdivision.
- (2) No more than twenty (20) percent of the minimum required lot area shall be wetlands or marshlands as defined by DEM or CRMC.

#### **(B) Drainage Requirements.**

- (1) Every subdivision shall be properly drained to prevent the flooding of cellars and basements. Any land where proper and satisfactory drainage to satisfy this requirement cannot be met shall not be approved as a plat.
- (2) All plats shall provide for the adequate drainage of all surface and subsurface water to an approved location and in a manner approved by the Director of Public Works or the Board.
- (3) The installation of sections of drainage culverts and retention / detention ponds shall be capable of handling a load equal to that of the worst storm in one hundred (100) years based upon U.S. Weather Bureau standards. Where practical, such water courses shall be enclosed by pipe or other means of an appropriate size, satisfactory to the Director of Public Works.
- (4) Where free subsurface water is encountered within three (3) feet of the finished grade, adequate drainage shall be constructed at a depth of at least four (4) feet below the finished grade.

- (5) Where Surface gutters and/or subsurface storm drainage pipes and facilities are installed, they shall be installed in accordance with specifications cited in R.I. DOT Standard Specification of Road and Bridge Construction.
- (6) Where the original ground water elevation or the spring ground water elevation, as certified by the developer's engineer, is higher than two (2) feet below the finished grade of the lowest floor elevation of a building, sub-drainage facilities to lower the ground water elevation to two (2) feet below the finished grade shall be installed. If not installed, a restriction on the plat shall specify that the lowest floor elevation of a building shall be at least two (2) feet above ground water elevation.
- (7) Original contours of a subdivision shall not be altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests may be required by the Board in areas where contours have been altered.
- (8) Any proposed changes where an existing water course, drainage way, channel, or stream will be altered, relocated or otherwise changed in a subdivision plat, must be presented by the developer or his designer and must include the developer's provisions for existing flow, future drainage needs and upstream runoff. All appropriate state agencies must also approve the changes.
- (9) At the discretion of the Planning Board, adjoining property owned by the developer may be required to be included with the proposed site for drainage calculations.
- (10) Every property owner in a new subdivision development shall be individually, collectively and legally responsible for drainage systems that are installed for the benefit of, or as a provision of, the development of the entire site. This responsibility shall be reflected in the land evidence records and on each property deed within the development.
- (11) The drainage system may be comprised of natural and man-made elements. These include grass swales, retention and detention basins, curbs, catch basins, culverts, and stormwater pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (i.e. grass swales, wet basins) not only collect and transport stormwater, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat.
- (12) Where a drainage plan and drainage calculations are required by the appropriate Plat Checklist in Article XV, the plan and calculations shall be prepared by a Registered Professional Engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:
  - (a.) The Rational Method - This method is the referred method for small systems of 3 acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

- (b.) TR-55 - This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development between one acre and two thousand acres.
  - (c.) TR-20 - This is for large complex watersheds and systems beyond the scope of TR-55.
- (13) The drainage plan and drainage calculations shall contain the following information:
- (a.) An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of a 25 year frequency rainfall.
  - (b.) An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a 25 year frequency rainfall.
  - (c.) An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under 1 and 2 above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State Specifications cited above as modified by the Town of Warren. Culvert and storm sewers shall be designed for a 25 year frequency rainfall, with a minimum pipe size of 12 inches, and a minimum pipe gradient of 0.5 percent.
  - (d.) Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements and to the receiving water body.
  - (e.) The drainage plan shall further indicate how the following specific requirements will be met: 1) That each lot will be adequately drained; 2) That natural drainage patterns will be maintained whenever possible; 3) That all existing watercourses will be left open, unless approval to enclose is granted by the Planning Board; 4) That all new open watercourses will be seeded, sodded or paved, depending on grades and soil types; 5) That a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the Planning Board determines that such ultimate destination is impractical, the Board shall require the construction of a retention area capable of accommodating proposed stormwater volumes based on a 100 year frequency rainfall; 6) Where any part of the drainage system is

proposed for location outside the public street right-of-way, provisions for future maintenance approved by the Planning Board will be provided; 7) That all necessary easements to off-street watercourses will be obtained by the subdivider; and, 8) Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.

- (f.) The proposed drainage system shall be designed to accommodate stormwater such that post construction conditions do not result in peak run-off increases in rate or volume from pre-construction conditions.
- (g.) The plan should include an assessment of structural integrity to withstand discharge from a 2 to 100 year storm.
- (h.) If stormwater detention or retention basins are proposed, the drainage plan shall include evidence that the size and/or number of said basin(s) has been limited so as to avoid creation of a single large, deep basin. Alternate designs and/or other stormwater management techniques shall be investigated in the drainage plan to determine if such large basins can be avoided by creation of grassy swales and a series of smaller basins in lieu of a single large basin. In no case shall the depth of a basin exceed 6 feet, with side slopes not to exceed 30 percent (3:1). The Planning Board shall require such basins to be designed and landscaped so as to achieve a natural appearance which is aesthetically pleasing and compatible with the natural environment.
- (i.) Where construction of stormwater detention or retention areas is required, the drainage plan shall indicate the amounts of cut and fill being proposed to the existing topography. The Board shall require the subdivider to demonstrate that the minimum practicable disturbance to the natural or existing grade of the site is being proposed. The Board shall require that the minimum amount of soil, topsoil, sand, gravel or other earth material will be removed from the subdivision parcel while still achieving the objectives of the drainage design.

### **Percolation Tests and Reports.**

- (1) Before a plat is accepted by the Board, suitable evidence shall be presented by the developer that the soil in the proposed plat is of such a nature as to provide suitable sewerage disposal and drainage. The required information to be presented to the Board shall include:
  - a) Percolation tests of such a number and location as may be required by the Board, performed by a registered engineer or qualified sanitarian, in accordance with the form for such purposes which is available at the office of DEM. Percolation and ground water level tests preferably shall be taken during the

first four (4) months of the calendar year.

- (b) The form for percolation test reports shall be filled in accordance with DEM regulations and one (1) copy shall be submitted to the Board.
- (2) If DEM reports unfavorably or fails to make a recommendation, upon percolation tests made at a time other than the first four (4) months of the calendar year, the Board may postpone final consideration of the plat until such time as tests made during the first four months are made.
- (3) If the results of the DEM analysis of the percolation tests show that the soil in the proposed plat is unsuitable for acceptable sewerage disposal, the Board will require the owner of the proposed plat to provide the design of a sewerage drainage system, designed by a registered engineer, that will be used to eliminate the unsatisfactory sewerage disposal conditions for each lot. The approved design will become a part of the plat record and will be considered the minimum requirements for the issue of building permits by the Building Inspector.

**(D) Manholes.**

- (1) Manholes shall be located on all sewer trunk lines less than thirty (30) inches in diameter at:
  - (a) Maximum distances of three hundred (300) feet.
  - (b) All angles in the sewer line.
  - (c) Street intersections and other points where catch basins, inlets or laterals are to be connected.
  - (d) Points where pipe sizes change.
  - (e) Points where the grade of the sewer changes.
- (2) Manholes shall be installed one and one-half (1-1/2) inches below grade and raised one and one-half (1-1/2) inches to grade when the finish course is laid.

**(E) Catch Basins.**

- (1) All catch basins shall conform to the standards shown in the Standard Specifications for Road and Bridge Construction, latest edition. Catch basins shall be installed at laterals of three hundred (300) feet or at such other intervals as may be required by the Director of Public Works.
- (2) Catch Basins shall be installed one and one-half (1-1/2) inches below grade and raised one and one-half (1-1/2) inches to grade when the finish course is laid.

**(F) Materials.**

All storm drainage pipes shall be concrete, clay or plastic pipe in accordance with Sections 701 and M.04 of the R.I. Standard Specifications, latest edition.

**(G) Minimum Coverage.**

All subsurface drainage structures and facilities within street rights-of-way shall have a minimum cover of three (3) feet. All such drainage structures and facilities shall be inspected and approved by the Director of Public Works before covering.

**(H) Setting of Backfill.**

No paving shall be constructed over pipe installations within street rights-of-way until the Director of Public Works certifies that proper compaction has taken place.

**SECTION III-7 - EASEMENTS**

**(A) Dimensions.**

(1) The Board shall require the dedication of easements for the present and future installation and maintenance of utilities, sanitary sewers, surface drainage structures, streams and public access ways. Such easements shall have a width not less than the following:

- (a) Sewers, storm drains and sub-drainage facilities.....20 feet wide
- (b) Pole lines.....15 feet wide
- (c) Water and Gas Mains.....10 feet wide
- (d) Underground conduits and cables.....5 feet wide
- (e) All other purposes.....widths as necessary

(2) It is the applicant's responsibility that easements meet the requirements of the public utility.

**SECTION III-8 - UNDERGROUND UTILITIES**

**(A) Water Mains and Lateral Lines.**

(1) Water Mains shall be installed in the roadway within the subdivision when the public water system is close to or adjacent to the land to be subdivided.

(2) Lateral lines must be installed up to each individual lot line.

(3) Installation of water mains and lateral lines shall be in conformance with the "American Water Works Association Standard Specifications", latest edition, and such other specifications required by the Bristol County Water Authority.

- (4) Fire hydrant lateral lines must be installed prior to application of the base coat of asphalt.

**(B) Sanitary Sewers.**

- (1) Sanitary Sewers shall be installed in the roadway when a public sewerage system is adjacent and connection is practical.
- (2) Lateral lines to each individual lot shall be installed prior to application of the base coat of asphalt.

**(C) Sewerage Disposal.**

No person shall install, construct, alter or cause to be installed, constructed or altered, any individual sewerage disposal system nor shall any person begin construction of any improvements to their property from which sewerage will have to be disposed of by means of an individual sewerage disposal system until such person has complied with the "Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction, and Maintenance of Individual Sewerage Disposal Systems" of the Rhode Island Department of Health (DOH) adopted March 20, 1968, and any subsequent changes which have been made from time to time, and has complied with pertinent regulations from the Department of Environmental Management.

**(D) Underground Utilities.**

- (1) All underground utilities shall be installed in accordance with the rules and regulations in effect with the respective utility companies and in accordance with the specifications cited in this section.
  - (a) Gas, water, and sewer service shall be installed in the roadways.
  - (b) All lateral lines shall be brought up to each individual lot line before the finish coat of asphalt is applied to roadways.
- (2) All utility lines, curb stops, and/or other subsurface facilities within street rights-of-way shall be installed and backfill compaction certified by the Town Engineer prior to the preparation of the street sub-base.
- (3) Installation of gas lines shall be in the roadway with lateral lines extended to all individual lot lines installed prior to the application of the base course of asphalt.
- (4) Buried utilities, including electrical, are mandatory in any major subdivision, including cluster.
- (5) Streetlights
  - (a) The developer shall be responsible for the installation of the streetlights and all related equipment.



- (b) Electrical wiring shall be installed underground
- (c) Concrete bases for the poles shall be installed as recommended by the manufacturer
- (d) The height and type of poles, the type and output of the light bulbs and the placement of the poles shall be approved by the Planning Board
- (e) The developer shall install a common electrical meter to measure the electrical usage for all the poles within the development
- (f) The lights shall be equipped with light sensors that automatically turn the lights on in darkness and off in daylight
- (g) Streetlights shall be installed prior to the issuance of a building permit
- (h) The developer shall be responsible for the maintenance and operation of the streetlights until accepted by the town.

**(E) Setting of Backfill.**

No paving shall be constructed over pipe installations within street rights-of-way until the Director of Public Works certifies that proper compaction has taken place.

**SECTION III-9 - MONUMENTS**

**(A) Placement.**

Monuments shall be placed where angles are turned in the survey plans, at street intersections, and at other locations that the Board may designate. Monuments shall be in accordance with the specifications cited within this section.

**(B) Materials and Dimensions.**

- (1) Permanent monuments shall be stone or reinforced concrete which shall conform in size and shape to the following specifications:
  - a) Monuments shall be thirty six (36) inches in length and six (6) inches square.
  - (b) A drill hole one-half (1/2) inch in diameter and three-quarters (3/4) inch deep shall be placed and centered on the top surface of the monument.

**(C) Setting Monuments.**

- (1) Monuments shall be installed at all points indicated on the final plat.
  - (a) All monuments installed adjacent to a highway shall be installed so that the top surface of the monument shall be one (1) inch above the finished grade of the sidewalk area at the property line.
  - (b) All other monuments not adjacent to a highway shall be installed so that the top surface is level with the finished grade of the surrounding land.

## **SECTION III-10 - TREES**

### **(A) Existing Trees.**

Trees shall be left standing in the required front and rear yards. If extensive re-grading of the subdivision is required for proper development, and existing trees cannot be kept, the Planning Board shall require the developer to plant a minimum number of trees as determined by the Board.

### **(B) Street Trees.**

- (1) Street trees must be left standing or planted in either the front yard or between the curb and the sidewalk according to the recommendations of the Board.
- (2) Where no natural tree growth exists within ten (10) feet of the street right-of-way, the developer may be required to plant street trees according to the Board's recommendations.

### **(C) Materials.**

- (1) Trees shall be desirable nursery stock grown under local climatic conditions, of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the conditions contemplated.
  - (a) The average trunk diameter measured at a height of six inches above finished grade shall be a minimum of two and one-half (2 1/2) inches.
  - (b) Loam used shall be clean, of good quality and of such fertility and composition that it will continuously support plant growth.

### **(D) Spacing and Installation Methods.**

- (1) Trees shall be planted at distances of not less than fifty (50) feet nor more than seventy-five (75) feet apart along each side of the street pavement.
- (2) At street corners, trees shall not be planted within twenty-five (25) feet of the intersecting right-of-way line.
- (3) In planting the tree, the tree pit shall be at least six (6) inches greater than the root spread.
- (4) Each tree shall be planted plumb, slightly lower than where it stood in the nursery (in relation to the finished grade) and shall be thoroughly watered when the hole is two-thirds (2/3) full of loam. After watering, the filling shall be completed and the loam thoroughly tamped. After planting, a three (3) inch mulch of well-seasoned manure or peat shall be applied over the disturbed ground and a shallow watering provided around the tree.

- (5) Each tree shall be double staked to insure the maximum stability and to prevent shifting of the tree in high winds. Double staking shall be accomplished with a pair of two and one-half (2 ½) inches by eight (8) foot stakes driven plumb two and one-half (2 ½) feet into the ground and tied at the tops and bottoms with figure-eight hitches of #14 gauge wire encased in rubber hose or its equivalent.

**(E) Maintenance.**

All trees shall be watered and maintained by the developer until suitable maintenance is provided by the occupants of the properties.

**(F) Seasonal Limits.**

Planting shall be done during the proper season. No planting shall be done in frozen soil or during unfavorable weather conditions.

**SECTION III-11 - CONSERVATION OF NATURAL RESOURCES**

**(A) Topsoil**

Topsoil shall be stockpiled in an area where it will not cause flooding to adjacent existing lots during construction. Topsoil should be replaced or redistributed on each lot after construction. Topsoil shall not be removed from the lot.

**(B) Erosion and Sedimentation Control**

The provisions of the Erosion and Sedimentation Control Ordinance, adopted May 8, 1990, shall apply in all cases and in all locations where applicable. Excavations and/or surfacing shall not be performed until the Director of Public Works certifies that appropriate and approved measures have been taken to satisfy this requirement.

**SECTION III-12 – WELLS**

**(A) Well certificate**

A well certificate must be obtained from the building official prior to drilling/pounding/digging a well. Test must be performed to prove adequate and safe potable water available on the lot prior to the issuance of a building permit.

**(B) Well Completion Report**

A copy of the Well Completion Report must be completed and given to the building official for ANY well drilled/pounded/ dug in Warren whether the well is usable or not.

**(C) Well Locations**

All well and septic system locations shall be shown for all adjoining lots.

### **Section III-13 – Fire Safety**

Buildings within areas that are not served by the municipal water system must have fire sprinklers systems installed as specified by the Fire Chief or his designee.

All commercial buildings must have fire sprinklers installed as specified by the Fire Chief or his designee.

## **ARTICLE IV**

### **SPECIAL PROVISIONS: RESIDENTIAL CLUSTER DEVELOPMENTS**

#### **SECTION IV-1 - DEFINITION AND PURPOSE**

- (1) A cluster development uses a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally , historically, culturally or other sensitive features and/or structures.
- (2) A Residential Cluster Development (RCD) is a parcel of land on which dwelling units are concentrated on a portion of the parcel, on smaller lots and with lesser dimensional requirements than otherwise permitted in the zoning district, and on which open space on the parcel is set aside for recreation, conservation, agricultural uses, or for preservation of valuable or sensitive features of structures. The overall residential density on the parcel shall not exceed that permitted for a conventional subdivision in the same zoning district. A cluster development can include a residential condominium project allowable under Title 34, Chapter 36, of the General Laws of Rhode Island, 1956, as amended.
- (3) The purpose of the RCD is to encourage a procedure for development which will; promote the health, safety and welfare of the residents of Warren; result in improved subdivisions that are based on an environmentally sensitive design; promote a more cost-effective, harmonious, innovative and affordable subdivision layout; facilitate the economical and efficient provision on necessary community services; promote high quality recreational facilities and open space; encourage interconnected greenway development; preserve areas of ecological cultural, historical, wildlife, agricultural, scenic, unique habitat or other significance.
- (4) In accordance with the intent of this section and the general provisions of the Planning Board Regulations, an owner or owners of a tract of land, or a duly authorized agent thereof, may seek approval for a cluster residential development from the Warren Planning Board. Such cluster development may be establish within the R-40, R20 and R-10 Districts.

#### **SECTION IV-2 - SUBMISSION**

- (1) An application for a cluster development shall be submitted to the Warren Planning Board in accordance with all applicable provisions of the Planning Board Regulations. Diversity and

originality in lot layout and building design shall be encouraged in order to achieve the best possible relationship between the land and the development. Informal concept plan review meetings with the Planning Board or Technical Review Committee are encouraged in order to discuss various design options for the parcel.

- (2) Submission requirements and procedures shall be identical to those of a conventional subdivision with the exception of those additional requirements, primarily relating to common open space, as detailed below and elsewhere in the Article.

Documents shall be submitted with the preliminary plan consisting of:

- 1) Proposed declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of owners within the cluster development. If said cluster development is a condominium project as defined in Title 34, Chapter 36 of the General Laws of Rhode Island, 1956, as amended, then a declaration containing covenants, conditions, and restrictions relating to the condominium project as contemplated in Section 10 of said statute, shall be submitted enumerating those covenants, conditions and restrictions which cannot be changed without the consent of the Town Council of the Town of Warren, and granting to the Town the right to enforce said covenants, conditions and restrictions insofar as they relate to the rights of the Town.
- 2) An agreement between the developers and the Town stating among other things that:
  1. In the event of failure or neglect on the part of the owners, successors, of assigns to maintain the common open areas, landscaping and other improvements in good condition, the Town may perform the necessary work and for the purpose may enter upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns. Said charges shall become a lien on all units within the project.
  2. The developer will construct the project in accordance with approved plans.
  3. The contract shall be binding upon the heirs, assigns, receivers or successors of the project for the life of the buildings or project.
  4. Any other conditions that the Planning Board deems reasonably necessary to carry out the intent of the cluster development will be fulfilled.
- (3) For the purposes of density calculation and comparison of alternatives a conventional subdivision concept plan must be submitted along with the cluster alternative(s). Submission of a cluster alternative is required for all subdivisions in the R-10, R-20 and R-40 Districts. The Planning Board may select the most desirable development option for said parcel.
- (4) Following the review of the application, the Planning Board may grant approval provided that it finds that the proposed plan conforms with the design requirements of the cluster provisions, will promote the purposes of the Article and meet the following requirements:
  1. The cluster development is environmentally preferable to the conventional development and is in the best interests of the residents of the Town of Warren.

2. The development is in conformance with the policies and goals of the Comprehensive Plan and will be consistent with the intent of these regulations and the Warren Zoning Ordinance.
3. The tract of land shall be developed by a single owner, or a group of owners acting jointly in concert.

#### **SECTION IV-3 - DENSITY CALCULATION**

- (1) The maximum number of units in a RCD shall be determined in accordance with the provisions of Article I, Section 13(B) of the Planning Board Regulations and Article XII, Section 32-76.2 of the Warren Zoning Ordinance.

#### **SECTION IV-4 - DESIGN CRITERIA AND REQUIREMENTS**

##### (1) GENERAL

1. The individual lots, buildings, streets, drainage and recreational amenities are situated to maximize protection of the sites most significant and sensitive features.
2. The RCD shall be designed to maximize protection of ground and surface water resources.
3. The RCD will not result in the destruction or damage of any natural, scenic, historic or archeological feature of significant importance.
4. The individual lots, buildings and drainage improvements and other structures shall be arranged and situated so as to be compatible with surrounding properties, protect views and lessen the land area devoted to motor vehicle access.
5. In developments where septic systems and/or wells will be necessary, housing lots shall be concentrated on a portion of the parcel where soils and other natural features of the land are suitable for the construction of septic systems and wells.
6. The applicant may request a reduction from the required street width for a standard subdivision, where such a reduction can be demonstrated to further the purposes of the Article and ensure the public health, safety and welfare of the people of Warren.
7. The Planning Board may allow private roads in a cluster development. Such roads shall meet the requirements of standard subdivision roads, but such requirements may be varied by the Planning Board if said variance will further the purpose of cluster developments, as defined herein. Provision shall be made for the maintenance of such roads, and the Town shall receive assurances in a form as a deed restriction that the Town will not be obliged to accept the roads in the future, except by mutual consent. However, no request to the Town to accept a private road shall be considered prior to a period of ten (10) years following construction of such road. At such time the road must be presented to the Town in a condition which meets all standards for road construction at the time of transfer. The Town will be further indemnified and held harmless for any liability arising out of use,

maintenance or construction of roads.

8. The Planning Board may determine whether or not sidewalks or lights are a needed component of the proposed cluster.
9. Buried utilities are mandatory in any major subdivision, including cluster.

(2) OPEN SPACE PLAN SUBMISSION AND DESIGN REQUIREMENTS

1. At the time of concept plan review by the Planning Board, the applicant shall submit a separate open space use plan containing:
  - 1) the general location and area all proposed open spaces;
  - 2) the general proposed use(s) of the open space;
  - 3) existing topography, existing ground cover and soils of open space areas;
  - 4) the location and nature of any buildings, structures, stone walls or other unique natural and/or historic features;
  - 5) areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
  - 6) generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas; and
  - 7) areas proposed to be left in their existing natural states without any disturbance.
2. At the time of the master plan and preliminary review by the Planning Board, a more detailed open space use plan shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.
3. A minimum of forty(40) percent of the land area of the tract, exclusive of land set aside for road area, and exclusive of all land deemed unsuitable for development as per Article I, Section 14 A of these regulations, shall be common opened space to be used for recreation and/or conservation purposes. This minimum required area shall be in addition to any open space used for storm water drainage facilities as provided in Section 6 of this Article entitled Drainage Facilities.
4. Provision shall be made to provide that a maximum of twenty percent of the forty percent of the land area of the tract required to be common open space as described in the previous paragraph, can be devoted to paved areas such as tennis courts, swimming pools, and structures used accessory to active outdoor recreation.
5. The Planning Board may prohibit any drainage facilities from open space areas if it finds

that such facilities are in conflict with the intent and purpose of the RCD as stated in this article or with the general purposes of these Regulations.

6. The intended use of open space shall be compatible with and designed in accordance with the natural characteristics of the land and the surrounding land use.
7. Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians and shall meet the requirements of the American with Disabilities Act.
8. Cluster open space shall include irreplaceable natural features located in the tract, including but not limited to, wetlands, significant stands of trees, rock outcropping, individual trees of significant size, habitat for rare species, etc.
9. The use of the open space on the parcel shall be compatible with the natural characteristics of the parcel and the uses of property in the surrounding area or district. When assessing the appropriateness of the proposed use of the open space the Planning Board shall consider the following:
  - 1) the anticipated impact on the natural environment;
  - 2) the impact the use could reasonably be expected to have on the surrounding area, including but not limited to traffic generation;
  - 3) existing unique ecological and/or historical features of the land proposed for open space; and
  - 4) the extent of proposed alterations to the natural environment, including the existing topography of the open space.
10. In order to protect existing farmland and encourage the continuation of agricultural uses, any parcel containing land that is classified by the Rhode Island Soil Conservation Service as Prime Farmland or Farmland of Statewide Importance, and has been under cultivation at any time during the five years immediately preceding the date of subdivision application, shall be designed as a residential cluster development in such a way as to preserve at least forty (40) percent of the farmland for agricultural uses, provided that the characteristics of the parcel are such that the farmland is capable of being arranged in a lot of at least five (5) contiguous acres.
11. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
12. The open space shall be restricted for recreational, agricultural, conservation, park or historic preservation purposes and shall be open to such uses for at least the owners of the tract.
13. All areas not covered by buildings, or by off-street parking space or driveways, shall be left in their natural state, or otherwise maintained as per the approved Open Space Plan.



14. The Planning Board may require a right-of-way up to 40 feet wide, to each parcel of common open space from one (1) or more streets, depending on the size of the development and the surrounding land uses. The ROW shall be considered as part of the common open space and in certain instances, the Planning Board may require that the ROW be deeded to the Town.
15. With the exception of agriculture, the common open space may not be used for commercial purposes.

#### (C) OPEN SPACE OWNERSHIP AND MAINTENANCE CRITERIA

1. Provision shall be made so that when common open land is conveyed to persons other than the Town of Warren, the Town shall be granted an easement over such land sufficient to insure its perpetual maintenance as conservation, recreation or park land. The easement shall ensure that the land will be kept in its authorized conditions and will not be built upon or developed for accessory uses except as provided for in the Article.
2. The perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of Warren, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, and the Planning Board shall approve the form and content of any such restrictions at the time of final approval of the subdivision. The restrictions shall contain the following provision:
  1. If the owners, or their successors or assigns fail to maintain the open space, the Town of Warren may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees by an action at law or in equity against the owners or their successors or assigns. Said charge(s) shall become a lien on all units within the project.
  2. Ownership or tax liability of private open space reservations shall be established in a manner acceptable to the Planning Board and made part of the conditions of the plan approval.
2. The Planning Board shall specifically authorize plans for the use of all open space areas with any RCD. Areas proposed to fulfill the minimum open space requirement within an RCD shall not be excavated or regraded nor shall any disturbance be made to the natural contours of the land nor shall any existing natural vegetation be removed or any natural or man-made features altered in any way except as is needed for recreation or conservation purposes or for forestry or wildlife habitat as specifically authorized by the Planning Board.
3. The Planning Board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.
4. Any modification to the open space component of an approved cluster development shall require approval from the Town Council, following an advisory opinion from the Planning Board.

#### (D) BUILDING LOCATION CRITERIA

1. Not more the two (2) contiguous townhouses shall be attached. The minimum width for a townhouse shall be sixteen (16) feet.
2. The minimum distance between any two (2) rows of townhouses, substantially parallel to each other, shall be sixty (60) feet. The minimum distance between two (2) abutting ends of townhouse buildings shall be twenty five (25) feet. No townhouse shall be any closer than thirty (30) feet to an abutting property.

#### (E) DIMENSIONAL REQUIREMENTS

1. Single family detached or attached dwellings may be built on lots smaller than normally required. Lot sizes may be as small as 20,000 square feet per dwelling unit in an R-40 District, 10,000 square feet per dwelling unit in an R-20 District and 6,000 square feet per dwelling unit in an R-10 District. All other dimensional requirements shall be met by following those of the next lowest (more dense) district from that in which the cluster development is taking place. For example, a cluster development in an R-40 District shall follow the minimum lot width, setback and lot coverage requirements of a conventional development in the R-20 District. The use of R15 dimensions are specifically prohibited in cluster developments.
2. No dwelling in a cluster development shall be built vertically for more **than** one (1) family.
3. Parking areas and rubbish disposal areas that are accessory to any residential dwelling structure located in a cluster development shall not be located in any open space lot.

#### **SECTION IV-5 - PERMITTED USES.**

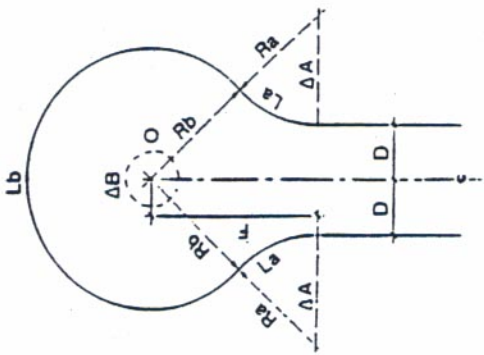
- (1) Single family attached (townhouses) and single family detached houses shall be permitted. For the purposes of this article, townhouses are single-family units or residential condominiums units constructed alone or in groups of two (2) units with one (1) common wall, each unit having its own private entrance from the outside. As such, they are a special type of single family dwelling and may be, at the discretion of the Planning Board, excluded from certain requirements, such as the minimum lot sizes and front, side and rear yard dimensions required for a detached single family dwelling.
- (2) Structures which are accessory to those permitted uses listed in (A) above and structures associated with an approved drainage plan and recreation and open space plan are also permitted.

#### **SECTION IV-6 - DRAINAGE FACILITIES**

- (1) Storm water drainage facilities, including above-ground detention or retention areas and their associated conveyance ditches or channels, may be located within designated open space areas within residential cluster developments. Approval of placement of these facilities is contingent upon Planning Board approval and providing that the minimum required open space area, as

provided in Section 4 of this Article in met. Provided, however, that the Planning Board may prohibit any drainage facilities from designated open space areas if it finds that such facilities are in conflict with the intent and purpose of the RCD as stated in Section 1 of this Article or with the general purposes of these Regulations.

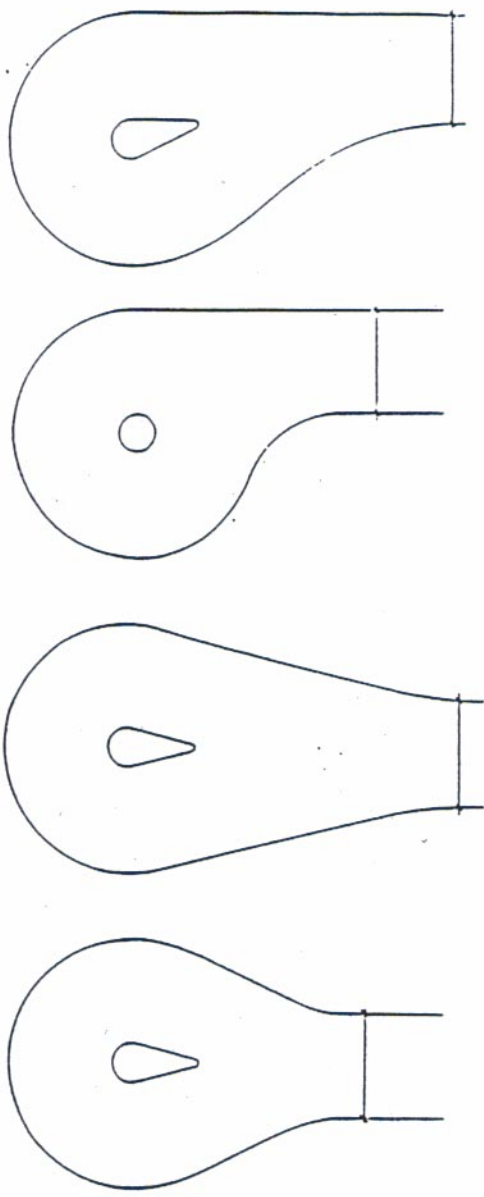
- (2) Those portions of storm water detention areas submerged during peak of a 50-year frequency storm shall not be considered open space and are not eligible for consideration in meeting minimum open space area requirements. Likewise, all related conveyance ditches or channels shall be excluded when calculating minimum open space area.
- (3) When drainage facilities are located within open space areas, they shall be privately owned and maintained, and a drainage easement shall be granted to the Town where applicable.
- (4) When drainage facilities are not located within the street right of way or within open space areas, they shall be located on a lot or lots specifically set aside for that purpose, and shall be owned and maintained by the Town of Warren.



CUL-DE SAC

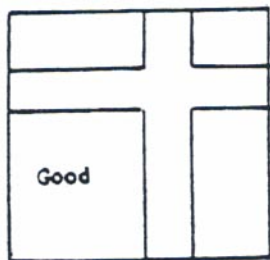
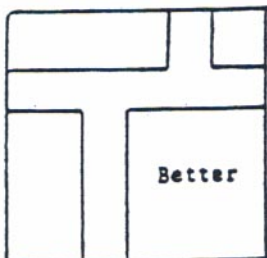
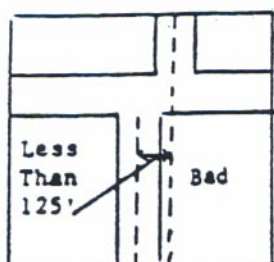
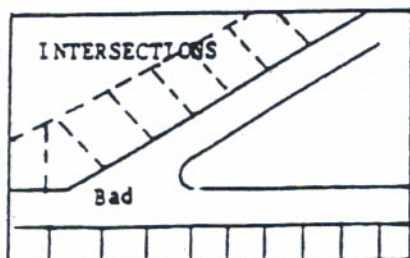
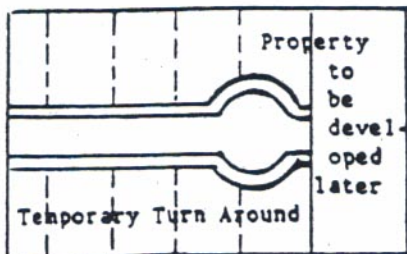
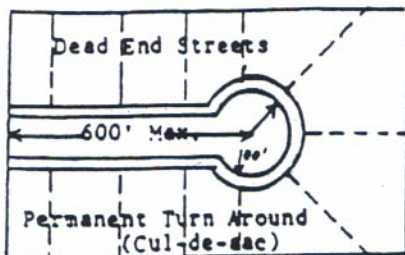
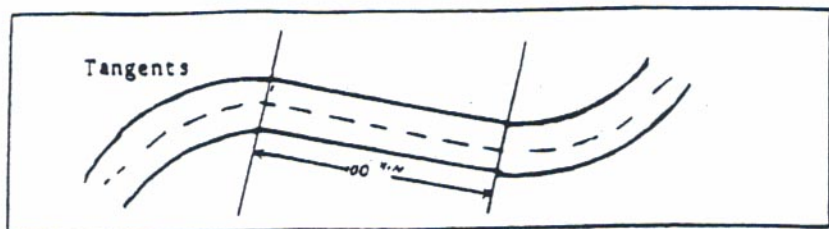
O	22'-0"
F	87'-3"
A	35'-58"
B	251'-15"
Ra	100'-0"
Rb	50'-0"
La	61'-8"
Lb	219'-2"

Notes: (1) R values for vehicles intended to use these cul-de-sacs should not exceed Rb. (2) O values are the radii for optional inner circles or islands. (3) D values are the required widths of each travel lane at the beginning of the cul-de-sac or loop. (4) If parking is permitted along the outer edge of the cul-de-sac, then make the radii for the remaining inner lane adequate for other vehicles to turn around.



# EXAMPLES OF STREET INTERSECTIONS AND REQUIREMENTS

## AND REQUIREMENTS



SURFACE 3" CLASS I-1  
(1/2" BINDER & 1/2" FIN. COURSE)

SIDEWALK 1/2"  
CLASS I  
OVER 6" BANK  
RUN GRAVEL  
OR CONCRETE

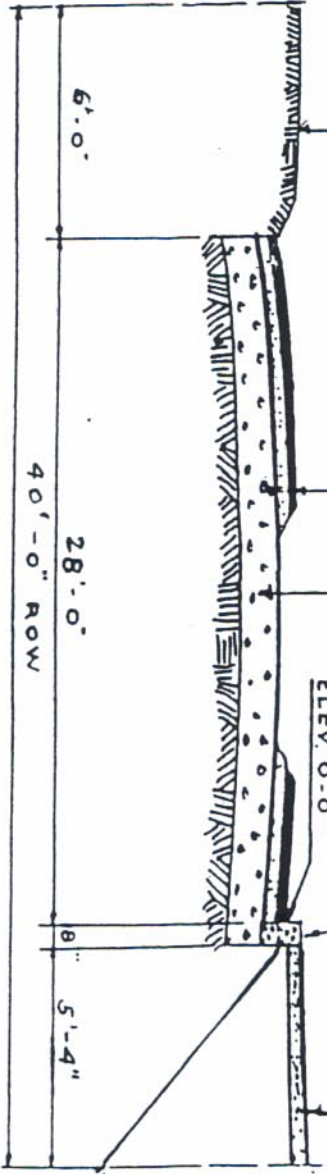
BASE 1'-0" BANK  
RUN GRAVEL

ELEV. 0'-0"

ELEV. 0'-6"

CONCRETE OR  
GRANITE CURBING  
REQUIRED

LOAMED & SEEDED



RESIDENTIAL STREET