

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

LAND DEVELOPMENT PROJECT — A project in which one or more lots, tracts, or parcels of land or a portion thereof are ~~to be~~ developed or redeveloped as a coordinated site for ~~a complex of~~ one or more uses, units, or structures, including but not limited to planned development ~~and/or~~ cluster development for residential, commercial, institutional, recreational, open space, ~~and/or~~ mixed uses as may be provided for in the Zoning Ordinance.

MINOR LAND DEVELOPMENT PLAN — ~~A development plan for a project of three or fewer residential lots or units, provided such development does not require waivers or modifications as specified in these Regulations. All non-residential land development projects shall be considered major land development plans.~~ A land development project involving any one of the following:

- (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing, or industrial development, or less; or
- (B) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or
- (C) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or
- (D) Multi-family residential or residential condominium development of nine (9) units or less; or
- (E) Change in use at the property where no extensive construction of improvements is sought; or
- (F) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought; or
- (G) An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;

MINOR SUBDIVISION — ~~A plan for the subdivision of land into three creating nine or fewer residential buildable lots, provided that the subdivision does not require any waivers or modifications as specified in these Regulations.~~

ARTICLE VII

§ 701. Minor Subdivision and Land Development.

A. Minor Subdivision. For Minor Subdivision Applications: ~~A minor subdivision is a plan for the subdivision of land into three or fewer residential lots, provided that the subdivision does not require any waivers from, or modifications to, these Regulations, and also provided that:~~

1. No part of the land to be subdivided shall have been subdivided within five years prior to the submission so that the cumulative number of lots created exceeds 10;

~~2. No part of contiguously commonly owned land shall have been subdivided within five years prior to submission. The term "commonly owned" shall mean owned at the time of submission or at any time within five years prior thereto by the present owner or by any member of the owner's present family or any corporation or partnership in which the owner or the owner's immediate family has or had an interest; and~~

~~3. A covenant be executed and recorded with the plat stating that the subdivision and contiguous commonly owned lands will not be further subdivided within five years after final approval of the subdivision.~~

~~B. Minor Land Development. A minor land development is a development plan for a project of three or fewer residential lots or units, provided such development does not require waivers or modifications as specified in these Regulations. All non-residential land development projects shall be considered as major land development plans.~~

~~C. Submission Requirements. Any applicant requiring approval of a minor subdivision or land development shall submit to the Administrative Officer the plans and supporting materials required for the appropriate stage of review in the checklists contained in Appendix B of these Regulations.~~

§ 702. Review Procedure.

A. Review Stages. Minor plan review consists of two stages: preliminary, and final. A pre-application meeting may also be held. If a street creation or extension is proposed, or a request for variances and/or special-use permits are submitted pursuant to a unified development application, a public hearing is required and the application shall be reviewed by the Planning Board. The Planning Board Administrative Officer may ~~vote to~~ combine the approval stages, provided that requirements for all stages so combined have been met by the applicant to the satisfaction of the Planning Board Administrative Officer.

B. Application types.

1. Applications requesting relief from the zoning ordinance.

- a. Applications under this section which require relief which qualifies only as a modification shall proceed by filing an application under this chapter 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 administrative officer 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.
 - b. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review, and a request for review shall accompany the preliminary plan application.
 - c. Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing.
2. Other applications. The administrative officer shall review and grant, grant with conditions or deny all other applications under this section. The administrative officer may utilize the technical review committee for initial review and recommendation.
- ~~C.B.~~ Certificate of Completeness. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the Administrative Officer within 25 days of its receipt so long as a completed checklist of the requirements for submission are provided as part of the submission, or within 15 days if no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission. 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. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than 14 10 days after its resubmission.
- ~~C.~~ Review by the Administrative Officer. The Administrative Officer shall review the preliminary plan application and shall comment and make recommendations to the Planning Board, or Technical Review Committee if one has been appointed. The application shall be referred to the Planning Board for their decision on the application.
- D. Technical Review Committee. The Technical Review Committee, if one has been appointed, may review the preliminary plan application and make recommendations to the Administrative Officer or Planning Board. When reviewed by the Technical Review Committee:
1. ~~———— If the subdivision or land development plan is approved by a majority vote of the committee members, the application is forwarded to the Planning Board with a recommendation for preliminary plan approval without further review; or,~~
 2. ~~———— If the plan is not approved by a majority vote of the committee members, the application is referred to the Planning Board for their decision on the application.~~

~~E. Reassignment to Major Review. The Planning Board may re-assign a proposed minor subdivision or land development project to major review when the Planning Board is unable to make the positive findings required by § 307 of these Regulations. In that case, all submittal and review procedures for a major subdivision or major land development project shall be followed.~~

§ 703. Planning Board Decision

- A. No Street Creation or Extension. If no street extension or creation is required and/or there is no application for unified development review, the ~~Planning Board~~ Administrative Officer shall approve, deny, or approve with conditions the preliminary plan within 65 days of the certification of completeness or within any specified time that is agreed to by the applicant in writing issued by the Administrative Officer. ~~An extension of time, to be made part of the permanent record of the development application, may be agreed to by the applicant and the Board.~~
- B. Street Creation or Extension and/or Unified Development Review Required. If a street extension or creation is required, and/or the application is reviewed under the unified development plan review, the Planning Board shall hold a public hearing prior to approval according to the requirements of § 303, and approve, deny, or approve with conditions the preliminary plan within 95 days of the certification of completeness ~~issued by the Administrative Office~~ or within any specified time that is agreed to by the applicant and the Planning Board. ~~An extension of time, to be made part of the permanent record of the development application, may be agreed to by the applicant and the Board.~~
- C. Failure to Act. ~~Inaction by Planning Board~~. Failure of the Planning Board or Administrative Officer to act within the period specified shall constitute approval of the preliminary plan, 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.
- D. Reassignment to Major Review. The Planning Board may re-assign a proposed minor subdivision or land development project to major review only when the Planning Board is unable to make the positive findings required by § 307 of these Regulations. In that case, all submittal and review procedures for a major subdivision or major land development project shall be followed.
- ~~D~~E. Final Plan. Materials required for final plan review shall include any requirements set forth by the Planning Board during the preliminary plan review, in addition to those required by the appropriate checklist. This phase is intended to be ministerial in nature, to ensure that all necessary changes to plans have been made and required documentation has been submitted. ~~The Planning Board may delegate final plan review and approval to either~~ shall be conducted by the Administrative Officer or the Technical Review Committee, who shall report its actions, in writing, to the Planning Board at its next regular meeting, to be made part of the permanent

record. The Administrative Officer shall approve, deny, or approve with conditions, or refer the application to the Planning Board based upon a finding that there is a major change within 25 days of the certificate of completeness.

FF. Expiration of Approval. Approval of a minor subdivision or land development project shall expire ~~90 days~~ one year from the date of final approval unless, within such time period, a plat or plan in conformity with such approval and as required by these Regulations, is submitted for signature and recording. Validity may be extended for a longer period for 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.

