

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

**Adopted by the
City of East Providence Planning Board
December 18, 1995
And as Amended by Vote of the East Providence Planning Board
December 14, 1999,
November 12, 2003
and
January 9, 2012**

City of East Providence Planning Board:

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Burton Batty, Vice Chairman
Anthony Almeida
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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.

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* may be continued to be reviewed and approved under those regulations in accordance with the following:

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

(b) Preliminary Approvals - Any subdivision which, at the time of adoption of these Regulations, has received preliminary approval, or preliminary approval with conditions, from the East Providence City Council, shall continue in the review process before the Planning Board and

shall be subject to the subdivision regulations in effect at the time preliminary approval was granted provided any one of the following conditions have been met:

- (1) The final plat, including all material required by these Regulations, is filed with the Planning Department within one (1) year from the date of preliminary approval; or,
- (2) The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Coastal Resources Management Council (CRMC) and the preliminary plans as approved have been filed with CRMC for an Assent as required by the Coastal Resources Management Program; or,
- (3) The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM) and the preliminary plans as approved have been filed with RIDEM for approval as required by the Freshwater Wetlands Act; or,
- (4) The applicant has expended significant moneys in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and re-application under these Regulations were to be required a significant economic hardship would result. The Planning Board shall determine what constitutes “significant economic hardship”.

(c) Final Approvals - Any subdivision which, at the time of adoption of these Regulations, has received final approval, or final approval with conditions, from the East Providence City Council, may initiate or construct any part of the development, or record said plans in accordance with the subdivision regulations in effect at the time final approval was granted. The Planning Board may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the regulations in effect at the time of final approval.

(d) Appeals from a decision made by the Planning Board regarding the application status of any subdivision made by the Planning Board shall be made to the Board of Appeal as herein provided.

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 general 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 newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles. The advertisement shall:

- (1) specify the place of said hearing and the date and time of its commencement;
- (2) indicate that adoption, amendment or repeal of local regulations is under consideration;
- (3) contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- (4) advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- (5) state that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, 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 to the following:

- (1) The Associate Director of the Division of Planning of the Rhode Island Department of Administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two (2) weeks prior to the public hearing.
- (2) Notice of the public hearing shall be sent by first class mail to the City or town Planning Board of any municipality where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the municipal boundaries.
- (3) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the 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 (E).

(c) 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.

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

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.

The following words, terms and phrases, when used in these Regulations, shall have the following meaning ascribed to them, unless otherwise specifically provided.

(1) ***Administrative Officer.*** The municipal official who shall administer the Land Development and Subdivision Review Regulations and who shall coordinate with local boards and commissions, municipal staff and state agencies. The Administrative Officer shall be the Director of the Department of Planning and Urban Development or his or her designee.

(2) ***Administrative Subdivision.*** Re-division of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such re-division shall only involve divisions, mergers and division, or adjustments of boundaries of existing lots.

(3) ***Applicant***

An individual, firm, corporation or other legal entity who as owner of property, or with written permission of property owner, applies for review and approval of a subdivision or land development project under these Land Development and Subdivision Review Regulations.

(4) ***Board.***

East Providence Planning Board.

(5) ***Board of appeal.*** The East Providence Zoning Board of Review, as designated by Ordinance and as required by Rhode Island General Laws Title 45, Chapter 23, shall be the local review authority for appeals of actions of the Administrative Officer and the Planning Board on actions relating to subdivision or land development projects.

(6) ***Bond.*** See Improvement Guarantee.

(7) ***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.

(8) ***Certificate of Completeness.*** A notice issued by the Administrative Officer informing an applicant that the application is complete, and that the applicant may proceed with the review process.

(9) Coastal Feature.

As defined, designated and delineated by the Rhode Island Coastal Resources Management Council in accordance with Title 46, Chapter 23 of Rhode Island General Laws.

(10) City engineer.

The City Engineer or duly authorized representative.

(11) Cluster subdivision.

See Chapter 19 Zoning, of the Revised Ordinances of East Providence.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) Development regulation. Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control plan or any other governmental regulation of the use and development of land.

(17) Division of land. A subdivision.

(18) Easement.

An interest in land created by grant or agreement express or implied, which confers a right upon the owner (grantee) thereof to some profit, benefit, dominion or lawful use out of or over the estate of another.

(19) Endorsement.

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

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

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

(22) ***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.

(23) ***Flood Maps.***

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

(24) ***Floodplain or flood hazard area.***

An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended, (P.L. 90-448 [U.S.C. 4011 et seq.]).

(25) ***Floor area, gross.*** See Rhode Island State Building Code.

(26) ***Hammerhead.***

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

(27) ***Improvement.*** Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

(28) ***Improvement guarantee.*** A security instrument accepted by the City to ensure that all improvements, facilities, or work required by these regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications.

(29) ***Land Development Project.*** See Chapter 19 Zoning, of the Revised Ordinances of East Providence.

(30) ***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.

(31) ***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.

(32) **Major subdivision.** Any subdivision not classified as either an administrative subdivision or a minor subdivision.

(33) **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 land development project proposals.

(34) **Minor subdivision.** A plan for subdivision of land consisting of five (5) or fewer units or lots, provided that such development does not require waivers or modifications as specified in this chapter.

(35) **Modification of requirements.** See Section 5 - 13.

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

(37) **Parking area or lot.** All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

(38) **Phased development.** Development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

(39) **Physical constraints to development.** Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

(40) **Planning Board.** The Planning Board of the City of East Providence.

(41) **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.

(42) **Pre-application conference.** An initial meeting between developers and City representatives which affords the opportunity to review and discuss proposals informally and to receive comments and directions from City officials and others.

(43) **Preliminary plan.** The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits.

(44) **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.

(45) Public informational meeting. A meeting of the Planning Board, preceded by notice, open to the public and at which the public shall be heard.

(46) Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot recorded in the Land Evidence Records, or that effects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of these regulations. For the purposes of these regulations any such action will constitute a subdivision.

(47) Storm water detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

(48) Storm water retention. A provision for storage of stormwater runoff.

(49) Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See Street Classification.

(50) Street, access to. An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

(51) Street, alley. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

(52) Street, limited access highway. A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

(53) Street, private. A thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific City improvement standards. This definition shall not apply to driveways.

(54) Street, public. All public property reserved or dedicated for street traffic under these regulations.

(55) Street, right-of-way.

The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

(56) Street, stub. A portion of a street reserved to provide access to future development, which may provide for utility connections.

(57) Street classification. A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The major classifications are as follows:

(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. Street whose primary function is to provide access to abutting properties, including minor and marginal access streets.

(58) 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.

(59) Subdivision. The division or re-division of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

(60) 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.

(61) 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.

(62) Wetland.

As defined, designated and delineated by the Rhode Island Department of Environmental Management and/or the Rhode Island Coastal Resources Management Council, or their successors.

(63) Waiver of Requirements. See Section 5 - 13.

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. The Director of Planning 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 & Urban Development of the City of East Providence 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 City Manager 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;
- (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 - 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.

Minor Subdivision - 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.

(3) Major Subdivision and 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.

Major Subdivision and 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.

Major Subdivision and 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 (\$75)

Major Subdivision and 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 informational meeting or 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 display advertisement as published in the Providence Journal or the East Providence Post. The applicant will be provided with a statement for the cost of the display 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 for all phases of approval for Minor Subdivision with street creation or extension and for Major Subdivision and Land Development Project shall be accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50). There shall be no charge for requests for extension of time limit for approval for Administrative Subdivision or Minor Subdivision on existing frontage.

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. The amount of the fee 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. Completed 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. A decision by the Planning Board to approve any land development project or subdivision application, as applicable, shall require a vote for approval by a majority of the current Planning Board membership.

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, including re-subdivision, and in all cases of 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 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 for Development Review. An applicant for subdivision or land development project approval shall submit all of the materials required by these Regulations to the Administrative Officer. The Administrative Officer shall advise applicants as to which approvals are required and the appropriate board for hearing an application for a subdivision or land development project. The major types of applications are:

(a) **Administrative Subdivision.** Re-division of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such re-division shall only involve divisions, mergers and division, or adjustments of boundaries of existing lots.

(b) **Minor subdivision.** A plan for subdivision of land consisting of five (5) or fewer units or lots, provided that such development does not require waivers or modifications as specified in these Regulations. Minor subdivisions shall be classified as those on existing frontage and those requiring street creation or extension.

(c) **Major subdivision.** Any subdivision not classified as either an administrative subdivision or a minor subdivision.

(d) **Land Development Project.** As defined in Chapter 19 Zoning, of the Revised Ordinances of East Providence.

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. If a positive finding for any of these standards cannot be made, the Administrative Officer and/or Planning Board shall have grounds for denial of the project.

(a) Subdivision and land development project proposals shall be consistent with the East Providence Comprehensive Plan, including its goals, objectives, policy statements, and Land Use 2010 Plan, and/or shall satisfactorily address the issues where there may be inconsistencies;

(b) All lots in a subdivision and all land development projects shall conform to the standards and provisions of the East Providence Zoning Ordinance, Chapter 19, provided however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of Section 19-145 of the Zoning Ordinance provided that:

(1) A notation is shown on the recorded plat that the lot being created is not a buildable lot; and/or

(2) A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the City of East Providence prohibiting any such present or future development.

(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) 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 shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement. Lots cannot be isolated by topographic, natural or other features which prevent adequate physical access from the street.

(f) Each subdivision and land development project shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and shall provide for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community to the extent feasible; and,

(g) The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision and land development shall minimize flooding and soil erosion.

Sec. 5 - 5. Criteria 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 criteria in their review of any subdivision or Land Development Project:

(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) blue-line 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 a check payable to the City of East Providence as follows: for Minor Subdivisions – seventy-five dollars (\$ 75), or for Major Subdivisions or Land Development Projects - one hundred fifty dollars (\$150). 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. 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 for minor subdivisions if the Board 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. The time allowed to the Administrative Officer for review for determination of the completeness of an application from the date of submission of an application is as follows:

(1) administrative subdivision - fifteen (15) days

(2) minor subdivision

(a) on existing frontage: fifteen (15) days

(b) with street creation or extension: twenty-five (25) days (preliminary and final plans)

(3) major subdivision or land development project:

(a) master plan - sixty (60) days

(b) preliminary plan - sixty (60) days

(c) final plan - twenty-five days (This time period may be extended to forty-five (45) days by written notice from the Administrative Officer to the applicant where the Final Plans contain changes to, or elements not included in, the Preliminary Plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall

recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

(b) In the event such certification of the application is not made within the time specified in these Regulations for the types of applications noted above, 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 Planning Board may subsequently require correction of any information found to be in error and submission of additional information specified in the Regulations but not required 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 Planning Board 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) 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) Whenever a public hearing is required by these Regulations, the following procedures shall be the minimum requirements.

(c) The Administrative Officer shall cause notice to be sent by certified mail, return receipt requested, to the applicant and all property owners within a two hundred (200) foot radius of the perimeter of the subdivision or land development project not less than ten (10) days prior to the date of the hearing. The cost of all mail notice shall be borne by the applicant. The notice shall include the following information:

- (1) the time and place of the hearing;
- (2) the street address of the property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile;
- (3) the assessors map, block and parcel number of the property;

- (4) a statement advising interested parties where and when a copy of the plans of the proposed development may be examined;
- (5) a brief description of the project; and
- (6) contain a statement that the proposed development plan may be revised with the permission of the Planning Board as a result of further study or because of the views expressed at the public hearing.

(d) Additional notice shall be required as follows:

(1) The Administrative Officer shall cause notice of the public hearing to be sent by first class mail to a City or town Planning Board of any municipality where there is a public or quasi-public, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of the municipal boundaries.

(2) The Administrative Officer shall cause notice of the public hearing to be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within wither the municipality or two thousand (2000) feet of the municipal boundaries, provided, however, that a map survey has been filed with the building inspector of the City.

(3) The Planning Department shall cause notice of the public hearing to be sent to the Administrative Officer of an adjacent municipality if (a) the notice area extends into the adjacent municipality, or (b) the development site extends into the adjacent municipality, or (c) there is a potential for significant negative impact on the adjacent municipality.

(e) Certificates of mailing recording the date such notices were given to the U.S. Postal Service shall be sufficient evidence of the issuance of a notice. Failure of any property owner to receive a notice of public hearing shall not necessitate another public hearing and shall not invalidate the action of the Planning Board.

(f) 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 three duplicate sets of three-column Avery mailing labels containing the full names and full mailing address of those required to receive notice.

(g) The Administrative Officer shall cause to be published in a newspaper of general circulation, a public notice of said hearing at least fourteen (14) days prior to the date of the hearing, describing the time and place of the hearing, the name of the subdivision, the proposed number of lots or units, the street address of the property, or if no street address is available, the distance

from the nearest existing intersection in tenths (1/10's) of a mile. The cost of such notice shall be borne by the applicant.

Sec. 5 - 11. Precedence of Approvals.

(a) Where an applicant requires both a Variance, or Special Use Permit, under Chapter 19 Zoning, of the Revised Ordinances of East Providence, and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, usually the preliminary stage, except for major subdivision and land development projects, when Master Plan is the first approval stage, which may be simultaneous, then obtain conditional zoning board relief, and then return to the Planning Board for subsequent required approvals.

(b) Where an applicant requires both Planning Board approval and City Council approval for an amendment or change to the Zoning Ordinance or Zoning map and/or requires an amendment(s) to the City's Comprehensive Plan, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, usually the Preliminary stage, except for Major projects, when Master Plan is the first approval stage, which may be simultaneous, then obtain a conditional approval(s) from the council, and then return to the Planning Board for subsequent required approvals.

(c) Where applicant requires both Planning Board approval and action by the City Council on some other aspect of the project, including, but not limited to, 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 major land developments and major subdivisions, to be divided into reasonable phases. When a 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 or development at the time of recording of the plat, 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 Conceptual master plan approval, the applicant 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 an informational and/or public hearing on the application. The applicant 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 or agency 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 residential 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 Planning Board shall have the power to grant waivers and/or modifications from the requirements of these Regulations as may be reasonable 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) 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 for referral to the Planning Board.

(b) The Planning Board shall 1) approve, 2) approve with conditions or 3) deny the request for either a waiver or modification as described in subsection (a) above, 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 of such subdivision 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.

ARTICLE 6
RECORDING OF, CHANGES TO, AND RESCISSION OF,
RECORDED PLATS AND PLANS

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 approved final plans and plats for land development projects and subdivision projects shall be signed by the appropriate Planning Board official with the date of approval. Plans and plats for minor and major subdivisions and land development projects shall be signed by the Planning Board chairperson, or in the absence of the chairperson, by the secretary of the Planning Board, or the Board's Administrative Officer, attesting to the approval by the Planning Board. Plats and plans for administrative subdivision shall be signed by the Administrative Officer or his/her designee, unless the plan has been reviewed and approved by the Planning Board, in which case it shall be signed by the Planning Board chairperson or secretary. 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. 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 - 3. 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 - 4. 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 - 5. 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 - 6. Changes to Recorded Plats and Plans. For all changes to the approved plans of land development projects or subdivisions subject to these Regulations, an amendment of the final development plan is required prior to the issuance of any building permits. Any approved changes to the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats and plans in this Article.

Sec. 6 - 7. Minor Changes - Eligibility. Minor changes shall mean any change which, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to:

- (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;
- (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;

Sec. 6 - 8. Minor Changes Procedure. Requests for approval of minor changes shall be made in writing to the Administrative Officer. Minor changes to a land development project or subdivision plan may be approved administratively by the Administrative Officer without additional public hearings. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from applicable City staff or the Planning Board, or from referring the request to the Zoning Board of Review for review as to affect upon any previously granted variances or special use permits.

- (1) Denial of the proposed change(s) by the Administrative Officer shall be referred to the Planning Board for review as a major change, according to the procedure

provided in Sec. 6 - 10 below, unless the applicant withdraws the request for approval.

(2) Upon written authorization of the approval of a minor change by the Administrative Officer, the Building Official may issue a building permit for any proposed construction upon the subject property. The Administrative Officer shall provide notice of approval of a minor change to other bodies who granted approval for the plan or for portions of the plan.

Sec. 6 - 9. Major Changes - Eligibility. Major changes shall mean changes which, in the opinion of the Administrative Officer, are clearly contrary to the intent of the original approval. Major changes shall include, but are not necessarily 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 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 modification of a previously granted permit, which have the effect of creating a major change as described above in this section.

Sec. 6 - 10. Major Changes Procedure.

(a) Major changes to a land development project or subdivision plan may be approved only by the Planning Board and must follow the same review and public hearing process for approval of preliminary plans as described in Article 5 of these Regulations.

(b) Applicant shall submit a request for review and approval of a major change(s) to the Administrative Officer, and shall submit all required and requested materials to enable review of the proposed change(s). Applicant is responsible for all advertising and notice costs associated with the public hearing.

Sec. 6 - 11. 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 Article 5 of these Regulations. 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 modifications, 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 or the Board's Administrative Officer, which shall then be recorded as specified in Article 6 of these Regulations.

ARTICLE 7
ADMINISTRATIVE SUBDIVISION

Sec. 7 - 1 Administrative Subdivision - Eligibility.

(a) Administrative subdivisions are those which involve re-division of existing lots which yield no additional lots for development, which require no creation or extension of streets; such re-division shall only involve divisions, mergers and division, or adjustments of boundaries of existing lots.

(b) Proposals for subdivision which require relief from the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence, shall be subject to review and approval by the Planning Board and shall follow the procedures and requirement of precedence of approvals as contained in these Regulations. Petitioner is responsible for filing the required information and petition with the Zoning Officer for the requested variance(s). The Zoning Board of Review shall not consider an application for variance associated with a proposed subdivision until the Planning Board has first considered the plan and given conditional approval.

Sec. 7 - 2. 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 performed by a professional engineer, such as road design, utility design, and drainage calculations.

Sec. 7 - 3. Re-Assignment to Minor Subdivision or Other Review. Upon review of an application for administrative subdivision, the Administrative Officer may determine that the subdivision does not qualify as an administrative subdivision, or involves factors which should be reviewed by the Planning Board or Zoning Board, and shall either refer it to the Planning Board as an administrative subdivision or shall re-assign the application for review as a minor subdivision plan or some other classification as allowed by these Regulations.

Sec. 7 - 4. 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 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 file the following materials with the Administrative Officer or designee:

- (1) a completed application form for administrative subdivision review and approval (Form A);
- (2) a reproducible plan prepared on mylar or other material capable of clear reproduction meeting the requirements of these Regulations for plan content and format 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;
- (3) six blue-line prints of the plan for completeness review and an electronic PDF file of the proposed subdivision; fourteen (14) blue-line prints of the plan when it is placed on the Planning Board agenda. When an Administrative Subdivision is approved for recording and electronic .dwg file of the subdivision plan shall also be submitted.
- (4) supporting documentation as required by these Regulations; and
- (5) a filing fee in the amount of one hundred dollars (\$ 100).

(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 the provisions of these Regulations relating to application for development and certification of completeness.

- (1) A copy of the plan will be referred to the Zoning Officer for review and certification of the plan 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) Referral to City Departments/Plan 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 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 Planning Board.

(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 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. 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 - 5. 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 - 6. 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 - 7. Recording. - Recording of the 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, or in the case of approval by the Planning Board, by the Planning Board chair or secretary. The plan will be signed only after the twenty-day (20) appeal period has expired without the filing of an appeal, or if an appeal has been filed, after the final adjudication of all appeals. The applicant shall be responsible for all recording expenses and shall 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 to the City Clerk equal to the cost of recording of the plan(s) and any other required documents in the Land Evidence Records; or 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. During the period before recording, the original drawing shall remain with the Planning Department.

Sec. 7 - 8. Required Content and Format for Plans and Submission.

(a) Generally. All plans shall be prepared in accordance with accepted professional standards and practices and shall conform to the following:

(1) *Title Block* - There shall be a title block located on the plan which shall contain the following:

- (a) title of the plan;
- (b) the Assessors Map, Block and Parcel numbers for the property being subdivided;
- (c) name of the applicant(s) and address(es);
- (d) name of the property owner(s) if different from the applicant(s) and address(es);
- (e) current zoning classification of all involved land;
- (f) the street address(es) of the property being subdivided;
- (g) name, address and telephone number of the land surveyor;
- (h) the scale, including graphic depiction of scale; north arrow; date of preparation and latest revision date of plan, if applicable; and
- (i) any other appropriate information.

(2) *Vicinity Sketch* - A vicinity, or locus, sketch shall be shown on the plan. The sketch shall not be required to be drawn to scale, but shall show all streets, existing lot lines, structures, and zoning district boundaries within two hundred (200) feet of the perimeter of the subdivision.

(b) Lot Plan - The lot plan shall be drawn at a scale of either 1 inch = 40 feet, or some other convenient scale, provided that it is acceptable to the Administrative Officer, with north point shown and oriented to the top or left of the sheet. Existing lot lines shall be shown as dashed lines. Proposed lot lines shall be shown as solid lines. Any parcel being created by the plan shall be surveyed in the field with accurate bearings and dimensions placed upon its boundaries and its square footage shown, i.e. it shall be a Class 1 survey. Lots shall be labeled consecutively with a numerical or alphabetical designation. The following shall be shown on the plan as applicable:

(1) *Utilities* - Any proposed utilities or modifications to existing utilities shall be shown.

(2) *Topography* - Approximate topographic conditions shall be shown so that any excessive slope conditions on the site may be identified and reviewed.

(3) *Structures* - The location of any existing structures located on the property shall be shown. The location of proposed structures, where known, shall be shown on the plan. At a minimum, building area shall be shown on the plan and indicated by a dashed line. Any proposed demolition of existing structures shall also be noted on the plan. Off-street parking and driveways shall be shown.

(4) *Easements* - Any existing or proposed easement on or abutting the property shall be shown and labeled as to its purpose.

(5) *Streets* - Any street which adjoins the property shall be shown and its right-of-way width indicated. Any construction or modification within the City or State street right-of-way, i.e. curb cuts, driveways and sidewalks, shall be noted on the lot plan.

(6) *Wetlands and Coastal Features* - Location of any wetlands and coastal features.

(7) *Natural Features* - Location of any surface water and water courses, general location and types of existing vegetation, including existing tree stands and specimen trees (noting type and size of such trees), or unique natural features.

(8) *Signature Block* - A signature block for the endorsement of approval shall be included in the bottom left corner of all administrative subdivision plans 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).

(9) *Zoning Certification* - 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 shall be included on all administrative subdivision plans 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)

(10) *Land Surveyor's Certification* - Shall be as follows: "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, Land Surveyor's Signature, address and stamp)

(11) *Recording Certification* - The plan shall include a blank space which will be utilized for the recording stamp of the City Clerk's office.

(12) *Other* - Such other information as may be required to show that the details of the site plan are in accordance with the applicable requirements of these Regulations and Chapter 19, Zoning, of the Revised Ordinances of East Providence.

(c) Supporting documentation:

(1) *Permits* - Applicant shall also submit copies of final permits required by state or federal agencies.

(2) *Tax Certification* - Applicant shall also submit written certification from the Finance Director that all property taxes on the land involved are current.

(3) *Title Report* - Except where not required, a report as to real property title shall be required to be submitted.

(4) *Other* - Such other information as may be required to show that the proposal is in accordance with the applicable requirements of these Regulations and Chapter 19 Zoning, of the Revised Ordinances of East Providence.

Sec. 7 - 9. 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 SUBDIVISION

Sec. 8 - 1. Minor Subdivision - Applicability.

(a) Minor subdivisions shall be considered to be subdivision of land consisting of five (5) or fewer units or lots, provided that such development does not require waivers or modifications as specified in these Regulations. Minor subdivisions shall be classified into those with frontage and access to an existing public street (requiring no street creation or extension), and those requiring street creation and/or extension.

(b) All subdivisions involving modifications and/or waivers of the requirements and standards of these Regulations shall be classified as major subdivisions.

Sec. 8 - 2. 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.

Sec. 8 - 3. Review Stages

(a) Minor plan review shall consist of two stages, preliminary and final. A public hearing is required where street creation or extension is proposed. A pre-application conference is required for all minor subdivisions.

(b) The Planning Board may combine the approval stages, providing submission requirements for both stages have been met by the applicant to the satisfaction of the Administrative Officer. The Planning Board may also choose to delegate final plan review and approval to the Administrative Officer.

Sec. 8 - 4. Re-Assignment to Major Review. The Planning Board may re-assign a proposed minor subdivision to major subdivision only when it is unable to make the following required findings:

(a) The proposed development is consistent with the 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 Chapter 19 Zoning, of the Revised Ordinances of the City of East Providence.

(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) 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 reserved for a public purpose on the approved, recorded plan; and

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

Where re-assigned, all submittal and review processes for major subdivision shall be followed.

Sec. 8 - 5. Procedure for Preliminary Plan.

(a) Pre-Application Conference - The Administrative Officer, and/or the applicant, may request one or more pre-application conferences prior to the filing of an application. At a minimum, it is recommended that the applicant consult with the Departments of Planning and Public Works prior to preparation of an application. The applicant shall submit plans and materials in accordance with the provisions of Article 5.

(b) Filing - The applicant shall file the following materials with the Administrative Officer or designee:

- (1.) a completed application form (Form B₁);
- (2.) Six (6) blue-line prints of the plan for completeness review and an electronic PDF file of the proposed subdivision; fourteen (14) blue-line prints of the plan when the plan is placed on the Planning Board agenda;
- (3.) where no street creation or extension is proposed, a certified list of names and addresses of property owners immediately abutting the perimeter of the subdivision as of no more than thirty (30) days prior to the filing of an application;
- (4.) where street creation or extension is proposed, a certified list of the names and addresses of all property owners within a two hundred (200) foot radius of the boundaries of the proposed subdivision as of no more than thirty (30) days prior to the filing of an application;
- (5.) supporting documentation as required by these Regulations and/or as required by a pre-application conference;
- (6.) a sufficient number of copies of a reduced plan of the proposed subdivision measuring no more than eight and one-half (8-1/2) by fourteen (14) inches and no less than eight and one-half (8-1/2) by eleven (11) inches for distribution to each party on the certified list of owners; and
- (7.) 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;
- (8.) 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.

(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, or within fifteen (15) days if no street creation or extension is required. 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 fourteen (14) days after its resubmission.

(d) 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.

(e) Notice to Abutters - In the case of a minor subdivision where no street creation or extension is proposed, the Administrative Officer shall cause notice of the proposed subdivision to be sent to those on the certified list of abutters by certified mail, return receipt requested, at the issuance of a Certificate of Completeness. The notice shall include the following information:

- (1) the street address of the property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile;
- (2) the assessors map, block and parcel number of the property;
- (3) a statement advising interested parties where and when a copy of the plans of the proposed subdivision may be examined;
- (4) a brief description of the project, and;
- (5) contain a statement that the proposed development plan may be revised with the permission of the Planning Board as a result of further study or because of the views expressed at the Planning Board meeting.

(f) Public Hearing - In the case of a minor subdivision where street creation or extension is proposed, a public hearing shall be held by the Planning Board which shall meet the notice requirements set forth in Article 5.

(g) Planning Board Action -

- (1) Where no street creation or extension is proposed, the Planning Board shall approve, approve with conditions, or deny the preliminary plan within sixty-five (65) days from the date of the Certificate of Completeness, or within such further time as is agreed to by the applicant and the Board in accordance with the Board's regulations for voting, decisions and records.
- (2) Where street creation or extension is proposed, the Planning Board shall 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 in accordance with the Board's regulations for voting, decisions and records.

(h) Deferral - The Planning Board may also vote to defer action for specific reasons which shall be cited by the Board and noted for the record. However, the preliminary plan must be approved, denied, or approved with conditions within sixty-five (65) days from the date of the certificate of completeness, or within some additional time period to which the Planning Board and applicant have mutually agreed.

(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 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.

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 - The filing, review for completeness, plan referral and plan review for final subdivision plans shall be the same as outlined under Sections 8 - 5 (b) through (d) for Preliminary Plans, described above.

(b) Delegation of Final Plan Approval - At the Preliminary Plan stage, the Planning Board may delegate final plan approval to the Administrative Officer.

(1) If the Board delegated final plan approval, the Administrative Officer shall review the final plan and accompanying materials for completeness and for compliance with any requirements set forth by the Planning Board during the preliminary plan review, and make a determination as to whether the submission is eligible for approval. The Administrative Officer shall then report the results of final plan review to the Planning Board at the next regular meeting. If the Administrative Officer determines that an application for final approval does not meet the requirements set by the Regulations and/or the Planning Board at preliminary

approval, the Administrative Officer shall refer the final plans to the Planning Board for review.

(2) If the Planning Board has not delegated final plan approval to the Administrative Officer, the Administrative Officer shall review the Final Plan and any accompanying materials for completeness and for compliance with any requirements set forth by the Planning Board during the preliminary plan review and shall render a recommendation to the Planning Board. The Administrative Officer shall then submit the staff recommendation along with the Final Plan and any accompanying materials to the Planning Board for review and approval. The Planning Board shall approve, deny, or approve with conditions, the final plan within sixty-five (65) days from the date of the Certificate of Completeness, or within such further time as is agreed to be the applicant and the board in accordance with the board's regulations for voting, decisions and records.

(c) Posting of Decision/Appeal Period - The decision of the Planning Board, or the Administrative Officer if so designated, 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.

(d) Vesting - Approval of a minor subdivision plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval, and as defined in these Regulations, is submitted for signature and recording as specified in these Regulations. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the Planning Board. Requests for extension of time limit of approval for Minor Subdivision with street creation or extension shall be accompanied by a check payable to the City of East Providence in the amount of fifty-dollars (\$50).

Sec. 8 - 9. Required Content and Format for Preliminary Plans and Submission.

(a) Generally. All plans shall be prepared in accordance with accepted professional standards and practices and shall conform to the following:

1. *Title Block.* There shall be a title block located on the plan which shall contain the following:

- (a.) name of the subdivision or title of the plan (including the words "Preliminary Plan"); page number of each sheet with a reference to the total number of sheets; title of each plan sheet, i.e. Boundary and Topographic Survey, Drainage Plan, etc.
- (b.) number of proposed lots or units;
- (c.) name and address of the applicant;
- (d.) the record name and mailing address of the property owner(s), the applicant and/or developer, the engineer (include telephone number) and surveyor and any other persons directly involved in the transaction;

- (e.) the Assessors Map, Block and Parcel number(s) for the property being subdivided;
- (f.) current zoning classification of all involved land;
- (g.) the street address of the property being subdivided;
- (h.) legend information such as the graphic scale, written scale, north point, date of preparation and space for noting any revisions and date of revisions, and any other pertinent legend data. The north point shall represent true north. If magnetic north is indicated, deviation from true north shall be provided for the latitude of the City.
- (i.) any other appropriate information.

(2) *Index*. In instances of multiple plan sheets, an index listing the number and title of each sheet shall be contained on the first sheet of the plan set.

(3) *Vicinity Sketch*. There shall be a vicinity, or locus, sketch shown on the plan. The sketch shall be drawn to a scale of no less than 1 inch equals 200 feet to show the area within 500 feet of the perimeter of the subdivision showing the location of all streets, existing lot lines, land uses and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific uses.

(b) Lot Plan. The lot plan shall be drawn at a scale of 1 inch = 40 feet, or some other convenient scale acceptable to the Administrative Officer and/or Department of Public Works, with north point shown and oriented to the top or left of the sheet. Existing lot lines with dimensions shall be shown as dashed lines. Proposed lot lines shall be shown as solid lines. Any parcel being created by the plan shall be surveyed in the field with accurate bearings and dimensions placed upon its boundaries and its area (square footage) shown, i.e. it shall be a Class 1 survey. Lots shall be labeled with a numerical designation. The following shall be shown on the plan as applicable:

- (1) *Abutting Lots* - The lot lines and assessors plat information (map, block and parcel) of all property abutting the perimeter of the subdivision and names of all owners shall be shown and all structures on these properties shall also be shown.
- (2) *Utilities* - Existing and proposed utilities, or modifications to existing utilities, shall be shown. This shall include, but not be limited to, the location, size and invert elevation of sanitary and storm sewers, location of water mains, location of natural gas lines, fire hydrants, electric and telephone; poles and/or underground wires and street lights.
- (3) *Topography* - Existing and proposed contours at intervals of two (2) feet. Contour data may be indicated on supplementary drawings, such as on a separate sheet showing boundary and topographic survey.
- (4) *Structures* - The location of any existing structures shall be shown on the plan. The location of proposed structures, where known, shall be shown on the plan. At a minimum,

building area shall be indicated by a dashed line. Any proposed demolition of existing structures shall also be noted on the plan. Off-street parking and driveways shall be shown.

(5) *Easements* - Location and dimensions of existing or proposed easements on or abutting the property shall be shown and labeled as to their purpose.

(6) *Streets* - Any street which adjoins the property shall be shown and its right-of-way width indicated. Any construction or modification within the City or State street right-of-way, i.e. curb cuts, driveways and sidewalks, shall be noted on the plan.

(7) *Wetlands and Coastal Features* - Location of any wetlands and coastal features.

(8) *Flood elevation* - Delineation of base flood elevation (where applicable).

(9) *Drainage Features* - The location of surface water and watercourses shall be shown. The general location of any proposed detention or retention basin or other aboveground stormwater structure, and/or stream relocation, shall be shown.

(10) *Vegetation* - General location and types of existing vegetation, including existing tree stands and specimen trees (noting type and size of such trees).

(11) *Natural Features* - Location of any unique natural features.

(12) *Public and non-public sites* - The acreage and proposed use of any parcels to be conveyed or held for public use, or for joint use of property owners and the name, acreage and proposed use of any non-public areas of the subdivision (other than the individual lots). (The narrative required in supporting documentation shall include an explanation of the provisions of reservation of such areas and arrangement for maintenance.)

(13) *Areas of Geologic Hazard or Environmental Sensitivity* - Any such area as determined by the applicant, or as noted during a pre-application conference by city staff, shall be shown on the plan and labeled as to its nature. (Additional information may also be required.)

(14) *Subsurface Conditions* - Location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions, in particular for street construction or stormwater control. The date of the tests shall be provided either in a separate narrative or in summary on the plan sheet.

(15) *Signature Block* - A signature block shall be included in the lower left corner on all minor subdivision plans and shall read as follows: "I do hereby certify that this record plat has met the requirements of the East Providence Land Development and Subdivision Review Rules and Regulations, and is now eligible for recording." (Date, Planning Board Chairperson)

(16) *Zoning Certification* - 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 shall be included on all minor subdivision plans 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)

(17) *Land Surveyor’s Certification* - Shall be as follows: “I do hereby certify that this record 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, Land Surveyor’s Signature, address and seal)

(18) *Recording Certification* - The plan shall include a blank space which will be utilized for the recording stamp of the City Clerk’s office.

(19) *Other Conditions or Information* - Such other conditions as natural or man-made features including rock outcrops, structures, embankments or retaining walls, power lines, railroads and significant physical features on the proposed plat and on adjacent land that may have an influence on the development of the proposed subdivision; other information related to the adjoining land as necessary to ensure proper continuity of storm drainage, sanitary sewers, street grades and other public improvements and facilities.

(20) *Other* - Such other information as may be required to show that the details of the site plan are in accordance with the applicable requirements of these Regulations and Chapter 19 Zoning, of the Revised Ordinances of East Providence.

(c) Plan and Profiles

(1) Plan and profiles shall be submitted for all proposed streets and public improvements in accordance with Articles 12 and 13 of these Regulations.

(2) These plans shall be prepared in accordance with accepted professional standards and practices, shall be based upon reliable field data, and shall be subject to the approval of the Department of Public Works.

(d) Supporting documentation

(1) *Narrative* - Applicant shall submit fourteen (14) copies of a written narrative summarizing the entire proposal. In particular, any potential neighborhood impacts, i.e. traffic, noise, and incompatibility of adjoining structures and uses, shall be addressed.

(2) *Permits* - Applicant shall also submit copies of final permits required by state or federal agencies.

(3) *Tax Certification* - Applicant shall also submit written certification from the Finance Director that all property taxes on the land involved are current.

(4) *Legal Documents* - Five (5) copies of any legal documents relating to conditions proposed by the applicant, such as deed restrictions or establishment of a homeowners' association, shall be submitted. (Such additional documents as may be required by the Planning Board for any conditions imposed at the preliminary plan stage shall be submitted at the final plan stage.)

(5) *Construction Improvement Guarantee* - Proposed form of improvement guarantee shall be submitted where streets and/or other public improvements are to be constructed.

(6) *Title Report* - Except where not required, a report as to real property title shall be required to be submitted.

(7) *Other* - Such other information as may be required to show that the details of the site plan are in accordance with the applicable requirements of these Regulations and Chapter 19, Zoning of the Revised Ordinances of East Providence.

Sec. 8 - 10. Required Content and Format for Final Plans and Submission.

(a) Final plans and supporting documentation shall meet the required content and format for Preliminary Plans contained in this Article, and all necessary changes, documentation, and any requirements set forth by the Planning Board during the preliminary plan review stage shall be incorporated into the final plan submission. The Final Plan shall be submitted 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) blue-line copies of the plan. 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 Plan.

(b) A filing fee in the amount of one-hundred twenty-five dollars (\$125), a completed application form (Form B₂), five (5) blue-line prints of the final plan, and the construction improvement guarantee as determined at preliminary plan approval where street or other public improvements are to be constructed, shall accompany all submissions for final plan review and approval. 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.

Sec. 8 - 11. Statement on Final Plat. In instances of approval with conditions, the final plan approved by the Planning Board and recorded in the Land Evidence records of the City shall contain the following statement: "These premises are subject to restrictions and conditions that are contained in instruments recorded at Book ____/Page ____ recorded contemporaneously with this plan, and are incorporated herein by reference.

Sec. 8 - 12. Final Plan Recording.

(a) Recording of the Final plan in the City's Land Evidence records shall not take place until plan approval has been endorsed on the plan by the Chairperson or Secretary of the Planning Board or the Board's designee. The plan will be signed only after the twenty-day (20) 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 approved final subdivision plans, lots may be sold or transferred and building permits obtained in accordance with the approved final subdivision plan and subject to all other local, state and federal regulations.

Sec. 8 - 13. Plan Revisions After Approval. - No changes, modifications, or revisions shall be made in any subdivision plan after approval has been given and endorsed in writing on the plan, unless the plan is first resubmitted and the Administrative Officer or Planning Board approves any modifications pursuant to Article 6 of these Regulations. Applicant shall be required to submit as-built plans reflecting all approved changes.

**ARTICLE 9
MAJOR SUBDIVISION**

Sec. 9 - 1. Major Subdivision - Applicability. Major subdivisions shall be all those which are not classified as either an administrative or minor subdivision.

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. Development Plan Review of Chapter 19 of the Revised Ordinances of East Providence.

Sec. 9 - 3. 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 and shall be a Class 1 survey. A Professional Engineer currently registered in the State of Rhode Island shall prepare those aspects of submittals for all phases of subdivision and land development projects which are required to be conducted only by a professional engineer, such as road design, utility design and drainage calculations. A Professional Landscape Architect currently licensed in the State of Rhode Island shall be responsible for preparing the landscaping aspects of a proposal, including, but not limited to, proposed street trees, ground cover, interior parking lot landscaping, and vegetative buffering and screening.

Sec. 9 - 4. Review stages.

(a) Major 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 Planning Board may vote to combine review stages and, where permitted by these Regulations, to modify and/or waive requirements. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant.

Sec. 9 - 5. Master Plan Procedure.

(a) Pre-Application Conference - One or more pre-application conferences shall be held prior to the filing of an application. The applicant shall submit the items identified in Article 5 of these Regulations, or as otherwise determined by the Administrative Officer.

(b) Filing - The applicant shall file the following materials with the Administrative Officer or designee:

- (1) a completed application form (Form C₁);
- (2) fourteen (14) blue-line prints of the plan and an electronic PDF file of the proposed subdivision;

- (3) supporting documentation as required by these Regulations;
- (4) a certified list of the names and addresses of property owners within a two hundred (200) foot radius of the perimeter of the subdivision or development; and
- (5) a sufficient number of copies of a reduced plan of the proposed subdivision or development measuring no more than eleven (11) by fourteen (14) inches for distribution to each part on the certified list of owners; and
- (6) a filing fee in the amount of four hundred fifty dollars (\$450) plus twenty dollars (\$20) per lot or unit. (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.)

(c) Review for Completeness. The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days in accordance with the provisions of Article 5 relating to review for completeness. 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 fourteen (14) days after its submission.

(d) Distribution and Review - The Administrative Officer shall coordinate the review and comments by local officials, adjacent communities, where appropriate, and state and federal agencies as appropriate. Initial comments shall be solicited from:

- (1) local City departments including, but not limited to, planning, public works, fire, police; and where appropriate, other City boards, such as the East Providence Conservation Commission and the Recreation Advisory Board;
- (2) adjacent communities, as appropriate;
- (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.

(e) Master Plan Informational Meeting - A public informational meeting shall be held prior to the Planning Board decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon a Planning Board determination. A public hearing by the Planning Board on the Preliminary Plan is required.

(1) Public notice for the informational meeting is required and shall be published at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the City.

(2) The Administrative Officer shall cause postcard notice of said meeting to be sent to the applicant and all property owners within a two-hundred (200) foot radius of the perimeter of the property that is the subject of the master plan no less than ten (10) days prior to the date of the hearing.

(3) The applicant shall present the proposed development project at the public informational meeting. 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.

(f) Planning Board Decision - The Planning Board shall: a) approve the master plan as submitted, b) approve with changes and/or conditions or, c) deny the master plan application within one-hundred twenty (120) days from the certificate of completeness, or within such further time as may be consented to in writing by the applicant.

(g) 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.

(h) Master Plan Vesting - The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a longer period for good cause shown if requested by the applicant in writing 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 Subdivision or Land Development Project 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. Required Content and Format for Master Plan and Submission.

(a) Title Block - There shall be a title block located on the plan which shall contain the following:

- (1) title of the plan (including the words “Master Plan”);
- (2) name and address of the applicant;
- (3) the record name and mailing address of the property owner, the developer, the individual or company responsible for plan preparation, and any other persons directly involved in the transaction;
- (4) the Assessors Map, Block and Parcel number(s) for the property proposed to be developed;
- (5) current zoning classification of all involved land;
- (6) the street address of the property proposed to be developed;
- (7) legend information such as the graphic scale, written scale, north point, date of preparation and date of any revisions, and any other pertinent legend data. The north point shall represent true north. If magnetic north is indicated, deviation from true north shall be provided for the latitude of the City.
- (8) any other appropriate information.

(b) Vicinity Sketch - There shall be a vicinity sketch shown on the plan. The sketch shall be drawn to a scale of no less than 1 inch equals 200 feet to show the area within five hundred (500) feet of the perimeter of the development showing the location of all streets, existing lot lines, land uses, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific uses.

(c) Required Plan Information - The master plan shall be based on a perimeter boundary survey of the property and shall depict the following information as applicable in graphic form at a scale sufficient to show clearly all of the information required. The scale shall be subject to the approval of the Administrative Officer:

- (1) information on the natural and built features and land uses of the surrounding neighborhood within a distance of two hundred (200) feet of the perimeter of the subdivision or development;
- (2) existing natural and man-made conditions of the development site;
- (3) topographic features of the site at five (5) foot contours;
- (4) any areas subject to freshwater wetland regulations and coastal zone regulations;
- (5) any floodplains;
- (6) soils (generally to determine suitability for development);
- (7) proposed design concept (i.e. number of lots, proposed streets, driveways, off-street parking and loading areas, proposed traffic controls, proposed demolition or relocation of existing structures, proposed buildings or other structures, etc.);
- (8) proposed public improvements or dedications;
- (9) tentative phasing of uses and/or construction;
- (10) existing or proposed easements (show dimensions and purpose);
- (11) proposed drainage methods and/or structures.

(d) Required Supporting Documentation

(1) Applicant shall submit fourteen (14) copies of a written narrative summarizing the entire proposal. In particular, any potential neighborhood impacts, i.e. traffic, noise, odors, lights, and incompatibility of adjoining structures and uses, shall be addressed.

(2) Any initial comments received by the applicant from state and/or federal reviewing agencies, such as the Rhode Island Department of Environmental Management and the Coastal Resources Management Council and/or a written summary of the required state and/or federal permits for the proposed development.

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

(a) Generally - Notwithstanding other applicable provisions of these Regulations, preliminary plans for major subdivision and land development project shall be subject to the procedures and requirements described below.

(b) 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.

(c) Pre-Application Conference - One or more pre-application conferences shall be held prior to the filing of an application. The applicant shall submit the items identified in Article 5 of these Regulations, or as otherwise determined by the Administrative Officer.

(d) Filing - The applicant shall file the following materials with the Administrative Officer or designee:

- (1.) a completed application form (Form C₂);
- (2.) fourteen (14) blue-line prints of the plan and an electronic PDF file of the proposed subdivision;
- (3.) supporting documentation as required by these Regulations and/or as required by a pre-application conference;
- (4.) a certified list of the names and addresses of all property owners within a two hundred (200) foot radius of the boundaries of the proposed subdivision or land development project as of no more than thirty (30) days prior to the filing of an application;
- (5.) a sufficient number of copies of a reduced plan of the proposed subdivision or development measuring no more than eleven inches (11) by fourteen (14) inches for distribution to each party on the certified list of owners; and
- (6.) a filing fee in the amount of four hundred fifty dollars (\$450) plus twenty dollars (\$20) per lot or unit. (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.)

(e) Review for Completeness - The Administrative Officer shall review the application and certify the application as complete or incomplete within sixty (60) days according to the provisions of these Regulations. 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 fourteen (14) days after its resubmission.

(f) 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.

(g) Plan Review - The applicable city staff having received the plans and supporting materials for review shall forward written recommendations to the Administrative Officer. Staff may meet with or without the applicant to discuss the plans. The Administrative Officer will forward the recommendation of the Department of Planning, as well as other staff recommendations, to the Planning Board.

(h) Public Hearing - Prior to the Planning Board decision on the preliminary plan, a public hearing shall be held which shall conform to the requirements as detailed in Article 5 of these Regulations.

(i) Planning Board Decision - The Planning Board shall: 1) approve, 2) approve with conditions, or 3) deny the preliminary plans within one-hundred and twenty (120) 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.

(j) 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.

(k) Vesting - The approved preliminary plan shall be vested for a period of one (1) year from the date of approval. Vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant prior to the expiration of the one-year period, and approved by the Planning Board. 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 vesting for preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

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. Required Content and Format for Preliminary Plans and Submission.

(a) Generally. All plans shall be prepared in accordance with accepted professional standards and practices and shall conform to the following:

1. *Title Block.* There shall be a title block located on the plan which shall contain the following:

- (a.) name of the subdivision or title of the plan (including the words “Preliminary Plan”); page number of each sheet with a reference to the total number of sheets; title of each plan sheet, i.e. Boundary and Topographic Survey, Drainage Plan, etc.
- (b.) number of proposed lots or units;
- (c.) name and address of the applicant;
- (d.) the record name and mailing address of the property owner(s), the applicant and/or developer, the engineer (include telephone number) and surveyor and any other persons directly involved in the transaction;
- (e.) the Assessors Map, Block and Parcel number(s) for the property being subdivided or developed;
- (f.) current zoning classification of all involved land;
- (g.) the street address of the property being subdivided or developed;
- (h.) legend information such as the graphic scale, written scale, north point, date of preparation and space for noting any revisions and date of revisions, and any other pertinent legend data. The north point shall represent true north. If magnetic north is indicated, deviation from true north shall be provided for the latitude of the City.
- (i.) any other appropriate information.

(2) *Index.* In instances of multiple plan sheets, an index listing the number and title of each sheet shall be contained on the first sheet of the plan set.

(3) *Vicinity Sketch.* There shall be a vicinity, or locus, sketch shown on the plan. The sketch shall be drawn to a scale of no less than 1 inch equals 200 feet to show the area within 500 feet of the perimeter of the subdivision showing the location of all streets, existing lot lines, land uses and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific uses.

(b) Lot Plan. The lot plan shall be drawn at a scale of 1 inch = 40 feet, or some other convenient scale acceptable to the Administrative Officer and/or Department of Public Works, with north point shown and oriented to the top or left of the sheet. Existing lot lines with dimensions shall be shown as dashed lines and proposed lot lines shall be shown as solid lines, or as otherwise shown and labeled to distinguish proposed property lines from existing and/or other property lines. Any parcel being created by the plan shall be surveyed in the field with accurate bearings

and dimensions placed upon its boundaries and its area (square footage) shown, e.g. it shall be a Class 1 survey. Lots shall be labeled with a numerical designation. The following shall be shown on the plan as applicable:

(1) *Structures* - The location of any existing structures shall be shown on the plan. The location of proposed structures, where known, shall be shown on the plans. At a minimum, building area shall be shown. Any proposed demolition of existing structures shall also be noted on the plan. Off-street parking and driveways shall be shown.

(2) *Topography* - Existing and proposed contours at intervals of two (2) feet. Contour data may be indicated on supplementary drawings, such as on a separate sheet showing boundary and topographic survey.

(3) *Easements* - Location and dimensions of existing or proposed easements on or abutting the property shall be shown and labeled as to their purpose.

(4) *Streets* - Any street which adjoins the property shall be shown and its right-of-way width indicated. Any construction or modification within the City or State street right-of-way, i.e. curb cuts, driveways and sidewalks, shall be noted on the plan.

(5) *Abutting Lots* - The lot lines and assessors plat information (map, block and parcel) of all property abutting the perimeter of the subdivision and names of all owners shall be shown and all structures on these properties shall also be shown.

(6) *Utilities* - Existing and proposed utilities, or modifications to existing utilities, shall be shown. This shall include, but not be limited to, the location, size and invert elevation of sanitary and storm sewers, location of water mains, location of natural gas lines, fire hydrants, electric and telephone; poles and/or underground wires and street lights.

(7) *Wetlands and Coastal Features* - Location of any wetlands and coastal features.

(8) *Flood elevation* - Delineation of base flood elevation (where applicable).

(9) *Drainage Features* - The location of surface water and watercourses shall be shown. The general location of any proposed detention or retention basin or other aboveground stormwater structure, and/or stream relocation, shall be shown.

(10) *Vegetation* - General location and types of existing vegetation, including existing tree stands and specimen trees (noting type and size of such trees).

(11) *Natural Features* - Location of any unique natural features.

(12) *Site Statistics Summary Block* - The total acreage; acreage in street right-of-way, and single family lots, other land uses; average lot sizes, lineal feet of streets, zoning, etc. shall be summarized in one area on the plan.

(13) *Lot Data Block* - A table summarizing the lot number, lot area, frontage, depth and width shall be shown on the plan for each lot.

(14) *Public and non-public sites* - The acreage and proposed use of any parcels to be conveyed or held for public use, or for joint use of property owners and the name, acreage and proposed use of any non-public areas of the subdivision (other than the individual lots). (The narrative required in supporting documentation shall include an explanation of the provisions of reservation of such areas and arrangement for maintenance.)

(15) *Areas of Geologic Hazard or Environmental Sensitivity* - Any such area as determined by the applicant, or as noted during a pre-application conference by city staff, shall be shown on the plan and labeled as to its nature. (Additional information may also be required.)

(16) *Subsurface Conditions* - Location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions, in particular for street construction or stormwater control. The date of the tests shall be provided either in a separate narrative or in summary on the plan sheet.

(17) *Signature Block* - A signature block shall be included in the lower left corner on all major subdivision plans and shall read as follows: "I do hereby certify that this record plat has met the requirements of the East Providence Land Development and Subdivision Review Rules and Regulations, and is now eligible for recording." (Date, Planning Board Chairperson)

(18) *Zoning Certification* - 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 shall be included on all major subdivision plans 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)

(19) *Land Surveyor's Certification* - Shall be as follows: "I do hereby certify that this record 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, Land Surveyor's Signature, address and seal)

(20) *Recording Certification* - The plan shall include a blank space which will be utilized for the recording stamp of the City Clerk's office.

(21) *Other Conditions* - Such other conditions as natural or man-made features including rock outcrops, structures, embankments or retaining walls, power lines, railroads and significant physical features on the proposed plat and on adjacent land that may have an

influence on the development of the proposed subdivision; other information related to the adjoining land as necessary to ensure proper continuity of storm drainage, sanitary sewers, street grades and other public improvements and facilities.

(22) *Other* - Such other information as may be required to show that the details of the plan(s) are in accordance with the applicable requirements of these Regulations and Chapter 19 Zoning, of the Revised Ordinances of East Providence.

(c) Plan and Profiles

(1) Plan and profiles shall be submitted for all proposed streets and public improvements in accordance with Articles 12 and 13 of these Regulations.

(2) These plans shall be prepared in accordance with accepted professional standards and practices, shall be based upon reliable field data, and shall be subject to the approval of the Department of Public Works.

(d) Supporting documentation

(1) *Narrative* - Applicant shall submit fourteen (14) copies of a written narrative summarizing the entire proposal. In particular, any potential neighborhood impacts, i.e. traffic, noise, and incompatibility of adjoining structures and uses, shall be addressed.

(2) *Permits* - Applicant shall also submit copies of final permits required by state or federal agencies. Copies of all permits required by state and/or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems (where applicable), public water systems, and connections, modifications and alterations to state roads, shall be submitted.

(3) *Tax Certification* - Applicant shall also submit written certification from the Finance Director that all property taxes on the land involved are current.

(4) *Legal Documents* - Five (5) copies of any legal documents relating to conditions proposed by the applicant, such as deed restrictions or establishment of a homeowners' association, shall be submitted. (Such additional documents as may be required by the Planning Board for any conditions imposed at the preliminary plan stage shall be submitted at the final plan stage.)

(5) *Construction Improvement Guarantee and Schedule* - Proposed form of improvement guarantee shall be submitted where streets and/or other public improvements are to be constructed. A proposed construction schedule shall also be submitted.

(6) *Title Report* - Except where not required, a report as to real property title shall be required to be submitted.

(7) *Other* - Such other information as may be required to show that the details of the proposal are in accordance with the applicable requirements of these Regulations and Chapter 19 Zoning, of the Revised Ordinances of East Providence.

Sec. 9 - 10. 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 - 11. Procedure for Final plan. The final subdivision plan shall be submitted to the City in an electronic .dwg file. Notwithstanding other applicable provisions of these Regulations, the following procedures and requirements shall be required of final plans for major subdivision or land development project:

(a) Filing - The applicant shall file the following materials with the Administrative Officer or designee:

- (1.) a completed application form (Form C₃);
- (2.) reproducible plan(s) 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;
- (3.) five (5) blue-line prints of the plan;
- (4.) five (5) copies of supporting documentation as required by these Regulations and/or as required by a pre-application conference;
- (5.) the construction improvement guarantee as determined at preliminary plan approval where street or other public improvements are to be constructed; and
- (6.) a filing fee in the amount of one-hundred seventy-five dollars (\$175).

(b) 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 the provisions of Article 5. This time period may be extended to forty-five (45) days by written notice from the Administrative Officer to the applicant where the final plans contain changes to, or elements not included in, the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission. If the Administrative Officer certifies the application as complete and it does not require submission to the Planning Board as per subsection (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. Where the final plan is referred to the Planning Board, the Planning Board shall approve or deny the final plan as submitted within forty-five (45) days of the Certificate of Completeness, or within such further time as may be consented to by the applicant.

(d) Failure to Act - Where the final plan is referred to the Planning Board, failure of the Planning Board to act within the period prescribed shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the require time and the resulting approval shall be issued on the request of the applicant.

(e) Vesting - The final approval of a major subdivision or land development project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as required by these Regulations. 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 - 12. Required Content and Format for Final Plans.

(a) Final plans and supporting documentation shall meet the required content and format for Preliminary Plans contained in this Article, and all necessary changes, documentation, and any requirements set forth by the Planning Board during the preliminary plan review stage shall be incorporated into the final plan submission. The title block shall be revised to show the plan's status as a Final Plan.

(b) For phased projects, the final plan for phases following the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

Sec. 9 - 13. Statement on Final Plat. In instances of approval with conditions, the final plan approved by the Planning Board and recorded in the Land Evidence records of the City shall contain the following statement: "These premises are subject to restrictions and conditions that are contained in instruments recorded at Book ____/Page ____ recorded contemporaneously with this plan, and are incorporated herein by reference.

Sec. 9 - 14. Final Plan Recording.

(a) Recording of the final plan in the City's Land Evidence records shall not take place until plan approval has been endorsed on the plan by the Chairperson or Secretary of the Planning Board or the Board's designee. The plan will be signed only after the twenty-day (20) 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) 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.

(c) 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.

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

(e) 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 - 15. Plan Revisions After Approval. No changes, modifications, or revisions shall be made in any subdivision or land development project plan after approval has been given and endorsed in writing on the plan, unless the plan is first resubmitted and the Administrative Officer or Planning Board approves any modifications pursuant to Article 6 of these Regulations. Applicant shall be required to submit as-built plans reflecting all approved changes.

ARTICLE 10
IMPROVEMENT AND MAINTENANCE GUARANTEES

Sec. 10 - 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. 10 - 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. 10 - 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. 10 - 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. 10 - 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. 10 - 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. 10 - 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. 10 - 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 11
APPEALS

Sec. 11 - 1. Appeals - Right of Appeal.

(a) An appeal from any decision of the Planning Board or Administrative Officer may be taken to the Board of Appeal by an aggrieved party. Appeals from a decision granting or denying approval of a final plat shall be limited to elements of such approval or disapproval not contained in the decision reached by the Planning Board at the preliminary stage, providing that a public hearing has been held on the plan pursuant to RI General Laws 45-23-42. The East Providence Zoning Board of Review shall sit as the Board of Appeal in accordance with Title 45, Chapter 23 of Rhode Island General Laws.

(b) An appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the Superior Court of Providence County.

Sec. 11 - 2. Appeals to the Board of Appeal - Procedure.

(a) An aggrieved party may appeal a decision of the Administrative Officer or Planning Board to the Board of Appeal to the extent provided for in Rhode Island General Laws 45-23-66 by the following procedure:

(1) The appeal must be taken within twenty (20) days of the day the decision is filed and posted in the office of the City Clerk.

(2) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought.

(3) The appeal shall either be sent by certified mail, with return receipt requested, or shall be hand delivered to the office of the City's Zoning Officer, who shall serve as the Clerk of the Board of Appeal. A copy of the appeal shall also be sent by certified mail, with return receipt requested, or shall be hand delivered to the City Clerk.

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

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

Sec. 11 - 3. Public Hearing.

(a) The Board of Appeal shall conduct a public hearing on each appeal within forty-five (45) days of receipt of the appeal by the board's clerk. The public hearing shall be conducted at a meeting called and advertised especially for that purpose, and shall be conducted separately from

any Zoning Board of Review meeting that may be advertised for the same date and place. The Board of Appeal shall maintain a complete record of all its proceedings, including minutes of meetings and records of votes taken, which shall be separate from the minutes and records of the Zoning Board of Review.

(b) Notice of the public hearing shall be published in a newspaper of general circulation within at least fourteen (14) days prior to the date of the public hearing.

(c) Notice of the public hearing shall be sent by first class mail to the parties to the appeal and to those persons required to be notified by the notice requirements of Article 5 of these Regulations. Persons who appeared before the Planning Board relating to the action being appealed shall also be sent notice of the public hearing on the appeal. The Administrative Officer shall submit a list of the names and addresses of those persons required to receive notice to the Clerk of the Board of Appeal.

(d) Any party may appear in person at the public hearing, or may be represented by an agent or attorney.

Sec. 11 - 4. Applicant Bears Costs. The party who filed the appeal shall bear the cost of advertising and notice, and shall submit a fee to the Clerk of the Board of Appeal equal to the costs incurred for advertising, notice, and costs associated with holding the hearing, such as stenographic costs. The Clerk shall provide appellant with a summary of the costs.

Sec. 11 - 5. Standards for Review.

(a) In instances of a Board of Appeal review of a decision of the Planning Board or Administrative Officer on matters subject to these Regulations, the Board of Appeal shall not substitute its own judgment for that of the Planning Board or Administrative Officer, but shall consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeal shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

(b) The concurring votes of three (3) of the five (5) members of the Board of Appeal sitting at the hearing shall be necessary to reverse any decision of the Planning Board or Administrative Officer.

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

(d) The Board of Appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include in the written record the reasons for each decision.

Sec. 11 - 6. Decision. The Board of Appeal shall render a decision within ten (10) days of the close of the public hearing. The decision shall be in writing and shall include reasons for the decision. The Clerk of the Planning Board of Appeal shall cause the decision to be recorded and posted in the office of the City Clerk.

Sec. 11 - 7. Appeals to the Superior Court - Procedure.

(a) An aggrieved party may appeal a decision of the East Providence Board of Appeal to the Superior Court of Providence County by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the City Clerk's office. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings.

(b) Within thirty (30) days after being served with a copy of the complaint, the Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court.

(c) The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

(d) The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the Planning Board and, if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

Sec. 11 - 8. Standards of Review. The Superior Court shall not substitute its judgment for that of the Planning Board as to the weight of the evidence on questions of fact. The court may affirm the decision of the Board of Appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of the findings, inferences, conclusions or decisions which are:

- (a) In violation of constitutional, statutory, ordinance or Planning Board regulations;
- (b) In excess of the authority granted to the Planning Board by statute or ordinance;
- (c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 11 - 9. Priority in Judicial Proceedings. Upon the entry of any case or proceeding brought under the provisions of Title 45, Chapter 23 of Rhode Island General Laws, including pending appeals and appeals hereinafter take to the court, the court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

Sec. 11 - 10. Appeals of Enactment or Amendment of Regulations.

(a) An appeal of enactment or of an amendment of these Regulations may be taken to the Superior Court of Providence County by filing a complaint, as set forth below, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the City or by any association of residents or landowners of the City.

(b) The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with:

(1) Title 45, Chapter 22.2 of the Rhode Island General Laws, known as the Comprehensive Planning & Land Use Act;

(2) Title 45, Chapter 24, of the Rhode Island General Laws, known as the Zoning Enabling Act;

(3) the East Providence Comprehensive Plan; or

(4) the East Providence Zoning Ordinance, Chapter 19, of Revised City Ordinances.

(c) The appeal shall not stay the enforcement of these Regulations, but the court may, in its discretion, grant a stay on appropriate terms, which may include filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

(d) The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of these Regulations is consistent with the statutory, ordinance, or regulatory provisions enumerated in subsection (b) above. If the court finds that the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment that are not consistent. The court shall not revise

the Regulations to be consistent, but may suggest appropriate language as part of the court decision.

(e) The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including a municipality.

ARTICLE 12
DESIGN AND PUBLIC IMPROVEMENT STANDARDS

Sec. 12 - 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. 12 - 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. 12 - 3. Site Design. Subdivisions and land development projects shall be developed so that site design shall meet all the general purposes and required findings of these Regulations and of Chapter 19 Zoning, of the Revised Ordinances of East Providence, as applicable. Land Development Projects shall be required to meet the applicable provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence, including the Development Plan Review (DPR) standards.

Sec. 12 - 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. 12 - 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. 12 - 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 or require modification to 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 modification 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 15. Sidewalks. Sidewalks shall be constructed along both sides of all proposed streets in subdivisions and land development projects, where applicable, 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 may be constructed on one side of the street upon review and approval by the Planning Board. Sidewalks may be required to be installed along streets in other areas if the Planning Board finds any of the following:

- (1) The subdivision is located within an area within one-half (1/2) mile of a public or private school:
- (2) The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc. where there is a

reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or

(3) The subdivision is 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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. 12 - 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 13
REQUIRED PUBLIC IMPROVEMENTS
MINIMUM STANDARDS AND SPECIFICATIONS

Sec. 13 - 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. 13 - 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. 13 - 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. 13 - 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. 13 - 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. 13 - 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. 13 - 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

Sewer Slope (continued)

<i>Size-inches</i>	<i>Min. Slope ft/ft</i>
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. 13 - 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. 13 - 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. 13 - 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. 13 - 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>Liquidambar styraciflua</i>
Ginkgo	<i>Ginkgo 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	<i>Acer platanoides</i>
Crimson King Maple	<i>Acer platanoides</i> “Crimson King”
Armstrong Red Maple	<i>Acer rubrum</i> “Armstrong”
Red Maple	<i>Acer rubrum</i>
Red Oak	<i>Quercus rubra</i>
Pin Oak	<i>Quercus palustris</i>
Honey locust	<i>Gleditsia triacanthos</i>
Eastern Redbud	<i>Cercis canadensis</i>
Sour Wood	<i>Oxydendrum arboreum</i>

European Beech
River Birch

Fagus sylvatica
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. 13 - 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. 13 - 13. Right-of-Way Division.

