

Town of New Shoreham Planning Board
Amendments to the Land Development and Subdivision Regulations
Article _____, Section _____
Major Land Development

Note: Words set as ~~strikeover~~ are to be deleted from the regulations; words set in underline are to be added to the regulations.

Article II

§201 Definitions

~~MAJOR LAND DEVELOPMENT PLAN PROJECT — Any land development plan not classified as a minor land development plan, and any land development project that includes non-residential development.~~ A land development project that exceeds the thresholds for a minor land development project.

~~MAJOR SUBDIVISION — Any subdivision not classified as either an administrative subdivision or a minor subdivision.~~ A subdivision creating ten (10) or more buildable lots.

Article VIII

Major Subdivision and Land Development

§801. Major Subdivision and Land Development.

~~A. Major Subdivision. A major subdivision is any subdivision not classified as either an administrative subdivision or a minor subdivision.~~

~~B. Major Land Development. A major land development is any land development plan not classified as a minor land development plan, and any land development project that includes non-residential development.~~

€A. Submission Requirements. Any application requiring approval of a major subdivision or land development project shall submit to the Administrative Officer the plans and supporting materials required for the appropriate stage of review in the checklists contained in Appendix C of these Regulations.

§802. General Review Procedures.

A. Review Stages. Major ~~plan~~ land development and major subdivision review shall consist of ~~four~~ three stages of review: ~~pre-application~~, master plan, preliminary plan and final plan, following the pre-application meeting(s). Also required is a public ~~informational meeting hearing~~ hearing (at the master plan stage of review or, if combined, at the first stage of review.), ~~and a public hearing (preliminary plan stage).~~ The ~~Planning Board Administrative Officer~~ may vote to combine review stages and to modify₂ and/or but only the Planning Board may waive

certain submission requirements as specified in Section 306 of these regulations. Review stages may be combined only after the ~~Planning Board~~ Administrative Officer determines that all necessary requirements (material, fees, notice, etc.) for all stages so combined have been met by the applicant or that the Planning Board has waived any submission requirement not included by the applicant. ~~for all stages so combined have been met by the applicant.~~

- B. Pre-Application Procedures. The procedures and criteria for pre-application meetings and concept review, as described in Section 302 these Regulations, shall apply. At the conclusion of the pre-application stage, the applicant may proceed to the master plan stage of review.
- ~~C. Technical Review Committee. At each stage of the project review, the Technical Review Committee, if one has been appointed, shall review the application and shall comment and make recommendations to the Planning Board.~~
- ~~D. Inaction by Planning Board. Failure of the Planning Board to act within the period specified at any stage of the application shall constitute approval of the plan at that stage, in which case a certificate from the Administrative Officer as to the failure of the Planning Board to act within the required time period, and the resulting approval, shall be issued on request of the applicant.~~

§803. Master Plan Review ~~Procedures.~~

- A. Purpose. ~~The purpose of the master plan stage of review is to provide the applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The master plan describes the basic parameters of a major development proposal, rather than giving full engineering details~~ The applicant shall first submit to the Administrative Officer the items required by the master plan checklist (Appendix C). Requirements for the master plan and supporting materials for this phase of review include, but are not limited to, information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the checklist.
- B. Initial Written Comments. Initial comments on the master plan shall be solicited from town department and agencies, including but not limited to the Town Engineer, Building Official, Land Use Department, the Public Works Director, fire and police departments, the conservation commission, historic district commission and recreation board; Water Superintendent, state agencies as appropriate, including the department of environmental management and transportation and the coastal resources management council; and federal agencies, as appropriate, as required in the master plan checklist (Appendix C). The Administrative Officer shall coordinate review and comments by participating agencies.
- C. Applications requesting relief from the zoning ordinance.

1. Applications under this chapter which require relief which qualifies only as a modification shall proceed by filing a master plan application under this section and a request for a modification to the zoning official. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development plan review.
2. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit shall be reviewed by the Planning Board under unified development plan review.

~~CD.~~ Certificate of Completeness. The application shall be certified, in writing, complete or incomplete by the Administrative Officer within ~~60~~ 25 days of its receipt, so long as a completed checklist of requirements are provided with the submission. The running of the time period will be deemed stopped upon the issuance of a certificate of incompleteness by the Administrative Officer, and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ~~44~~ 10 days after its resubmission.

~~E.~~ Technical review committee. The Technical Review Committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

~~DF.~~ Informational Meeting Public Hearing. A public ~~informational meeting~~ hearing 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~~ hearing shall be ~~optional, based on Planning Board findings and determinations made part of the record held during the combined stage of review.~~

1. ~~Public Notice for the informational meeting public hearing shall be sent per is required as determined in Section 303 of these Regulations, and shall be given at least 14 days prior to the date of the meeting in a newspaper of general circulation within the Town. Postcard shall be mailed by the applicant to all property owners requiring notice pursuant to §303B.~~
2. At the public ~~informational meeting~~ hearing the applicant, or any representative of the applicant, shall present the proposed development project for the benefit of the Planning Board and the public. The Planning Board shall allow oral and written comment from the general public. All public comments shall be made part of the public record of the application.

§804. Planning Board Decision – Master Plan.

- A. Decision. The Planning Board shall, within ~~120~~ 90 days of certification of completeness of the master plan application, or within such further time as may be consented to by the

applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application.

- B. Failure to act. Failure of the Planning Board to act within the prescribed period constitutes 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 will be issued on request of the applicant.
- C. Expiration of Master Plan Approval Vesting. Approval of a master plan for a major subdivision or land development project shall expire two years from the date of approval, with the right to extend for two, one-year extensions upon written request by the applicant. Thereafter, vesting may be extended for a period of two additional years longer period for good cause shown, if requested by the applicant in writing no less than 30 days prior to the date of expiration, and if approved by the Planning Board. The applicant, or the applicant's representative, shall appear before the Planning Board for the annual review. Master plan vesting shall include any applicable provisions of the Zoning Ordinance that were in place at the time of approval, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.

§805. Preliminary Plan Review Procedures.

- A. Submission Requirements. The applicant shall first submit to the administrative officer the items required by the preliminary plan checklist (Appendix C). Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to, engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey.
- ~~AB.~~ Final Written Comments. At the preliminary plan stage, the Administrative Officer shall solicit final written comments or approvals of the department of public works, the city or town engineer, the city or town solicitor, other local government departments, commissions, or authorities as appropriate. from all town departments, staff, boards and commissions, and all authorities, as appropriate, as required in the preliminary plan checklist (Appendix C).
- C. Prior to approval of the preliminary plan, an applicant must submit:
 - 1. Copies of all legal documents describing the property, proposed easements, and rights-of-way.
 - 2. All permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building

permit. (comment to add coastal erosion & groundwater table, coastal risks, and coastal hazards; add language here and/or checklist?)

- D. If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board or commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials.
- BE. Certificate of Completeness. The application shall be certified complete or incomplete by the Administrative Officer within ~~60~~ 25 days of its receipt ~~according to the provisions of these Regulations~~ so long as a completed checklist of requirement are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than 10 days after its resubmission.
- E. Technical Review Committee. To the extent the community utilizes a technical review committee, it shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.
- CG. Public Hearing. ~~Prior to a Planning Board decision on the preliminary plan, a public hearing shall be held, as described in §303 of these Regulations~~ Public notice. Prior to the first Planning Board meeting on the preliminary plan, notice shall be sent, per Section 303 of these Regulations, to abutters only.
- DH. Public Improvement Guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the Planning Board at the time of preliminary plan approval.

§806. Planning Board Decision – Preliminary Plan.

- A. Decision. The Planning Board shall, within ~~120~~ 90 days of certification of completeness of the preliminary plan application, or within such further time as may be consented to by the applicant through submission of a written waiver, approve of the preliminary plan as submitted, approve it with conditions changes and/or conditions, or deny the application. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.
- B. Failure to act. Failure of the Planning Board to act within the prescribed period constitutes 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 will be issued on request of the applicant.
- BC. Expiration of Preliminary Plan Approval Vesting. Approval of a preliminary plan for a major subdivision or land development project shall expire two years from the date of approval, with

the right to extend for two, one-year extensions upon written request by the applicant who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Vesting may be extended for a period of two additional years for good cause shown, if requested in writing by the applicant no less than 30 days prior to the expiration of the approval, and if approved by the Planning Board. The applicant, or the applicant's representative, shall appear before the Planning Board for the annual review and provide proof of valid state permits as applicable. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

§807. Final Plan Review Procedures.

- A. Final Plan Submission. Materials required for final plan review shall include any requirements set forth items required by the Planning Board during the preliminary plan review, in addition to those required by the appropriate checklist (Appendix C); Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees; Certification by the tax collector that all property taxes are current; For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.
- B. Certificate of Completeness. The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within 25 15 days of its receipt, so long as a completed checklist of requirements are provided with the submission according to the provisions of these Regulations. This time period may be extended to 45 25 days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than 10 days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the Planning Board, the final plan shall be considered approved.

§808. Planning Board Final Plan Decision —~~Final Plan.~~

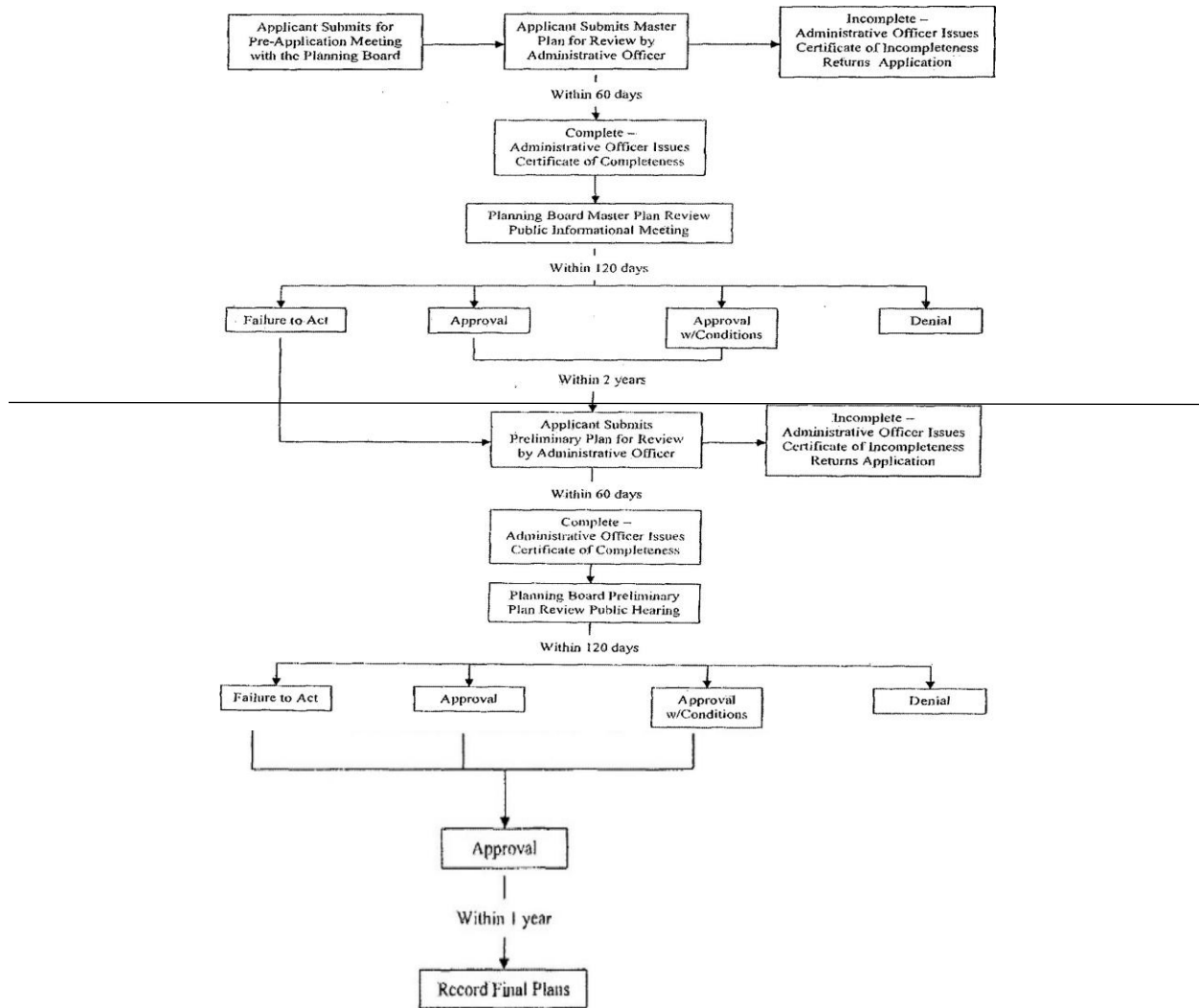
- A. Decision. The Administrative Officer, or if referred to it, the Planning Board shall, within 45 days of certification of completeness of the final plan application, or within such further time as may be consented to by the applicant, approve, approve with conditions, or deny the final plan as submitted. The Planning Board may delegate final plan review to the Administrative Officer. If the Administrative Officer determines that the application for final plan approval meets the requirements of these Regulations and those set by the Planning Board as a condition of preliminary approval, and certifies the application as complete, the final plan shall be

~~considered approved.~~ The Administrative Officer shall report his or her actions, in writing, to the Planning Board at its next regular meeting, to be made part of the permanent record.

- B. Failure to act. Failure of the administrative officer or, if referred to it, the Planning Board to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the applicant.
- C. Expiration of Final Plan Approval. The final plan approval of a major subdivision or land development project shall expire one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning board for the annual review by the Planning Board unless, within that time period, the plat or plan shall have been submitted for signature and recording. Thereafter the Planning Board may, for good cause shown, extend the period for recording for an additional one year, if requested by the applicant in writing no less than 30 days prior to the expiration of the approval.
- D. Acceptance of public improvements. Signature and recording as specified in § 45-23-33 constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the Town Council accepts the completed public improvements as constructed in compliance with the final plans.
- E. Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved, or a new plan is approved by the Planning Board.

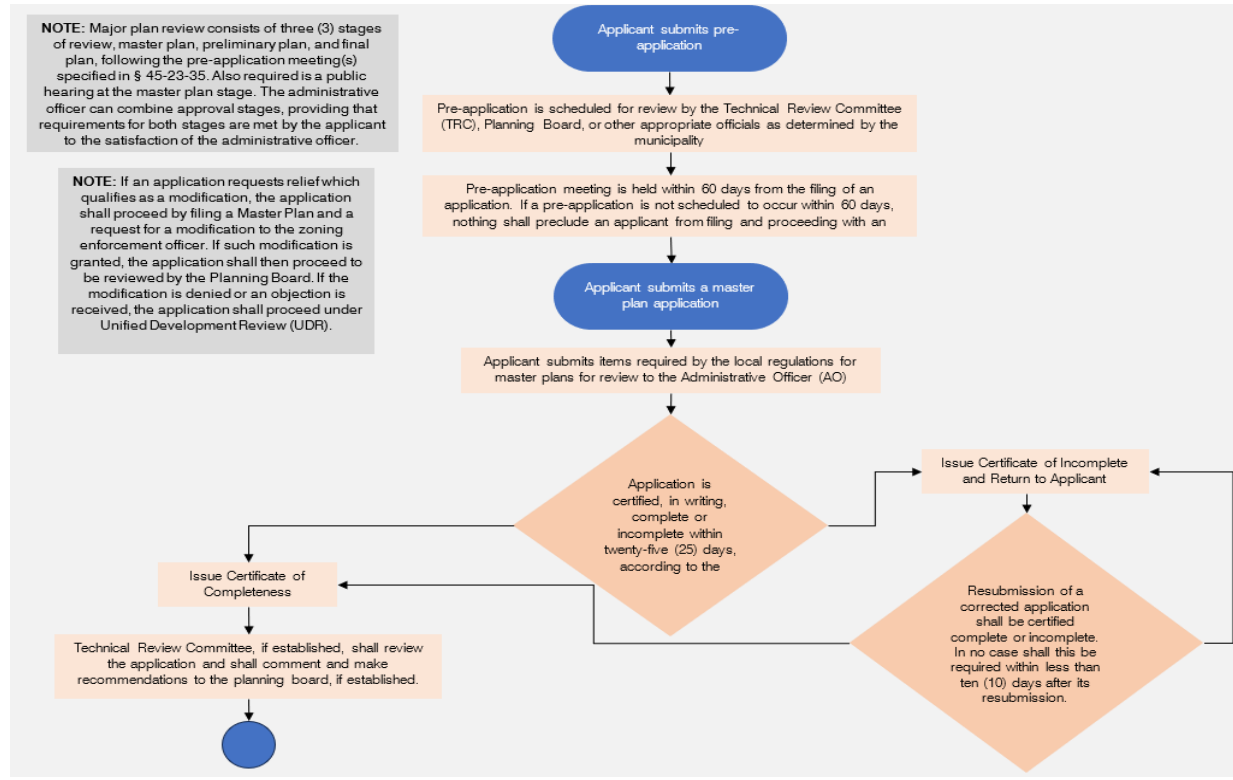
FIGURE 3 4

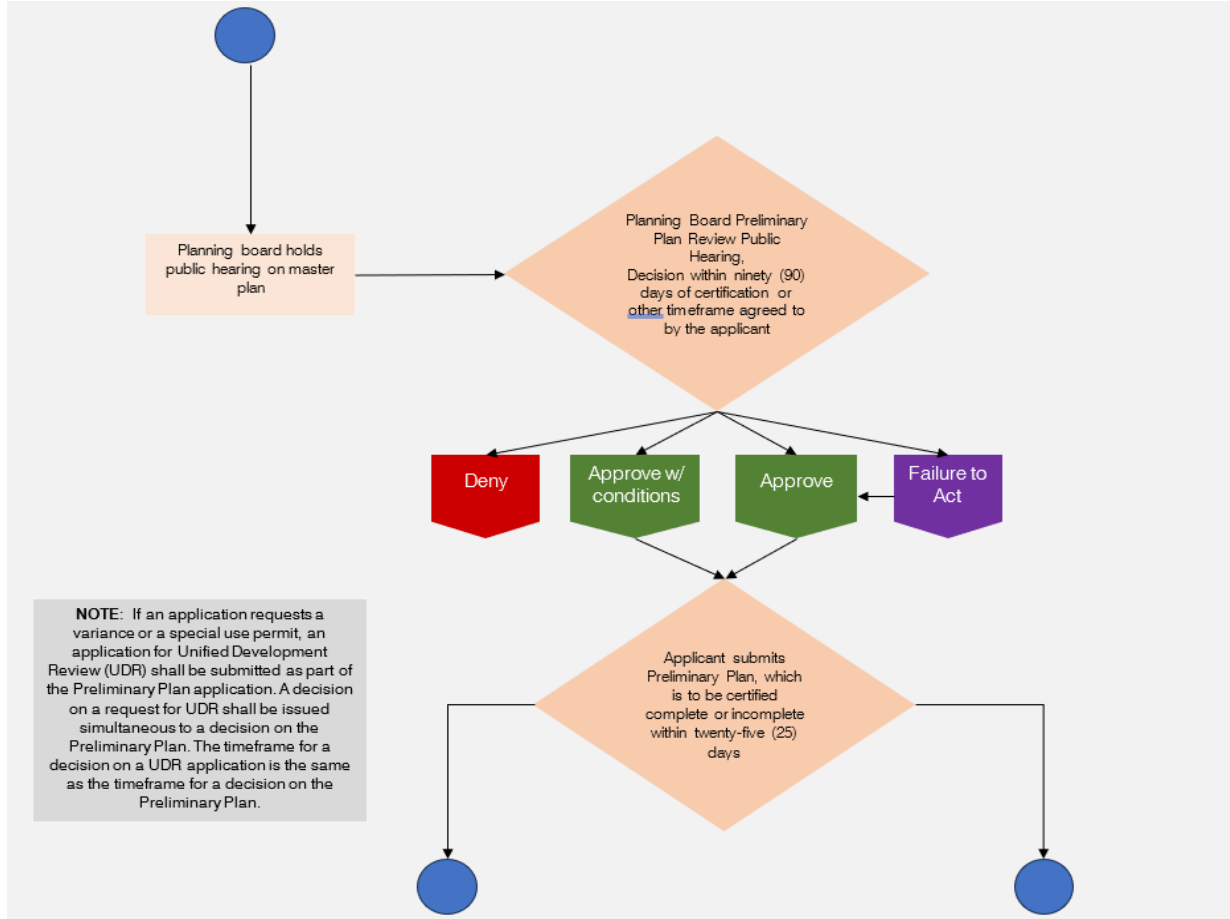
MAJOR SUBDIVISION AND LAND DEVELOPMENT FLOW



NOTE: Major plan review consists of three (3) stages of review, master plan, preliminary plan, and final plan, following the pre-application meeting(s) specified in § 45-23-35. Also required is a public hearing at the master plan stage. The administrative officer can combine approval stages, providing that requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

NOTE: If an application requests relief which qualifies as a modification, the application shall proceed by filing a Master Plan and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the Planning Board. If the modification is denied or an objection is received, the application shall proceed under Unified Development Review (UDR).





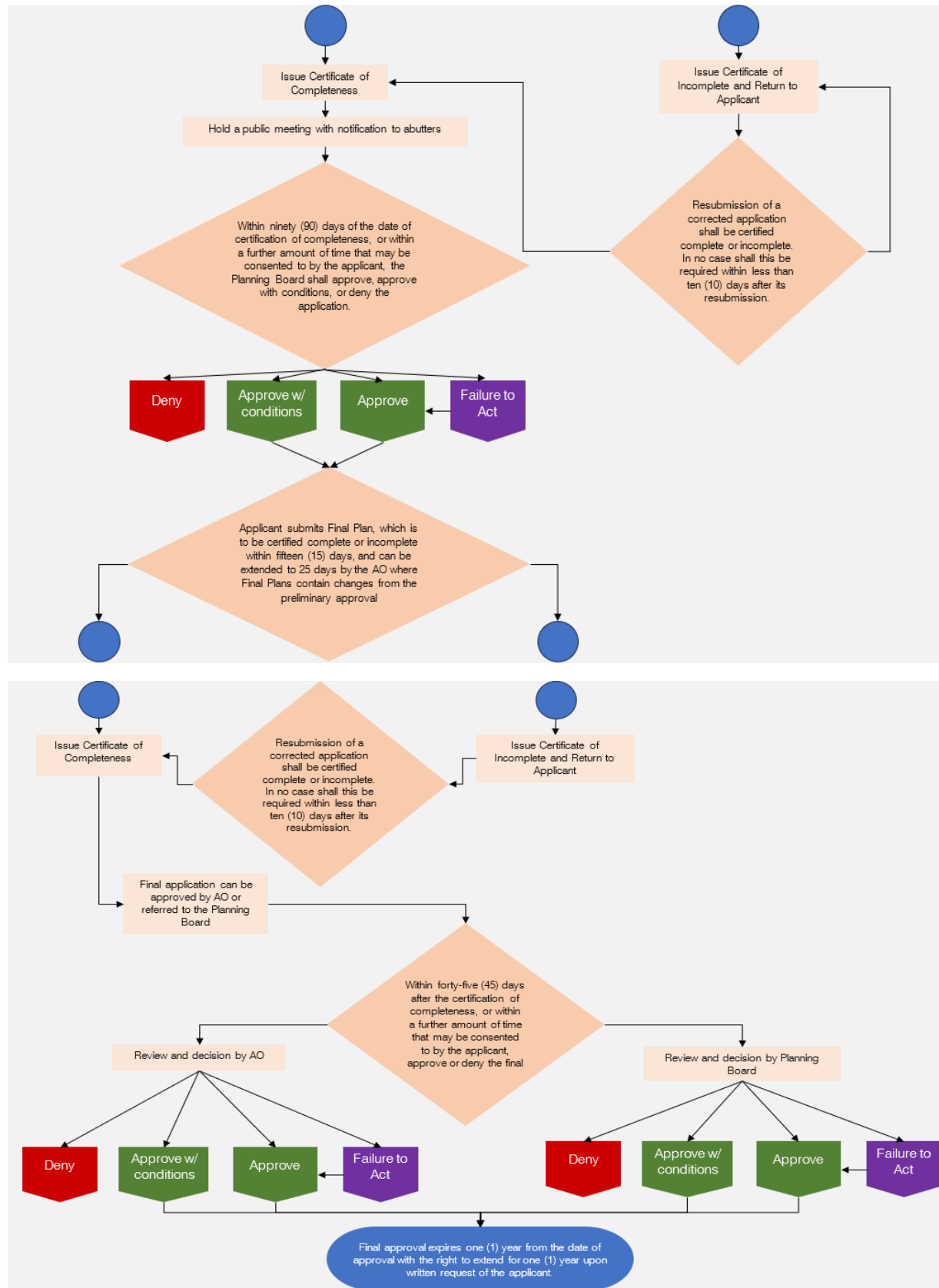


FIGURE 5
MAJOR SUBDIVISION AND LAND DEVELOPMENT
MODIFICATION REQUEST FLOWCHART

