

City of East Providence, RI

# Land Development and Subdivision Review Regulations



Effective January 1, 2024

**CITY OF EAST PROVIDENCE, RHODE ISLAND  
LAND DEVELOPMENT AND SUBDIVISION REVIEW REGULATIONS**

Adopted by the  
City of East Providence Planning Board  
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**ARTICLE 1**  
**AUTHORITY, INTENT AND ADOPTION**

**Sec. 1 - 1. Authority.** These Subdivision and Land Development Regulations are adopted pursuant to the authority contained in Title 45, Chapter 23 of the Rhode Island General Laws, known as the “Rhode Island Land Development and Subdivision Review Enabling Act of 1992”, and Division 2 of the Revised Ordinances of the City of East Providence.

**Sec. 1 - 2. General Purposes.** The general purposes of these Regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the East Providence Comprehensive Plan and the East Providence Zoning Ordinance, accomplish the following:

- (a) Protect the public health, safety and welfare of the community;
- (b) Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (c) Promote high quality and appropriate design and construction of subdivisions and land development projects;
- (d) Protect existing natural and built environments and mitigate all significant negative impacts of any proposed development on the existing environment;
- (e) 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;
- (f) Encourage design and improvement standards to reflect the intent of the East Providence Comprehensive Plan with regard to the physical character of the various neighborhoods, districts, and special and critical areas of the City;
- (g) Promote thorough technical review of all proposed land developments and subdivisions by appropriate officials;
- (h) Encourage dedications of public land and impact mitigation to be based on clear documentation of needs and to be fairly applied and administered, and;
- (i) Provide for the establishment and consistent application of procedures for local record keeping on all matters of land development and subdivision review, approval and construction.

**Sec. 1 - 3. Title.** The full title of these Regulations shall be “The East Providence Land Development and Subdivision Review Regulations”. As a short title these Regulations shall be known, and may be cited as, the “Development Review Regulations”.

**Sec. 1 - 4. Construction and Intent.**

(a) These Regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the City of East Providence. In the event where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these Regulations or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(b) Private deed restrictions or private covenants for a subdivision, which have not been included as a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Division of Building Inspection.

**Sec. 1 - 5. Consistency.**

(a) In the instance of uncertainty in the construction or application of any section of these Regulations, the Regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies, procedures, maps, and other policy statements of the East Providence Comprehensive Plan.

(b) These Regulations shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of Rhode Island General Laws Title 45, Chapter 23.

**Sec. 1 - 6. Effective Date.** These Regulations shall take effect on *December 31, 1995* and shall supersede all other subdivision regulations in effect at the time of such adoption. Subsequent amendments adopted by the East Providence Planning Board shall take effect upon their date of adoption or a subsequent date set by the Planning Board in the course of the adoption.

**Sec. 1 - 7. Continuation of Prior Regulations.** Subdivisions which have been submitted for approval under the provisions of the subdivision regulations in effect prior to *December 31, 1995* or the date of the most recent amendment may be continued to be reviewed and approved under those regulations in accordance with the following:

(a) Incomplete Application – An incomplete application has no vested rights and will be reviewed under the terms of the Development Review Regulations in place on the date the application is certified complete.

(b) Application Certified Complete - Any subdivision which, at the time of adoption of these Regulations, has submitted an application for and received a certificate of completeness, shall continue in the review process before the Planning Board in accordance with the subdivision regulations in effect at the time the application was certified as complete.

(c) Abandoned applications – Applications which exceed the timeframes of vesting and do not receive an extension from the permitting authority must resubmit the application under the newest terms of the Development Review Regulations.

**Sec. 1 - 8. Setting Fees.** The Planning Board shall establish fees for the applications contained within these Regulations to cover costs associated with review, hearing, and notice. These fees shall be reviewed at a minimum on an annual basis, and not more than a quarterly basis. Recording fees shall be collected separately and shall be as provided in Title 34, Chapter 13 of Rhode Island General Laws.

**Sec. 1 - 9. Procedure for Adoption and Amendment.** These Land Development and Subdivision Review Regulations, or any part hereof or provision herein, may be adopted, repealed or amended by the Planning Board under the following procedures:

(a) Notice of a public hearing on any proposed adoption, repeal or amendment shall be published in a newspaper of local circulation within the City 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. The same notice shall be posted in the City Clerk's office and one other municipal building in the municipality, and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing. At this hearing, opportunity shall be given to all persons interested in being heard upon the matter of the proposed regulations. The newspaper notice shall:

- (1) Specify the place of said hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment or repeal of East Providence Land Development and Subdivision 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, provided that 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 following:

- (1) 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 municipal boundaries.
- (2) The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source located within either the municipality or two thousand feet (2,000') of the

municipal boundaries; provided, however, that a map survey has been filed with the building inspector as specified in Rhode Island General Laws 45-24-53(f)

(c) Notwithstanding any of the requirements set forth in subsections (a) and (b) above, the City of East Providence shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to these Development Review Regulations. The City of East Providence shall annually provide public notice of the existence of the registry by a publication of notice in a newspaper of general circulation within the municipality.

(1) Provided, however, notice pursuant to a public notice registry as per this section does not alone qualify a person or entity on the public notice registry as an “aggrieved party” under Rhode Island General Laws §45-24-31(4).

(d) The Planning Board shall conduct a public hearing at the date, time and place specified in the newspaper advertisement and notices. At the hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.

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

(f) The cost of newspaper notice and mailings shall be borne by the applicant.

(g) The requirements in this section are to be construed as the minimum requirements.

**Sec. 1 - 10. Publication and Availability.** Printed copies of these Regulations, including all appendices, shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies. Upon publication of any adoption or amendment, copies shall be sent to the Planning Division of the Rhode Island Department of Administration, and to the State Law Library.

**Sec. 1 - 11. Severability.** If any provision of these Regulations or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, regulation, or determination and the application of such provisions to other persons, agencies or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

**ARTICLE 2**  
**DEFINITIONS**

**Sec. 2 - 1. Definitions.**

Words, terms and phrases, when used in these Regulations, shall have the meaning attributed to them in § 19-1 of the Revised Ordinances of East Providence and as described below unless otherwise specifically provided.

***Administrative Officer.*** The municipal official who shall administer the Land Development and Subdivision Review Regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies. The Administrative Officer is the Director of the Department of Planning and Economic Development or his or her designee in accordance with in accordance with § 2-178(c) of the Revised Ordinances of East Providence.

***Board.*** See “Planning Board.”

***Board of Appeal.*** The local review authority for approval of actions of the administrative officer shall be the Zoning Board of Review constituted as the Board of Appeal.

***Bond.*** See Improvement Guarantee.

***Buildable lot.*** A lot where construction for the use(s) permitted on the site under the East Providence 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 City regulations.

***Capital improvement program.*** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

***Certificate of Completeness.*** A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the municipality’s regulations, and that the applicant may proceed with the review process.

***City engineer.*** The City Engineer or duly authorized representative.

***Concept Plan.*** A drawing with accompanying information showing the basic elements of a proposed land development project or subdivision as used for project concept and pre-application meetings and early discussion, and classification of the project within the approval process.

***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 municipality as the comprehensive community plan as specified in Rhode Island General Laws 45-22.2-3.



***Cul-de-sac.*** The terminus of a local street that has only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

***Dedication, fee-in-lieu-of.*** Payments of cash which, where authorized in the local regulations, are required when conditions for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The process by which such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations.

***Division of land.*** A subdivision.

***Endorsement.*** The signature of the Planning Board chairman or Secretary, or Administrative Officer, as applicable, permitting the recording of a plan.

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

***Final Plat.*** The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in the City's regulations and/or required by the Planning Board.

***Flood Maps.*** The Federal Emergency Management Agency Flood Hazard Boundary Maps for the City of East Providence.

***Hammerhead.*** The terminus of a street, laid out to provide a turn-around area for vehicles.

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

(a) ***Minor land development project.*** A land development project involving any one the following:

- (1) 2,500 – 49,999 gross square feet of floor area of new commercial, manufacturing or industrial development;
- (2) An expansion of up to 50% of existing floor area or up to 49,999 square feet for commercial, manufacturing, or industrial structures;
- (3) An adaptive reuse project of up to 49,999 square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;
- (4) An adaptive reuse project located in a residential zone which results in 4-19 residential units;
- (5) Multi-family residential or residential condominium development of 4-19 units
- (6) Mixed-use development consisting of up to 19 dwelling units and up to 9,999 gross square feet of commercial space; or
- (7) A development below the above thresholds otherwise subject to development plan review that is requesting a variance, special use permit.

The process by which the Planning Board reviews any land development project qualifying for this review is set forth in Article 9 of these regulations. A project below the above thresholds does not qualify as a land development project.

(b) *Major land development project.* A land development project which exceeds one or more of the thresholds for a minor land development project. The process by which the Planning Board reviews and land development project qualifying for this review is set forth in Article 10 of these regulations.

***Land Disturbing Activity.*** Any physical land development activity which includes such actions as clearing of vegetation, moving or filling of land, removal or excavation of soil or mineral resources, or similar activities.

***Maintenance Guarantee.*** Any security instrument which may be required and accepted by the City to ensure that necessary improvements will function as required for a specified period of time.

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

***Modification of requirements.*** See Section 5 – 11.

***Planning Board.*** The official planning agency of the City of East Providence designated as the Planning Board of the City of East Providence and established by the municipality under G.L. 1956 chapter 22 of Title 45.

***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.

***Preliminary plan.*** The required stage of land development and subdivision review which generally require detailed engineered drawings.

***Public improvement.*** Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the City or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon acceptance by the City.

***Public hearing.*** A hearing before the planning board which is duly noticed in accordance with section 5-10 and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this chapter.

**Street.** A public or private thoroughfare used, or intended to be used, for passage or travel.

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

**Subdivision.** The division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines shall be considered a subdivision.

(a) *Administrative subdivision.* Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which the Administrative Officer reviews an administrative subdivision is set forth in Article 7.

(b) *Minor subdivision.* A subdivision creating nine (9) or fewer buildable lots. The process by which the Planning Board, and/or Administrative Officer reviews a minor subdivision is set forth in Article 8.

(c) *Major subdivision.* A subdivision creating ten (10) or more buildable lots. The process by which the Planning Board reviews any subdivision qualifying for this review is set forth in Article 9.

**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.

**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.

**Waiver of Requirements.** See Section 5 – 11.

**ARTICLE 3**  
**ENFORCEMENT AND PENALTIES**

**Sec. 3 - 1. Violations - Transfer or Sale of Land in Un-approved Subdivisions.** Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use of, a plat of a subdivision before the plat has been approved by the Administrative Officer or Planning Board and recorded in the City's Land Evidence records, shall be in violation of these Regulations and subject to the penalties described herein. The description of said land by metes and bounds in the instrument of transfer or other documents used in the process of transferring or selling shall not exempt the transaction from the provisions of these Regulations and shall be subject to penalties and/or other actions as provided in these Regulations.

**Sec. 3 - 2. Penalty for violations.** Any person adjudged in violation of these Regulations or in 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 of these Regulations, shall be liable for penalties not to exceed five hundred dollars (\$500) per day. Each day of existence of any violation shall be deemed a separate offense. Any such fine shall inure to the City of East Providence.

**Sec. 3 - 3. Injunctive Proceedings.** The City of East Providence shall have the authority to bring suit in Providence County Superior Court, the Rhode Island Supreme Court, or the East Providence Municipal Court, to restrain the violation of, or to compel compliance with, the provisions of these Regulations. The City may consolidate an action for injunctive relief with an action seeking penalties for violations of these Regulations.

**Sec. 3 - 4. Responsibility for Enforcement.** Administrative Officer shall oversee and coordinate the enforcement of these Regulations.

**ARTICLE 4**  
**ADMINISTRATION**

**Sec. 4 - 1. Administration - Administrative Officer.** Administration of these Land Development and Subdivision Review Regulations shall be under the direction of the Administrative Officer. Where required by these Regulations, the Administrative Officer will make reports to the Planning Board. The Director of the Department of Planning & Economic Development of the City of East Providence or their designee shall serve as the Administrative Officer.

**Sec. 4 - 2. Administrative Officer Qualifications.** The minimum qualifications of the Administrative Officer shall be those of the official job description of the City of East Providence for the Director of Planning, which at a minimum include: graduation from a recognized college or university with a Master's Degree in Planning and eight years of responsible professional planning experience, or any equivalent combination of planning experience and training which provides the desired abilities, knowledge and skills. Appointment of the Director of Planning shall be the responsibility of the Mayor as designated in the City charter.

**Sec. 4 - 3. Administrative Officer Duties and Responsibilities.** The duties and responsibilities of the Administrative Officer shall include, but shall not be limited to, the following:

- (a) Coordinate the review, approval, and recording provisions of these Regulations. The Administrative Officer shall advise the applicant as to which category of approval is required and the appropriate review for a project. An applicant shall not be required to obtain both land development and development plan review for the same project.
- (b) Oversee and coordinate the enforcement provisions of these Regulations;
- (c) Coordinate the review and approval procedures for subdivisions and land development projects with adjacent municipalities, and with various federal, state and local agencies and departments as is necessary to be consistent with applicable federal, state, and local laws;
- (d) Determine the completeness or incompleteness of applications;

**Sec. 4 - 4. Board of Appeal.** The East Providence Zoning Board of Review shall serve as the Board of Appeal to hear appeals of decisions of the Planning Board or Administrative Officer on matters of review and approval of land development and subdivision projects in accordance with the provisions of Title 45, Chapter 23 of the General Laws of Rhode Island and as provided for in these Regulations.

**Sec. 4 - 5. Administrative Fees.**

(a) Administrative fees are required to be paid by an applicant for any subdivision and Land Development Project for the adequate review and hearing of applications, issuance of permits, and the recording of decisions thereon, in an amount not to exceed actual costs incurred. Recording fees shall be as provided in Title 34, Chapter 13 of the Rhode Island General Laws. Any and all recording fees shall be the responsibility of the applicant and shall be payable at the time of recording.

(b) The following administrative fees shall be paid at the time of filing of the application with the Administrative Officer by check payable to the City of East Providence:

(1) Administrative Subdivision: \$ 100

(2) Minor Subdivision and Minor Land Development – Preliminary

(a) Where no street creation or extension is proposed, a filing fee in the amount of one-hundred twenty-five dollars (\$ 125) plus ten dollars (\$10) per lot;

(b) Where street creation or extension is proposed, a filing fee in the amount of three hundred twenty-five dollars (\$325) plus twenty dollars (\$20) per lot.

(3) Minor Subdivision and Minor Land Development - Final

(a) A filing fee in the amount of one-hundred twenty-five dollars (\$125)

(b) In cases of minor subdivision on existing frontage where the preliminary and final plan stages have been combined, no additional filing fee will be required.

(4) Major Subdivision and Major Land Development Project - Master Plan

(a) A filing fee in the amount of four hundred fifty dollars (\$450) plus twenty dollars (\$20) per lot or unit.

(b) Where the master plan and preliminary plan stage are combined, applicant shall submit one filing fee in the amount of five-hundred fifty dollars (\$550) plus twenty dollars (\$20) per lot or unit.

(5) Major Subdivision and Major Land Development Project - Preliminary Plan

(a) A filing fee in the amount of four hundred fifty dollars (\$450) plus twenty dollars (\$20) per lot or unit.

(b) Where the master plan and preliminary plan stage are combined, applicant shall submit one filing fee in the amount of five-hundred fifty dollars (\$550) plus twenty dollars (\$20) per lot or unit.

(6) Major Subdivision and Major Land Development Project - Final Plan

- (a) A filing fee in the amount of one hundred seventy-five dollars (\$175).

There is a thirty-dollar charge (\$30) for formal Project Concept Review.

(c) Pre-Application Conference – A check payable to the City of East Providence shall be submitted to the Department of Planning prior to the pre-application conference. The pre-application conference fees shall be as follows:

- Minor Subdivision - Seventy-five dollars (\$75)
- Minor Land Development Project - Seventy-five dollars (\$75)
- Major Subdivision - One-hundred fifty dollars (\$150)
- Land Development Project – One hundred fifty dollars (\$150)

Should a pre-application conference be held for an Administrative Subdivision, there is no fee required for said pre-application conference.

When more than six (6) months elapses between the pre-application conference and the plan submission, a new pre-application conference shall be required with payment of the associated fee.

(d) Display Advertisement – For those applications requiring a public hearing, the applicant shall submit a check payable to the City of East Providence for reimbursement of the actual cost of the required public notice advertisement as published in a newspaper of local circulation. The applicant will be provided with a statement for the cost of the advertisement.

(e) Stenographic Services - For those applications requiring a stenographic record, the applicant shall submit a check payable to the City of East Providence for reimbursement of the actual cost of the stenographic services. In cases where a stenographer is present at a Planning Board meeting for more than applications' hearing, each applicant will be provided with a statement for their prorated share of the total costs. Should an applicant wish to obtain a transcript of the record of the hearing, the applicant will directly arrange the obtainment of that transcript with the stenographer or with the stenographer's employment service.

(f) Inspection Fee for Improvement Guarantee (Bond) Releases – For those developments where the total improvement guarantee amount is \$20,000 or greater, there shall be a fee of two percent (2%) of the total amount of the improvement guarantee for the required public improvements, payable by check to the City of East Providence at the time of the request for improvement guarantee release.

(g) Request for Extension of Time Limit of Vesting Approval – As elsewhere provided for herein, requests for extension of time limit on approval be accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50).

**Sec. 4 - 6. Professional Review Fees.**

(a) The Planning Board may require the applicant to pay additional review fees so that the City may hire outside professionals to conduct review of impact analyses submitted by applicant and to conduct independent reviews. The elements of an application for which the Board may require additional review fees shall include, but not be limited to, the following: drainage, traffic, noise, environmental assessments, and geotechnical sampling and testing. In addition, the Planning Board may require an architectural peer-review of Land Development Projects at the master or preliminary review stage for projects proposing 75 or more units to encourage a creative building and site design that is in harmony with adjacent land uses in a vibrant pedestrian oriented environment that accommodates public transportation. The amount of the professional review fees shall be based upon written cost estimates prepared by qualified consultants based upon a written scope of work prepared by the Administrative Officer in consultation with applicable city staff. The applicant shall be afforded opportunity to review and comment on the scope of work and the proposed fees. These review fees shall be deposited in a review escrow account established by the City.

(b) If any such review is required by the Planning Board, the Board shall so indicate that at the Pre-Application stage of review, based upon a recommendation of staff. The Board's determination will be based upon the understanding of the Board and staff, at that time, of the issues posed by an application. This shall not preclude the Board from requiring such outside professional review at a later stage in the review process if additional information is received which leads the Board to believe that such is required for an adequate review of the proposal.

(c) As part of the public record the Planning Board shall indicate its intent to spend any portion of this account and shall specify the purpose for the proposed expenditure(s). Those moneys deposited by the applicant and not spent by the Planning Board in the course of its review shall be returned to the applicant within thirty days (30) after the Planning Board renders its final decision on the application.

**Sec. 4 - 7. Planning Board: Meetings, Votes, Decisions and Records.**

(a) All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Complete applications for proposed land development projects and subdivisions under review by the Planning Board shall also be available for public review in the office of the Department of Planning & Urban Development.

(b) Participation in a Planning Board meeting or other proceedings by any party shall not be 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, City departments and divisions, state and federal agencies, and local boards and commissions shall be part of the permanent record of the development application.



(d) All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. All votes by the Planning Board, subject to these Regulations, shall require a vote of a majority of the members present at the time of the vote.

**ARTICLE 5**  
**GENERAL PROVISIONS AND REQUIREMENTS**

**Sec. 5 - 1. General Provisions and Requirements - Applicability.** These rules and regulations shall apply in all cases of subdivision of land, development plan review, unified development review, and land development projects, and in all cases a new plan or plat and an application for review and approval shall be required. The Administrative Officer and/or the Planning Board shall consider each application for subdivision, development plan review, unified development review, and/or land development project approval as applicable according to the procedures set forth in these Regulations, unless otherwise specifically provided.

**Sec. 5 - 2. Application Review.** The Administrative Officer shall advise the applicants as to which category of approval is required. An applicant for subdivision, development plan review, unified development review, or land development project approval shall submit all of the materials required by these Regulations to the Administrative Officer. The following categories of applications may be filed:

- (a) **Subdivisions.** Administrative subdivisions, minor subdivisions, or major subdivisions, as defined in § 2 - 1.
- (b) **Land Development Projects.** Minor land development project or major land development project, or major subdivisions, as defined in § 2 - 1.
- (c) **Development Plan Review.**

If an applicant is requesting an action which does not have a formal application form, such as requests for waivers and modifications, the applicant shall submit a written request to the Administrative Officer describing the requested action and the justification for the requested action.

**Sec. 5 - 3. Original Lot.** In all cases of subdivision, including re-subdivision, the original lot shall be counted as one of the lots created by an application for subdivision approval.

**Sec. 5 - 4. Required Findings.** Prior to approval of any application for subdivision and/or land development project, the Administrative Officer or Planning Board, as applicable, shall address each of the general purposes stated in Article 1 and shall make positive findings on all of the applicable standards listed below, as part of the proposed project's record.

- (a) The proposed development is consistent with the East Providence Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (b) The proposed development is in compliance with the standards and provisions of the East Providence Zoning Ordinance, Chapter 19;
- (c) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

(d) The 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 impracticable. 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 and recorded plans;

(e) All proposed land developments and all subdivisions 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. Lots cannot be isolated by topographic, natural or other features which prevent adequate physical access from the street.

**Sec. 5 - 5. Approach for Review.** In addition to the required findings and general purposes of these Regulations, the Administrative Officer and/or Planning Board may utilize the following approach in their review of any application reviewed in accordance with these Regulations.

(a) In cases where there is the potential for further subdivision of the parcel which is the subject of the application under current applicable zoning regulations, the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the requirements and standards allowed by these Regulations.

(b) Lots must be provided with access to a street which is adequate for the safe flow of vehicular traffic;

(c) Frontage must provide safe access to a public street, and lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare;

(d) Adequate provision shall be made to preserve scenic values along the road frontage of state-designated scenic highways in accordance with standards adopted by the State Scenic Highway Board pursuant to Rhode Island General Laws Sec. 24-15-9.

(e) Proposed lots and access thereto shall be designed to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features;

(f) Wherever possible and practical, the lots shall be subdivided so as to avoid creation of individual lots having sole direct frontage on an existing public arterial or collector street. In such cases, the Administrative Officer shall require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as minor subdivision with an internal street. If the Planning Board determines that such development is feasible and practical, the Planning Board may vote to prohibit the creation of frontage lots and the applicant shall be required to develop the property in an alternative fashion.

**Sec. 5 - 6. Project Concept Review Conference.**

(a) At the pre-application stage, the applicant or City may request an informal project concept review conference. The project concept review conference provides an opportunity to review and discuss alternative development concepts or sketches for a proposed subdivision or land development project. The purpose of the concept plan review is to provide City input into the formative stages of major subdivision and land development project concept design.

(b) Where a project concept review conference is requested or required, applicant shall submit materials in advance of the meeting(s) as requested by the Administrative Officer, which shall include:

(1) A cover letter and accompanying narrative explaining the plan and project concept;

(2) A project concept sketch plan or plans which shall show all land involved with the proposal, proposed roads, any natural or man-made features, and general conditions which may be pertinent to the classification of the project. The plan or plans shall be presented at a scale sufficient to show all details clearly on a sheet or sheets measuring not less than eight and one-half (8-1/2) by eleven (11) inches at the outside edges and not more than twenty-four (24) by thirty-six (36) inches at the outside edges. A copy of the project concept sketch plan shall remain with the Department of Planning following the project concept review conference.

(3) A vicinity sketch map shall be presented at a scale sufficient to show an area extending at least 500 feet in each direction beyond the boundaries of the proposed project on a sheet or sheets measuring not less than eight and one-half (8-1/2) by eleven (11) inches at the outside edges and not more than twenty-four (24) by thirty-six (36) inches at the outside edges. Such vicinity sketch map shall show existing streets and highways, natural drainage courses and similar major natural or manmade features of the area, and land uses in the area covered by the map, including residential, commercial, industrial and public uses.

(c) Project concept discussions are intended for the guidance of the applicant and shall be not be considered approval of a project or its elements. The applicant shall not be bound by the determination of the project concept review conference, nor shall the Planning Board or Administrative Officer be bound by any such review. No approval is implied or obtained through a project concept review conference.

**Sec. 5 - 7. Pre-application Conference.**

(a) One or more pre-application conferences shall be held for all major subdivisions and land development projects. Pre-application conferences may be held for administrative subdivision applications upon the request of the City or the applicant. A pre-application conference is required for minor subdivisions.

(b) Pre-application meetings shall allow the applicant to meet with appropriate city officials, and, where appropriate, state agencies, for advice as to the required steps in the approval process, applicable City plans, ordinances, regulations, rules and procedures and standards which may impact the proposed development project. The submission requirements under these Regulations will be discussed and the applicant informed of same at the pre-application conference(s).

(c) Applicants shall submit general, conceptual materials as required by these Regulations and requested by the Administrative Officer in advance of the pre-application meeting.

(d) The applicant shall submit to the Administrative Officer a minimum of three (3) prints of the plan(s), three (3) copies of a narrative explaining the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant, and payment in accordance with § 4 -5. The scale of the plans shall be sufficient to clearly show all of the information required.

(e) Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

(f) A new pre-application conference may be required where factors relating to a proposed subdivision or land development have substantially changed since the time of the initial pre-application conference.

(g) Provided that at least one (1) pre-application meeting has been held for major land development or subdivisions, or sixty (60) days have elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision in accordance with Rhode Island General Laws Chapter 45-23-36.

**Sec. 5 - 8. Impact Assessment.**

(a) A written impact assessment of the proposed development site shall be required for all major subdivisions and major land development projects. The scope and content of the impact assessment shall be discussed during the pre-application meeting, and shall be presented by the applicant as part of the master plan submission. Preliminary plan submissions shall provide revisions to such written analysis as applicable.

(b) Such an assessment may be required by the Planning Board or Administrative Officer, for minor subdivisions or minor land development projects, if the Board or Administrative Officer finds that the proposed development may have a negative impact on the existing natural and built environment or may be inappropriate for the character of the surrounding neighborhood, and/or if all or part of the property that is the subject of the application includes land identified in the Comprehensive Plan as being within an area of Critical Concern or sensitive environmental areas.

(c) The assessment will include an evaluation of all influences, both positive and negative, which can be expected to affect the natural and man-made environment in the vicinity of the proposed project, or will demonstrate lack of such impact. Both direct and indirect impacts shall be evaluated. Fiscal impacts, including tax benefits and school and service requirements, must be addressed. A traffic impact study, as described below, may be required as part of the impact assessment. Other impacts which shall be considered as part of the impact assessment are environmental, scenic, use-compatibility, noise and similar such items.

(1) Methods designed to mitigate, and where appropriate, monitor the impacts shall be proposed; the party responsible for implementing the mitigation and monitoring shall be identified.

(2) The impact assessment must be prepared by recognized professionals; the names, education, disciplines and experience of whom shall be included in the report.

(d) Traffic impact study. A traffic impact study analyzing both on and off-site conditions as they affect surrounding areas may be required. The traffic impact study should include, but not be limited to:

(1) Analyses of the roadways which may be influenced by the project; including adjacent roads and major intersections.

(2) Safety (accident data, sight distance, roadway conditions, etc.)

(3) Capacity analyses utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works.

(4) Existing volumes (traffic counting).

(5) Site-generated and future traffic.

(6) Planned transportation improvements, if any.

**Sec. 5 - 9. Certification of completeness.**

(a) An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer.

(b) In the event such certification of the application is not made within the time specified in these Regulations for the types of applications, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such application as specified in these Regulations and the Administrative Officer has notified the applicant in writing of the deficiencies of the application.

(c) The permitting authority may require correction of any information found to be in error and submission of additional information specified in the Regulations but not required prior to certification, as is necessary to make an informed decision.

(d) When 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 Administrative Officer or the permitting authority determines that the required information is complete.

### **Sec. 5 - 10. Public Hearing.**

(a) A public hearing on the preliminary plan shall be required for: 1) minor subdivisions which involve the extension or creation of a street, 2) major subdivisions, and 3) major land development projects. Other actions may require a public hearing, such as a request for approval of major changes to a previously approved land development project or subdivision plan. The date of the public hearing shall be set for a regularly scheduled Planning Board meeting by the Administrative Officer based upon allowing adequate time for review by the Board within statutory timeframes and for providing notice and scheduling the hearing. In no case shall a hearing be permitted less than twenty-one (21) days from the date of the issuance of the Certificate of Completeness.

(b) The applicant is responsible for determining the correct names and address of all property owners required to receive notice, and shall at a minimum, compile the list of the names and addresses as of no more than thirty days (30) prior to the date of submission. Applicant shall sign such list of owners certifying accuracy of same. For mailing purposes, the applicant shall submit the list of abutters on column Avery mailing labels containing the full names and full mailing address of those required to receive notice.

(c) Whenever a public hearing concerning an application is required by these Regulations, the following procedures shall be the minimum requirements:

(1) 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 local circulation within the municipality following the municipality's usual and customary practices for this kind of advertising. The same notice shall be posted in the East Providence city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The 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. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

- (2) Notice area.
  - a. The distance(s) for notice of the public hearing shall be 200 feet from project site.
  - b. Watersheds. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
  - c. 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 newspaper and mailing notices shall be borne by the applicant.

**Sec. 5 - 11. Precedence of Approvals.**

Where applicant requires both Planning Board approval and action by the City Council on some aspect of the project, including, but not limited to, amendment to the zoning ordinance or map, amendment to the Comprehensive Plan, or street abandonment, the applicant shall first obtain an advisory recommendation on the required action from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the project, which may be simultaneous, then obtain conditional approval from the City Council, and then return to the Planning Board for subsequent required approvals.

**Sec. 5 - 12. Phasing of projects.**

(a) The Planning Board may provide for the preliminary and final review stages, and for the construction of land development projects and subdivisions, to be divided into reasonable phases. When a Major Land Development Project and/or Major subdivision is submitted for Conceptual Master Plan approval as provided elsewhere in these Regulations, the Planning Board shall review the adequacy of existing and projected public improvement, services and facilities which may be impacted by the proposed development in its entirety. If the Planning Board determines that such improvements, services and facilities, including but not limited to, water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to serve the residents of the subdivision and/or development at the time of recording of the final plat / approved land development project plan, the Planning Board shall have the authority to establish a rate of development of the entire subdivision or project by requiring it to be built in phases.

(b) Where phasing is permitted or required, the Planning Board shall first approve the entire site design as a master plan. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases. In such review and approval, the Board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.



(c) When an application is submitted for master plan approval, the Administrative Officer shall submit copies of the conceptual master plan and narrative report as required by these Regulations to the applicable City, state, federal or private agencies for review and comment. The Administrative Officer will work with the applicant in determining the applicable agencies. Each agency so notified by the applicant shall be requested to provide its comments on a form to be provided by and returned to the Administrative Officer at least seven (7) days prior to the date of a public hearing on the application. The Administrative Officer shall be responsible for obtaining comments from any non-City agencies and/or departments and providing them to the Administrative Officer in the appropriate time period. The Administrative Officer shall be responsible for obtaining responses from other City departments. If comments are not received by the Administrative Officer in the appropriate time period, it shall be assumed that the agency does not wish to comment.

(d) Each department to which such a request for comments is made shall provide said comments on a completed written form, along with any supplementary material, which shall describe:

- (1) An estimate of the impact of the development or subdivision on the facilities and/or services provided by the department or agency;
- (2) Whether existing facilities and/or services are adequate to serve the subdivisions' residents;
- (3) Whether plans for the necessary improvements to existing facilities and/or services are included in the City's Capital Improvement Program or are otherwise planned, and,
- (4) An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

(e) Based on the responses received from the various departments and agencies, the Planning Board shall establish, at the time of master plan approval, a rate of development of the entire development or subdivision that will permit construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. The Planning Board may require that improvements be installed, or lots sold, in two or more phases.

(f) In the case of plans which call for development over a period of years, a schedule showing the proposed times within each section of the development may be started shall be submitted. The proponents of a phased development shall include suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in an adverse effect upon the City as a result of the termination at that point.

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

**Sec. 5 - 13. Waiver and/or Modification of Requirements.**

(a) The permitting authority shall have the power to grant waivers and/or modifications from the requirements of these Regulations as may be reasonable, not inconsistent with enabling law, and within the general purposes and intents of these and other applicable City plans and regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one or more provisions of these Regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the City's comprehensive plan and zoning ordinance.

(b) The Administrative Officer may only grant waivers for Administrative Subdivisions, Minor Subdivisions and Minor Land Development Projects. Waivers for Major Subdivisions and Major Land Development Projects shall only be granted by the Planning Board.

(c) Requests for waivers and/or modifications shall be made in writing and shall provide justification for the requested action. Applicants shall submit such requests to the Administrative Officer.

(d) The permitting authority shall 1) approve, 2) approve with conditions or 3) deny the request for either a waiver or modification as described in subsection (a) above. When the decision is made by the Planning Board, it shall be made according to the requirements of the board for meetings, votes and decisions and records.

**Sec. 5 - 14. Reinstatement of Applications.**

(a) When an applicant has exceeded a deadline established by these Regulations for a subdivision or land development project which renders a previously-granted approval invalid, the application may be reinstated by the Planning Board within a period of three (3) years from the date of the most recent Planning Board approval or three (3) years from the date of the most recent Certificate of Completeness, under the following conditions:

- (1) The subdivision or land development is consistent with the East Providence Comprehensive Plan;
- (2) The East Providence Land Development and Subdivision Review Regulations are substantially the same as they were at the time of the original approval;
- (3) The zoning of the parcel is the same as it was at the time of original approval;
- (4) Physical conditions on the parcel are substantially the same as they were at the time of original approval;
- (5) Physical conditions off-site which may be associated with some aspect of the proposed development, such as traffic and drainage, are substantially the same as they were at the time of original approval;

(6) Any applicable State or federal regulations are substantially the same as they were at the time of original approval; and

(7) There is no outstanding violation of any condition of a previously approved plan or of any local, state or federal act, ordinance, rule or regulation applicable to the site, including, but not limited to, nonpayment of taxes or fees.

(b) Application for reinstatement of a previously approved subdivision shall be made in writing and shall provide justification for the requested action. Applicants shall submit such requests to the administrative officer for referral to the Planning Board.

(c) Applicant shall pay a filing fee equal to the cost of the type (administrative, minor or major subdivision or Land Development Project) and phase of development (master, preliminary or final plan) for which reinstatement is requested. Where public notice and/or a public hearing were previously required for the application, the Planning Board may require that such notice and/or public hearing be repeated prior to a Planning Board vote on reinstatement of the application. Such notice and/or public hearing shall comply with the provisions of these Regulations.

(d) The Planning Board, in approving, approving with conditions, or denying the request for reinstatement, shall make findings of fact which shall be made part of the record. Where approved, the application shall be reinstated to that point in the review where applicant exceeded the deadline established by these Regulations and shall proceed as required by these Regulations.

**Sec. 5 - 15. Plats Overlapping Municipal Boundaries.** If a proposed project overlaps municipal boundaries, the process shall be coordinated with that of the other jurisdiction. If access to the subdivision will be through another jurisdiction, applicant must submit confirmation from the jurisdiction that the access road to be used is public and is adequately improved or that a performance bond or other surety has been provided to assure the construction of the access road. Lot lines shall not overlap municipal boundaries.

**Sec. 5 - 16. Approval Prerequisite to Construction of Streets, Utility Mains, etc.** No streets, mains, drains, common sewer, water supply lines, grading, filling, earth removal, or any structure or other improvements shall be constructed within a subdivision as defined by these Regulations unless a final plat of such subdivision has been approved and recorded as provided in these Regulations.

**Sec. 5 - 17. Final Approval Prerequisite to Issuance of Building Permit.** No building permit shall be issued by the building inspector unless a final plat / approved land development project / approved development plan review has been approved and recorded as provided in these Regulations.

**Sec. 5 - 18. Approval Prerequisite to Issuance of Certificate of Occupancy.** No certificate of occupancy shall be issued by the building inspector or zoning officer for any building or structure unless all the provisions of these Regulations have been complied with.

**Sec. 5 – 19. As-Built Plans Required.**

(a) Prior to the final release of an improvement guarantee for required public improvements in a subdivision, as-built plans shall be submitted by applicant in accordance with Article 10.

(b) Prior to the issuance of a Certificate of Occupancy for Land Development Projects, as-built plans shall be submitted by the applicant. These plans shall: accurately reflect the actual installation of the required improvements; be labeled “As-Built Improvement Plan” in the title box; and be dated and signed by the person who prepared the plan.

**Sec. 5 - 20. Authorization for Plan Preparation.** All land surveys necessary for the preparation of plans shall be performed by a Professional Land Surveyor currently registered in the State of Rhode Island. A Professional Engineer currently registered in the State of Rhode Island shall prepare those aspects of submittals for all phases of subdivision which are required to be conducted only by a professional engineer, such as road design, utility design, and drainage calculations.

**ARTICLE 6**  
**RECORDINGS, CHANGES, RESCISSIONS OF PLATS**

**Sec. 6 - 1. Recording of Plats and Plans - Endorsement.**

- (a) Recording of a plan in the City's Land Evidence records shall not take place until plan approval has been endorsed on the plan by the appropriate official.
- (b) All final plats and approved land development project plans shall be signed by the appropriate Planning Board official with the date of approval. All endorsements shall include the date of signature.
- (c) No endorsement of plans and plats shall occur until the following have occurred:
  - (1) The twenty (20) day appeal period has expired from the date of the filing of the decision of approval with the City Clerk without an appeal being filed, or in the case of an appeal(s), until such time as final adjudication of any appeal has taken place;
  - (2) In the instance where public improvements are required, until the Administrative Officer has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of Article 10;
- (d) Following endorsement, all original plans and plats shall be retained by the Administrative Officer prior to recording.

**Sec. 6 - 2. Recording Format.**

The final plat / approved land development project plan / approved development plan review plan shall be submitted as a reproducible plan prepared on mylar or other material capable of clear reproduction and be of sufficient size to clearly show all required information, however, measuring not more than twenty-four (24) inches by thirty-six (36) inches at its outside edges, along with five (5) paper copies, one electronic .PDF copy and an electronic .dwg file.

**Sec. 6 - 3. Material to be Recorded.**

- (a) Approval of a Preliminary Plan does not constitute approval of a subdivision and a Preliminary Plan shall not be recorded in the City's Land Evidence records. All preliminary plans and plats and associated materials shall be retained permanently in the record of the application by the Administrative Officer.
- (b) The material to be recorded in the City's Land Evidence records for all other plans and plats shall include all pertinent plans with notes thereon concerning all essential aspects of the approved project design, the implementation schedule, maintenance agreements, easement deeds, homeowner association legal documents, and permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board. A copy of the written decision of the Planning Board, signed by the appropriate Planning Board official, including all conditions of approval, shall also be recorded.

(c) Other parts of the application's record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plan material, site analyses, impact analyses, environmental impact statements, all legal agreements, records of the public hearing and the entire final set of drawings as approved shall be kept permanently by the City departments responsible for implementation and enforcement. One copy shall be kept on file by the Planning Department.

(d) Construction drawings, which shall include street plans and profiles, cross sections, grading plans, utility plans, and other construction plans, details and specifications need not be recorded. However, two (2) complete blue-line sets of the construction drawings shall be filed with the Administrative Officer prior to recording of the plat. The Administrative Officer shall refer one copy of all construction drawings to the Department of Public Works, where they shall be kept on file available for public review.

(e) Digitized plan data on computer storage media shall be submitted to the Administrative Officer in addition to the mylar and print final site plan(s).

**Sec. 6 - 4. Validity of Final Plat / Approved Land Development Project Plan / Approved Development Plan Review Plan.**

The approved final plat / approved land development project plan / approved development plan review plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plat is approved, or a new plat is approved in accordance with these Regulations.

**Sec. 6 - 5. Recording Fees.**

(a) Recording fees shall be as provided in Title 34, Chapter 13 of the Rhode Island General Laws. Any and all recording fees shall be the responsibility of the applicant and shall be payable at the time of recording.

(b) The applicant shall be responsible for initiating the recording within the time period allowed for recording, or otherwise requesting and receiving approval for an extension prior to expiration of the time allowed for recording, in accordance with these Regulations. In order to affect recording, the applicant shall either:

(1) accompany a member of the Planning Department staff, within the time period allowed for recording, to the office of the East Providence City Clerk where applicant shall directly submit a fee equal to the cost of recording of the plan(s) and any other required documents in the Land Evidence Records; or

(2) shall submit a fee to the Administrative Officer equal to the cost of recording the plan(s) and any other required documents, and the Administrative Officer will provide said materials to the City Clerk for recording and provide a receipt and proof of recording to the applicant.

**Sec. 6 – 6. Plats Overlapping Municipal Boundaries.** In cases where the property being subdivided or the subject of a land development project is located in East Providence and one or more other municipalities, the final plans, plats and documents shall be recorded in the Land Evidence records of each of the municipalities in which the property is located. Applicant shall provide separate fees for recording in the amounts determined prior to recording.

**Sec. 6 – 7. Notification of Recording of New Plat to Emergency Authorities.**

The Administrative Officer shall notify the statewide “911” emergency authority and the City’s police and fire authorities servicing the new plat with the information required by each of the authorities. The Administrative Officer shall also notify the United States Postal Service of new plats.

**Sec. 6 – 8. Rescission of Plat.**

(a) The Planning Board, only upon application by all landowners of the plat to be affected, may consider an application for plat rescission at a public hearing which adheres to the requirements for notice described in § 5 – 8. The Planning Board shall consider whether the application is consistent with the City’s Comprehensive Plan and whether it is in compliance with the provisions of these Regulations and Chapter 19 Zoning, of the Revised Ordinances of East Providence. The applicant(s) for plat rescission shall bear notice and any stenographic recording costs associated with said hearing.

(b) The Planning Board shall (a) approve, (b) approve with conditions or changes, or (c) deny an application for plat rescission according to the procedures and requirements for the Board’s meetings, votes, decisions and records.

(c) If it is necessary to abandon any street covered under Title 24, Chapter 6 of Rhode Island General Laws, the Planning Board shall submit to the City Council the documents necessary for the abandonment process. The applicant(s) for plat rescission shall be responsible for all costs associated with the street abandonment process.

(d) Once the required process for rescission, or for rescission and abandonment, has been completed, an endorsement as to its rescinded status shall be made on the rescinded plat by the Planning Board chairperson, or in the absence of the chairperson, by the secretary of the Planning Board in the case of Major Land Development Projects or Major Subdivisions, or the Board’s Administrative Officer in the case of Minor Land Development Projects or Minor Subdivisions, which shall then be recorded as specified in Article 6 of these Regulations.

**ARTICLE 7**  
**ADMINISTRATIVE SUBDIVISION**

**Sec. 7 - 1 Administrative Subdivision - Eligibility.** All applications for administrative subdivisions, as defined in in §-2 - 1, shall be subject to the provisions of this article.

**Sec. 7 – 2. Procedures and Requirements.**

(a) Pre-application Conference - The Director of Planning, serving as Administrative Officer, and/or the applicant may request a pre-application conference in accordance with § 5 - 6 prior to the filing of an application for administrative subdivision. At a minimum, it is recommended that applicant(s) consult with the Planning Department and other City staff prior to the preparation of an application, particularly the Zoning Officer. If a pre-application conference is required or requested, the applicant will be advised by the Administrative Officer as to the submission requirements.

(b) Filing - The applicant shall initiate review by filing the following materials with the Administrative Officer or designee:

- (1) A completed application form and checklist for administrative subdivision review and approval (Form B);
- (2) Payment of the filing fee required in § 4 -5

(c) Review for Completeness - The application shall be certified as complete or incomplete by the Director of Planning serving as the Administrative Officer within a fifteen (15) day period from the date of the filing of the application in accordance with § 5 - 7.

(1) A copy of the plan will be referred to the Zoning Officer for review and certification of the proposed development as to compliance with the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence. The Zoning Officer shall advise the Administrative Officer if additional information is required in order to assess compliance of the plan with Chapter 19, Zoning. The Administrative Officer will not certify completeness until such certification is received, or in the case of a proposed plan requiring variances as determined by the Zoning Officer, until an applicant indicates their intention to proceed with the subdivision and to submit an application for the required variance(s).

(2) The Administrative Officer may distribute copies of the plan to other City staff to assist in review for completeness, as appropriate.

(d) Distribution and Review - Upon receipt of a complete application, the Administrative Officer shall distribute copies of the application to the Department of Public Works, Assessment Division, Fire Department, and other local, state and federal departments and agencies for review and recommendation at the discretion of the Administrative Officer, as appropriate.

(e) Action - Within fifteen (15) days of the Certificate of Completeness, the Administrative Officer shall review the application and shall consider any waiver and/or modification of



requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 3 either: 1) approve, 2) deny or 3) refer the application to the Planning Board with recommendations. If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be placed on the agenda of the next regular Planning Board meeting. The Administrative Officer shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

(f) Filing and Posting of Approval - Any approval of an Administrative Subdivision shall be evidenced by a written decision which shall be filed and posted in the office of the City Clerk.

(g) Denial - Denial of an administrative subdivision application by the Administrative Officer shall not be appealable and, unless the applicant withdraws the application, shall require that the plan be submitted as a minor subdivision plan. If the application is withdrawn, the applicant forfeits the filing fee. If not withdrawn, the applicant shall receive credit for previous fees and shall pay such additional fees as may be required and shall submit such additional information as specified in these Regulations and/or required by the permitting authority.

(h) Referral to Planning Board - If referred to the Planning Board, the board shall consider the application and the recommendations of the Administrative Officer and shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 4 either: 1) approve, 2) approve with conditions, or 3) deny the application within sixty-five (65) days of the date of the Certificate of Completeness in accordance with § 4 -7. Failure of the Planning Board to act within the period prescribed, or within a period of time otherwise agreed to by the Planning Board and the applicant, shall constitute approval of the administrative subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on the request of the applicant.

**Sec. 7 – 3. Posting of Decision/Appeal Period.** The decision of the Administrative Officer or Planning Board shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

**Sec. 7 – 4. Vesting.** Approval of an administrative subdivision plan shall expire ninety days (90) 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 these Regulations. Validity may be extended for a longer period for cause shown if requested by the applicant in writing and approved by the Administrative Officer or Planning Board.

**Sec. 7 – 5. Recording.** The final plat shall be submitted in accordance with Article 6. Recording of the final plat in the City’s Land Evidence records shall not take place until plan approval has been endorsed on the final plat by the Administrative Officer.

**Sec. 7 – 6. Plan Revisions After Approval.** No changes, erasures, modifications, or revisions shall be made in any administrative subdivision plan after approval has been given by the

Administrative Officer or Planning Board and endorsed in writing on the plan, unless the plan is first resubmitted for review of the change as provided in Article 6 of these Regulations.

**ARTICLE 8**  
**MINOR LAND DEVELOPMENT PROJECTS AND MINOR SUBDIVISIONS**

**Sec. 8 - 1. Minor Land Development and Minor Subdivision - Applicability.**

All applications for minor land development projects and minor subdivisions, as defined in § 2 - 1, shall be subject to the provisions of this article.

In accordance with § 19-361(d) of the Revised Ordinances of the City of East Providence, minor land development projects are subject to the design standards of Article 16 of these Regulations.

(a) Applications under this article which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review pursuant to Article 12 and a request for review shall accompany the preliminary plan application.

(b) Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing.

**Sec. 8 – 2. Review Stages.**

(a) Review under this article shall consist of two stages, preliminary and final.

(b) The Administrative Officer may combine the approval stages, providing submission requirements for both stages have been met by the applicant to the satisfaction of the Administrative Officer.

**Sec. 8 – 3. Re-Assignment to Major Review.** The Planning Board may re-assign a proposed minor land development project or minor subdivision to major land development project or major subdivision, respectively, only when it is unable to make the required findings as outlined in § 5 - 3:

Where re-assigned, all submittal and review processes for major land development project or major subdivision, as the case may be, shall be followed.

**Sec. 8 - 4. Pre-Application Conference.**

A pre-application conference in accordance with § 5 - 6 is required for all minor subdivisions and minor land development projects prior to the filing of a preliminary plan.

**Sec. 8 - 5. Procedure for Preliminary Plan.**

(a) Filing – To initiate preliminary plan review, the applicant shall file the following materials with the Administrative Officer or designee:

(1) A completed application form (Form B) and the items required by the application checklist for preliminary plan review (Form C for subdivisions and Form D for land development projects); and

(2) Payment of the filing fee required in § 4 -5.

(b) Review for Completeness – The Administrative Officer will certify the application as complete or incomplete within twenty-five (25) days of receipt of submission in the Department of Planning so long as a completed checklist of the requirements for submission are provided as part of the submission, or within fifteen (15) days if no street creation or extension is required and/or unified development review is not requested and a completed checklist of the requirements for submission are provided as part of the submission in accordance with § 5 - 7. Any deficiencies in the submission shall be noted in writing to the applicant. 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 submission 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 in less than ten (10) days after its resubmission.

(c) Plan Referral/Plan Review - Upon receipt of a complete application, the Administrative Officer shall distribute copies of the application to the Department of Public Works, Fire Department, and other appropriate local, state or federal agencies for review and recommendation. Staff shall review the application and shall comment and make recommendations to the Planning Board if it is serving as the permitting authority.

(d) Administrative Approval - If no street creation or extension or unified development review is required, the administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 4 either: approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the board.

(e) Public Hearing - In the case of a minor subdivision where street creation or extension is proposed or the application is reviewed under the unified development review, a public hearing shall be held by the Planning Board which shall meet the notice requirements set forth in § 5 - 8.

(1) If the development is concurrently applying for major land development project approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the minor subdivision shall be advertised and conducted concurrently with the hearing for the major land development project.

(f) Planning Board Action - Where street creation or extension is proposed or the application is reviewed under the unified development review, the Planning Board shall in accordance with § 4 -7, consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 3 approve, approve with conditions, or deny

the preliminary plan within ninety-five (95) days from the date of the Certificate 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) Posting of Decision/Appeal Period - The decision of the Planning Board shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

**Sec. 8 - 6. Effect of Preliminary Plan.** Approval of a Preliminary Plan does not constitute approval of a subdivision and a Preliminary Plan shall not be recorded in the Land Evidence records. No lot may be marketed, sold or transferred, or building permit obtained based upon an approved preliminary subdivision.

**Sec. 8 - 7. Final Plan - Intent.** This phase is intended to be ministerial in nature, to ensure that all necessary changes, documentation, etc. have been properly made and submitted.

**Sec. 8 - 8. Procedure for Final plan.**

(a) Filing - Following preliminary plan approval, or if preliminary plan review and final plan review have been combined by the Administrative Officer in accordance with § 8 – 2(b), the applicant shall file the following materials with the Administrative Officer to initiate final plan review:

- (1) A letter requesting final approval and the items required by the application checklist for final plan review (Form C for subdivisions and Form D for land development projects);
- (2) Payment of the filing fee required in § 4 -5.

(b) Plan Referral/Plan Review - Upon receipt of a complete application, the Administrative Officer shall distribute copies of the application to the Department of Public Works, Fire Department, and other appropriate local, state or federal agencies for review and recommendation. Staff shall review the application and shall comment and make recommendations to the Planning Board if it is serving as the permitting authority.

(c) Review for Completeness – The Administrative Officer will certify the application as complete or incomplete within twenty-five (25) days of receipt of submission in the Department of Planning so long as a completed checklist of the requirements for submission are provided as part of the submission, or within fifteen (15) days if no street creation or extension is required and/or unified development review is not requested and a completed checklist of the requirements for submission are provided as part of the submission in accordance with § 5 - 7. Any deficiencies in the submission shall be noted in writing to the applicant. 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 submission 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 in less than ten (10) days after its resubmission.

(d) Final plans shall be reviewed and approved by the administrative officer. The administrative officer shall approve, deny, approve with conditions or refer the final plan to the Planning Board upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.

(e) Posting of Decision/Appeal Period - The decision of the Administrative Officer shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

**Sec. 8 – 9. Required Content and Format for Final Plat and Submission.**

Following final plan approval, the applicant shall submit the final plat containing all necessary changes, documentation, and any requirements set forth by the permitting authority during final plan approval as a reproducible plan prepared on mylar or other material capable of clear reproduction meeting the requirements of these Regulations for plan content and format and being of sufficient size to clearly show all required information, however, measuring not more than twenty-four (24) inches by thirty-six (36) inches at its outside edges, along with five (5) paper copies and one electronic .PDF copy of the plat. The final subdivision plan shall also be submitted to the City in an electronic .dwg file. The title block shall be revised to show the plan's status as a Final plat.

**Sec. 8 – 10. Final Plat / Approved Land Development Plan Recording.**

(a) Recording of the final plat / approved land development project plan in the City's Land Evidence records shall not take place until plan approval has been endorsed on the plan by the Administrative Officer. The plat will be signed only after the twenty-day (20) final plan approval appeal period has expired without the filing of an appeal, or if an appeal has been filed, after the final adjudication of all appeals. Any required improvement or maintenance guarantees must be accepted and on deposit or otherwise be held by the City of East Providence.

(b) The applicant shall be responsible for initiating the recording within the time period allowed for recording, or otherwise requesting and receiving approval for an extension prior to expiration of the time allowed for recording in accordance with these Regulations, and to affect recording shall either:

- (1) accompany a member of the Planning Department staff, within the time period allowed for recording, to the office of the East Providence City Clerk where applicant shall directly submit a fee equal to the cost of recording of the plan(s) and any other required documents in the Land Evidence Records; or

(2) shall submit a fee to the Administrative Officer equal to the cost of recording the plan(s) and any other required documents, and the Administrative Officer will provide said materials to the City Clerk for recording and provide a receipt and proof of recording.

(c) During the period before recording, the original drawing shall remain with the Planning Department.

(d) Following the recording of the final plat / approved land development project plan, lots may be sold or transferred and building permits obtained in accordance with the approved final plat / approved land development project plan and subject to all other local, state and federal regulations.

**Sec. 8 – 11. Changes to Plans.**

(a) Minor Changes.

Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permit authority for review as a major change. Minor changes include the following:

- (1) Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of these Regulations;
- (2) Amendments to grading or drainage plans which are acceptable to the Director of Public Works and which are not a major change as described in Sec. 6 - 9 of these Regulations; or
- (3) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided or otherwise developed, which are acceptable to the Director of Public Works, Director of Planning and the Fire Chief, and which are not a major change as described in Sec. 6 - 9 of these Regulations.

(b) Major Changes.

Major changes, to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes include the following:

- (1) Changes which would have the effect of creating additional lots or dwelling units for development;

(2) Changes which would be contrary to any applicable provision of Chapter 19 Zoning, of the Revised Ordinances of East Providence, or which require a variance or special use permit from the Zoning Board of Review;

(3) Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project;

(4) Changes to approved plans dictated by state or federal regulations, such as those of the Rhode Island Department of Environmental Management and Coastal Resources Management Council, or the Army Corps of Engineers, or changes to approved plans proposed by the applicant or required by field conditions which would require a permit or change of a previously granted permit, which have the effect of creating a major change described above in this section; or

(5) Any change not listed as a minor change.

(c) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change.

**Sec. 8 - 12. Appeals.**

Final decisions under this article concerning preliminary plan approval, final plan approval, or a major change shall be considered an appealable decision pursuant to § 14 - 2(b).

**Sec. 8 - 13. Vesting.**

Each stage of approval of a minor land-development or minor subdivision plan expires one year from the date of approval unless, within that period, the applicant proceeds with the next stage of approval. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the Planning Board



**ARTICLE 9**  
**MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION**

**Sec. 9 - 1. Major Land Development Project and Major Subdivision - Applicability.**

All applications for major land development projects and major subdivisions, as defined in § 2 - 1, shall be subject to the provisions of this article.

(a) Applications under this article which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review pursuant to Article 12 and a request for review shall accompany the master plan application.

**Sec. 9 - 2. Applicability to Land Development Projects.**

Land Development Projects as defined in Chapter 19, Zoning of the Revised Ordinances of East Providence, are subject to the provisions of this Article. In addition, Land Development Projects are subject to the development, landscaping and impermeable surface standards of Article VIII (16). Development Plan Review of Chapter 19 of the Revised Ordinances of East Providence.

**Sec. 9 – 3. Review stages.**

(a) Major land development or major subdivision plan review shall consist of one or more pre-application meetings, and three stages of review: master plan; preliminary plan, and final plan.

(b) The Administrative Officer may combine review stages but only the Planning Board may waive requirements as specified in § 5 - 11. Review stages may be combined only after the Administrative Officer determines that all necessary requirements have been met by the applicant or the Planning Board has waived any submission requirements not included by the applicant in accordance with § 5 - 11.

**Sec. 9 - 4. Pre-Application Conference.**

A pre-application conference in accordance with § 5 - 6 is required for all major subdivisions and major land development projects.

**Sec. 9 – 5. Master Plan Procedure.**

(a) Filing – To initiate master plan review, the applicant shall file the following materials with the Administrative Officer or designee:

(1) A completed application form (Form B) and the items required by the application checklist for master plan review (Form C for subdivisions and Form D for land development projects); and

(2) Payment of the filing fee required in § 4 -5.

(b) Review for Completeness. The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days in accordance with § 5 – 7. 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 submission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than Ten (10) days after its submission.

(d) Distribution and Review - The Administrative Officer shall coordinate review and comment by:

- (1) Local City departments including, but not limited to, planning, public works, fire, police; the East Providence Conservation Commission and the Recreation Advisory Board;
- (2) Adjacent communities;
- (3) State agencies, as appropriate, including the Department of Environmental Management, Department of Transportation, and the Coastal Resources Management Council; and,
- (4) Federal agencies, as appropriate.

The Administrative Officer shall review the application and shall comment and make recommendations to the Planning Board. The Administrative Officer will refer any comments received from other local, state or federal agencies responsible for reviewing the proposed development to the Planning Board.

(d) Public Hearing - A public hearing shall be held prior to the Planning Board decision on the master plan.

- (1) Public notice of the hearing shall be given in accordance with § 5 – 8.
- (2) If the major subdivision application also includes a request for major land development master plan approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major subdivision shall be advertised and conducted concurrently with the hearing for the major land development project.
- (3) If the major land development project is applying for major subdivision master plan approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the major subdivision.
- (4) If the major land development project is applying for minor subdivision preliminary plan approval with a street extension or creation, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the minor subdivision.

(5) The applicant shall present the proposed development project at the public hearing. 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 application.

(e) Planning Board Decision - In accordance with § 4 -7, the Planning Board shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 4 either: a) approve the master plan as submitted, b) approve with changes and/or conditions or, c) deny the master plan application within ninety (90) days from the certificate of completeness, or within such further time as may be consented to in writing by the applicant.

(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 upon request of the applicant.

(g) Posting of Decision/Appeal Period - The decision of the Planning Board shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

(h) Master Plan Vesting - The approved master plan shall be vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a longer period for good cause shown if requested by the applicant in writing prior to expiration of the time allowed, and approved by the Planning Board. Requests for extension shall be submitted to the Administrative Officer. Requests for extension of time limit of approval for Major Subdivisions or Major Land Development Projects shall be accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50).

(1) 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 vesting period for the approved master plan shall constitute the vested rights for the development as required in Section 45-24-44 of Rhode Island General Laws, Zoning Enabling Act, Creation of Vested Rights.

**Sec. 9 - 6. Effect of Master Plan.** Approval of a Master Plan does not constitute approval of a subdivision or land development project and a Master Plan application shall not be recorded in the Land Evidence records. No lot may be sold or transferred, or building permit obtained, based solely upon an approved master plan subdivision or land development project.

**Sec. 9 - 7. Preliminary Plan Procedures and Requirements.**

(a) Applications Subject to Development Plan Review - Applications also subject to Development Plan Review shall submit required items at this stage of plan review, and the submission requirements may be combined.

(b) Filing - Following master plan approval, or if master plan review and preliminary plan review have been combined by the Administrative Officer in accordance with § 9 – 3(b), the applicant shall file the following materials with the Administrative Officer or designee to initiate preliminary plan review:

(1) A letter requesting preliminary plan approval and the items required by the application checklist (Form C for subdivisions and Form D for land development projects) and;

(2) Payment of the filing fee required in § 4 -5.

(c) Review for Completeness - The Administrative Officer shall review the application and certify the application as complete or incomplete within twenty-five (25) days in accordance with § 5 - 7. The running of the time period set forth shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(d) Distribution - The Administrative Officer shall distribute the plans and supporting materials to applicable city staff for review and shall solicit final written comments and/or approvals of the department of public works, the city engineer, the city solicitor, and other local government departments, commissions or authorities as appropriate.

(e) Plan Review - The applicable city staff having received the plans and supporting materials for review shall forward written comments to the Administrative Officer. Staff may meet with or without the applicant to discuss the plans. The Administrative Officer will forward the comments to the Planning Board.

(f) Public notice – Prior to the first Planning Board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen days before the hearing.

(g) 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.

(h) Planning Board Decision - In accordance with § 4 -7, the Planning Board shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the requirements of § 5- 4 either: 1) approve, 2) approve with conditions, or 3) deny the preliminary plans within ninety (90) days of the date of the issuance of the Certificate

of Completeness, or within such time as may be consented to by the developer in writing. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.

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

(j) Posting of Decision/Appeal Period - The decision of the Planning Board shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

(k) Vesting - The approved preliminary plan shall be vested for a period of two (2) years from the date of approval with the right for two (2) one-year extensions upon written request by the applicant how must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant and approved by the Planning Board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material. Requests for extension of time limit of approval for Major Subdivision or Major Land Development Project shall be made to the Administrative Officer and accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50).

**Sec. 9 - 8. Effect of Preliminary Plan.** Approval of a Preliminary Plan does not constitute approval of a subdivision or land development project and a Preliminary Plan shall not be recorded in the Land Evidence records. No lot may be sold or transferred, or building permit obtained, based upon an approved preliminary subdivision or land development project.

**Sec. 9 – 9. Final Plan - Intent.** This phase is intended to be ministerial in nature, to ensure that all necessary changes, documentation, etc. have been properly made and submitted.

**Sec. 9 – 10. Procedure for Final plan.**

(a) Filing - Following preliminary plan approval, or this stage of review has been combined with a previous stage(s) by the Administrative Officer in accordance with § 9 – 3(b), the applicant shall file the following materials with the Administrative Officer to initiate final plan review:

(1) A letter requesting final plan approval and the items required by the application checklist for final plan approval (Form C for subdivisions and Form D for land development projects); and

(2) Payment of the filing fee required in § 4 -5.

(b) Review for Completeness - The Administrative Officer shall review the application and certify the application as complete or incomplete within fifteen (15) days, in accordance with the provisions of Article 5. This time period may be extended to twenty-five (25) days by written notice from the Administrative Officer to the applicant where the final plans contain changes to, or elements not included in, the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the Administrative Officer certifies the application as complete and it does not require submission to the Planning Board as per sub-section (c) below, the final plan shall be considered approved.

(c) Referral to Planning Board - If the Administrative Officer determines that 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 final plans to the Planning Board for review.

(d) Failure to Act – Failure of the permitting authority 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 permitting authority to act within the require time and the resulting approval shall be issued on the request of the applicant.

(e) Posting of Decision/Appeal Period - The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

(f) Signature and recording shall constitute acceptance by the City of any street or public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the City to maintain or improve those areas until the City Council accepts the completed public improvements as constructed in compliance with the provisions of these Regulations.

(g) Vesting - The final approval of a major subdivision or land development project shall expire one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the Planning Board for the annual unless, within that period, the plat or plan shall have been submitted for signature and recording as required by these Regulations. Thereafter, the planning board may, for good cause shown, extend the period for recording. Requests for extension of time limit of approval for Major Subdivision or Land Development Project shall be made to the Administrative Officer and accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50). The Planning Board may, for good cause shown, extend the period for recording for an additional period.

**Sec. 9 – 11. Required Content and Format for Final Plats / Approved Land Development Project Plans.** Following final plan approval, the applicant shall submit the final plat / approved land development project plan containing all necessary changes, documentation, and any requirements set forth by the permitting authority during final plan approval as a reproducible plan prepared on mylar or other material capable of clear reproduction meeting the requirements of these Regulations for plan content and format and being of sufficient size to clearly show all required information, however, measuring not more than twenty-four (24) inches by thirty-six (36) inches at its outside edges, along with five (5) paper copies and one electronic .PDF copy of the plat. The final plan shall also be submitted to the City in an electronic .dwg file. The title block shall be revised to show the plan's status as a final plat / approved land development project plan.

**Sec. 9 – 12. Final Plat Recording.**

(a) Recording of the final plat in the City's Land Evidence records shall not take place until plat approval has been endorsed on the plan by the Chairperson or Secretary of the Planning Board. The plat will be signed only after the twenty-day (20) final plan approval appeal period has expired without the filing of an appeal, or if an appeal has been filed, after the final adjudication of all appeals.

(b) The applicant shall be responsible for initiating the recording within the time period allowed for recording, or otherwise requesting and receiving approval for an extension prior to expiration of the time allowed for recording in accordance with these Regulations, and to affect recording shall either:

(1) accompany a member of the Planning Department staff, within the time period allowed for recording, to the office of the East Providence City Clerk where applicant shall directly submit a fee equal to the cost of recording of the plan(s) and any other required documents in the Land Evidence Records; or

(2) shall submit a fee to the Administrative Officer equal to the cost of recording the plan(s) and any other required documents, and the Administrative Officer will provide said materials to the City Clerk for recording and provide a receipt and proof of recording.

(c) During the period before recording, the original drawing(s) shall remain with the Planning Department.

(d) Following the recording of approved final subdivision plans, lots may be sold or transferred and building permits obtained in accordance with the approved final subdivision or land development plan and subject to all other local, state and federal regulations.

**Sec. 9- 13. Changes to plans.**

(a) Minor changes.

Minor changes to the plans approved at any stage may be approved administratively, by the Administrative Officer. The changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the Administrative Officer from requesting recommendation from the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change. Minor changes include the following but not limited to:

- (1) Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of these Regulations;
- (2) Amendments to grading or drainage plans which are acceptable to the Director of Public Works and which are not a major change as described in these Regulations;
- (3) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided or otherwise developed, which are acceptable to the Director of Public Works, Director of Planning and the Fire Chief, and which are not a major change as described in these Regulations;

(a) Major changes.

Major changes to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans and shall include a public hearing. Major changes include the following, but not limited to:

- (1) Changes which would have the effect of creating additional lots or dwelling units for development;
- (2) Changes which would be contrary to any applicable provision of Chapter 19 Zoning, of the Revised Ordinances of East Providence, or which require a variance or special use permit;
- (3) Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project;
- (4) Changes to approved plans dictated by state or federal Regulations, such as those of the Rhode Island Department of Environmental Management and Coastal Resources Management Council, or the Army Corps of Engineers, or changes to approved plans proposed by the applicant or required by field conditions which would require a permit or change of a previously granted permit, which have the effect of creating a major change as described above in this section;



(5) Any change not listed as a minor change.

The Administrative Officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the Administrative Officer determines the change to be a major change.

**Sec. 9 – 14. Appeals.** Final decisions under this article concerning master plan approval, preliminary plan approval, final plan approval, or a major change shall be considered an appealable decision pursuant to § 14 - 2(b).

**ARTICLE 10**  
**DEVELOPMENT PLAN REVIEW**

**Sec. 10 - 1. Applicability.**

- (a) The following categories of projects shall be subject to the provisions of this article:
- (1) Commercial, mixed-use, and residential development in the Main Street Overlay District as per Sec. 19-322 of the Zoning Ordinance.
  - (2) Institutional development design review for educational or hospital facilities.
  - (3) Construction of parking lots of fifteen (15) or more spaces, or additions of fifteen (15) or more spaces to existing parking lots.
  - (4) Reserve parking areas for business/technology developments a defined in Section 19-1 of the Zoning Ordinance.
  - (5) Drive-through facilities.
  - (6) Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater.
  - (7) Developments in which a split zone is being used for a more intense use as per Sec. 19-97 of the Zoning Ordinance.
- (b) Applications shall not be subject to both development plan review and land development project review. Applications that are subject to land development project review are exempt from development plan review.
- (c) The Administrative Officer is the permitting authority for administrative and formal development plan review applications submitted as described herein.

**Sec. 10-2. Review Processes.** Development plan review is assigned to one of two review processes, administrative or formal.

- (a) Administrative development plan review consists of one stage of review. The following activities are subject to administrative development plan review:
- (1) Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater.
  - (2) Developments in which a split zone is being used for a more intense use as per Sec. 19-97 of the Zoning Ordinance.
- (b) Formal development plan review consists of the preliminary stage and final stage of review. The following activities are subject to formal development plan review:

(1) Commercial, mixed-use, and residential development in the Main Street Overlay District as per Sec. 19-322 of the Zoning Ordinance.

(2) Institutional development design review for educational or hospital facilities.

(3) Construction of parking lots of fifteen (15) or more spaces, or additions of fifteen (15) or more spaces to existing parking lots.

(4) Reserve parking areas for business/technology developments as defined in Section 19-1 of the Zoning Ordinance.

(5) Drive-through facilities.

(c) The Administrative Officer may combine the stages of review for formal development plan review.

**Sec. 10-4. Waivers.**

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

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

**Sec. 10-5. Applications requesting relief from the zoning ordinance.**

(a) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the Administrative Officer. If the modification is denied or an objection is received as set forth in Sec. 19-45(c) of the Zoning Ordinance, such application shall proceed under unified development review and be reviewed by the planning board.

(b) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development review, and a request for review shall accompany the initial application.

**Sec. 10-6. Administrative Development Plan Review Procedure.**

(a) Any applicant requesting administrative development plan review approval shall initiate the review by submitting to the Administrative Officer the following items:

- (1) A completed application form (Form B) and the items required in the city's checklist for administrative development plan review applications (Form D); and
- (2) Payment of the filing fee required in § 4 -5.

(b) Review for Completeness – The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days in accordance with § 5 - 7. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.

(1) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(2) If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(c) Review and decision. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the criteria in § 19-451 of the Revised Ordinances of the City of East Providence either: approve, deny, or approve with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer. The decision shall be in writing and a copy shall be mailed first class to the applicant.

(d) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the administrative development plan review and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(e) The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

(f) Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

**Sec. 10-7 Formal Development Plan Review Preliminary Approval Procedure.**

(a) Any applicant requesting formal development plan review approval shall initiate the review by submitting to the administrative officer the following items:

(1) A completed application form (Form B) and the items required in the city's checklist for preliminary review of development plan review applications (Form D); and

(2) Payment of the filing fee required in § 4 -5.

(b) Plan Referral/Plan Review – Upon receipt of a complete application, the Administrative Officer may refer Development Plan Review applications to municipal officials for review and comment, including, but not limited to, the City Engineer, Zoning Officer, Building Inspector, Fire Marshal, and Water Superintendent, as appropriate.

(c) Review for Completeness - The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days in accordance with § 5 - 7. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.

(1) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(2) If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(d) Review and decision. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the criteria in § 19-451 of the Revised Ordinances of the City of East Providence either: approve, deny, or approve with conditions within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority. The decision shall be in writing and a copy shall be mailed first class to the applicant.

(e) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(f) The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty (20) day appeal period shall be calculated from the date of the posting of the decision.

(g) Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

**Sec. 10-8. Effect of Preliminary Development Plan Review Approval.**

Preliminary development plan review approval does not constitute permission to move forward with the development. The applicant must apply for and receive development plan approval prior to commencing with the development.

**Sec. 10 - 9. Formal Development Plan Review Final Approval Procedure.**

(a) Following preliminary plan approval, or if preliminary plan review and final plan review have been combined by the Administrative Officer in accordance with § 10 – 3(c), the applicant shall file the following materials with the Administrative Officer to initiate final plan review:

(1) A letter requesting final approval and the items required in the city’s checklist for final review of development plan review applications (Form D); and

(2) Payment of the filing fee required in § 4 -5.

(b) Review for Completeness - The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days in accordance with § 5 - 7. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.

(1) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(2) If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(c) Review and decision. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § 5 – 11 and in accordance with the criteria in § 19-451 of the Revised Ordinances of the City of East Providence either: approve, deny, or approve with conditions within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing. The decision shall be in writing and a copy shall be mailed first class to the applicant.

(d) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to

the failure to act within the required time and the resulting approval shall be issued on request of the application.

(e) The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty-(20) day appeal period shall be calculated from the date of the posting of the decision.

(f) Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

### **Sec. 10-10. Changes to Plans.**

(a) Minor changes to the plans approved at any stage may be approved administratively, by the Administrative Officer, whereupon final plan approval may be issued. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the Administrative Officer from requesting recommendation from the Planning Board. Minor changes shall include:

(1) Amendments to grading or drainage plans which are acceptable to the Director of Public Works and which are not a major change as described in Sec. 6 - 9 of these Regulations; or

(2) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided or otherwise developed, which are acceptable to the Director of Public Works, Director of Planning and the Fire Chief, and which are not a major change as described in Sec. 6 - 9 of these Regulations.

(3) Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.

(b) Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which, in the case of applications approved by the Planning Board through unified development review, shall include a public hearing. Major changes shall include:

(1) Changes which would have the effect of creating additional lots or dwelling units for development;

(2) Changes which would be contrary to any applicable provision of Chapter 19 Zoning, of the Revised Ordinances of East Providence, or which require a variance or special use permit;

(3) Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project;

(4) Changes to approved plans dictated by state or federal regulations, such as those of the Rhode Island Department of Environmental Management and Coastal Resources Management Council, or the Army Corps of Engineers, or changes to approved plans proposed by the applicant or required by field conditions which would require a permit or change of a previously granted permit, which have the effect of creating a major change as described above in this section. or

(5) Any change not listed as a minor change.

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

**Sec. 10-11. Changes to Plans.**

Final decisions under this article concerning administrative development plan review approval, preliminary formal development plan review approval, final formal development plan review approval, or a major change shall be considered an appealable decision pursuant to § 14 - 2(b).

**Section 10-12. Design Standards.**

Standards for design of development subject to development plan review are provided in Article 16 of these regulations.



**ARTICLE 11**  
**LAND DEVELOPMENT PROJECTS AND DEVELOPMENT PLAN REVIEW**  
**USES AND ACTIVITIES**

**Sec. 11-1. Uses and activities requiring land development project approval and development plan review.**

The following uses and activities shall require submission of a Minor or Major Land Development Project (LDP) application or Development Plan Review (DPR).

<b>ACTIVITY</b>	<b>DPR</b>	<b>Minor LDP</b>	<b>Major LDP</b>
<b><i>Parking thresholds</i></b>			
Construction of parking lots of 15 or more spaces, or additions of 15 or more spaces to existing parking lots	X (formal)		
Reserve parking areas for business/technology developments as defined in section 19-1	X (formal)		
<b><i>Commercial square footage thresholds</i></b>			
2,500 – 49,999 gross square feet of floor area of new commercial, manufacturing or industrial development		X	
50,000 or greater gross square feet of floor area of new or expanded commercial, manufacturing or industrial development			X
An expansion of up to 50% of existing floor area or up to 49,999 square feet for commercial, manufacturing, or industrial structures		X	
An expansion of over 50% of existing floor area or 50,000 square feet or more for commercial, manufacturing, or industrial structures			X
An adaptive reuse project of up to 49,999 square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought		X	
An adaptive reuse project of 50,000 square feet or more of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought			X
<b><i>Residential thresholds</i></b>			
Multi-family residential or residential condominium development, mixed use residential development, and/or adaptive reuse project, of 4-19 units		X	
Multi-family residential, residential condominium development, mixed use residential development, and/or adaptive reuse project, of 20 units or more			X
An adaptive reuse project located in a residential zone which results in 4-19 residential units		X	
A cluster development in any residential district			X

<b>Mixed use thresholds</b>			
Mixed-use development consisting of up to 19 dwelling units and up to 9,999 gross square feet of commercial space		X	
Mixed-use development consisting of 20 or more dwelling units and 10,000 or more gross square feet of commercial space			X
<b>Overlay districts / floating zones</b>			
Proposed developments in the Riverside Square Mixed Use Downtown Overlay District as per Sec. 19-359 of the Zoning Ordinance	X (formal)		
Commercial, mixed-use, and residential development in Main St. Overlay District as per Sec. 19-322 of the Zoning Ordinance	X (formal)		
Mixed use residential/commercial development in the mixed use floating district and/or a development meeting the criteria for any other land use activity that may be established only through the land development project process			X
A business/technology development as defined in section 19-1 and 19-364 of the Zoning Ordinance			X
<b>Other</b>			
Any construction or development which does not otherwise require city council approval of a site plan or subdivision, which involves the construction or development of a private street or right of way which serves or is intended to serve more than one principal building or use, whether residential, commercial or industrial, including condominium development			X
A large-scale ground-mounted photovoltaic field			X
Institutional development design review for educational or hospital facilities	X (formal)		
Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater	X (admin)		
Developments in which a split zone is being used for a more intense use as per Sec. 19-97 of the Zoning Ordinance.	X (formal)		

Notes:

1. Any minor land development project which involves the extension or creation of a street shall require planning board review and require a public hearing.
2. Multi-faceted applications shall be reviewed as major land development projects if any part of the proposal triggers such review.
3. Applications shall not be subject to both development plan review and land development project review. Applications that are subject to land development project review are exempt from development plan review.

**ARTICLE 12**  
**UNIFIED DEVELOPMENT REVIEW**

**Sec. 12-1. Unified Development Review.** Review of projects submitted under this article shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed in Land Development and Subdivision Review Regulations, but shall also include the following procedures:

(a) Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the combined review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (c) of this section shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project, as the case may be.

(b) Major subdivisions and land-development projects.

(1) Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land development projects shall be submitted as part of the application materials for the master plan stage of review, or if stages have been combined, the first stage of review. A public hearing on the application, including any variance and special use permit requests that meets the requirements of subsection (c) of this section, shall be held prior to consideration of the master plan application(s) by the Planning Board. The Planning Board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision and/or land development project. Approval of the variance(s) and/or special use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project, as the case may be.

(2) Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the Planning Board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection (c) of this section, shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major

subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the Planning Board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by § 9 – 7(h) so that additional information can be provided and reviewed by the Planning Board.

(c) All applications under this article shall require a single public hearing, held pursuant to subsection (a) of this section. The public hearing must meet the following requirements:

(1) Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in § 1 – 9(b).

(2) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land development project.

(3) The cost of all public notice is to be borne by the applicant.

(d) Decision. The time periods by which the Planning Board must approve, approve with conditions, or deny applications for variances and special-use permits under this article shall be the same as the time periods by which the Planning Board must make a decision on the applicable review stage of the category of project under review.

(e) The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth for the underlying type of project under review.

(f) Requests for the variance(s) and/or special use permits that are denied by the Planning Board shall be considered an appealable decision pursuant to § 14 - 2(b).

**Sec. 12-2. Unified Development Review Process.** An applicant shall initiate unified development plan review by completing the relevant variance and/or special use permit applications on file in the zoning office and submitting them to the Administrative Officer with a cover letter requesting unified development review. Such request may constitute a major change of a previously approved application.

**ARTICLE 13**  
**IMPROVEMENT AND MAINTENANCE GUARANTEES**

**Sec. 13 - 1. Construction and/or improvement guarantees - Purpose.**

(a) An improvement guarantee is a security instrument accepted by the City to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval for a subdivision or land development project, where applicable, will be completed in compliance with the approved plans and specifications.

(b) Improvement and maintenance guarantees shall be required to ensure the proper installation and maintenance of streets, utilities, and other physical improvements required by these Regulations and by the Planning Board as a condition of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant and/or applicant's agents.

**Sec. 13 - 2. Improvement Guarantee Amount and Conditions.**

(a) Improvement guarantees shall be in an amount and with all necessary conditions to secure for the City the actual construction and complete installation of all the required improvements, and the satisfactory completion of all conditions of final approval, within the time period specified by the Planning Board.

(b) The amount of the improvement guarantee shall be based on actual cost estimates for all required public improvements prepared by the Director of Public Works, and 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.

**Sec. 13 - 3. Required Form.** The security shall be in the form of a financial instrument acceptable to the Planning Board and shall enable the City to gain timely access to the secured funds, for cause. Performance and maintenance guarantees may be provided by the following means:

(a) Security bond obtained by the applicant from a surety bonding company authorized to do business in the State of Rhode Island and approved by the City Solicitor.

(b) Escrow account in which the applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the City or in escrow with a bank.

**Sec. 13 - 4. Procedures.**

(a) Before a subdivision or land development project plan requiring public improvements is endorsed by the Planning Board, and before the recording of said plans, the Planning Board shall be required to approve construction improvement guarantees to secure the completion of all required improvements.

(b) At the filing of a preliminary plan, the applicant shall submit proposed arrangements for completion of the required public improvements, including construction schedule, and proposal for the form of improvement guarantee.

(c) The Administrative Officer shall refer the construction schedule and proposed arrangements for the improvement guarantee to the Director of the Department of Public Works, who shall prepare cost estimates for the required improvements, based upon the costs which would be incurred by the City to complete the required public improvements, and a recommendation as to the proposed form of improvement guarantee and constructions schedule, to the Administrative Officer.

(1) The Administrative Officer shall review the recommendation of the Director of Public Works, and make a recommendation to the Planning Board, who shall review and approve the final amount.

(2) The applicant may submit a revised construction estimate and/or revised improvement guarantee amount if he/she disagrees with the recommended amount, along with written supporting justification for the revisions.

(d) The Administrative Officer shall also refer the proposed improvement guarantee to the City Solicitor and the Director of the Finance Department for recommendation as to form.

(e) In the event of an applicant requesting and receiving approval by the Planning Board for an extension on the time allowed for recording, the Planning Board shall review the amount and nature of the improvement guarantee prior to the plan being recorded.

**Sec. 13 - 5. Releases.** The Planning Board shall act on all partial and final releases of improvement guarantees. The Administrative Officer shall coordinate all requests for partial or complete release of improvement guarantees.

(a) Inspection Fee for Improvement Guarantee (Bond) Releases – For those developments where the total improvement guarantee amount is \$20,000 or greater, there shall be a fee of two percent (2%) of the total amount of the improvement guarantee for the required public improvements, payable by check to the City of East Providence at the time of the request for improvement guarantee release.

(b) Requests for partial release of any improvement guarantees shall be made in writing by the applicant and/or applicant's agent to the Administrative Officer, who shall refer such request to the Director of Public Works for recommendation. Following inspection as provided for in these

Regulations, the Director of Public Works shall provide a recommendation to the Administrative Officer. The Finance Director shall also be advised of any requests for partial release of any improvement guarantee.

(c) Requests for complete release of any improvement guarantee may be made by the applicant and/or applicant's agent at the completion of the construction of required public improvements and shall be in writing by the applicant or applicant's agent to the Administrative Officer.

(1) Following inspection as provided for in these Regulations, the Director of Public Works shall provide a recommendation to the Administrative Officer. The Finance Director shall also be advised of any requests for final release of any improvement guarantee. The Administrative Officer shall make a recommendation to the Planning Board.

(2) As-Built Improvement Plan(s), accurately reflecting the actual installation of the required public improvements, and labeled "As-Built Improvement Plan" in the title box, and dated and signed by the person who prepared the plan, shall be required prior to the final release of any improvement guarantee.

(d) Following inspection and approval, and final release of any improvement guarantee, all public improvements covered by such guarantee shall be accepted by the City Council for maintenance and/or as part of the City's infrastructure.

**Sec. 13 - 6. Phased Development.** In the case of developments requiring improvement guarantees which are approved and constructed in phases, the Planning Board shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.

**Sec. 13 - 7. Maintenance Guarantees.** The Planning Board may require that a maintenance guarantee be provided by the applicant for all improvements which are being dedicated to the City for a one (1) year period subsequent to the completion, inspection and acceptance of the improvement(s). In cases where there are extenuating circumstances, the Planning Board may vote to extend the requirement for a maintenance guarantee for a reasonable period of time.

**Sec. 13 - 8. Enforcement of Guarantees.** Title 45, Chapter 23 of Rhode Island General Laws grants the City the authority to enforce the guarantees by all appropriate legal and equitable remedies.

**ARTICLE 14**  
**APPEALS**

**Sec. 14-1. Appeals from decision of Administrative Officer.**

(a) Decisions by the Administrative Officer approving or denying minor subdivisions, minor land developments, major subdivision and major land developments shall not be subject to this section and shall proceed directly to Superior Court as set forth in § 14 – 2(b).

(b) An appeal to the Board of Appeal from a decision or action of the Administrative Officer may be taken by an aggrieved party. The appeal must be taken within twenty (20) days after the decision.

(c) The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal.

(d) Upon receipt of an appeal, the Board of Appeal shall require the Administrative Officer to immediately transmit to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

(e) Stay. An appeal stays all proceedings in furtherance of the action being appealed.

(f) Hearing

(1) The Board of Appeal shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The Board of Appeal shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.

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

(3) The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and complete records of all proceedings including a record of all votes taken shall be maintained by the board of appeal.

(g) Standards of Review.

(1) As established by this chapter, in instances of the Board of Appeal's review of an Administrative Officer's decision on matters subject to this section, the Board of Appeal shall not substitute its own judgment for that of the Administrative Officer but must consider the



issue upon the findings and record of the Administrative Officer. The Board of Appeal shall not reverse a decision of the 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.

(2) The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing is necessary to reverse any decision of the administrative officer.

(3) In the instance where the Board of Appeal overturns a decision of the Administrative Officer, the proposed project application is remanded to the Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision.

(4) 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.

#### **Sec. 14 – 2. Appeals to the superior court.**

(a) An aggrieved party may appeal a decision of the Board of Appeal, a decision of an Administrative Officer made pursuant to administrative subdivisions (Article 7), minor subdivisions (Article 8), minor land developments (Article 8), major subdivisions (Article 9) and major land developments (Article 9), development plan review (Article 10), where authorized to approve or deny an application, or a decision of the Planning Board, to the superior court for Providence County by filing a complaint stating the reasons of for the appeal within twenty (20) days after the decision has been recorded and posted in the office of the East Providence clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the Planning Board shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.

(b) Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the permitting authority at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.

(c) The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the permitting authority and, if it appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party

to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

(d) The court shall not substitute its judgment for that of the permitting authority as to the weight of the evidence on questions of fact. The court may affirm the decision 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

**ARTICLE 15**  
**DESIGN AND PUBLIC IMPROVEMENT STANDARDS**

**Sec. 15 - 1. Design and Public Improvement Standards - Relation to Comprehensive Plan.**

(a) At such time that a comprehensive plan or any portion thereof for the City is prepared by the Planning Board and officially adopted by the City Council, the Planning Board shall consider such plan and require that the proposed subdivision or land development project follow the goals and objectives, procedures, maps, and other policy statements of the comprehensive plan.

(b) Where a preliminary draft of a comprehensive plan or any portion thereof has been prepared by the Planning Board, the Planning Board may consider such plan and where practicable require that the proposed subdivision or land development project follow such plan in regard to the goals and objectives, procedures, maps, and other policy statements of the comprehensive plan.

**Sec. 15 - 2. Suitability of Land Generally.** The Planning Board shall not sanction the subdivision of land for residential use if the Planning Board considers such land to be unsuitable for platting or building purposes. Among other things, consideration shall be given to areas subject to high groundwater level, flooding, hurricane damage, adjoining land uses, topography, swampy areas, prevailing winds, health, welfare and safety.

**Sec. 15 - 3. Site Design.** Subdivisions, applications for development plan review, and land development projects shall be designed to meet all the design standards, general purposes and required findings of these Regulations and of Chapter 19 Zoning, of the Revised Ordinances of East Providence, as applicable.

**Sec. 15 - 4. Naming of Subdivision.** The proposed name of any subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision within East Providence. The Planning Board shall have final authority in approving all subdivision names.

**Sec. 15 - 5. Street Names.** No street name shall duplicate or closely approximate phonetically the name of any other street in East Providence. A street planned as a continuation of or that is obviously in alignment with an existing street shall be given the same name as the existing street. The Planning Board shall have final authority in approving all street names.

**Sec. 15 - 6. Lots.**

(a) *Size.* Lot areas and dimensions shall not be less than the minimum requirements of Chapter 19 Zoning, of the Revised Ordinances of East Providence, unless relief is granted by the Zoning Board of Review, or provided that lots not being created for the purpose of present or future development meet the requirements of Article 5 for non-buildable lots.

(1) If the proposed subdivision cannot be served by a public water and sanitary sewer system, the Planning Board may, on the recommendation of the Department of Public Works, require larger sizes and greater frontages for lots in such areas if it deems such action necessary to prevent unsanitary conditions from occurring on such lots. The requirements of the Department of Public Works of the City shall be used as a guide for determining whether an unsanitary condition may occur, and the lot sizes recommended by the Department of Public Works shall be used as a guide in determining lot sizes and lot dimensions necessary to assure healthful conditions.

(2) The depth and width of lots laid out for residential, commercial and industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.

(3) Where an easement located on the side, front or interior of a lot affects a lot in such a manner as to conflict with the use of the land for the intended purpose, the Planning Board shall have the right to require an increase in the depth or width of such lot.

*(b) Use.* The use of lots shall conform to the requirements in Chapter 19 Zoning, of the Revised Ordinances of East Providence, unless relief is granted by the Zoning Board of Review.

*(c) Frontage on street.* All lots shall front on an existing or proposed public street and shall have satisfactory access to such street. Double frontage shall be avoided.

*(d) Lot lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

*(e) Shape.* The Planning Board shall have the right to prohibit lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in lot layout and design. Unusual shapes, angles and dimensions, such as “flag pole” lots, shall be avoided in lot layout and design. The Planning Board may, in reviewing a proposed subdivision, require changes to the proposed lot layout as it deems necessary to achieve the purposes of these Regulations.

*(f) Corner lots.* Corner lots for residential use shall have sufficient width and depth to permit appropriate building setback from each street.

*(g) Solar orientation.* Lots should be arranged so as to take maximum advantage of south facing slopes in the proposed subdivision. The longer axis of these lots should be oriented north-south wherever possible, in order to minimize potential shading or limitation of solar (skyspace) access from adjacent site development, vegetation, or other natural features.

**Sec. 15 - 7. Development Design.** All subdivision and land development shall be in compliance with Chapter 19 Zoning, of the Revised Ordinances of East Providence, unless relief is granted by the Zoning Board of Review. Notwithstanding other portions of these Regulations, the following standards may be applied to development by the Planning Board:

*(a) Residential development:*

- (1) The location of a proposed access driveway along the street frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified, or limited;
- (3) Driveways of adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;
- (4) Screening, buffering, and/or landscaping of the lots and/or driveway from adjacent public streets may be required;
- (5) Provisions may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation;
- (6) Improvements to the street on which a proposed lot or lots front may be required by the Planning Board in order to provide safe vehicular access in accordance with Sec. 12-20 of these Regulations. Provided, however, that the standards for construction or upgrading of any such street(s) shall not exceed those applicable standards of Article 13 of these Regulations (Required Improvements).
- (7) Easements may be required to be granted to the City to prohibit individual driveway access from lots onto frontage streets if adequate provision is made for access from individual lots to common driveways, or to prohibit individual driveway access from lots onto arterial or collector streets where the lot or lots have frontage on a local street;
- (8) Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the Planning Board. Such provisions may include the following:
  - (a) Preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;

(b) Reservation of land or easements to provide for future access from access streets to contiguous land; and/or

(c) Temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future streets in subdivision of contiguous land.

*(b) Commercial and industrial development design.* Commercial and industrial developments may be subject to the residential development standards noted above, as applicable. Applicants are encouraged to design developments for which the basic design will be consistent with the goals of the East Providence Comprehensive Plan, including proposed style and materials, the relationship between any proposed buildings and the site and adjoining land uses and structures, and the overall physical appearance.

**Sec. 15 - 8. Frontage on Improved Streets.**

(a) The area to be subdivided shall have frontage on an existing or proposed public street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Board may require the subdivider or developer to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the Board.

(b) For purposes of these Regulations, streets platted but not improved or accepted for maintenance by the City, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, or otherwise proposed to be developed, an application for subdivision review and approval shall be required and the proposed streets, to the extent practicable, may be subject to the design and improvement requirements as established by these Regulations.

**Sec. 15 - 9. Street Classification.** Street design within a proposed subdivision shall conform to a street hierarchy system as established herein. All proposed streets in a subdivision shall be considered in regard to their prospective use and shall be designed for such use. Requirements for right-of-way and pavement width, drainage and other utilities, sidewalks, curbing and other design standards shall be tailored to street function. Street classification shall be determined by the Planning Board upon the recommendation of the Administrative Officer and Director of Public Works. The following major categories of street classification are established:

(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 volume of traffic.

(b) Collector. A street whose principal function is to carry traffic between local streets and arterial streets, but that may also provide direct access to abutting properties.

(c) Local. A street whose primary function is to provide access to abutting properties, including minor and marginal access streets.

**Sec. 15 - 10. Street Layout Generally.** The following shall apply to street layout generally. Specific standards and required improvements are contained in Article 13.

(a) The arrangement of streets shall be considered in relation to the existing and planned streets and shall be arranged to conform with the East Providence Comprehensive Plan or any portion thereof. Proposed streets shall provide for the continuation or projection of principal streets existing or adjoining property and shall be continued with at least the same width through the subdivision, except where such continuance or conformity is impracticable or undesirable in the opinion of the Planning Board. All street design shall consider existing topographic and natural conditions. Wherever possible, streets shall be planned to conform to the surrounding topographic conditions.

(b) The street system shall be designed to permit the safe, efficient, and orderly movement of traffic and public safety and emergency vehicles; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography, and to create an attractive streetscape.

(c) Wherever possible in residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in major subdivisions and in land development projects, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required by the Planning Board in major subdivisions when determined by the Board to be feasible. Proposed streets within a major subdivision shall provide for their continuation or projections to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time to the extent practicable.

(d) Where the plat submitted covers only a part of the owner's or subdivider's tract, the street system shall be so laid out as to be capable of future coordinated redevelopment with the remainder of the tract and adjoining land. In such a case, a sketch of the prospective future street system of the future phases shall be furnished with the master plan.

(e) Private streets shall not be permitted, except where allowed by Chapter 19 Zoning, of the Revised Ordinances of East Providence, and only where the criteria established by Chapter 19 are met.

**Sec. 15 - 11. Alleys.**

- (a) *Residential areas.* Alleys shall not be permitted in one- and two-family residential areas.
- (b) *Commercial and industrial areas.* Alleys may be provided in commercial and industrial area.
- (c) *Width.* The width of an alley shall not be less than thirty (30) feet.
- (d) *Dead-end alleys.* Dead-end alleys shall be prohibited.

**Sec. 15 - 12. Blocks.**

(a) *Size.* In residential subdivisions, intersecting streets shall be laid out at such intervals that block lengths between such street lines are not more than one thousand (1,000) feet, except where special conditions justify a variation from same. Minimum widths of blocks should generally be not less than two hundred (200) feet between street lines. In any case, the width of blocks shall be such as to allow two (2) rows of lots.

Commercial and industrial blocks shall be laid out in such a way as to be suited for the intended occupancy. Industrial blocks shall be large enough to accommodate potential industries and commercial and industrial blocks shall make adequate provision for off-street parking and delivery service.

(b) *Crosswalks.* Pedestrian crosswalks may be required across streets through the middle of blocks where deemed essential for pedestrian access to schools, playgrounds, shopping centers or other community facilities and shall not be less than ten (10) feet wide.

**Sec. 15 - 13. Easements.** Easements shall be required by the Planning Board where necessary for the proper location and placement of improvements as described below and shall be shown on all preliminary plans and all final recorded plans. The Planning Board may, in its own discretion, require the dedication of land to the City in lieu of easements if such dedication would provide greater control over and access to the intended use. Easements shall contain such granite bounds as determined by the Director of Public Works. Said bounds shall be shown on all final plats. A summary of minimum easement widths is contained in Article 13.

(a) *Watercourses.* Where a subdivision abuts on or is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and of such width as will be adequate for the purpose and for access of maintenance vehicles, but in no case be less than twenty (20) feet in width.



(b) *Utilities.* Easements across lots or centered on rear or side lot lines shall be provided for sewers, storm drains, sub-drainage facilities, water and gas mains, pole lines and conduits or other utilities where they are anticipated or needed and shall be of such width as will be adequate for the purpose, but in no case shall be less than the widths as listed in Article 13.

(c) *Grading.* The Planning Board may require the dedication of an easement to the City in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

(d) *Sight distance.* Where deemed necessary by the Planning Board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the City may be required which would prohibit the erection or maintenance of any visual obstruction such as a fence, structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

(e) *Bicycle or Pedestrian Access.* Bicycle and pedestrian access shall be provided where required for existing and proposed greenways as identified in the City's Comprehensive Plan on a separate strip of land dedicated to the City or on an easement having a minimum width of fifteen (15) feet.

(f) *Other easements.* All other required easements shall be of sufficient width and area for the intended purpose.

**Sec. 15 - 14. Lighting.** Applicant shall be required to submit a lighting plan in all cases where street creation or extension is proposed and for all land development projects. The City will consider waivers from the standard detail for street lighting to allow for period lighting, however, the City will not accept such lighting for maintenance and a homeowners' association shall be responsible for maintaining such lighting. Period lighting shall meet City standards for height of pole and area of light coverage. All such requests shall be subject to approval by the Planning Board.

**Sec. 15 - 15. Sidewalks.** Sidewalks shall be constructed along both sides of all proposed streets in subdivisions and land development projects, where applicable, and along the street frontage of all subdivided lots on existing streets, in accordance with the standard detail set forth by the Engineering Division, except for short cul-de-sac streets serving five (5) or fewer lots or dwellings, in which case the sidewalk to be constructed may include a sidewalk on one side of the street upon review and approval by the Planning Board. Sidewalks shall not be required for Administrative Subdivisions. The Planning Board, or Administrative Officer, as appropriate per type of application, may waive sidewalk requirements upon finding any of the following:

(1) The subdivision is not located within an area within one-half (1/2) mile of a public or private school:

(2) The subdivision is not located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc. where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or

(3) The subdivision is not located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians.

Sidewalks may be required to be installed as off-site improvements in accordance with the provision of Sec. 12 - 20 of these Regulations (Off-site Improvements).

**Sec. 15 - 16. General drainage/erosion standards.** All subdivision and land development shall provide for the adequate drainage of all surface and subsurface waters in conformance with Article 13.

**Sec. 15 - 17. Setbacks for Stormwater Detention or Retention Ponds.**

Any retention or detention pond required for stormwater management shall be set back at least the minimum required yard setback amount established by Chapter 19 Zoning, of the Revised Ordinances of East Providence, as applicable, from any property line.

**Sec. 15 - 18. Land Development Projects or neighborhood units.**

The requirements of this article concerning minor and marginal access street widths, size of lots, block lengths and widths may be modified by the Planning Board in the case of large developments of single family and multifamily units in combinations of detached, semidetached, row houses or garden and high-rise apartments which are land development projects or a subdivision of a tract of land large enough to be developed according to a cluster subdivision plan, a self-contained neighborhood or super block in accordance with a well studied plan maintaining approximately the same population density, intensity of development and land use as required by the East Providence Comprehensive Plan or any portion thereof, properly safeguarded by restrictions which, in the judgment of the planning board, adequately provide for circulation, access by emergency vehicles, off-street parking, light and air needs and recreational, public open space and school requirements of the maximum anticipated population.

**Sec. 15 - 19. Public open space.**

(a) As a condition of approval, the Planning Board may require a subdivider or developer to dedicate land for the laying out of adequate local parks, playgrounds, school sites and other public uses in residential areas to be dedicated to the City, and where circumstances warrant or where the size and prospective use of the subdivision or land development project, the Planning Board may require the dedication of adequate land for such public purposes as identified in the City's Comprehensive Plan and adopted recreation, conversation and open space plans, under the following conditions:

- (1) The necessary dedication is clearly and substantially related to the subdivision or land development being proposed.
- (2) The land proposed for the dedication is determined to be appropriate for the proposed use.
- (3) The Planning Board shall provide in its vote of final approval the basis for requiring such land dedication. In its vote, the Board shall be required to make the

finding that significant negative impacts of the proposed development on the existing conditions would result if the land dedication were not made, and to clearly document the adverse impacts in the public record.

(b) Where a small park or other neighborhood open recreational space, school site, drainage area or other public use which is located in whole or in part in the applicant's subdivision is shown on the City's comprehensive plan, or the appropriate section thereof, hereinafter adopted, the Planning Board may require the dedication or reservation of such open space within the subdivision.

**Sec. 15 - 20. Off-Site Improvements.**

(a) As a condition of approval, the Planning Board may require a subdivider or developer to construct reasonable and necessary improvements located off the land being subdivided or developed, under the following conditions:

(1) Necessary improvements are those clearly and substantially related to the subdivision or land development being proposed.

(2) The Planning Board shall provide in its vote of final approval the basis for requiring such off-site improvements. In its vote, the Board shall be required to make the finding that significant negative impacts of the proposed development on the existing conditions would result if the off-site improvements were not made, and to clearly document the adverse impacts in the public record.

(3) The improvements required as a condition of approval must be related to the significance of the identified impact.

(4) All required off-site improvements must reflect the character defined for that neighborhood or district by the Comprehensive Plan and must meet a documented need or objective as expressed in the Comprehensive Plan.

(b) Off-site improvements may include, but are not limited to, the following:

- (1) Sanitary sewers
- (2) Water supply systems
- (3) Roadways
- (4) Sidewalks
- (5) Drainage systems or portions of drainage systems, such as outfalls
- (6) Bicycle paths

**Sec. 15 - 21. Development in the Runnins River Watershed.** All non-residential subdivision, residential subdivisions of greater than five (5) lots which require the creation or extension of a street, and land development projects located within East Providence in the watershed of the Runnins River as delineated by the Army Corps of Engineers in the "Runnins River Watershed Stormwater Management Study (December 1994)" and further designated as a

“Critical Area of Concern” by the Comprehensive Plan, shall be required to submit an environmental assessment to assess the potential impacts of the proposed development on the river and its associated habitat and buffers.

(a) For any subdivision or land development project for which an environmental assessment is required, the Board shall have the authority to impose conditions on any approval which, based on the findings and analysis of the assessment, are reasonably necessary to minimize any adverse impact that the development may have on the natural or manmade environment.

(b) Any environmental information submitted to the Rhode Island Department of Environmental Management or the Coastal Resources Management Council may be supplied to fulfill this requirement.

**ARTICLE 16**  
**LAND DEVELOPMENT PROJECT AND DEVELOPMENT PLAN REVIEW**  
**DESIGN STANDARDS**

**Sec. 16-1. Development and landscaping design standards.**

In addition to the Design and Public Improvement Standards listed in Article 15, all applications for Land Development Projects and Development Plan Review shall conform to the standards in this Article. Applications shall be reviewed by relevant City staff, including, but not limited to, the City Engineer, Fire Marshal and Zoning Officer, for consistency with these standards.

(a) *Purpose and objectives.* The purpose of this section is to promote and protect public health, safety, general welfare and amenity. Effective site planning, development design, and landscaping can accomplish the following objectives:

- (1) Promote the most desirable use of land and arrangement of development in the city and thus to conserve the value of land and buildings, and thereby protect the city's tax revenues;
- (2) Improve the physical environment through the provision of amenities such as open space, street trees, and live vegetation;
- (3) Preserve the character and scale of existing development and control new development in conformity with the existing character of the area;
- (4) Provide a transition between and a reduction in the environmental, aesthetic, and other impacts of one type of land use upon another;
- (5) Promote safe and efficient pedestrian and traffic circulation patterns;
- (6) Lessen the transmission of noise, dust, pollution and glare from one lot to another;
- (7) Improve air quality through production of oxygen and reduction of dangerous carbon monoxide;
- (8) Through shading, provide cooling of air and land to offset radiational heating;
- (9) Minimize the negative impacts of stormwater runoff to enhance and protect surface and groundwater quality; and promote effective flood management;
- (10) Control damaging impacts of sheet runoff and resultant surface water contamination;
- (11) Through vegetative root systems, stabilize groundwater tables and play an important and effective part in soil conservation, erosion control, flood control, and absorption of pollutants.

(b) *Development standards.*

- (1) *Compatibility.* Applicants are encouraged to design developments the basic design of which (including proposed style and materials, the relationship between any proposed buildings and the site, and the over all physical appearance), will be consistent with the goals of the city comprehensive plan.

(2) *General residential building design.* Applicants are encouraged to design buildings with varied setbacks and/or varied siting to prevent parallel rows of identical buildings. Principal front or rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of any building may not be less than 25 feet from any side wall of another building. This requirement shall not apply to accessory buildings. For the purposes of this section, the front, rear or side walls shall be considered the building walls facing or principally facing the front, rear, or side yards respectively. In the case of development in which more than one attached or detached unit is accessible only by a private way or private street, for the purpose of this section only, the front, rear or side yards shall be defined by their relationship to the private street or way irrespective of the definitions and requirements of section 19-1.

(3) *Townhouse development design.* Not more than four contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than eight townhouses shall be contiguous. Each townhouse should have its own yard containing not less than 400 square feet, reasonably secluded from view from the street or from neighboring property. Such yards may occur in required setbacks, but shall not be used for off-street parking, garages, driveways, trash units, or for any accessory building.

(4) *Infill development design.* Any residential, commercial or industrial developments on lots with less than 200 feet of street frontage, shall be considered infill developments. The design of such developments shall take into consideration the prevailing street setbacks and facade heights of abutting developments.

(c) *Landscaping standards.*

(1) *General requirements.*

a. Landscaping shall be provided as part of site plan design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site where appropriate.

b. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, and street furniture.

(2) *Site protection and general planting requirements.*

a. *Topsoil preservation.* Topsoil moved during the course of construction shall be retained and redistributed within the site in accordance with the approved landscape plan. To the maximum extent practicable, the developer shall minimize the areas of the site to be re-graded or disturbed. All disturbed areas of the development site shall be immediately stabilized by seeding or planting landscaping materials.

b. *Removal of debris.* All organic material, rubbish, deleterious materials or debris shall be removed from the site in a timely fashion. Disposal of cleared, grubbed and stripped materials shall be the responsibility of the developer. All roots, stumps, bush, foliage and other vegetation shall be removed and disposed of by the developer off the project site. This requirement may be modified by the DPR committee for the disposal of organic materials only, where the applicant demonstrates to the satisfaction of the

committee that such materials will be disposed of on the site in such a manner that there will be no potential for subsidence to occur on the site in the future, and that such organic material does not harbor disease or pests which may adversely effect plantings or buildings on the site.

c. *Protection of existing plantings.* Maximum effort should be made to save tree or other plant specimens which are large for their species, rare to the area, or of special horticultural or landscape value. In the event that any such tree or plant specimens are to be removed, they are to be replaced elsewhere on the project site with specimens of a comparable size and type. Such requirement may be waived by the Administrative Officer or Planning Board where the applicant demonstrates to the satisfaction of the Administrative Officer or Planning Board that special site and design conditions so warrant. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers are to be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet in height and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

d. *Slope plantings.* Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with vegetative ground cover appropriate for the purpose and for soil conditions and environment.

e. *Additional landscaping.* In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the development to mitigate climatic extremes, to promote effective drainage control, to mitigate water and air quality impacts, provide privacy and enhance the appropriate use of adjacent properties, in accordance with the landscape plan as approved by the Administrative Officer or Planning Board. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other vegetative ground cover, shrubs, and trees as part of the approved landscape plan.

f. *Planting specifications.* Deciduous trees shall have at least a 2½-inch caliper at the time of planting. Such requirement may be modified by the Administrative Office or Planning Board where the applicant demonstrates to the satisfaction of Administrative Officer or Planning Board that the type and groupings of the trees require a smaller caliper at the time of planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs and ground covers shall be planted according to accepted horticultural standards. Dead and diseased plants and trees shall be removed and replaced by the owner on at least an annual basis. Failure to properly maintain trees shall result in such work being performed by the city at the owner's expense.

g. *Plant species.* The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. The applicant is encouraged to select plant species which have minimal requirements

for watering and fertilization. In selection of plant species reference shall be made to the plant types recommended in the land development and subdivision review regulations or of a variety approved by the superintendent of parks.

(3) *Shade trees.*

a. *Location.* Shade trees shall be either planted or maintained at intervals of no more than 35 feet along both sides of all new or existing streets abutting a development site in accordance with the approved landscape plan. The Administrative Officer or Planning Board may permit spacing of trees at greater intervals where the applicant demonstrates to the satisfaction of the Administrative Officer or Planning Board that such a spacing is necessary for the preservation of large existing trees or other planting of large tree specimens.

b. *Tree type.* Tree type may vary depending on overall effect desired, but as a general rule, all trees on a street shall be the same kind except to achieve special effects. In selection of tree types reference should be made to tree types recommended in the land development and subdivision review regulations or of a variety approved by the superintendent of parks.

c. *Planting specifications.* Street trees shall have a minimum caliper of 2½ inches at time of planting, and be nursery grown, of substantially uniform size and shape and have straight trunks. Street trees with the exception of ornamental trees, shall have or will have, when fully mature, a minimum caliper of 12 inches. Trees shall be properly planted and staked and provision made by the developer for regular watering and maintenance until they are established. Dead and diseased trees shall be removed and replaced by the owner on at least an annual basis. Failure to properly maintain street trees shall result in such work being performed by the city at the owner's expense.

(4) *Buffering.*

a. *Function and materials.* Buffering shall provide a year-round visual screen in order to minimize adverse impacts. The buffer may contain fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the objectives.

b. *When required.* Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the DPR committee determines that there is a need (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses; or (3) to minimize stormwater impacts on flood management and water quality. In high-density developments, when building design and siting do not provide privacy, the Administrative Officer or Planning Board may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

c. *Minimum amount required.*

1. A five-foot buffer strip of grass or other vegetation is required around the entire perimeter of the site, except for any curb cuts.



2. Where more-intensive land uses abut less-intensive uses (including situations where a street or right-of-way separates the uses), a buffer strip (25 feet) in width shall be required between such uses.
3. Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of (five feet) wide.
4. Where residential developments abut both higher-order streets (collectors or arterials) and lower-order streets, lots shall front on lower-order streets, and a landscaped buffer area shall be provided along the property line abutting the higher-order street. The buffer strip shall be a minimum of (25 feet wide) or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.

d. *Design.* Arrangement of plantings in buffers shall provide maximum protection to contiguous properties and avoid damage to existing plant material. Earthen berms may be used in the buffer design, provided side slopes are adequately stabilized by plant materials. Such berms may be used to calculate effective buffer height.

e. *Planting specifications.* Plant materials shall be sufficiently large and planted in such a fashion that a year-round effective buffer height at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to accepted horticultural standards.

f. *Maintenance.* Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained in a manner commensurate with the approved landscaped plan and kept free of all debris, rubbish, weeds, and tall grass.

(5) *Parking area landscaping requirements.*

a. Trees shall be planted within the planting strip or in sidewalk areas as may be appropriate, at intervals of no more than 35 feet, and shall have a minimum caliper at time of planting of 2½ inches. The Administrative Officer or Planning Board may permit spacing of trees at greater intervals where the applicant demonstrates to the satisfaction of the Administrative Officer or Planning Board that such a spacing is necessary for the preservation of large existing trees or the planting of large tree specimens.

b. The interior of parking areas shall be suitably landscaped with trees, shrubs, plants or other live vegetation. In addition to the required buffer strip a minimum of ten square feet of landscaping for each parking space shall be provided within the interior of any off-street parking area. Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length. The interior of the parking area shall incorporate landscaped areas in appropriate locations in order to prevent long, uninterrupted rows of parking spaces. Such landscaped islands may be included in calculating the required landscaped area.

Mandatory terminal islands shall be surrounded with continuous raised curbing. Interior islands and divider medians shall be protected from encroachment of motor vehicles in a manner approved by the Administrative Officer or Planning Board. Pedestrian paths may be incorporated within the landscaped area provided a minimum dimension of four feet, exclusive of paved areas, is maintained for all landscaped areas.

c. The interior of parking areas shall be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. The minimum caliper of new trees at time of planting shall be at least 2½ inches. At maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center, and there must be sufficient trees so that, using this standard, 20 percent of the parking area will be shaded. Trees shall be located so that they are surrounded by at least 180 square feet of unpaved area, which may be counted towards calculating the required landscaped area. Parking areas shall be laid out and detailed to prevent vehicles from striking trees and to provide for the healthy growth of the selected tree species. Vehicles will be presumed to have a body overhang of three feet six inches.

d. The owner shall be responsible for maintaining the landscaping of a parking area in a neat and attractive manner. Only nursery-grown plant materials shall be acceptable, and all plantings shall be installed according to accepted horticultural standards. The owner shall be responsible for watering plantings regularly and shall be responsible for removing and replacing all dead or diseased plantings on at least an annual basis. Failure to adequately maintain required plantings may result in the city performing required maintenance at the expense of the landowner.

(6) *Parking area design standards.*

a. All parking areas shall provide the minimum required widths for traffic aisles and driveways as described in the table below. At the discretion of the city traffic engineer, the width of the aisles and driveways may be required to be greater than the minimum, should traffic and safety considerations so warrant.

*Required Widths of Parking Area Aisles and Driveways*

	Parking Angle (in degrees)				
	0	30	45	60	90
Aisle width					
One-way traffic	13'	11'	13'	18'	24'
Two-way traffic	20'	20'	21'	23'	24'

b. *Pedestrian and vehicular circulation.* Pedestrian and vehicle circulation areas shall be designed so as to provide safe and efficient traffic flow patterns. Conflicts between pedestrian and vehicular traffic shall be minimized by providing physical and visual separation between pedestrian ways and traffic lanes or at crossings of the two.

c. *Signage.* The placement of all directional and street level advertising signage shall be subject to the review and approval of the traffic engineer to ensure that safe and efficient traffic circulation patterns and adequate sight distances will be maintained both within the public right-of-way and the interior site parking area.

(7) *Paving materials for pedestrian areas.* Design and choice of paving materials used in pedestrian areas shall consider such factors as function, climate, characteristics of users, availability, cost, maintenance, glare, drainage, noise, appearance, and compatibility with surroundings. Acceptable materials shall include, but are not limited to, concrete, brick, asphalt, asphaltic pavers, cement pavers, and stone.

(8) *Walls and fences.* Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions. The design and materials used shall be functional and compatible with existing and proposed site architecture. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

(9) *Street furniture.* Street furniture, such as but not limited to trash receptacles, benches, and phone booths, shall be located and sized in accordance with function. The different street furniture components shall be compatible in form, material, and finish. Design and materials shall be coordinated with existing and proposed site architecture. Selection of street furniture shall also take into consideration function, durability, maintenance, and long term cost.

## **Sec. 16-2. Drainage / erosion standards.**

(a) *Purpose and objectives.* The purpose of this section is to promote the design of developments which effectively control the impacts of erosion, inadequate drainage and stormwater runoff. Effective drainage, site design techniques and erosion control can accomplish the following:

(1) Reduce nonpoint source pollutants generated from erosion of sediments and stormwater runoff;

(2) Prevent damage to private and public property from flooding caused by poor drainage system design;

(3) Improve surface water and groundwater quality by minimizing runoff volumes and peak discharge rates, and by promoting the overland flow and infiltration of uncontaminated runoff;

(4) Minimize the negative impacts of stormwater runoff to enhance and protect surface and groundwater quality, and promote effective flood management;

(5) Through vegetative root systems, stabilize groundwater tables and play an important part in soil conservation, erosion control and flood control.

(b) *Soil erosion and sedimentation.* Soil erosion and sediment runoff shall be adequately controlled during and after construction and shall not adversely affect adjacent or neighboring properties, surface water and groundwater, or public facilities and services.

(c) *Drainage standards.*

(1) *Drainage system.* All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- a. The retention results from a technique, practice or device installed as part of an approved sedimentation or stormwater runoff control plan; or
- b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

(2) No surface water may be channeled or directed into a sanitary sewer.

(3) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainageways shall remain undisturbed.

(4) Whenever practicable, the drainage system of development shall coordinate with and connect to the drainage system or drainageways on surrounding properties or streets.

(5) In areas where a comprehensive watershed drainage study has been performed, the Administrative Officer or Planning Board may require, based on preliminary review of plans, that a proposed drainage system be subject to an independent engineering evaluation, performed by a qualified engineering consultant. Such evaluation shall be performed by the developer and results of the evaluation shall be provided to the Administrative Officer or Planning Board to establish that soil drainage conditions can support the proposed drainage system. The costs of such an evaluation shall be borne by the developer. A written report of such evaluation shall be provided to the developer. The consultant shall be selected upon consultation with the developer and upon the joint review and approval of the proposed scope of work and cost estimate.

(6) Drainage systems shall be designed so that there will be no increase in the rate of runoff from the post-development site as compared to the predevelopment site based on an assumption of a predevelopment site condition of vacant land. The Administrative Officer or Planning Board may modify the requirement for an assumption of a predevelopment site condition of vacant land, provided that the applicant demonstrates to the satisfaction of the Administrative Officer or Planning Board that special site and drainage conditions so warrant, and that there will be no adverse impacts on off-site drainage or water quality.

(7) Drainage retention and treatment as required by the State of Rhode Island best management practices and further required by the revised ordinances of the City of East Providence shall be required and subject to the approval of the department of public works and city engineer, and may include above-ground or below ground storm water management, and/or a combination of both. Aboveground drainage retention or detention systems shall be permitted where the applicant demonstrates, to the satisfaction of the Administrative Officer or Planning Board that special site and drainage conditions so warrant, and provided the standards and conditions of the Administrative Officer or Planning Board regarding such aboveground drainage retention or detention systems are fully met. Such retention or detention systems shall be appropriately landscaped or buffered and maintenance shall be the

perpetual responsibility of the property owner. Below-ground storm water structures shall also be the perpetual responsibility of the property owner.

(8) Underground or aboveground detention or retention basins shall be designed to accommodate a minimum 25-year storm. For any detention or retention systems proposed to be located within special flood hazard zones (as defined by the Federal Emergency Management Agency's flood insurance rate map and flood boundary and floodway map, as may be amended), such systems shall be designed to accommodate a minimum 100-year storm.

For all retention or detention basins, whether aboveground or underground, percolation tests and test pits shall be performed at the proposed site of the basin in accordance with the requirements of the city engineer. This information will determine the suitability of the subsurface to accommodate the designed basin. The maximum high groundwater (HGW) level shall also be determined at the location of any proposed detention or retention basins. The HGW level shall be determined between January and April. If the HGW level is not determined between January and April a registered professional engineer shall estimate and certify the maximum HGW.

(9) When retention or detention basins, oil and water separators, or drainage swales are proposed to be incorporated in the drainage system with the approval of the Administrative Officer or Planning Board, such facilities shall be maintained by the developer or successor property owners in accordance with maintenance guidelines established by the Administrative Officer or Planning Board upon final approval. Failure to properly maintain such facilities shall result in an expense imposed by the city to be legally established as a lien against the property. If the city agrees to accept maintenance, the developer shall deposit funds with the city in sufficient amount to cover projected maintenance needs for a 20-year period.

(10) *Stormwater management.* All developments shall be constructed and maintained such that adjacent or neighboring properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- a. No development may be constructed or maintained such that development unreasonably impedes the natural flow of water from higher adjacent or neighboring properties across such development, thereby unreasonably causing substantial damage to such higher adjacent or neighboring properties;
- b. No development may be constructed or maintained such that surface waters from the development are unreasonably collected and channeled onto lower adjacent or neighboring properties at such locations or at such volumes as to cause substantial damage to such properties. The drainage plan shall address potential impacts on downstream property based on a 25-year storm. Off-site analysis shall be included in the drainage plan when required by the Administrative Officer or Planning Board; and
- c. Storm drains shall be designed based on a ten-year storm design.

(11) *Impermeable surface coverage.*

a. *Impermeable surfaces.* For the purposes of calculating the amount of impermeable surface coverage, impermeable surfaces shall include all roads, driveways, parking areas, buildings, decking, rooftop landscapes and other impermeable construction covering the natural landscape. Swimming pool surface water areas for pools which discharge to the storm drainage system shall also be included. Water quality and detention basins, swales, and conveyances for drainage purposes only shall be calculated as impervious cover.

b. *Amount permitted.* The maximum amount of the site that may be covered by an impermeable surface shall be determined by adding 20 percent of the site area to the maximum percent of lot building coverage established in schedules in sections 19-145 and 19-146, as applicable, of the zoning ordinance. For developments located near (within 200 feet of surface waters which are sensitive to runoff impacts, or for any developments from which runoff is discharged into any wetland or coastal feature, as defined by the state department of environmental management or the RI CRMC, the Administrative Officer or Planning Board may require a reduction of up to ten percent of the maximum allowable area of impermeable surface in order to mitigate the potential impact to the surface waters or wetland system. For developments located near wetlands or coastal features, compliance with requirements imposed by the DPR committee shall not remove the need to obtain appropriate state or federal approvals and to comply with any associated conditions.

c. *Design.* Applicants shall integrate the location of permeable surfaces with the overall drainage plan for the site. Natural buffer strips should be maintained adjacent to surface waters. Where this is not possible, vegetative filter strips, using seed mixtures recommended for this purpose and which require minimal or no fertilization should be used.

d. *Parking areas.* For developments located near surface waters, or for any developments from which runoff is discharged into any wetland, Administrative Officer or Planning Board may permit the use of permeable paving materials for surfacing parking areas, provided adequate provisions have been made for delineation of parking spaces and for maintenance. It is the intent of this section that permeable surface areas shall be landscaped, and use of permeable paving materials for parking areas shall be permitted only where warranted by water quality and drainage enhancement considerations.

**Sec. 16-3. Drive-through facilities.** Notwithstanding any other provisions of this chapter, the regulations and design standards in this division shall apply to all drive-through facilities as defined in section 19-1 of the Zoning Regulations. Such uses may include drive-through facilities that are ancillary to a principal building where business is conducted indoors, or businesses that operate principally by means of drive-through facilities.

**Sec. 16-4. Same—Site standards and plan review.** The regulations of this division shall apply to the portions of the site development which comprise the drive-through facility. The regulations apply to new developments, the addition of drive-throughs to existing developments, a change of use with a drive-through and the relocation of an existing drive-through facility. For sites involving multiple buildings or a multiple tenant building, the plans submitted shall address the relationship of the parking, driveways, stacking lane(s) and other applicable aspects of the drive-through facility with the other buildings or tenants. The purpose of this section is to reduce the negative impacts associated with drive-through facilities including noise, traffic and litter.

**Sec. 16-5. Same—Stacking lanes/traffic circulation.**

(a) Vehicular stacking capacity of the drive-through facility and the internal circulation of the site shall be reviewed and approved by the City Engineer and Fire Marshal. The petitioner shall submit information addressing the following issues with the application:

- (1) Nature of the product or service being offered;
- (2) Method by which the order is processed;
- (3) Time required to serve typical customer;
- (4) Anticipated arrival rate of customers;
- (5) Peak demand hour;
- (6) Anticipated vehicular stacking required;
- (7) Site plan reflecting all elements of internal circulation including parking, loading, stacking, traffic aisles and means to be used to delineate between these areas, e.g., striping, change of materials, landscaping etc.;
- (8) Location and size of signs (including order boards);
- (9) Location of trash storage areas and consumer trash receptacles;
- (10) Location, direction, power and timing of outdoor lighting; and
- (11) Areas for snow storage.

(b) Stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the off-street parking spaces required under Zoning Regulations Article IV, division II, Off-Street Parking. The following are guidelines for numbers of stacking spaces by type of use. The required amount is to be calculated by the Administrative Officer or Planning Board based on these guidelines and information provided by the applicant:

Restaurant	7 per station
Bank	5 for the first station, plus 2 for each additional station
Use with no order board	4 per station

In addition there shall be at least one stacking space after the service window, before entrance to a traffic aisle.

(3) Each stacking space shall be a minimum of ten feet in width and 20 feet in length. Stacking lanes shall be a minimum of ten feet in width along straight portions and a minimum of 12 feet in width at curved segments. Stacking lanes shall be clearly designated by signs and delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, the use of alternative paving material or raised medians.

(4) Stacking lanes shall be designated to prevent circulation congestion, both on-site and on adjacent public streets. The site circulation shall:

- a. Separate drive-through traffic from site circulation;
- b. Not impede or impair vehicular or pedestrian traffic movement; and
- c. Minimize conflicts between pedestrian and vehicular traffic by providing physical and visual separation between pedestrian ways and stacking lanes and driveways, or at the crossing of the two. Stacking lanes shall not interfere with required loading and trash storage areas. No drive-through lane shall exit onto a street.

(5) Walk-in customer access should not intersect the drive-through lanes, but where it does, clearly marked pedestrian crosswalks shall be provided. These crosswalks must be emphasized by enriched paving or striping and include signage aimed at drivers in the drive-through lane.

(6) Entrances to drive-through facilities shall be off-set at least 50 feet from an intersection. The distance shall be measured along the property line from the junction of the two sued right-of-way lines to the nearest edge of the entrance. Where a choice is possible, exits from facilities with a drive-through shall be onto collector or arterial streets rather than minor streets. Curb cut design shall be consistent with the additional provisions of these regulations.

**Sec. 16-6. Same—Signage and lighting.** Menu boards or other informational boards at the window area, shall face away from public rights-of-way. Adequate directional signs shall be provided to assure smooth traffic circulation and pedestrian safety including marking entrances, exits and one way path of drive-through areas. The placement of all directional and street level advertising signage shall be subject to the review and approval of the development plan review committee to ensure that safe and efficient traffic circulation patterns and adequate sight distances will be maintained both within the street and them interior site parking area. The facility is subject to the signage standards of Zoning Regulations Article VII, Section 19-442. All lighting associated with the menu boards, window service area or site security, shall be directed and shielded to prevent any glare or reflection on adjoining streets or property.

**Sec. 16-7. Same—Litter and noise control.**

(a) Drive-through facilities are subject to the requirements of Article IV, Division 10 of the Zoning Regulations, Solid Waste Facilities, with regard to trash storage areas. The business shall be operated so that the premises, adjacent properties, and public areas or rights-of-way nearby are free of litter and trash originating from the site. In addition refuse receptacles for customer use shall be placed at appropriate locations along the end of drive-through areas.



(b) Exterior loudspeakers shall not be used for advertising or entertainment. No outside loudspeaker system shall be installed within 50 feet of a residential use or district. Limitations on the hours of operation for the outdoor speaker system may be necessary in order to be compatible with neighboring residential uses. Outdoor speakers with a night time lower volume control are preferred.

**Sec. 16-8. Same—Landscaping.** Drive-through facilities are subject to the landscaping requirements of Zoning Regulations Section 19-283. In addition the facility shall provide landscaping to:

- (1) Screen drive-through lanes from public rights-of-way;
- (2) Minimize the visual impact of reader boards and headlights of stacked cars; and
- (3) If applicable be part of the additional buffer requirements of Zoning Regulations Section 19-137.

**Sec. 16-9. Same—Storage of flammable and hazardous materials.**

Flammable and hazardous materials used in the conduct of a drive-through business shall be stored within the building or outside the building in accordance with section 5-28 of the revised East Providence ordinances. Proper care shall be exercised in the location of fuel storage containers to protect public safety.

**Sec. 16-10. Same—Protection of gas meters.**

Every business which utilizes drive-through service lanes must install a six-inch steel pipe, concrete filled, to be placed within two feet of the property's gas meter to protect such meters from being accidentally struck while vehicles are moving through the drive-through lane.

**ARTICLE 17**  
**PUBLIC IMPROVEMENTS AND SPECIFICATIONS**

**Sec. 17 - 1 - Generally.**

(a) The subdivider or developer shall construct all required improvements at his/her own expense, except as otherwise noted. Applicant shall be responsible for conformance with the standard details for required improvements, which are available in the Department of Public Works.

(b) Before any work is commenced on such improvements, the applicant shall submit to the City Engineer a plan and profile of the proposed drainage facilities and street drawn to a horizontal scale no smaller than fifty (50) feet to the inch and vertically to the scale no smaller than five (5) feet to the inch. Such plans shall show the size and type of piping and appurtenances and the location, depth and slope at which they shall be installed. Street elevations shall be shown on each side and the center line for the entire length of the street at all changes of grade direction or other control points. These elevations are to be based upon the City of East Providence mean high-water datum.

(c) Such improvements shall not be constructed without approval of the plans by the City Engineer. All road construction, drainage facilities, storm and sanitary sewers, water mains or other structures to be transferred to the City for maintenance must be constructed under specifications set forth in these Regulations and such other specifications that the City Engineer may require. All such work shall be done under the supervision and inspection of the City Engineer who shall be given timely notice of the beginning of each step of construction of such improvements. Where any approval is required by the City Engineer in these Regulations, such approval will not be unduly withheld.

(d) All improvements to be constructed under this article, including public utilities, should be designed and constructed to eliminate or minimize flood damage.

**Sec. 17 - 2. Designated.**

(a) The following improvements shall be constructed by the subdivider or developer, with Planning Board review and approval:

(1) *Monuments.* Monuments shall be placed at corners, angle points, points of curves in streets and at intermediate points as shall be required by the City Engineer. The Planning Board shall not release a developer's bond until the monuments of granite, of standards and dimensions set forth in this chapter, shall have been placed at all locations as shown on the recorded plat, and such monuments shall be in their respective locations upon completion of construction in the plat.

(2) *Streets.* Streets shall be constructed according to the layout on the approved final plat and plans and specifications prepared by the applicant's engineer and approved by the City Engineer.

Where unusual soil conditions exist, upon agreement between the City Engineer and the applicant, final construction of the street may be delayed for a period of time as recommended by the City Engineer.

(3) *Curbs.* Granite curbing shall be constructed along the gutter line of all streets as shown on the final plat according to specifications set forth in these Regulations.

(4) *Sidewalk.* Sidewalk shall be constructed as required according to the specifications set forth in these Regulations.

(5) *Surface and subsurface improvements.* Drainage, culvert or bridge work shall be constructed where necessary as determined by the City Engineer.

(6) *Water lines.* Water lines shall be installed and connected to the City's water system in accordance with plans and specifications as prepared by the applicant's engineer and approved by the City Engineer.

(7) *Sanitary sewers.* Sanitary sewers shall be installed in accordance with plans and specifications prepared by the applicant's engineer and approved by the City Engineer.

(8) *Storm drains.* Storm drains and other drainage facilities shall be installed as required for existing and future drainage needs in accordance with plans and specifications prepared by the applicant's engineer and satisfactory to and approved by the City Engineer.

(9) *Street lights and street signs.* Street lights and signs shall be installed at approved locations as shown on the final plan. The applicant must submit a separate plan for this purpose. Street signs shall be installed by the Department of Public Works at the City's expense.

(10) *Fire alarms.* Provision for connection to the fire alarm system of the City of East Providence shall be required for all new subdivisions requiring street creation or extension and land development projects having streets proposed for dedication to the City for ownership and maintenance. Standards for fire alarm systems and maximum separation between fire alarm boxes shall meet the minimum requirements of the East Providence Fire Department.

(11) *Fire hydrants.* Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location and spacing shall meet the minimum requirements of the National Fire Protection Association, or as directed by the East Providence Fire Chief, also subject to review and approval by the City Engineer.

(b) The following improvements may be constructed by the subdivider or developer:

(1) *Gas Lines.* Natural gas lines may be installed in any subdivision or land development project at the discretion of the developer. If proposed, gas lines shall be located on the

opposite side of the street from the water line or as required by the City Engineer with the approval of the Planning Board and shown on final plans.

**Sec. 17 - 3. Streets.**

(a) *Street widths.* Street right-of-way widths shall not be less than the following:

Street Type	Right-of-way Width
Arterial	80 feet
Collector	60 feet
Local:	
Minor	50 feet
Marginal access	40 feet

In industrial areas the street right-of-way width shall not be less than sixty (60) feet.

(b) *Street uses:*

(1) Where a residential subdivision abuts or contains an existing or proposed arterial street, railroad right-of-way, limited access highway or expressway, the Planning 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.

(2) Where a subdivision in a commercial or industrial district borders on or contains a railroad right-of-way, limited access highway or expressway, the planning board may require a marginal access street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.

(3) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(c) *Right-of-way division.* The apportioning of the street between roadway, sidewalk and grass strips shall be in accordance with the standards as hereinafter provided and depicted in Sec. 13 - 13. All streets shall conform to the standards for roadway width, sidewalk and grass strips as required.

(d) In the R-1 and R-2 zoning districts only, paved width for a minor street may be reduced to no less than twenty-four (24) feet, only upon approval of the Planning Board. In its approval to permit reduced paved width in the R-1 and R-2 districts, the Board shall be required to make positive findings on the following:

(1) That expected traffic volumes on the local street are expected to be low, i.e. those of a single-family residential neighborhood, and the primary use of the street is to provide access to the properties in the subdivision.

(2) That there is no possibility of encouraging through-traffic by providing a continuous connection of subdivision streets to streets outside of the subdivision.

(3) That the residential land use of the neighborhood serviced by the streets of reduced width will be Low Density (generally less than eight (8) dwelling units per acre).

(4) That an adequate number of off-street parking spaces can be accommodated on the properties abutting the street to prevent continual inordinate on-street parking, and that provisions are made for a covenant running with the land to perpetuate this off-street parking area.

*(e) Cul-de-sacs and dead-end streets.* Dead-end streets without a turnaround and not designed for eventual continuance shall not be approved. Streets which are designed to have one end permanently closed (cul-de-sacs) shall be provided at the closed end with a turnaround roadway having a minimum outside curb radius at least fifty (50) feet and shall not exceed six hundred (600) feet in length. Where a dead-end street is to provide access to adjacent property, provisions for a temporary turnaround or "tee" shall be required until such time as the adjacent tracts is developed and the street extended.

(1) Off-set cul-de-sacs may be permitted upon approval of the Planning Board. Other shapes for the terminus of a street shall be permitted upon favorable recommendation of the Department of Public Works and where approved by the Planning Board.

*(f) Half-streets.* Half-streets shall not be permitted, except when two (2) adjoining properties are subdivided jointly or separately at the same time.

*(g) Street access.* There shall be no reserve strips controlling access to streets or private streets. Each lot in the subdivision shall abut on a public street with access to an existing public highway.

*(h) Street grades.* The maximum grade of arterial and collector streets shall be five (5) percent, and the minimum grade shall be one-half of one (0.5) percent. The maximum grade of minor street shall be eight (8) percent, and the minimum grade shall be one-half of one (0.5) percent. Where, in the judgment of the City Engineer, it is not feasible to maintain a grade of eight (8) percent or less, the engineer may allow a steeper grade, but in no case shall the grade exceed twelve (12) percent.

*(i) Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.

*(j) Street offsets and cross-streets.* Cross-streets shall intersect precisely or shall be offset by a distance of at least one hundred twenty-five (125) feet measured from centerline to centerline.

*(k) Street deflection.* Where a deflection angle occurs in a street a curve with sufficient radius shall be introduced to provide for a smooth flow of traffic around the corner.

(l) *Reverse curves.* A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

(m) *Curbs.* Granite curbing shall be required along the gutter lines of all streets. Circular granite curbing shall have a minimum radius of twelve (12) feet at corners. Granite curbing shall be six inch (6") thick on top and eighteen inches (18") deep with sawn top and edges and split face. Transition sections shall be used for access ramps.

**Sec. 17 - 4. Street Construction and Inspection.** The construction of streets shall be under the direction and control of the City Engineer according to the specifications established and required by the Planning Board, including the following procedures and specifications.

(a) *Inspection.* The contractor or developer shall notify the City Engineer before each phase of construction in the following order:

- (1) Before any base course gravel is placed in the excavated area to ensure the use of approved gravel
- (2) Before curbing is to be set
- (3) When the base course is thoroughly compacted and ready for the tack coat
- (4) At least twenty-four (24) hours before bituminous concrete pavement is to be applied
- (5) Before sidewalks are to be poured

(b) *Construction methods and procedures:*

(1) *Clearing and grubbing.* The area as shown on the plans between the right-of-way lines shall be cleared and grubbed where necessary. All root growth, trees, brush and other objectionable material shall be removed and disposed of to a location satisfactory to the City Engineer.

(2) *Isolated trees.* All isolated trees within the highway limits shall be removed, except those that will not affect the construction of the pavement.

(3) *Earth excavation.* All excavations shall conform to the lines and grades as shown on plans and cross-sections. Where undesirable material is encountered in the sub-grade, this material shall be excavated. This item shall include the removal of all earth, subsoil, loam, etc., within the highway limits as shown on the cross-sections. All rock measuring thirteen and one-half (13 1/2) cubic feet or less shall be disposed of to a location suitable to the City Engineer and the developer.

(4) *Ledge excavation.* Rock, stone or ledges that require drilling and blasting and which measure more than thirteen and one-half (13-1/2) cubic feet shall be considered

as ledge excavation. This material shall be excavated at least six (6) inches below final grade when within the pavement areas and shall be disposed of in deep fills or other areas suitable to the City Engineer and the developer.

(5) *Trimming and fine grading.* This item shall consist of trimming and dressing of all shoulders, ditches and side slopes, whether in excavation or embankment, and the work shall be performed in a neat and workmanlike manner to the lines and grades of the typical sections shown on the plans and as the City Engineer may direct. This item shall also include the grading and compaction of the sub-base to the lines and grades of the typical section shown on the plans as submitted to the City Engineer.

(c) *Gravel course requirements:*

(1) *Graded gravel.* Graded gravel shall consist of a natural or artificial mixture of hard, durable particles of coarse aggregate and soil binder. The material shall be relatively free from soft or decomposed particles and excess clay and shall be uniformly graded so that it can be compacted into a hard dense mass. The natural or processed mixture shall conform to the gradation given in the table below.

(2) Sub-base gravel foundations shall conform to the following requirements:

- a. It shall contain no cobbles whose diameter is over three-fourths the depth of the course being laid;
- b. At least fifty (50) percent by weight of the gravel shall be of sizes retained upon a one-quarter-inch sieve;
- c. Not over thirty-five (35) percent of the particles passing a one-quarter-inch sieve shall pass a number forty (40) mesh sieve;
- d. Not more than ten (10) percent of the particles passing a one-quarter-inch sieve shall pass a number two hundred (200) mesh sieve.

REQUIREMENTS FOR BASE COURSE  
AGGREGATE

<i>Sieve designation</i>	<i>Percentage by weight passing square-mesh sieves 2-inch maximum</i>
2 inch	100
1 1/2 inch	--
1 inch	55-85
3/4 inch	50-80
No. 4	30-60
No. 40	10-30
No. 200	3-10
Clay (-0.005 mm.)	0-3

Suitable material shall be added and uniformly blended if necessary to make natural gravel conform to the required gradation.

(3) *Spreading and compaction of base course.* The gravel base course shall have a minimum depth of nine (9) inches after grading and compaction. The base course shall be rolled to the designed grade with a roller weighing at least ten (10) tons. Rolling shall continue until the base course is compacted to the satisfaction of the City Engineer. Any depressions that develop due to the rolling shall be filled, rolled and reshaped until the base course is true to cross section and grade.

(d) *Bituminous concrete (hot mix) pavement.* This item shall be an approved asphalt concrete and after rolling, and final compaction must have a uniform thickness of one and one half (1-1/2) inches per course. Both binder and surface courses are required.

(e) *Spreading equipment.* The spreading and finishing equipment shall be an approved self-propelled paving machine capable of spreading and finishing courses of bituminous plant mix material in lane widths of between twelve (12) and fourteen (14) feet to prevent excess seams. A self-propelled spreader box is not considered an approved paver. The spreading equipment shall have a floating screed assembly controlled as to elevation strike off. The use of any spreading and finishing equipment which causes blemishes or conditions of non-uniformity which are not satisfactorily corrected by the scheduled operations shall be discontinued, and other satisfactory spreading and finishing equipment shall be provided by the contractor.

(f) *Compacting surface course.* While still hot and as soon as it will bear the roller without displacement or hair cracking, the surface course will be uniformly compressed by a power-driven tandem roller, mechanically wetted, weighing not less than three hundred fifty (350) pounds per lineal inch; width of tread and the roller shall weigh less than ten (10) tons. Rolling shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least one-half the width of the rear wheels of the roller. Rolling shall be continued until all roller marks are eliminated. The



motion of the roller shall at all times be slow enough to avoid displacement of the hot mixture and to prevent adhesion of the surface mixture to the roller; the heels shall be kept properly moistened by either water or oil.

The roller shall be operated by a competent, experienced roller operator and shall be kept in as nearly continuous operation as practicable while the work is underway.

(g) *Drainage, culverts and bridges.* All necessary drainage, culvert and bridge work shall conform to the state standard specifications for road and bridge construction published by the state department of public works, division of roads and bridges.

#### **Sec. 17 - 5. Monuments.**

(a) *Type and size.* All monuments shall be of granite approximately four (4) inches by four (4) inches in cross section and shall be at least thirty-six (36) inches long.

(b) *Location.* Monuments shall be installed at all points as indicated on the recorded plat

(c) *Elevation:*

(1) All monuments installed adjacent to a street shall be installed so that the top surface of the monument shall be four (4) inches above grade.

(2) All monuments not adjacent to a street shall be installed so that the top surface is level with the ground.

(d) *Delineation of Buffers and Conservation Restriction Areas.* Where areas of natural vegetation are proposed to be maintained for buffers in accordance with the conditions of any plan approvals, the limits of these areas shall be marked in the field with permanent concrete bounds.

#### **Sec. 17 - 6. Sidewalks.**

(a) *Location.* Sidewalks shall be constructed along both sides of all proposed streets in subdivisions and land development projects, where applicable, in accordance with standard detail set forth by the Engineering Division, except for short cul-de-sac streets serving five (5) or fewer lots or dwellings, in which case the sidewalk may be constructed on one side of the street, only upon review and approval by the Planning Board.

(b) *Construction.* Sidewalks shall be constructed on a six-inch gravel base with four (4) inches of concrete and with six (6) inches of concrete with wire mesh at driveway openings.

(c) *Access ramps.* Sidewalk access ramps shall be installed at all intersections, in accordance with the standard detail set forth by the Engineering Division.

**Sec. 17 - 7. Sanitary Sewer.**

(a) *Generally.* Installation of sanitary sewer mains shall be according to plans and specifications prepared by a professional engineer registered in the State of Rhode Island and approved by the City Engineer. Sanitary sewers shall be located in the center of the paved street unless otherwise approved by the City Engineer.

(b) *Depth of sewer mains and trenches.* All sewer mains where possible shall be constructed no less than three (3) feet below the finished cellar floor, and sewer pipe shall not be supported on bell but shall be bedded in 3/4" crushed stone. Utility excavations shall be refilled with approved earth material from excavations or with granular material with not more than fifteen (15) percent by weight passing the number two hundred (200) U.S. standard sieve. Granular material shall not contain any stones or rock fragments with a maximum dimension greater than three (3) inches.

The trenches shall be backfilled with material free from stumps, roots, sod, frozen soil, large stones, rubbish or other unsuitable materials. The backfill shall be placed in layers not exceeding six (6) inches loose depth, and each layer shall be compacted by not less than four (4) coverages of the tamping foot of an approved pneumatic or vibratory hand tamper. The uppermost layer shall be compacted with not less than four (4) coverages of a tread of a crawler type tractor traveling lengthwise of the trench.

(c) *Material.* All gravity sewer mains laid in streets shall be extra-strength vitrified clay pipe and fittings. In residential areas only, polyvinyl chloride (PVC) pipe and fittings, ASTM designation D3034-SDR 35: 4"- 15" and ASTM F679: 18"-27" may be used for gravity sewer main. Watertight type pipe shall be used in all areas, and joints in clay pipe not of a watertight type shall be of an approved type of joint material as required by the City Engineer.

(d) *Size.* Eight-inch (8") shall be the minimum diameter for sewer mains in City streets or main collectors. The minimum diameter for laterals brought to the property line shall be 6 inches.

(e) *Slope.* All sewers should be designed and constructed to give a velocity of 2 feet per second when flowing full. The following minimum slopes may be used only if necessary due to grade restrictions.

<i>Size-inches</i>	<i>Min. Slope ft/ft</i>
8	0.004
10	0.0028
12	0.0022
15	0.0015
18	0.0012
21	0.0010

(f) *Manholes.* Manholes shall be installed where any change of direction occurs, or every two hundred (200) feet on straight portions of road and a terminal manhole shall be required at all dead-ends. Manholes shall be Pre-cast concrete structures and conform to the standard details set forth by the Engineering Division. Block manholes will be allowed if requested by the developer and approved by the City Engineer.

(g) *Frames and Covers.* Manhole frames and covers shall be heavy duty cast iron and be in conformance with the standard detail set forth by the Engineering Division. All finished surfaces shall be true and seat all points without rocking.

(h) *Underdrains.* Where necessary in the opinion of the City Engineer, underdrains of sufficient size shall be required and shall have four (4) inches of crushed stone below the underdrain pipe and up to the sewer bed. Where required, properly designed transitional filters shall be used in conjunction with underdrains as required by the City Engineer.

(i) *Chimneys and house connections.* Concrete chimneys shall not be permitted unless specified by the City Engineer. Fill around risers to house connections shall be carefully placed and tamped up to service connection fitting. No roof drain or cellar drain shall be connected to the sanitary sewer system.

**Sec. 17 - 8 Water Mains.**

(a) *Installation.* All water mains and appurtenances shall be installed in accordance with plans and specifications as prepared by a professional engineer registered in the State of Rhode Island and approved by the City Engineer.

(b) *Type of Material.* All pipe and fittings shall be Ductile Iron Class 52, cement lined or equal water pipe of the class, quality and size specified and required by the City Engineer.

(c) *Depth.* All mains shall have a minimum cover of four and one-half (4 -1/2) feet to final grade.

(d) *Location.* For north-south orientated streets the water main shall be located four (4) feet from the west curblin. For east-west orientated streets the water main shall be located four (4) feet from the north curblin. The location shall be as described above or as required by the City Engineer.

(e) *Valves*. All valves shall be of a type approved by the City Engineer.

(f) *Hydrants*. All hydrants shall be of an approved type and installed in locations specified by the City Engineer and approved by the Fire Chief.

**Sec. 17 - 9 Drainage.**

(a) *Purpose and objectives*. The purpose of this section is to promote the design of developments which effectively control the impacts of erosion, inadequate drainage and stormwater runoff. Soil erosion and sediment runoff shall be adequately controlled during and after construction and shall not adversely affect adjacent or neighboring properties, surface and groundwater, or public facilities and services. Applicants are encouraged to utilize the “*State of Rhode Island Stormwater Design and Installation Standards Manual*” (Rhode Island Department of Environmental Management and Rhode Coastal Resources Management Council) in the design of stormwater best management practices, as well as the *Rhode Island Soil Erosion and Sediment Control Handbook*. Effective drainage, site design techniques and erosion control can accomplish the following:

- (1) Reduce nonpoint source pollutants generated from erosion of sediments and stormwater runoff;
- (2) Prevent damage to private and public property from flooding caused by poor drainage system design;
- (3) Improve surface water and groundwater quality by minimizing runoff volumes and peak discharge rates, and by promoting the overland flow and infiltration of uncontaminated runoff;
- (4) Minimize the negative impacts of stormwater runoff to enhance and protect surface and ground water quality, and promote effective flood management;
- (5) Through vegetative root systems, stabilize ground water tables and play an important part in soil conservation, erosion control and flood control.

(b) *Drainage standards*.

- (1) Drainage system. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
  - a. The retention results from a technique, practice or device installed as part of an approved sedimentation or storm water runoff control plan; or
  - b. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

- (2) No surface water may be channeled or directed into a sanitary sewer.
- (3) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (4) Whenever practicable, the drainage system of development shall coordinate with and connect to the drainage system or drainage ways on surrounding properties or streets.
- (5) In areas where a comprehensive watershed drainage or stormwater management study has been performed, the Administrative Officer may recommend to the Planning Board, based on preliminary review of plans, that a proposed drainage system be subject to an independent engineering evaluation, performed by a qualified engineering consultant in accordance with the procedures for Professional Review fees contained in Article 4, including that the applicant bear the costs of such review. The Planning Board shall have final authority on the need for an independent evaluation. Such evaluation shall be performed by the consulting engineer and results of same shall be provided to the Administrative Officer to establish that soil drainage conditions can support the proposed drainage system and that stormwater treatment will be addressed.
- (6) Drainage systems shall be designed so that there will be no increase in the rate of runoff from the post-development site as compared to the pre-development site based on an assumption of a pre-development site condition of vacant land. The Administrative Officer may recommend that the Planning Board modify the requirement for an assumption of a pre-development site condition of vacant land, provided that the applicant demonstrates to the satisfaction of the Planning Board that special site and drainage conditions so warrant, and that there will be no adverse impacts on off-site drainage or water quality.
- (7) Retention or detention systems shall be appropriately landscaped or buffered.
- (8) Underground or aboveground detention or retention basins shall be designed to accommodate a minimum twenty-five year storm. For any detention or retention systems proposed to be located within special flood hazard zones (as defined by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Flood Way Map," as may be amended), such systems shall be designed to withstand a minimum one-hundred year storm. All drainage plans shall include an analysis of the impacts upon the development of a one-hundred year storm event. The City may require mitigation of any identified impacts where appropriate.

For all retention or detention basins, whether aboveground or underground, percolation tests and test pits shall be performed at the proposed site of the basin in accordance with the requirements of the City Engineer. This information will determine the suitability of the subsurface to accommodate the designed basin. The maximum high groundwater (HGW) level shall also be determined at the location of any proposed detention or retention basins.

- (9) When retention or detention basins, oil and water separators, or drainage swales are proposed to be incorporated in the drainage system with the approval of the Planning

Board, such facilities shall be maintained by the City or the developer or successor property owners in accordance with maintenance guidelines established by the Planning Board upon approval. Where the developer or successor property owners are required to maintain, failure of the developer or successor property owners to properly maintain such facilities shall result in an expense imposed by the City to be legally established as a lien against the property. If the City agrees to accept maintenance, the Planning Board reserves the right to require that the developer deposit funds in a dedicated account in sufficient amount to cover projected maintenance needs for a specific period, said amount and period to be a condition of plan approval.

(10) Stormwater management. All developments shall be constructed and maintained such that adjacent or neighboring properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- a. No development may be constructed or maintained such that development unreasonably impedes the natural flow of water from higher adjacent or neighboring properties across such development, thereby unreasonably causing substantial damage to such higher adjacent or neighboring properties; and
- b. No development may be constructed or maintained such that surface waters from the development are unreasonably collected and channeled onto lower adjacent or neighboring properties at such locations or at such volumes as to cause substantial damage to such properties. The drainage plan shall address potential impacts on downstream property based on a twenty-five year storm. Off-site analysis shall be included in the drainage plan when required by the Planning Board; and

(c) *Required Information.* All plats and developments shall provide for the adequate drainage of all surface and subsurface waters. Where required by these Regulations, the applicant shall submit a detailed drainage plan and written analysis which shall contain all information required to review accommodations for the adequate drainage of all surface and subsurface waters, and which shall conform to the following:

(1) All calculations shall be performed by a Rhode Island Registered Professional Engineer and shall compute the pre-development and post-development peak run-off rates. Such calculations shall employ the U.S. Department of Agriculture, Natural Resources Conservation Service (formerly Soil Conservation Service), Technical Release 55 method for estimating peak discharges in small watersheds. Where limitations of this method make its use inappropriate, use of other methods approved by the City Engineer will be allowed.

(2) All proposed drainage facilities shall be designed to accommodate a 25-year storm. Based on post development calculations, such facilities shall direct water to an approved location and in a manner approved by the City Engineer. All drain pipe shall have a minimum of 2 feet of cover measured from finished grade to the top of the bell end of the pipe, unless otherwise approved by the City Engineer. In addition, all storm drain pipe shall be constructed of pre-cast concrete Class IV or better, as required by the City Engineer. Storm drains shall be designed based on a ten-year storm design.

(3) Where a watercourse, drainage way, channel or stream is located in a subdivision plat or where a watercourse, drainage way, channel or stream will be altered, relocated or otherwise changed in a subdivision plat, the developer shall make adequate provisions for post development peak flows and provide a pre-development and post-development analysis of upstream and downstream conditions. Improvements as necessary must be made at cost to the Developer. Where deemed necessary, such watercourses shall be enclosed by pipe or other means of an appropriate size and satisfactory to the City Engineer. Appropriate permits issued by the Department of Environmental Management shall be required before approval can be granted.

(4) If the original groundwater elevation as hereafter determined or the spring groundwater elevation as certified by the Developer's Engineer is higher than two (2) feet below finished grade of the lowest floor elevation of a building, a restriction shall be placed on the plat specifying that the lowest floor elevation of a building shall be at least two (2) feet above groundwater elevation.

(5) No original contour of a subdivision shall be so altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests as required by this chapter may be required in areas where the contours have been altered.

(d) *Required Tests.* Drainage systems proposing the subsurface disposal of storm water shall require the following tests.

(1) Percolation Tests - At least one percolation test, carried out in accordance with the procedure hereinafter outlined, shall be made at the site of each subsurface system. Additional testing may be required if the soil is highly variable, unfavorable, or if a large disposal system is required. The results of each percolation test and pertinent information shall be submitted to the City Engineer and the location of the percolation tests shall be marked on the topographical map.

(2) Groundwater Tests - An adequate number of borings, excavations or observations shall be made by a registered professional engineer of a qualified sanitarian engaged by the developer to clearly establish the elevation of the ground water table in accordance with the procedure outlined in this section. The ground water determination shall be made at the location of the proposed subsurface disposal system. In addition, one other test shall be conducted for each 5 acres to be developed. At least two additional determinations shall be made on areas less than 5 acres. The location of the ground water-table observations shall be indicated on the topographical map.

(e) *Persons Qualified to Test.*

(1) Engineers and Surveyors - Percolation tests, ground water table elevation determinations, and the gathering and submission of other essential information shall be carried out by a registered professional engineer or registered land surveyor at the expense of the owner or developer.

(2) Sanitarians and Soil Scientists - Percolation tests, determinations of the depth to the ground water table may be carried out by a qualified professional sanitarian or soil scientist approved by the City Engineer. Such approval shall be made on the basis of satisfactory experience and education in the area of soil science and standard for the design and construction of individual sewage disposal systems. Such qualification shall be presented in writing.

(f) *Percolation Test Procedure.*

(1) Dig two or more test holes within the area of the proposed subsurface disposal system, not less than 10 feet apart. One of the holes should be at the depth of the bottom elevation of the proposed seepage system, and the second hole should be at a depth of about 18 inches below the bottom elevation of the proposed seepage system. This is to evaluate the consistency with depth of the seepage qualities of the soil. The size of the seepage system must be based on the slowest percolation rate obtained. The holes shall not be less than 6 inches in diameter or 6 inches square, nor should they be greater than 8 inches in diameter or 8 inches square.

(2) Scarify the bottom and sides of the test holes and remove all loose material. Place about 2 inches of coarse sand or fine gravel in the holes to prevent bottom scouring.

(3) Fill the holes with clear water to a minimum depth of 12 inches above the coarse sand or fine gravel. Keep water in each hole for at least four hours and preferably overnight by refilling. If necessary to maintain water in each hole for this period, provide a reservoir of water and an automatic siphon to deliver it to the holes intermittently, or the percolation test holes should be soaked and maintained full for not less than four hours before the percolation test is made. In uncompacted sandy soils containing no clay or silt, the above saturation procedure is not necessary, the test can be made as soon as the water from one filling, has seeped away.

(4) The percolation test should be made following the saturation process. When the saturation process is complete, the water depth should be adjusted to 6 inches over the coarse sand or fine gravel before the test is begun. The drop in water level should be measured from a fixed reference place, such as a board laid across the hole, over 30-minute intervals, refilling the holes to a depth of 6 inches as necessary.

(5) When three consecutive readings at 30 minute intervals read the same rate, the test may be considered complete. If no stability is reached between three 30-minute readings, not less than four hours of readings must be followed. The drop in water level which occurs during the final 30 minute period is used to calculate the percolation rate. This rate is expressed in minutes per inch.

(6) Soils in which the first 6 inches of water seeps away in less than 30 minutes, after the saturation period, the time interval between measurements should be reduced to 10 minutes and the test. ran over a period of one hour. The drop in water level which occurs during the



final 10-minute period is used to calculate the percolation rate. This rate is expressed in minutes per inch.

(7) If an unanticipated cut in topography is made, the results of any percolation test made prior to the cut is invalid. A new percolation test shall be made under the changed conditions.

(8) In no case shall a percolation test be made in filled or frozen ground. If a seepage system is to be located in filled ground, a percolation test must be made in the original ground.

(g) *Procedures for Ground Water Table Elevation Determinations.*

(1) Wet Season Determinations - The ground water table elevation determination shall be made when the water table is highest; this occurs usually during the months of January through April. (Specific dates may be determined on a yearly basis by the Rhode Island Department of Environmental Management.) In making this determination it is necessary to bore or dig an adequate number of holes of convenient size in the proposed leaching area to a depth of at least five (5) feet below the lowest point of the proposed subsurface seepage system. An open perforated pipe at least four (4) inches in diameter shall be installed. Such pipe should remain in place until final approval has been issued by the City. This pipe shall be capped at the top and mounded to prevent the collection of surface water. All water table observations should be made during the wet season no sooner than 48 hours after excavation. It is recommended that multiple water table observations be made.

(2) Dry Season Determinations - Although the ground water table is more accurately measured in the wet season, data may be available or developed throughout the year to predict the maximum ground water table elevation during the wet season. To make such dry season determination, the applicant shall dig a ten (10) foot deep test hole in the location of the proposed leaching system. In addition, the applicant shall submit data and comply with the applicable procedures set forth in either (a.) or (b.) below.

- a. In cases where the soil consists of: unconsolidated sand or gravel outwash to a depth of at least ten (10) feet; has a percolation rate not greater than five (5) minutes per inch; and if groundwater or ledge is not encountered within ten (10) feet or original ground surface, an adjustment factor may be applied to the observed groundwater table in order to correct the Maximum Groundwater Table Elevation. This adjustment factor is to be determined by the Director of the Rhode Island Department of Environmental Management. If the corrected groundwater table depth is less than four (4) feet, or if ledge and soil other than unconsolidated sand and gravel outwash is encountered less than ten (10) feet below the original ground surface, the groundwater table must be determined in the wet season or in accordance with (b.) below.
- b. Where soil conditions are other than those described in (a.) above, the designer shall collect, evaluate and provide to the City all pertinent information relative to accurate groundwater table elevation determination in

conjunction with the designer's specific professional conclusions and sworn affidavit as to groundwater table elevations.

(3) The above procedures for dry season determinations set forth in (b.) above may not be available to determine the groundwater table where:

- a. The groundwater table is estimated to be within four (4) feet of the original ground surface; or
- b. An impervious layer is within six (6) feet of the original ground surface; or
- c. The existing soil is a dark silt loam such as a Mansfield, Newport, Pittstown and or stissing soil series as defined by the United States Department of Agriculture Soil Survey of Rhode Island.

(4) The date of each test, the depth from the surface of the ground to the water table or to the bottom of a dry hole, and the type and depth of soil encountered shall be recorded and submitted.

(5) Certification of Results. The engineer or sanitarian shall execute a certificate relating to the accuracy of the technical data on each sheet submitted for both the percolation tests and groundwater determinations.

**Sec. 17 - 10. Easement Width.**

<i>Type of Easement</i>	<i>Easement Width</i>
For sewers, storm drains, and sub-drainage facilities	20 feet
For pole lines	15 feet
For water and gas mains	20 feet
For underground conduits and cables	5 feet
For all other purposes	as necessary

**Sec. 17 - 11. Trees and Soil.**

(a) Trees shall be left standing, in the required front and rear yards unless extensive re-grading of the subdivision is required for proper development. Topsoil shall be stockpiled and replaced or redistributed on each lot after construction. Final topographic grades shown on the plans shall be indicative of post-construction conditions, including redistribution of any stockpiled soil either by redistribution on-site and/or removal of soil from a lot or lots, shall be shown on the plans. Stockpiled soil shall be prohibited to remain on any lot in a subdivision unless there is active on-going construction. Street trees shall be left standing or planted in either the required front yard or between the curb and sidewalk area as recommended by the Superintendent of Parks.

(b) Trees may be planted prior to or at the completion of building in the subdivision. If the subdivider or developer so desires, he or she may deposit with the City funds in an amount to be determined by the superintendent of parks sufficient to cover the procuring and planting of trees. Trees planted shall be in accordance with the provisions of these Regulations. Trees shall be of a variety listed in the specifications or of a variety approved by the Superintendent of Parks.

(c) Recommended varieties for street and front yard planting:

COMMON NAME	SCIENTIFIC NAME
Little Leaf Linden	<i>Tilia cordata</i>
Greenspire Linden	<i>Tilia cordata</i> ‘Greenspire’
Village Green Zelkova	<i>Zelkova serrata</i> ‘Village Green’
Green Vase Zelkova	<i>Zelkova serrata</i> ‘Green Vase’
Sweetgum	<i>Liquidamber styraciflua</i>
Gingko	<i>Gingko biloba</i>
Marshall Seedless Ash	<i>Fraxinus pennsylvanica</i> “Marshall Seedless”
Summitt Green Ash	<i>Fraxinus pennsylvanica</i> “Summit”
Aristocrat Pear	<i>Pyrus calleryana</i> “Aristocrat”
Chanticleer Pear	<i>Pyrus calleryana</i> “Chanticleer”
Redspire Pear	<i>Pyrus calleryana</i> “Redspire”
Kwanzan Cherry	<i>Prunus serrulata</i> “Kwanzan”
London Planetree	<i>Platanus x acerifolia</i> “Bloodgood”

(d) Recommended varieties for front-yard planting:

(1) Flowering varieties:

COMMON NAME	SCIENTIFIC NAME
Flowering Crab	<i>Malus species</i>
Chinese Dogwood	<i>Cornus kousa</i>
Bradford Pear	<i>Pyrus calleryana</i> “Bradford”
Magnolia	<i>Magnolia species</i>
Thundercloud Plum	<i>Prunus cerasifera</i> “Thundercloud”
Weeping Japanese Cherry	<i>Prunus subhirtella pendula</i>
Thornless Cockspur	<i>Crataegus crusgalli inermis</i>
Hawthorn	
Stellar Dogwood	<i>Cornus x. species</i>

(2) Shade varieties:

COMMON NAME	SCIENTIFIC NAME
Norway Maple	Acer platanoides
Crimson King Maple	Acer platanoides "Crimson King"
Armstrong Red Maple	Acer rubrum "Armstrong"
Red Maple	Acer rubrum
Red Oak	Quercus rubra
Pin Oak	Quercus palustris
Honey locust	Gleditsia triacanthos
Eastern Redbud	Cercis canadensis
Sour Wood	Oxydendrum arboreum
European Beech	Fagus sylvatica
River Birch	Betula nigra

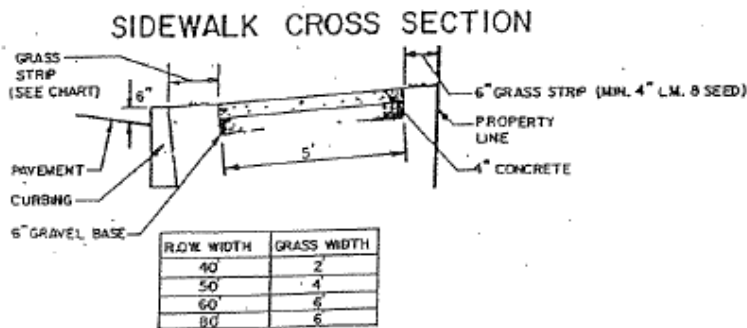
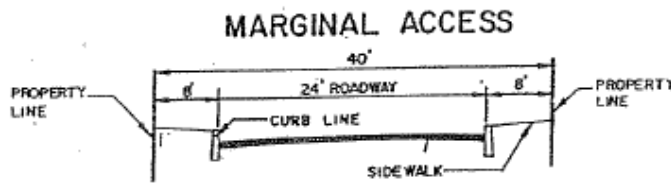
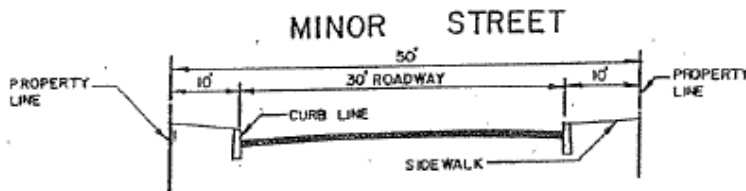
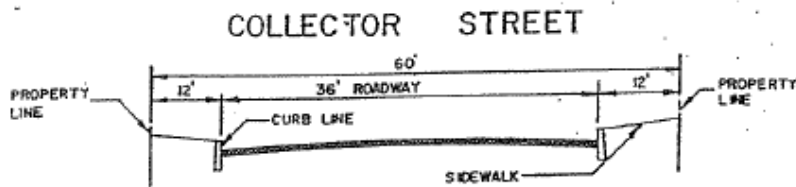
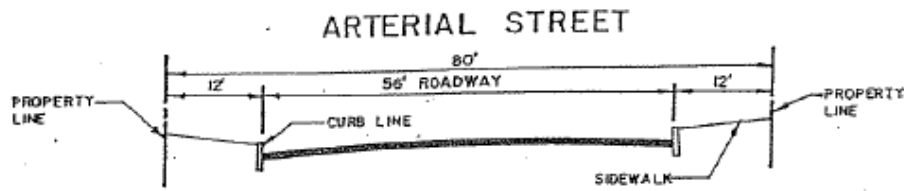
(e) *Planting location.* All trees planted shall be under the supervision of the Superintendent of Parks along the streets between the curb and sidewalk area or in the front yard and shall have a spacing of fifty (50) feet to sixty (60) feet as measured on the property line. Where trees are planted in the front yards, distances between the trees and street right-of-way line may vary.

(f) *Size of tree at planting.* Trees when planted shall have a minimum height of approximately ten (10) feet and a minimum trunk diameter of two and one-half (2-1/2) inches at a height of approximately six (6) inches from the finished surface grade.

(g) *Planting instructions.* Trees shall be planted in accordance with standard tree nursery practices.

**Sec. 17 - 12. Sewage disposal.** Subdivision and land development projects shall be connected to the public sanitary sewer system whenever possible. Subdivisions located such that connection to the public sewer is not possible shall then comply with the "Rules and Regulations Establishing Minimum Standards Relating To Location, Design, Construction And Maintenance Of Individual Sewage Disposal Systems" set forth by the Rhode Island Department of Environmental Management, Division of Groundwater and Individual Sewage Disposal Systems. The subdivision owner shall obtain such a permit for each proposed lot from the Rhode Island Department of Environmental Management and shall submit copies of said permits with at the time of submission of a preliminary plan.

**Sec. 17 - 13. Right-of-Way Division.**



## **APPENDIX – APPLICATION AND CHECKLIST FORMS**

- A. Pre-Application Conference Form
- B. Application for Development Plan Review, Land Development Project, and/or Subdivision
- C. Subdivision Checklist
- D. Development Plan Review or Land Development Project Checklist

**CITY OF EAST PROVIDENCE, RHODE ISLAND**  
**APPLICATION for: PRE-APPLICATION CONFERENCE**  
**FORM A**

**File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence**

**See Section 5 – 7 of the Regulations for Requirements**

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Type or print clearly

1. Applicant(s) Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_
  
2. Owner(s) Name (if different) \_\_\_\_\_  
Address \_\_\_\_\_
  
3. Assessors Map/Block/Parcel Number(s) \_\_\_\_\_
  
4. Street Address of Property \_\_\_\_\_
  
5. Any Covenants, Conditions, Restrictions (CCRs) on the land? \_\_\_\_\_  
*For Informational Purposes Only. Private CCRs are not enforceable by the City.*

**FOR OFFICE USE ONLY**

Date Submitted \_\_\_\_\_ Date of pre-Application Conference \_\_\_\_\_ Received by (initial) \_\_\_\_\_  
Application is for: \_\_\_\_\_ Minor Subdivision \_\_\_\_\_ Major Subdivision \_\_\_\_\_ Land Development Project  
Fee \$ \_\_\_\_\_ (\$75 for Minor, \$150 for Major Subdivision of Land Development Project)  
Other Action(s) Required? \_\_\_\_\_ (Yes or No)  
Explain \_\_\_\_\_

**CITY OF EAST PROVIDENCE, RHODE ISLAND  
APPLICATION FOR DEVELOPMENT PLAN REVIEW,  
LAND DEVELOPMENT PROJECT, AND/OR SUBDIVISION  
FORM B**

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

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Type or print clearly

1. Applicant(s) Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

2. Owner(s) Name (if different) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

3. Assessors Map/Block/Parcel Number(s)  
\_\_\_\_\_

4. Street Address of Property \_\_\_\_\_

5. Any Covenants, Conditions, Restrictions (CCRs) on the land? \_\_\_\_\_  
*For Informational Purposes Only. Private CCRs are not enforceable by the City.*

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

Owner's Certification: "(I or we) do hereby certify that (I am or we are) the only owner(s) of record of the property subdivided under this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book\_\_\_\_, Page\_\_\_\_, request approval of this application for (check all that apply)

- Development Plan Review / Land Development Project
- Subdivision.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_



**CITY OF EAST PROVIDENCE, RHODE ISLAND  
SUBDIVISION CHECKLIST  
FORM C**

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

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Type or print clearly

1. Preparer(s)'s Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_
  
2. Assessors Map/Block/Parcel Number(s) \_\_\_\_\_  
\_\_\_\_\_
  
3. Street Address of Property \_\_\_\_\_

**FOR OFFICE USE ONLY**

File # \_\_\_\_\_ Fee: \$125 plus \$20 per lot (No Street) Check # \_\_\_\_\_ Date Submitted \_\_\_\_\_

Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot .

Received by (initial) \_\_\_\_\_ Street Creation or Extension? \_\_\_\_\_ (Yes or N)

# of Lots \_\_\_\_\_ COC \_\_\_\_\_ Date of Display Ad \_\_\_\_\_

Public Hearing Date (if required) \_\_\_\_\_ Action and Date \_\_\_\_\_

Appeal \_\_\_\_\_ Plan Signed \_\_\_\_\_

(Note: None or date of Appeal) Other Action(s) Required? \_\_\_\_\_ (Date) \_\_\_\_\_

**Instructions:**

The shaded boxes within the checklist indicate an item is not required at a particular stage of review. Split cells vary by application type, per the key at the bottom of the table. Complete the unshaded boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). If you cannot meet a checklist requirement, you must apply for and receive a waiver prior to the application being considered complete pursuant to Section 5 - 11 of the Land Development and Subdivision Regulations. Please complete a separate copy of this document for each review stage. One copy may be submitted for combined review stages. For the Location column, provide the electronic file name and page number. This checklist pertains to the following subdivision application review stages:

1. Administrative Subdivision (**AS**)
2. Master Plan Review of a Major Subdivision (**MS**)
3. Preliminary Plan Review of a Major or Minor Subdivision (**PS**)
4. Final Plan Review of a Major or Minor Subdivision (**FS**)
5. Final Plat (**FP**)

1. AS	2. MS	3. PS	4. FS	5. FP	Description of Required Submission Material	Location
					1. Payment of the required fee. Material submitted prior to the fee will not be reviewed until the fee is received.	
		1			2. Completed application form (Form B)	
					3. Completed checklist	
					4. All material submitted in .pdf electronic format and one paper original, unless otherwise specified.	
					5. All application materials consistent with the Design and Public Improvement Standards, Article 15 of the East Providence Land Development and Subdivision Regulations	
					6. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					7. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					8. Final versions of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					9. Title Report	

					10. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
		1			11. A letter certified as true and correct identifying: <ul style="list-style-type: none"> <li>A. Changes made since pre-application</li> <li>B. Any required zoning approvals</li> <li>C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations</li> </ul>	
			2		12. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
		1			13. A written narrative containing: <ul style="list-style-type: none"> <li>A. Information on the natural and built features of the surrounding neighborhood</li> <li>B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing;</li> <li>C. Potential neighborhood impacts;</li> <li>D. Description of the application’s consistency with the East Providence Comprehensive Plan;</li> <li>E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design’s compatibility with the existing character of East Providence; and</li> <li>F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.</li> </ul>	
					14. East Providence Tax Collector account statement showing a zero balance	
					15. All permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
					16. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and	

					connections to state roads.	
					17. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
					18. Public Dedication Form if any public dedications are proposed	
					18. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
					20. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
				2	21. For phased developments, copies of as-built drawings of all public improvements from prior phases.	
		2	1		22. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
				2	23. (All applications except administrative subdivisions) an updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous stage of approval	
					24. A preliminary plat at no larger than 11"x17" depicting items a - i, o - r, t - u, and x - aa at the bottom of the table.	
					25. A sketch at no larger than 11" x 17" depicting items a - c, e - r and t - v at the bottom of the table.	
		3			26. A locus map of the subject property highlighting all properties within 200' of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	
					27. A preliminary plat, no larger than 11"x17" depicting items a - v at the bottom of the table.	
					28. A sketch of any remaining part of the entire tract shall accompany the plat, showing the location, names and present widths of adjacent existing streets and the proposed general layout of streets in the entire tract	

					29. A drawn plan of the new lots in digital (.pdf) format no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items a - i and k - cc at the bottom of the table.	
					30. A Final Plat of the Assessor's lot(s) in conformity with the previous stage of approval in digital (.dwg) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and containing the following information: <ul style="list-style-type: none"> <li>A. All the essential aspects of the approved subdivision design;</li> <li>B. The implementation schedule for improvement guarantees, if any;</li> <li>C. Special conditions placed by the City;</li> <li>D. Permits and agreements with state and federal reviewing agencies;</li> <li>E. Other information required by the permitting authority;</li> <li>F. The surveyor shall sign, date, and stamp the final plat below the following statement written on the final plat: "I do hereby certify that this subdivision plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being subdivided are true and accurate." (Date, Surveyor's Signature, address and stamp)</li> <li>G. A signature block for the endorsement of approval shall be included in the bottom left corner and shall read as follows: "I do hereby certify that this subdivision plat meets the requirements of the East Providence Land Development and Subdivision Review Regulations, and is now eligible for recording." (Date, Planning Director's signature as Administrative Officer); and</li> <li>H. A signature block for certification by the Zoning Officer that the plan conforms with the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence and shall read as follows: "I do hereby certify that the lots shown on subdivision plat meet the Schedule of Area and other dimensional provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence." (Date, Zoning Officer's signature).</li> </ul>	
					31. Profiles of any proposed streets with adequate ties to existing streets	
					32. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
			2		33. Additional items deemed necessary by the permitting authority during the previous review stage	

- 1 - only for minor subdivisions
- 2 - only for major subdivisions
- 3 - only for minor subdivisions with a public hearing

**Subdivision Survey requirements:**

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
  - i. Natural Heritage Areas, as defined by RIDEM
  - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
  - iii. A Groundwater Protection Overlay District
  - iv. A Wellhead Protection Area
  - v. Groundwater Recharge Area
  - vi. Areas within a TMDL watershed, as identified by RIDEM
  - vii. OWTS Critical Resource Area, as defined by RIDEM
  - viii. A Drinking Water Supply Watershed, as defined by RIDEM
  - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);

- v. Boundaries and total area of any land classified as “unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record);
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;
- z. Any new Assessor’s Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;
- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency’s (FEMA’s) “Flood Insurance Rate Map” and “Flood Boundary and Floodway Map” as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3’) sea level rise map as being inundated during a one-hundred-year storm as may be amended.

**CITY OF EAST PROVIDENCE, RHODE ISLAND  
DEVELOPMENT PLAN REVIEW OR LAND DEVELOPMENT PROJECT CHECKLIST  
FORM D**

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

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Type or print clearly

1. Preparer(s)'s Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_
  
2. Assessors Map/Block/Parcel Number(s) \_\_\_\_\_  
\_\_\_\_\_
  
3. Street Address of Property \_\_\_\_\_

**FOR OFFICE USE ONLY**

File # \_\_\_\_\_ Fee: \$125 plus \$20 per lot (No Street) Check # \_\_\_\_\_ Date Submitted \_\_\_\_\_

Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot .

Received by (initial) \_\_\_\_\_ Street Creation or Extension ? \_\_\_\_\_ (Yes or N)

# of Lots \_\_\_\_\_ COC \_\_\_\_\_ Date of Display Ad \_\_\_\_\_

Public Hearing Date (if required) \_\_\_\_\_ Action and Date \_\_\_\_\_

Appeal \_\_\_\_\_ Plan Signed \_\_\_\_\_

(Note: None or date of Appeal) Other Action(s) Required? \_\_\_\_\_ (Date) \_\_\_\_\_



**Instructions:**

The shaded boxes within the checklist indicate an item is not required at a particular stage of review. Split cells vary by application type, per the key at the bottom of the table. Complete the unshaded boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). If you cannot meet a checklist requirement, you must apply for and receive a waiver prior to the application being considered complete pursuant to Section 5 - 11 of the Land Development and Subdivision Regulations. Please complete a separate copy of this document for each review stage. One copy may be submitted for combined review stages. For the Location column, provide the electronic file name and page number. This checklist pertains to the following subdivision application review stages:

1. Administrative Development Plan Review (**AD**)
2. Master Plan Review of a Major Land Development Project (**MD**)
3. Preliminary Formal Development Plan Review or Preliminary Plan Review of a Major or Minor Land Development Project (**PD**)
4. Final Formal Development Plan Review or Final Plan Review of a Major or Minor Land Development Project (**FD**)
5. Approved Land Development Project or Approved Development Plan Review Plan (**AP**)

1. AD	2. MD	3. PD	4. FD	5. AP	Description of Required Submission Material	Location
					1. Payment of the required fee. Material submitted prior to the fee will not be reviewed until the fee is received.	
		1			2. Completed application form (Form B)	
					3. Completed checklist	
					4. All application materials consistent with the Design and Public Improvement Standards, Article 15, and Land Development Project and Development Plan Review Design Standards, Article 16, of the East Providence Land Development and Subdivision Regulations	
		1			5. A written narrative containing: <ul style="list-style-type: none"> <li>A. Information on the natural and built features of the surrounding neighborhood</li> <li>B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing;</li> <li>C. Potential neighborhood impacts;</li> <li>D. Description of the application’s consistency with the East Providence Comprehensive Plan;</li> <li>E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed</li> </ul>	

					<p>subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and</p> <p>F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.</p>	
		1			<p>6. A letter certified as true and correct identifying:</p> <ol style="list-style-type: none"> <li>1. Changes made since pre-application</li> <li>2. Any required zoning approvals</li> <li>3. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations</li> <li>4. Any proposed public improvements or dedications</li> <li>5. Use allocation by total square footage of each proposed use, according to § 19-98 of the City of East Providence Code of Ordinances</li> </ol>	
					<p>7. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.</p>	
			2		<p>8. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval</p>	
					<p>9. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.</p>	
					<p>10. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and connections to streets.</p>	
					<p>11. Public Dedication Form if any public dedications are proposed</p>	
					<p>12. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees</p>	
					<p>13. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements</p>	
				2	<p>14. For phased developments, copies of as-built drawings of all public</p>	

					improvements from prior phases.	
		2	1		15. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
				2	16. (All applications except administrative development plan review) an updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
					17. Preliminary drawings at no larger than 11"x17" showing items B1, B3 - B4, B9 - B18, C1, C3 - C7, and D at the bottom of the table.	
					18. A locus map of the subject property highlighting all properties within 200' of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	
					19. A sketch at no larger than 11" x 17" depicting the items listed under A at the bottom of the table.	
					20. Preliminary drawings at no larger than 11"x17" showing items B2 - B19 ,C2 - C7, and E at the bottom of the table.	
					21. Final drawings at no larger than 11"x17" showing items B2 - B19, C2 - C7, and E at the bottom of the table.	
					22. Final plans in conformity with the previous stage of approval in digital (.pdf) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of ¼" to 1', or other scale as the Administrative Officer may require, and containing the following information: A. All the essential aspects of the approved design; B. The implementation schedule; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; and F. Three lines, three inches long and one inch apart in the lower left-hand corner of each drawing for approval signatures.	
		1			23. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	

					<p>24. For communications towers, antenna arrays, and equipment shelters only:</p> <p>A. Photo simulations from multiple ground planes in the vicinity of the site depicting the full height of the tower in a photorealistic rendering at scale. Additional photo simulations may be required by the permitting authority prior to approval.</p> <p>B. Provide a definition of the area of service and indicate the current coverage capacity, and information showing that the proposed facility would provide the needed coverage and/or capacity.</p> <p>C. A map or maps, covering the entire City and showing all existing, proposed or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites.</p> <p>D. A statement identifying the owner, operator or manager of any wires, cables or connective devices that enter or exist on or along any public street or right of way.</p>	
			2		25. Additional items deemed necessary by the permitting authority during the previous review stage	

1 - only for minor land development projects and formal development plan review

2 - only for major land development projects

**Drawing submission requirements:**

A. Master Plan Sketch.

1. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point;
2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
3. Existing and proposed streets, approximate parking areas;
4. Concept for collecting and discharging stormwater;
5. Concept for grading, including limits of disturbance;
6. Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel;
7. Location and approximate size of existing buildings or significant aboveground structures on the subject parcel;
8. Location of wetlands, watercourses or coastal features within and immediately adjacent to the subject parcel;
9. Location of wooded areas and areas of agricultural use;
10. Location of any unique or historic features, including historic cemeteries; within or immediately adjacent to the subject lot(s);
11. Existing zoning on the site and on all abutting properties;
12. Availability of utilities;
13. Proposed buildings;
14. Proposed number of building lots;
15. Proposed number of dwellings;
16. Concept for collecting and discharging stormwater; and

17. Concept for grading, including limits of disturbance
- B. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
  1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
  2. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
  3. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
  4. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
  5. Utilities, indicating pipe sizes, grades, and manholes, proposed utility extensions, and text defining ownership and maintenance plans (water utilities to be verified by the Bristol County Water Authority and sewer utilities to be verified by the Department of Public Works);
  6. Topography, including contours at suitable intervals;
  7. Location of areas of active agricultural use or containing prime agricultural soils and farmland soils of statewide importance;
  8. Identification of the following areas of special concern:
    - a) Natural Heritage Areas, as defined by RIDEM
    - b) The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
    - c) A Groundwater Protection Overlay District
    - d) A Wellhead Protection Area
    - e) Groundwater Recharge Area
    - f) Areas within a TMDL watershed, as identified by RIDEM
    - g) OWTS Critical Resource Area, as defined by RIDEM
    - h) A Drinking Water Supply Watershed, as defined by RIDEM
    - i) National Register of Historic Places
  9. Coastal features, verified freshwater wetlands and the proposed drainage system;
  10. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
  11. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
  12. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
  13. Public access areas, including parcels of land proposed to be dedicated for public use;
  14. Solid waste collection areas;
  15. Existing zoning on the site and on all abutting properties;
  16. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
  17. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
  18. Proposed renewable energy facilities and electric vehicle charging locations; and

19. The stamp of a RI licensed professional architect and engineer.
- C. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
    1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
    2. Name of proposed development, name of owner, name of the architect and other consultants involved in the preparation of the drawings, date, north point and scale;
    3. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;
    4. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
    5. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
    6. Areas of glazing and identification of operable windows; and
    7. Identification of façade materials.
  - D. Landscape Plan. A landscape plan that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.
  - E. Landscape Plan. A landscape plan, prepared by a landscape professional that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.