

**Land Development & Subdivision Regulations
Town of North Providence**

1995

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Final

(Adopted 12/11/95)

Town of North Providence, Rhode Island
Land Development & Subdivision Regulations

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Section 1. General

Article A. Enactment, Authority and Purpose:

In order to assure the orderly development of the Town of North Providence, the following regulations governing the subdivision of land are hereby adopted by the North Providence Planning Board in accordance with Title 45, Chapter 23 of the general Laws of the State of Rhode Island, entitled **The Land Development and Subdivision Review Enabling Act of 1992** and in accordance with an ordinance entitled “Subdivision Ordinance” enacted by the North Providence Town Council and declared effective as of December 11, 1995. All regulations and amendments or parts of regulations and amendments which are inconsistent herewith are hereby repealed and withdrawn.

Finding:

The North Providence Planning Board finds that:

- (1) The previous subdivision regulations enacted in accordance with sections 45-23-1 through 45-23-24 of the General Laws of the State of Rhode Island & Providence Plantations, are antiquated, having been adopted in 1967. As a result, they do not provide for all the elements presently necessary for proper municipal review and approval of land development and subdivision projects;
- (2) The character of land development and subdivisions has changed substantially over the years, as have related public and private services;
- (3) The responsibilities of local governments in regulating land development and subdivisions have changed, increased in complexity, and expanded to include additional areas of concern, particularly in regards to environmental issues;
- (4) State and Federal laws increasingly require the interaction of local land development regulatory authorities with those of the federal and state agencies and adjacent communities;
- (5) In many cases, land development/subdivisions occurred without the knowledge or consent of the North Providence Planning Board, due to a lack of information, communication or ambiguities in the existing ordinance, resulting in unwarranted environmental and financial impacts and inappropriate designs.

(6) Each individual city and town throughout the state establish their own procedures for review, approval, recording and enforcement of land development and subdivision projects.

(7) It is necessary to provide for review and approval of land development projects within the subdivision review and approval procedures, as specified in the State of Rhode Island's Zoning Enabling Act of 1991 (45-24-27 et seq.) and finally,

(8) It is necessary to require that the regulations and standards for all land development projects and subdivisions be sufficiently definite to provide clear directions for the development, design and construction, and to satisfy the requirements for due process for all applicants for development approval.

Therefore, it is the intent of the Town of North Providence, acting by and through the North Providence Planning Board:

(1) To provide the community with the ability to adequately address the present and future needs of land development through RIGL 45-23-30, and

(2) To ensure the consistency of all development regulations in the town through the adoption of land development and subdivision regulations in accordance with the North Providence Comprehensive Community Plan and the North Providence Zoning Ordinance;

(3) To provide consistency in the local procedures for review and approval of land development and subdivisions ;

(4) To uniformly enforce and integrate the approvals of state regulatory agencies into the local review and approval process for land development and subdivisions;

(5) And to ensure that all proposed land developments and subdivisions be reviewed following a standardized process prior to the recording in the land evidence records of the Town of North Providence.

General Purpose of Land Development and Subdivision Review Rules and Regulations.

The following land development and subdivision review regulations have been developed and will be maintained in accordance with Rhode Island General Laws 45-23 and The Town of North Providence Comprehensive Community Plan,(which complies with Rhode Island General Laws Chapter 45.22.2) and the North Providence Zoning Ordinance (which complies with Rhode Island General Laws 45-24-27 et seq.)

These regulations are intended to address the following concerns:

- (1) Provide for the orderly, thorough and expeditious review and approval of land development and subdivisions;
- (2) Promote high quality and appropriate design and construction of land development and subdivisions;
- (3) Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promote land developments and subdivisions that are designed to be well-integrated with the surrounding neighborhoods, with particular attention given to natural and built features;
- (5) Promote the concentration of development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (6) Encourage local design and improvement standards to reflect the intent of the North Providence Comprehensive Community Plan, with particular attention given to the physical character of the various neighborhoods and districts of the town;
- (7) Promote thorough technical review of all proposed land development and subdivisions by appropriate local officials;
- (8) Encourage local requirements for dedication of public land, impact mitigation and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly and equitably administered; and
- (9) Encourage the establishment and consistent application of procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

Article B: Definitions

Where words or phrases used in these regulations are previously defined in the definition section of either the “Rhode Island Comprehensive Planning and Land Use Regulations Act,” (Section 45-22.2-4), or the Zoning Enabling Act of 1991,” (Section 45-24-31), they shall have the meanings stated therein. Additional words and phrases used in the ensuing regulations shall have the following meanings:

- (1)**Abutter** Owner of land within two hundred feet (200') of the subdivision as determined from the most recent public records. Land separated from proposed subdivisions by a street, right-of-way, or easement is considered as abutting land.
- (2)**Administrative Officer** The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. The Director of the Department of Planning and Community Development currently holds such authority.
- (3)**Administrative Subdivision** Re-subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets. The re-subdivision only involves divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
- (4)**Block** The area between two (2) streets that intersect with another street or right-of-way. A square block is the area delineated by the intersection of four (4) streets or rights-of-way
- (5)**Board of Appeal** The local review authority for appeals of actions of the administrative officer and/or the Planning Board on matters of land development or subdivision, which shall be the North Providence Zoning Board of Review.
- (6)**Bond** A security instrument accepted by the town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the Town as a condition of approval, will be completed in compliance with the approved plan and specifications of a development. (Also see Improvement Guarantee)
- (7)**Bridge** Shall mean a structure having a clear span of ten (10) feet or more measured along the centerline of roadway, spanning a watercourse or other opening or obstruction.
- (8)**Building** Any structure built for the support, enclosure or shelter of persons, animals, chattel or movable property of any kind .
- (9)**Buildable Lot** A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practical by the planning board, considering the physical constraints to development of the site, as well as the requirements of the pertinent federal, state and local regulations.
- (10)**Building setback line** A line parallel to a street right-of-way which establishes the minimum distance buildings must be constructed from the street right-of-way.
- (11)**Certificate of Completeness** A notice issued by the administrative officer informing the applicant that the application submitted to the officer by the applicant is complete and meets the requirements of the town's regulations. Upon issuance, the

applicant may proceed with the approval process. This certificate does not indicate project approval status.

(12)**Concept Plan** A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions.

(13)**Consistency with the Comprehensive Plan** A requirement of all land use regulations. All regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the town as the North Providence Comprehensive Community Plan.

(14)**Cul-de-sac** A local street having only one (1) outlet and having a sufficient radius to allow for the safe and convenient reversal of traffic.

(15)**Dedication, fee-in-lieu of** Payments made to the Town of North Providence versus the actual dedication of land. This will occur only when physical conditions of the site or other extenuating circumstances do not permit for the actual dedication of land to the town.

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

(17)**Division of Land** A subdivision.

(18)**Easement** The authorized use of a designated piece of land by the property owner for the use by another and for a specific purpose.

(19)**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.

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

(21)**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 materials as described in Appendix A.

(22)**Flood Hazard** Those areas delineated by the National Flood Insurance Program maps as flood hazard/prone areas.

(23)**Floor area, gross** See the Rhode Island State Building Codes, as amended.

(24)**Governing Body** The body of local government - The North Providence Town Council - which has the power to adopt ordinances, accept public improvements and dedications, release public improvement guarantees (bonds) and establish and collect fees.

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

(26)**Improvement Guarantee** A security instrument accepted by the town to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the town as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

(27)**Local Regulations** The land development and subdivision review regulations adopted by the North Providence Planning Board pursuant to Rhode Island General Laws, Section 45-23.

(28)**Maintenance Guarantee** Any security instrument which may be required and accepted by the town to ensure that necessary improvements will function as required for a specific period of time. (See Improvement Guarantee)

(29)**Major Land Development Plan** Any land development plan not classified as a minor land development plan.

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

(31)**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. Required in major land development or major subdivision review.

(32)**Minor Land Development Plan** A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this act. all nonresidential land development projects shall be considered as major land development plans.

(33)**Minor Subdivision** A plan for a residential subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this act. All nonresidential subdivisions shall be considered as major subdivisions.

(34)**Modification of Requirements** See Section 36 of these rules.

(35)**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.

(36)**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.

(37)**Permitting Authority** The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use - The Planning Board, and appeals the Zoning Board of Review.

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

(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.

(40)**Planning Board** The official planning agency of the Town of North Providence, Rhode Island.

(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 the developer and the municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal 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 local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

(45)**Public Informational Meeting** A meeting of the planning board or governing body preceded by a notice, open to the public and at which the public shall be heard.

(46)**Re-Subdivision** Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records, or that affects the lot lines of any

areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of the local land development and subdivision regulations. For the purposes of this act, any such action shall 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 storm water 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, Cul-de-sac** A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

(53)**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.

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

(55)**Street, Public** All public property reserved or dedicated for street traffic

(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. Local classifications shall use the following as major categories:

(a) **Arterial:** A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.

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

(c) **Local:** Streets whose primary function is to provide access to abutting properties.

(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)**Technical Review Committee** A committee appointed by the planning board for the purpose of reviewing, commenting, and making recommendations to the planning board with respect to approval of land development and subdivision applications.

(61)**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.

(62)**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.

(63)**Waiver of Requirements** See Section 34 of these rules.

Section 2. Pre -Application Meetings and Concept Review

(A) One or more pre-application meetings shall be held for all major land development or subdivision applications. Pre-application meetings may be held for administrative and minor applications, upon request of either the planning board or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate local officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local

plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

(B) At the Pre-application stage the applicant may request the planning board for an informal concept review for a development. The purpose of the concept plan review is also to provide planning board input in the formative stages of major subdivisions and land development concept design.

(C) Applicants seeking a pre-application meeting or an informal concept review shall submit all materials outlined in Appendix A in advance of the meeting(s).

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

Section 3. Application for Development & Certification of Completeness

(A) Classification: The administrative officer shall advise the applicant as to which approvals are required and the appropriate board for hearing of an application for land development or subdivision project. The following types of applications as herein defined may be filed:

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

(B) Certification of a complete application: An application shall be complete for purposes of commencing the application time period for action when so certified by the administrative officer. In the event such certification of the application is not made within the time specified by law, the application shall be deemed complete for purposes of commencing the review period, unless the application lacks information required for such applications as specified in Appendix A and the administrative officer has notified the applicant in writing of the deficiencies in the application.

(C) Notwithstanding subsection (A) and (B) above, the planning board may subsequently require correction of any information found to be in error and submission of additional information specific in the regulations but not required by the administrative officer prior to certification, as is necessary to make an informal decision.

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

Section 4. Administrative Subdivision

(A) Any applicant requesting approval of a proposed administrative subdivision, as defined in these regulations, shall submit to the administrator the items required in Appendix A.

(B) The applicant shall be certified as complete or incomplete by the administrative officer within a fifteen (15) day period from the date of its submission according to the provisions of Section 3(B) hereinabove.

(C) **Review Process:**

(1) Within fifteen (15) days of certification of completeness, the administrative officer shall review the application and approve, deny or refer it to the planning board with recommendations. The officer shall report his/her actions to the planning board at its next regularly scheduled meeting, to become part of the record.

(2) 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 regularly scheduled planning board meeting.

(D) If referred to the planning board, the board shall consider the application and the recommendations of the administrative officer and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification completeness. Failure of the planning board to act within the prescribed period shall constitute approval of the administrative subdivision plan. The administrative officer shall certify that the failure of the planning board to act within the required time period, resulted in an approval. This shall be issued upon the request of the applicant.

(E) Denial of an application by the administrative officer cannot be appealed, and shall require the plan to be submitted as a minor subdivision application.

(F) Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature as specified in Section 24.

Section 5. Minor Land Development and Minor Subdivision Review

(A)Review Stages: Minor plan review shall consist of two stages, preliminary and final, provided that if a street creation or extension is involved, a public hearing is required. The planning board may combine the approval stages, provided that requirements for both stages have been met by the applicant to the satisfaction of the planning officials.

(B)Submission requirements: Any applicant requesting approval of a minor subdivision or minor land development, as defined in these regulations, shall submit to the administrative officer the items identified hereinafter in Appendix A.

(C)Certification: The applicant shall be certified complete or incomplete by the administrative officer within twenty-five (25) days, according to the provisions of Section 3(B) hereinabove.

(D)Administrative Review: The administrative officer shall review the application and shall comment and make recommendations to the planning board. The application shall be referred to the planning board as a whole.

(E)Re-assignment to major review: The planning board may re-assign a proposed minor project to major review only when the planning board is unable to make the positive finding required in Section 24 hereinbelow.

(F)Decision: If no street creation or extension is required, the planning board shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the board in accordance with the requirements of Section 27 herein. If a street extension or creation is required, the planning board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 8(c) & (d) of these regulations and shall approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of Section 27.

(G)Failure to act: Failure of the planning board to act within the prescribed period shall constitute approval of the preliminary plan. The administrative officer shall certify that the failure of the planning board to act within the required time period, resulted in an approval. This shall be issued upon the request of the applicant.

(H)Final Plan: the planning board may delegate final plan review and approval to the administrative officer. The officer shall report his/her findings to the planning board at its next regularly scheduled meeting, to be made part of the record.

(I)Vesting: Approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as defined in these regulations in Appendix A. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the planning board.

Section 6. Major Land Development and Major Subdivision Review Stages

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

(B) Major plan review shall consist of three stages of review: Master plan, preliminary plan, and final plan, following the pre-application meeting(s) specified in Section 2 hereinabove. In addition, a public information meeting and a public hearing are required.

(C) The planning board may vote to combine review stages and to modify and/or waive requirements as specified in these regulations. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.

Section 7. Major Land Development and Major Subdivisions - Master Plan:

(A) Submission Requirements:

(1) The applicant shall first submit to the administrative officer the items required in Section 6 (2) below.

(2) Requirements for the master plan and supporting materials for this phase of review shall include, but not be limited to : Information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplain, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.

(3) Initial comments shall be solicited from: (1) local agencies including but not limited to, the planning and community development department, the department of public works, fire and police departments, the conservation and recreation commissions; (2) adjacent communities; (3) state agencies, as appropriate, including the Rhode island Department of Environmental Management and the Rhode Island Department of Transportation, and the Coastal resources Management Council; and (4) Federal agencies, as appropriate. The administrative officer shall coordinate review and comment by local officials, adjacent communities, and the state and federal agencies.

(B) Certification:

The application shall be certified complete or incomplete by the administrative officer within ninety (90) days, in accordance with section 3(B) above.

(C) Informal 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 the planning board's determination.

(1) Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation in the town. Postcard notice shall be mailed to the applicant and to include all property owners within the notice area which is to all owners of abutting property within two hundred feet (200') of the property perimeter.

(2) at the public informational meeting the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public. All public comment shall be made part of the public record of the project application.

(D)Decision: The planning board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as many be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 27.

(E)Failure to act: Failure of the planning board to act within the period prescribed shall constitute approval of the master plan. The administrative officer shall certify that the failure of the planning board to act within the required time period, resulted in an approval. This shall be issued upon the request of the applicant.

(F)Vesting:

(1) The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension possible upon the written request of the applicant, who must appear before the planning board for an annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant prior to the expiration of the approval date. Such requests must be made in writing and approved by the Planning board. Master plan vesting shall include zoning requirements, conceptual layout and all conditions shown on the approved master plan drawing and supporting materials.

(2) The initial two (2) year vesting for the approved master plan shall constitute the vested rights for the development as required in Section 11.

Section 8. Major Land Development and Major Subdivision - Preliminary Plan

(A) Submission Requirements:

(1) The applicant shall first submit to the administrative officer the items required in Appendix A for preliminary plan.

(2) Requirements for the preliminary plan and supporting materials for this phase of review shall include, but not be limited to: Engineering plans depicting the proposed development project, a perimeter survey, all permits required by state and federal agencies prior to commencement of construction, including permits related to freshwater

wetlands, the coastal zone, floodplains, disposal systems, public water systems, and connections to state or town roads.

(3) Final written comments and/or approvals of the department of public works, the town engineer, the town solicitor, other local government departments, commissions, or authorities as appropriate.

(4) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights-of-way must be filed with the proper authorities.

(B)Certification

The application shall be certified as complete or incomplete by the administrative officer within sixty (60) days, according to the provisions of section 3(B).

(C)Public Hearing

Prior to the planning board issuing a decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in Section 9, hereinbelow, must be held.

(D)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 preliminary plan approval stage.

(E)Decision

A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further times as may be consented to by the developer.

(F)Failure to act

Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan. The administrative officer shall certify that the failure of the planning board to act within the required time period, resulted in an approval. This shall be issued upon the request of the applicant.

(G)Vesting

The approved preliminary plan shall be vested for a period of one (1) year and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant prior to the expiration of the deadline. Such requests must be made in writing and approved by the Planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting materials.

Section 9 - Major Land Development and Major Subdivision - Public Hearing & Notice

(A) A public hearing shall be required for a major land development or a major subdivision or where a street extension or creation required a public hearing for a minor subdivision.

(B)Notice Requirements

Public notice of the hearing shall be given at least fourteen (14) days prior to the hearing in a newspaper of general circulation within the town following the town's customary practices for such advertising. Notice shall be sent to the applicant and to each owner of property within two hundred feet (200') of the perimeter of the property, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Such notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest intersection in tenths (1/10) of a mile. The board may require a supplemental notice that an application for a development location in question. Such posting shall be for informal purposes only and shall not constitute required notice of a public hearing.

(C)Notice Area

(1) The distance for notice of the public hearing shall be to all owners of property within two hundred feet (200') of the perimeter of the entire property under consideration. Intervening streets, highways, roadways, easements or rights-of-way shall not nullify the intention of this notice area.

(2)Watersheds

Additional notice within watersheds shall also 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.

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 surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the town, 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 section 45-24-53(E) of the General Laws of Rhode Island.

(3)Adjacent Municipalities:

Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1)The notice area extends into the adjacent municipality, or (2) The development site extends into the adjacent municipality, or (3) There is a potential for significant negative impact on the adjacent municipality.

(D)Notice Costs:

The cost of all such notices and advertisements shall be borne by the applicant, as identified in Appendix D - Fee Schedule

Section 10 Major land Development and Major Subdivisions - Final Plan

(A)Submission Requirements:

- (1) The applicant shall submit to the administrative officer the items required for final plan in Appendix A, as well as all materials required by the planning board when the application was given preliminary approval.
- (2) Arrangements for completion of the required public improvements, including a construction schedule and/or financial guarantees.
- (3) Certification by the Tax Collector that all property taxes are current.
- (4) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(B)Certification

The application for final plan approval shall be certified complete or incomplete by the administrative officer within forty-five (45) days, according to the provisions of section 3(B) hereinabove. If the administrative officer certifies the application as complete and does not require submission to the planning board as per subsection (C) below, the final plan shall be considered approved.

(C)Referral to the Planning Board

If the administrative officer determines that an application for final approval does not meet the requirements set by the regulations or by the planning board at the preliminary approval stage, the administrative officer shall refer the final plans to the planning board for review. the planning board shall within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve, approve with conditions, or deny the final plan as submitted.

(D)Failure to act

Failure of the planning board to act within the period prescribed shall constitute approval of the final plan. The administrative officer shall certify that the failure of the planning board to act within the required time period, resulted in an approval. This shall be issued upon the request of the applicant.

(E)Recording

The final approval of a major subdivision or land development project shall expire one (1) year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in these regulations. The planning board may, for good cause shown, extend the period for recording for an additional period not to exceed one (1) year.

(F)Acceptance of Public Improvements

Signature and recording as specified in these regulations shall constitute acceptance by the town of any street or other public improvements or other land intended for dedication. Final plan approval shall not impose any duty upon the town to maintain or improve those dedicated areas until the Town Council accepts the completed public improvements as constructed in compliance with the final plans.

(G)Validity of Recorded Plans

The approved final plan, once recorded, shall remain valid as the approved plan for the site unless an amendment to the plan is approved under the procedures set forth in these regulations, or a new plan is approved by the planning board.

Section 11. Design Standards

The planning board will require any project to conform to the following design standards

Article A: **General**

1. Land deemed unsuitable for building purposes, in the judgment of the planning board, will not be approved for land development or subdivision.

2. All land development or subdivisions shall conform to and be in harmony with these regulations, the zoning ordinance and the North providence Comprehensive Community Plan.

3. The layout of streets shall be considered in relation to the existing street system and any official highway plan of the Town of North Providence.

(A) The arrangement of streets shall, where practical, provide for continuation or appropriate projection of existing principal streets into surrounding areas.

(B) The use of grinding street patterns, or similar designs will not be permitted.

(C) Streets shall conform to the topography of an area that is gridiron.

(D) Care shall be exercised to ensure that all streets in a subdivision or land development project are functional, i.e. provide service to lots or to enhance the internal traffic circulation system. Excessive streets are usually an unnecessary expense and their net result is to increase the cost of services and maintenance by the town.

(E) The developer shall avoid, where possible, the layout of streets in such manner as to radically alter the natural drainage patterns.

4. The design of a land development project or subdivision will complement the site and be compatible with the natural surroundings.

Article B. **Easements**

The planning board may require the provision of easements for installation and maintenance of utilities and for drainage facilities. Such easements shall be a minimum of twenty (20) feet wide and will be labeled accordingly on all plans.

Article C. **Streets**

1. Street rights-of-way, both existing and proposed, shall be continued with at least the same width throughout the subdivision.
2. Street intersection centerlines shall coincide precisely with, or be offset by at least one hundred fifty (150) feet on centerline.
3. Street centerlines shall intersect at right angles, as nearly as practicable and no intersections shall contain an angle of less than sixty (60) degrees.
4. Private streets shall not be allowed nor shown on a plat being recorded.
5. Street rights-of-way and street pavement width, centered between property lines, shall not be less than designated in schedule A.
6. The planning board may require additional width for streets subject to heavy traffic volumes.
7. Street grades of residential streets shall not be less than that designated in Schedule A.
8. Dead-end streets shall not be more than six hundred (600) feet in length and shall at their closed end a turnaround with a minimum outside curb radius of forty (40) feet and a right-of-way radius of fifty (50) feet. Where a dead-end street is to provide access to adjacent property, the planning board may require provisions for a temporary turnaround until such time as the adjacent tract is developed and the street is extended.
9. Reservation of strips of land by the developer or subdivider, or any physical barrier, controlling access to a street shall not be permitted. This requirement shall not be subject to the provisions of G. - Modification of Standards.
10. Where street rights-of-way grades require two (2) feet or more cut or fill, retaining walls will be required along abutting property lines or the abutting properties will be graded to a maximum slope of 3:1 at the street right-of-way line.

11. An extension of an existing street shall have the same as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the Town of North Providence, as certified by the Town Planner.

12. **Superelevation:** All roadway curves shall be superelevated in accordance with the design requirements, the State of Rhode Island, and AASTO Policy of Geometric Design of Rural Highways, except that superelevation shall not exceed .08 feet per foot width of roadway.

13 **Intersection Sight Distances:** All roadway intersections shall be designed to have the corner sight distances as designated in Schedule A. Corner sight distance is measured from a point on the minor road at least fifteen (15) feet from the edge of the major road pavement and measured an eye height of 3.75 feet on the minor road to a height of object of 4.5 feet on the major road.

14. **Design of Intersection Roadway Surfaces:** Intersection roadway pavements shall have a paved transition area at all corners to accommodate turning movements.

15. **Bridges:** All bridges shall be as wide as the required pavement for that class road plus four (4) feet and shall conform to the State of Rhode Island, Department of Public Works and Highways standard specifications for road and bridge construction.

Article D. **Blocks**

1. In residential subdivisions, blocks shall not be greater than one thousand (1,000) feet in length.

2. Where it is deemed appropriate to the design, the planning board may require provisions for pedestrian rights-of-way. all such rights-of-way shall be ten (10) feet in width and shall be conveyed to the Town of North Providence by deed.

3. Blocks in land development projects, group housing, commercial or industrial developments, shall be designed to allow traffic to move with ease and to provide inherent safety to pedestrians and inhabitants.

Article E. **Lots**

1. Lots shall front on an existing or proposed public street. All lots shall have a minimum frontage as shown in the appropriate zoning category in Appendix B.

2. Lots shall not extend through a block to another existing or proposed residential street.

3. Except on those sides bordering a street, lots shall not have interior angles greater than two hundred (200) degrees.

4. The proportion of lot depth to lot width shall not exceed the ratio of 2.5 to 1

5. All side lot lines shall be as near right angles to street right-of-way lines as practicable or radial in arrangement when the street right-of-way line is a curve.

Section 12. Public Design & Improvement Standards

(A) Public design and improvement standards for development are specified in Appendix C - “Specifications For Construction of Required Improvements To The Land”, attached hereto and made part hereof by reference.

Section 13. Construction and/or Improvement Guarantees:

(A) Any developer of any land development project or subdivision involving the construction of construction features or land improvements which are anticipated to be conveyed upon completion to the Town may: (1) Construct any and all public right-of-way and other improvements. Such improvements may be conveyed to the town after the expiration of a guarantee period involving a period of no less than six (6) months and after such improvements are inspected and approved by the Department of Public Works and other appropriate town agencies. (2) Provide an improvement guarantee, or (3) A combination of the above.

Where improvements are constructed without a financial guarantee, the work is to be completed prior to the final approval. All construction shall be inspected and approved under the direction of the administrative officer with a “worthiness” period of no less than six (6) months intervening between the time the improvements are declared acceptable by the town and the improvements are conveyed to the town. During all such periods of time, no sale, lease or other conveyance of land, including the negotiations to sell, lease or otherwise convey the property, or any portion thereof, may be engaged in by the developer or subdivider. Similarly, the subdivider or developer, nor any other representative thereof cannot apply for any form of a building permit, nor may the building official issue any such permits for improvements to the land beyond those required to construct and complete the public improvements thereupon, which were approved by the Planning Board.

(B) Where the developer or subdivider wishes to construct the public improvements simultaneously with the sale, lease or conveyance, and/or negotiations to sell, lease or otherwise convey portions of the development or subdivision, an improvement guarantee must be posted with the administrative officer as follows:

(1) The subdivider or developer must post a bond or bank certified check sufficient to cover the full cost of the improvements required by the planning board in compliance with these regulations and any additional required improvements to the land. The amount of such bond shall be approved by the Planning board, with recommendations given by the administrative officer and the Department of Public Works, the Building Inspector and any other appropriate personnel. The bond shall be subject to the following conditions and requirements:

(a) **Form of Guarantee:** The developer or subdivider shall submit to the administrative officer a performance bond or bank certified check payable to the Town of North Providence, Rhode Island.

(b) **Conditions:** The Town Solicitor shall establish the reliability of the person, persons, or bonding company or other financial institution furnishing surety or sureties. Having firmly established the foregoing conditions, it shall be unnecessary to re-establish the fact on subsequent surety or sureties furnished by the same person, persons on bonding company or other financial institution.

Acceptance of a performance bond or bank certified check by the administrative officer and the recording of such action in the minutes of the planning board meeting shall constitute a binding agreement between the principal, the surety and the Town of North Providence, Rhode Island. Said bond or bank certified check shall be retained for safekeeping by the Finance Director of the Town of North Providence.

(c) **Duration and release of guarantee:**

(i) The terms of duration of a performance bond or bank certified check shall begin with the date of acceptance by the Planning Board.

(ii) The performance bond or bank certified check shall be conditioned on the faithful completion or construction and installation of remaining improvements to the land within a period of one (1) year as certified by the town. A performance bond does not have an expiration date and shall only be returned one (1) year after the completion of the improvements in order to ascertain the durability/acceptability of the improvements.

(iii) One (1) year after completion of all required improvements to the land, the subdivider or developer may apply to the planning board at a regularly scheduled meeting for release of the performance bond or bank certified check. This application shall be accompanied by a certificate from the town that all improvements have been installed, constructed and completed within the specified time limit and in accordance with the specifications contained in these regulations. Said certificate will also contain a statement containing the condition of said improvements at that time.

(iv) Upon receipt of the application for the release of the bond or bank certified check with the accompanying certification by the town engineer, the planning board will review the project and all relevant data. If the plat is found to be complete, the board will forward a letter to the Town Council, containing a copy of the application for release of the performance bond or bank certified check and the certification by the town engineer. Such certification will contain a request to release the bond or check and accept any public streets shown on the plat into the town functional highway system.

(d) **Extension of Time:**

If, due to circumstances beyond the control of the subdivider or developer, the construction of required improvements to the land cannot be completed in the prescribed time, the planning board may grant a one-time extension for a period not to exceed ninety (90) days. During such time, the guarantees shall remain in full force and effect.

(e)Default:

(i)Conditions of Default:

The Town of North Providence shall hold the subdivider or developer and surety in default of guarantee should the subdivider or developer:

(a)Fail to meet all specifications for construction of required improvements to the land;

(b)Fail to properly notify the Town Planner of the beginning and completion of all phases of construction of required improvements to the land;

(c)Fail to protect existing improvements and/or properly repair such improvements should damage occur during construction of the subdivision or land development project;

(d)Fail to clean debris from the site and adjacent areas upon the completion of construction within the project;

(e)Fail to correct improvement deficiencies, within one (1) year of completion of said improvements;

(f)Fail to complete required improvements to the land within the time prescribed in these regulations;

(g)Fail to provide the town planner with “as-built” plans of the improvements.

(ii) Certificate of Default:

(1) Should any of the conditions cited in (I) above occur, the town engineer shall certify in writing to the administrative officer that the subdivider or developer has not complied with the requirements of these regulations and the plans as approved by the Planning Board. The Town Engineer shall further state the extent of non-compliance and the conditions thereof.

(2) The Planning Board shall submit in writing to the Town Council, its concurrence with or disapproval of the determination of the town Engineer.

(iii) Execution of Guarantee:

The Town Council may under the provisions of G.L. 45-23-46(I), execute only that portion of the guarantee which shall be necessary to correct any deficiency for which the subdivider or developer and surety are held in default.

(iv) Payment by Surety:

Upon notification to the surety, by the Town Council that the developer has been in default of guarantee, the surety shall promptly pay to the Town of North providence

that portion of the guarantee which shall be necessary to correct the deficiency for which the subdivider or developer and surety are held in default. Should the Town Of North providence hold a bank certified check from the subdivider or developer, the Town Council may order the bank certified check surrendered for payment of the portion necessary to cover the amount of the default applied to the correction thereof. The remainder of the bank certified check thus surrendered shall be retained until a certificate of completion has finally been issued.

(C) Where a subdivider or developer has completed the construction and/or completion of the improvements as shown in Section 13(A) hereinabove and then wishes to proceed with the sale, lease or conveyance of property and/or the negotiation for sale, lease or other conveyance of the property during the guarantee period, the subdivider or developer, may invoke the guarantee of improvements provision of Section 13(B) above. Only upon such action may building permits be applied for and issued for construction on such property as has been created or approved.

Section 14. Requirements for Dedication of Public Land - Public Improvements and Fees

The Planning Board may require, as a condition of approval of a proposed land development or subdivision project, the dedication of land to the public, public improvements, payment-in-lieu of construction, or payment to mitigate the impacts of a proposed project. in so doing, the Planning Board shall consider the following:

- (1) All required public improvements must reflect the character defined for that neighborhood or district as indicated in the North Providence Comprehensive Community Plan.
- (2) The need for all dedication of land to the public and/or for payment in lieu of such dedication must be clearly documented in the North Providence Comprehensive Community Plan.
- (3) No dedication of land to the public or payment-in-lieu of dedication may be required until the need for such are identified and documented by the Town. The land proposed for dedication must also be determined as appropriate for the proposed use and the formulas for calculating a payment-in-lieu of dedication must be strictly adhered to.
- (4) All dedications, improvements, and/or payments-in-lieu thereof, for mitigation of identified negative impacts of proposed projects must meet the above standards. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. The mitigation required as a condition of approval must be related to the significance of the identified impact, and:
- (5) All payments-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required.

Section 15. Phasing of Projects

(A) The Planning Board may allow for preliminary and final stages, and for the construction of major land developments and subdivisions to be divided into reasonable phases.

(B) When considering a phased development project, the planning board shall consider the following:

(1) Approval of the entire site design as a master plan. Development plans may be submitted for preliminary and/or final review and/or approval of phases(s) thereafter.

(2)(a) Standards and guidelines for determining the physical limits of phases, completion schedules, and guarantees; (b) For allowing two (2) or more phases to proceed in review or construction simultaneously; (c) For interim public improvements or construction conditions; (d) For changes to master or preliminary plans which shall be agreed to prior to any project moving through negotiations between the planning board and the development and/or subdivider as necessitated by local conditions.

(3) The master plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

(C) Vesting:

The master plan shall remain vested as long as it can be proved, to the satisfaction of the planning board, that work is proceeding on either the approval stages or on the construction of the development, as shown in the approved master plan documents.

Section 16. Land Development Projects

Land development projects filed under the provisions of these regulations shall be considered under the authority of Article VIII of the North Providence Zoning Ordinance, as amended. Submissions shall comply with the provisions of these regulations.

Section 17. Local Regulations - The Authority to Create and Administer

The North Providence Planning Board is empowered pursuant to Article 15 of the North Providence Legislative Charter, to develop, enact, amend, repeal or modify rules and regulations for the review and approval of land development projects and subdivision projects within the Town of North Providence. In addition, the planning board is designated by the Charter as the local authority charged with the control and approval of land development projects and subdivision projects pursuant to those regulations and acts.

Section 18. Public Hearing and Notice Requirement

(A) These regulations shall be adopted, repealed, or amended after a public hearing has been held upon the question before the planning board. The planning board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of North Providence at least once each week for three (3) consecutive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing, all interested parties and persons shall have the opportunity to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in the legal notices and shall:

- (1) Specify the place of said hearing and the date 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 proposal shown therein may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alterations or amendment must be presented for comment in the course of said hearing.

(B) Notice of the public hearing shall be sent by first class mail to the city or town planning boards of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the Town of North Providence.

(C) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the Town of North Providence, or two thousand feet (2,000') of the town, provided however, that a map survey has been filed with the building official as specified in RIGL Section 45-24-53(E).

(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.

(E) The above requirements are to be construed as minimum requirements.

Section 19. Publication and Availability

(A) Printed copies of these regulations shall be available in the Town Clerk's Office to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

(B) Upon publication of these regulations and any amendments hereto, the Town shall send a copy to the Rhode Island Department of Administration's Division of Planning and the State Law Library.

Section 20. Administration - The Administrative Officer

(A) Local administration of these regulations shall be under the direction of the Administrative officer, also known as the Director of Planning and Community Development, who shall report to the Planning Board.

(B) The Director of Planning and Community Development for the Town of North Providence, shall oversee and coordinate the review, approval, recording and enforcement of the provisions of these regulations.

(C) the administrative officer shall be responsible for coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws, and as directed by the Planning Board.

(D) Enforcement of the local regulations shall be under the direction of the administrative officer. The administrative officer shall be responsible for coordinating the enforcement efforts of the zoning enforcement officer, the building official, planning department staff, the town engineer, the department of public works, and any other local officials responsible for the enforcement/implementation of these rules.

Section 21. The Board of Appeals

The Zoning Board of Review of the Town of North Providence shall serve as the board of appeals to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects.

Section 22. Administrative Fees

A fee schedule is hereby established in Appendix D, attached hereto and made part of this document. The Planning Board may from time to time, amend or otherwise alter such fee schedule by amendment to these regulations. The administrative office shall cause such fee schedule to be published and disseminated as appropriate.

Section 23. Violations and Penalties

(A) Any person, firm, corporation, or association who is the owner of land within the Town of North Providence, whether in a land development project or subdivision, who shall transfer, sell or negotiate to sell any land by reference to or exhibition of or by any use of a plat of land in a land development or subdivision project before such plat has been approved by the administrative officer or the planning board, as appropriate, shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation. Each transfer, sale or negotiation to sell land in violation of this ordinance shall be considered a separate violation. In addition, the division/or sale of land by metes and bounds in the instrument of transfer shall not be exempt from the above provisions.

The Town of North Providence may petition the Superior Court for the County of Providence to enjoin any transfer or sale as set forth in the preceding paragraph.

(B) Avoidance of Unlawful Sale: Recovery of Damages

Any sale of land subdivided in violation of these provisions of these regulations shall subject the seller to the forfeiture of any and all consideration received, or pledges thereof together, with any damages sustained by such purchaser, who may maintain an action of the case, to recover any amount due, under the provisions of this section.

Section 24. Procedures - Required Findings

All administrative, minor and major development applications shall address each of the general purposes stated in Section 1 hereof. In approving such development projects, the Planning Board, or the board of appeals if on appeal, shall make positive findings of the following standards, as part of the proposed project record prior to such approval being granted:

- (1) The proposed development is consistent with the North Providence Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the North Providence Zoning Ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval.
- (4) Subdivisions, 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. (see definition of Building Lot). Lots with such physical constraints to development may be created only if

identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and

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

Section 25. Precedence of Approvals Between Planning Board and other Local Permitting Agencies

(A) Zoning Board

(1) Where an applicant required a variance from the zoning ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, then obtain conditional zoning board relief, then return to the planning board for subsequent required approval(s).

(2) Where an applicant required a special use permit under the zoning ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, then obtain a conditional special-use permit from the zoning board. The applicant may then return to the planning board for subsequent required approval(s).

(B) Town Council

Where an applicant required planning board approval as well as town council approval for a zoning map change or a zoning ordinance amendment, the applicant shall first obtain an advisory recommendation for the zone change from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project. A conditional zoning change may then be granted by the Town Council, thence returning to the planning board for subsequent required approval(s).

Section 26. Waivers - Modification and reinstatement of Plans

(A) Waiver of Development Plan Approval

(1) The Planning Board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the planning board finding that the use will not affect existing drainage, circulation, the relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of development plan approval. In addition, a waiver may be granted if the existing facilities do not require upgrading or additional site improvements, as a result of the development.

(2) The application for a waiver of development plan approval review shall include documentation, as required by the planning board, on the prior use of the site, the proposed use, and its impact.

(B) Waiver and/or Modification of Requirements

The Planning Board shall have the power to grant waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purpose and intent of the provisions of the regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more of the provisions of the regulations is impracticable and will exact undue hardship. This hardship can be the result of peculiar conditions pertaining to the land, or existing structures. Such a waiver/modification must be in the best interest of good planning practices/and or design as evidenced by being consistent with the North Providence Comprehensive Community Plan and the North Providence Zoning Ordinance.

(C) Whenever reinstatement of a development application occurs the original deadline for each step as outlined in these regulations shall apply to the stage of approval under reconsideration or modification.

(D) Decision

The Planning Board shall approve, approve with conditions, or deny the request for either a waiver or modification as described in subsection (A) and (B) above, and in accordance with Section 27 below.

Section 27 - Procedures: Meetings, Votes, Decisions and Records

(A) All records of the North Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the planning board, shall be available for public review.

(B) Participation in a planning board meeting or other proceedings by any party shall not be a cause for civil action or liability, except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

(C) All final written comments to the planning board from the administrative officer, municipal departments, state and federal agencies, and local commissions shall be part of the permanent record of the development application.

(D) Votes

All votes of the North Providence Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require

a vote approval of a majority of the current planning board membership - (A majority of the full board's membership, regardless of the number of members present at any meeting.).

Section 28. Signing and Recording of Plats and Plans

(A) Approved final plans and plats for land development and subdivision projects shall be signed by the chairperson or the secretary of the board with the date of approval. Plans and plats for major land development projects and subdivisions shall be signed by the planning board chairperson or the secretary of the planning board, attesting to the approval by the planning board. All minor land development or subdivision plans and plats and administrative plats shall be signed by the planning board chairperson, secretary of the board, or a person so designated by the board.

(B) Upon signature, all plans and plats shall be submitted to the administrative officer prior to recording and filing in the Town Clerk's office. The materials to be recorded for all plats and plans shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the planning board, permits and agreements with state and federal reviewing agencies, and other information as required by the planning board.

(C) Other parts of the application record for subdivision and land development projects, including all meeting records, approved master plan and preliminary plans, site analysis, impact analysis, all legal agreements, records of the public hearings and the entire final approval set of drawings shall be kept permanently by the department of planning and Community Development.

(D) The administrative officer shall notify the statewide Enhanced 911 emergency authority and the Town Police and Fire Department with the information required by each of the authorities.

(E) The developer and/or subdivider shall provide the administrative officer with a minimum of five (5) copies of the approved plat or plans for recording purposes; two (2) copies shall be black ink on Mylar, three (3) copies shall be on heavy white drawing paper.

Section 29. Changes to recorded Plats and Plans

(A) For all changes to the approved plans of land development projects or subdivisions subject to these regulations, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments of the final plan in accordance with the procedures established for recording plats in Section 28.

(B) Minor changes, as defined in the local regulations, to a land development or subdivision plan may be approved administratively, by the administrative officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the administrative officer. All such changes shall be made part of the permanent records of the project application. This provision shall prohibit the administrative officer from requesting a recommendation from the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change.

(C) Major changes, as defined in the regulations, to a land development or subdivision plan may be approved, only by the planning board and must follow the same review and public hearing process required for approval of preliminary plans as described herein.

(D) Rescission Procedure:

The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat is not consistent with the North Providence Comprehensive Community Plan, and is not in compliance with the North Providence Zoning Ordinance and/or these regulations. Such a decision shall be made after a public hearing which adheres to the requirements for notice described in Section 9 hereinabove. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of Section 27. If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the Rhode Island general Laws, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for the rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in Section 28.

Section 30. Process for Appeals

(A) An appeal to the board of appeals from a decision or action of the Planning Board or Administrative Officer may be taken by an aggrieved party. Such appeal must be taken within twenty (20) days after the decision has been recorded and posted in the office of the Town Clerk.

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

(C) Upon receipt of an appeal, the board of review shall require the planning board or administrative officer to transmit forthwith to the board of appeals, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

(D) An appeal, when duly received, shall stay all proceedings in furtherance of the action being appealed.

Section 31. Board of appeals - Public Hearing

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

(B) the board of appeals shall only hear appeals of the actions of the planning board or administrative officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.

(C) The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes as required by Section 32 shall be maintained by the board of appeals.

Section 32. Appeals - Standards of Review

(A) As established by Rhode Island General Law 45-23, in instances of a board of review's review of a planning board or administrative officer's decision on matters subject to these regulations, the board of review shall not substitute its own judgment for that of the Planning Board or the administrative officer. Instead, it must consider the issue based upon the findings and record of the planning board or administrative officer. The Board of Appeals shall not reverse a decision of the Planning Board or Administrative Officer except when findings of prejudicial error, procedural error, clear error, or lack of support by the weight of evidence in the record.

(B) The concurring vote of three (3) of the five (5) members of the board of appeals sitting at a hearing shall be necessary to reverse any decision of the Planning Board or administrative Officer.

(C) In the instance where the board of appeals overturns a decision of the planning board or administrative officer, the proposed project application shall be remanded to the planning board or administrative officer, for further proceedings, to begin at the stage from which the appeal was taken. In the case of a final disposition, the ruling of the planning board/administrative officer shall be consistent with the board of appeals decision.

(D) The board of appeals 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 appeals shall include in the written record, the reasons for each decision.

Section 33. Appeals to the Superior Court

(A) An aggrieved party may appeal a decision of the Board of Appeals 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 Town Clerk's office. The board of appeals shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the planning board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary from an equitable disposition of the appeal.

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

(C) The court shall not substitute its judgment for that of the Planning Board as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeals or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

- (1) In violation of constitutional, statutory, ordinance or planning board regulations or provisions;
- (2) In excess of the authority granted to the planning Board by statute or ordinance;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Section 34. Appeals to Superior Court, Enactment of/or Amendment of Regulations

(A) An appeal of an enactment of/or an amendment of these regulations may be taken to the Superior Court of Providence County by filing a complaint, as set forth herein, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the Town of North Providence, or by any association of residents or landowners thereof. The appeal shall not stay the enforcement of the regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

(B) The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, Chapter 45-22.2; the Zoning Enabling Act of 1991, section 45-24-27; the North Providence Comprehensive Community Plan, or the North Providence Zoning Ordinance.

(C) The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the regulations is consistent with the Comprehensive Planning Act, Chapter 45-22.2; the Zoning Enabling Act of 1991, Section 45-24-27 et. seq., the North Providence Comprehensive Community Plan, or the North Providence Zoning Ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the regulations found to be inconsistent, but may suggest appropriate language as part of the court decision.

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

Section 35. Appeals to the Superior Court - Priority in Judicial Proceedings

Upon the entry of any case or proceeding brought under the provisions of RIGL Section 45-23-73, including pending appeals and appeals thereafter taken to the court, the court shall, at the request of either party, advance the case so that the matters shall be afforded precedence on the calendar and shall thereupon be heard and determined with little delay.

Section 36. Severability

If any portion of these rules, regulations or determinations made hereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the rules, regulations or determinations 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.

Appendix A

Specifications & Submissions for Improvements & Plats:

Article A. General Requirements

1. Construction Plans:

- a. One complete set of all construction plans, profiles, cross-sections or other working drawings of required improvements to the land shall be submitted to and approved by the Director of Public Works prior to any construction start.
- b. All lots shall be numbered to correspond with the assessors plat and lot numbers.

2. Notification:

No phase or step in the construction of required improvements to the land shall commence until the Director of Public Works, or authorized representative has been notified by registered mail at least forty-eight (48) hours prior thereto. A copy of the letter shall be sent to the Planning Board.

3. General Notes: Include the following notes as applicable.

- a. Minimum lot area
- b. Minimum lot frontage
- c. Total area of roadways
- d. Total area of subdivision or land development project
- e. Zoning classification

4. Legend: Symbols for all items designated on plans as applicable including:

- a. Proposed lot lines
- b. Existing Property lines
- c. Proposed utilities, manholes, catch basins, etc.
- d. Existing utilities, manholes, catch basins, etc.
- e. Existing structures and site features
- f. Wetlands
- g. Easements

5. Drawing Size:

- a. Plan scale shall be no smaller than one (1") inch equals eighty (80') feet.
- b. Profile scale shall be a horizontal scale of one (1") inch equals forty (40') feet and a vertical scale of one (1") inch equals four (4') feet. Scale of detail shall

be optional.

- c. Drawings for submission shall be one of the following: 18" x 24", 24" x 36" or 30" x 42"

6. Location map: A location map showing the physical relationship of the proposed subdivision or land development project to the areas within a radius of one-half (1/2) mile using a United State Geological Survey (USGS) Map or one showing comparable information. Said location map shall identify the location of all brooks, streams, ponds, wetland area, public drinking water reservoirs and public wells within one thousand (1,000') feet of the proposed subdivision or land development project. Lettering on the location map shall be legible.

7. Title Block:

- a. Name of subdivision/land development project
- b. Assessor's plat number and lot number(s)
- c. Name and address of subdivider/developer
- d. Name and address of property owner
- e. Name and RI registration number of professional engineer and land surveyor, as required by law, responsible for the plans submitted
- f. Date prepared
- g. Revision box, to include all changes from previous drawings
- h. Scale of drawings including graphic scale and North arrow

Article B Pre-Application Sketch Plans

1. The subdivider or land developer shall file with the Administrative Officer in accordance with the scheduled enumerated in the regulations, but no less than fourteen (14) days in advance of the regularly scheduled meeting of the Planning Board.
 - a. A fully completed application together with the appropriate fee as shown on the fee schedule in Appendix D.
 - b. A minimum of nine (9) legible black line prints of the application sketch plan containing a minimum of the below listed items identified in Article B(2)
 - c. A proposed time schedule if the development is to proceed by stages.
2. The pre-application sketch plan shall encompass the entire tract of land in contiguous ownership by the subdivider or developer and shall contain the following:
 - a. All information required in Article A above.
 - b. Approximate topographic conditions.

- c. Approximate street and lot layout of the entire area with dimensions of streets and lots.
- d. Existing and proposed deed or plat restrictions or protective covenants.
- e. Land proposed for public dedication.
- f. Existing or proposed deed or plat restrictions or protective covenants.
- g. Reservoirs and their tributaries, water bodies, water courses and wetlands.
- h. Location of private wells within two hundred feet (200') of the subdivision or land development project.

Article C. Master Plans

The master plan shall be submitted in accordance with the provisions of Section 7 of these regulations. The master plan or plat shall encompass the entire tract of land in continuous ownership by the subdivider or developer and abutting property, and shall contain the following:

1. All information required in Articles A and B herein
2. Proposed design conceptualization plan
3. Tentative construction phasing

Article D. Preliminary Plats and Plans

1. The subdivider or developer shall file with the Administrative Officer in accordance with the regulations, but under no conditions less than fourteen (14) days in advance of the Planning Board's regularly scheduled meeting.

- a. A fully completed preliminary plan application and the appropriate filing fee.
- b. A minimum of nine (9) legible black line prints of the preliminary plat containing all the information required by the regulations.
- c. A minimum of nine (9) black line prints of centerline profiles of the proposed streets.
- d. Preliminary site suitability determination by the Rhode Island Department of Environmental Management as to wetlands.
- e. A notarized letter from the property owner authorizing the submission of his/her land to subdivision and/or land development procedures if he/she is not the subdivider.
- f. Ground elevation data referenced with current Federal Flood Insurance Maps and reports.

2. The preliminary plat/plan shall encompass the entire tract of land in continuous ownership by the subdivider or developer and abutting property and shall contain the following:

1. All information required in Articles A and B hereinabove

2. Topographical conditions, such as ledge outcroppings and including the high-water location of all brooks, ponds, streams, and wetland areas and other waterways within two hundred (200') feet of the proposed subdivision or land development project.
3. Name of subdivision, name of owner, name of the registered engineer and registered land surveyor, zoning classification and zoning boundaries, date, north point and scale.
4. The scale of the preliminary plat shall be no more than one (100') hundred feet to one (1") inch.
5. Names of owners of all land within two (200') hundred feet.
6. Boundary line of subdivision.
7. Existing town boundary lines, water courses, railroad and street right-of-way, utility lines and easements, surface and sub-surface drainage facilities, lot lines and building setback lines.
8. Dimensions as follows: Widths of street right-of-way, all angles and dimensions of lot lines, right-of-way lines and subdivision boundaries, areas of lots, curve data to include lengths of radii, central angles and tangent distances, the location, sizes and lengths of water lines, sanitary sewers, surface and subsurface drainage facilities.
9. Proposed areas for conveyance to the Town of North Providence for public purposes.
10. Proposed street rights-of-way, curb lines, and street names; easements; water lines; sanitary sewers; surface and sub-surface drainage facilities; lot lines; building setback lines; and street trees. Street names shall not be a duplicate or resemble existing street names.
11. Existing and proposed utility, drainage or other easements clearly identified.
12. Existing and proposed contours at intervals of not greater than five (5') feet.
13. Existing and proposed deed or plat restrictions and covenants.
14. Location of existing and proposed permanent monuments.
15. Location of existing and proposed fire hydrants.
16. Location of all existing structures including those on abutting lots.
17. Any other data which is relevant to good land planning and design as required by the board.

Article E. Final Plat

1. The subdivider and/or developer shall file with the Administrative Officer in accordance with these regulations, but no less than fourteen (14) days in advance of a regularly scheduled meeting of the Planning Board, the following items:
 - a. A fully completed final plat application together with the appropriate fee.
 - b. A minimum of ten (10) black line prints of the final plat, one copy shall be black on Mylar.

- c. Certificate from the Tax Collector of the Town of North Providence that all taxes due on the land described in the plat have been paid for five (5) years preceding the date of the filing and that there are no outstanding tax liens thereon.
- d. Quitclaim deed conveying all street rights-of-way and other open areas which may be deemed to the Town of North Providence as a result of these proceedings.
- e. Copies of existing and proposed easements and deed restrictions and protective covenants to run with the land in the development if such exist or are proposed.
- f. Written certification by a registered professional engineer that all drainage structures and facilities will accommodate a twenty-five (25) year design frequency storm.
- g. Written certification from the Rhode Island Department of Transportation that all curb cuts and/or drainage proposed to be made onto state highways have been approved.
- h. All final plat documentation shall include all modifications directed by the board during the preliminary stages. Also, all changes or modifications shall be clearly shown on all materials submitted.

2. Final Plats shall contain the following information:

- 1. All information required under Articles A, B, and D.
- 2. Name of the subdivision or land development, name of owner, name of registered professional engineer and registered land surveyor, zoning classification and zoning boundaries, date, north point, and scale.
- 3. The scale of the final plat shall be no more than one hundred (100') feet to one (1") inch.
- 4. Names and owners of all land within two hundred (200') feet.
- 5. Boundary of the subdivision/land development.
- 6. Existing water courses, railroad rights-of-way, streets and other easements.
- 7. Street rights-of-way, street names, easements, lot lines, lot numbers and building setback lines.
- 8. Dimensions as follows: Widths of street rights-of-way; all angles and dimensions of lot lines, rights-of-way lines and subdivision boundaries; areas of lots; curve data to include lengths of radii, central angles and tangent distances; the location, sizes and lengths of water lines, sanitary sewers, surface and subsurface drainage facilities.
- 9. Parcels of land to be conveyed to the Town of North Providence.
- 10. Location and character of all permanent monuments.
- 11. A definite bearing and distance tie shall be shown between permanent monuments on the exterior boundary of the subdivision and existing street intersections or other existing permanent monuments where possible and reasonably convenient.

12. Certification of a registered professional civil engineer and registered land surveyor that the plat is correct, that permanent monuments shown on the plat have been properly placed and that their location and character are correctly shown. Such certification must be denoted by a stamp and signature.

13. If wetlands are located within the subdivision or land development project, a written determination from the Rhode Island Department of Environmental Management indicating that:
 - a. The Fresh Water Wetlands Act does not apply
 - b. The proposals will result in an insignificant alteration of wetlands, or
 - c. The project will result in a significant alteration of a wetland. In such a case, copies of permits approved by the RIDEM along with a list of any conditions for such a permit shall be submitted.
 - d. Certification by a title attorney or comparable legal professional, that no notice of violation of the Wetlands Act is on file in the land evidence records of the Town of North Providence pertaining to the lot or lots being considered for subdivision or land development.

Appendix B

Zoning Standards

Minimum lot size, dimensional regulations, and dimensional regulations for each of the zoning districts are provided in the ensuing table.

A. Residential Districts

District	Use	Minimum Lot Area	Minimum Lot Width	Minimum Depth Front	Minimum Depth Side Yards	Minimum Depth Rear	Maximum* Bldg. Height
RS	One Family Dwelling	8000 Square Feet per Dwelling	70 Feet	20 Feet	10 Feet***	20 Feet	30 Feet
RS	Other Use	8000 Square Feet	70 Feet	20 Feet	10 Feet***	20 Feet	30 Feet
RL	One Family Dwelling	8000 Square Feet per Dwelling	70 Feet	20 Feet	10 Feet	20 Feet	30 Feet
RL	Two Family Dwelling**	10000 Square Feet	100 Feet	20 Feet	10 Feet	20 Feet	35 Feet
RL	Other Use	10000 Square Feet	100 Feet	20 Feet	10 Feet	20 Feet	35 Feet
RG****	One Family Dwelling	8000 Square Feet	70 Feet	20 Feet	10 Feet	20 Feet	35 Feet
	Two Family Dwelling	10000 Square Feet	100 Feet	20 Feet	10 Feet	20 Feet	35 Feet
RG****	Multi-Family Dwelling *****	Minimum Lot Size for all 20000 Square Feet	100 Feet	20 Feet	20 Feet	20 Feet	35 Feet
RG****	3 Room Efficiency Apartment***** (Said Apartment Unit cannot exceed 800 sq. ft.)	10000 Square Feet for First Unit and 2000 Square Feet for each unit thereafter.	100 Feet	20 Feet	20 Feet	20 Feet	35 Feet
RG****	4 Room Apartment Unit ***** (Said Apartment Unit cannot exceed 1100 sq. ft.)	10000 Square Feet for First Unit and 3000 Square Feet for each unit thereafter	100 Feet	20 Feet	20 Feet	20 Feet	35 Feet
RG****	5 Rooms or More*****	10000 Square Feet for First Unit and 4000 Square Feet for each unit thereafter	100 Feet	20 Feet	20 Feet	20 Feet	35 Feet
RG****	Other Use	20000 Square Feet	70 Feet	20 Feet	20 Feet	35 Feet	35 Feet

* Does not include spires, chimneys, towers, etc.

** Permitted only with a special use permit under Article V

*** For corner lots the side yard shall be increased to 20 feet

**** Any space that can be used for a bedroom shall be designated as such for the purposes of these computations. Rooms that are not included as bedrooms are: 1 Kitchen/Dining Area; 1 Living Room; 1 Bathroom (All rooms thereafter are considered bedrooms).

***** Only land that is not developed can be utilized for determining the square usable footage on the site.

***** A Multi-Household dwelling is defined as any dwelling with 3 or more units.

B. Commercial and Manufacturing Districts

District	Use	Minimum Depth Front-Side-Rear Yards	Maximum Building Height*	Maximum Lot Coverage	Minimum Distance*** from Residential District Boundary
CL	Any permitted use as described - Art. II in Section 203**	20 Feet - 20 Feet - 20 Feet	30 Feet	30%	25 Feet
CG	Any permitted use as described - Art. II in Section 203**	20 Feet - 20 Feet - 20 Feet	-----	50%	25 Feet
ML	Any permitted use as described - Art. II in Section 203	20 Feet - 20 Feet - 30 Feet	-----	40%	30 Feet
MG	Any permitted use as described - Art. II in Section 203	25 Feet - 20 Feet - 35 Feet	-----	30%	35 Feet

* Does not include spires, chimneys, towers, etc.

** Any residential, agricultural, public or semi-public use within a business district shall conform to the dimensional requirements of the RG district.

*** This minimum distance shall apply to all main structures and accessory structures.

Appendix C

Required Improvements

The subdivider or developer shall at his/her own expense, construct improvements to the land in accordance with the specifications of the regulations or as otherwise designated by town officials. Required improvements are as follows:

1. Street rights-of-way shall be cleared, cleaned and graded for the entire width in accordance with the specifications in Article C hereinbelow.
2. Streets shall be graded, graveled and paved in accordance with the specifications in Article C hereinbelow.
3. Curbs shall be installed in conformance with the specifications in Article C (6b). Curbs may be waived by the Planning Board upon the recommendation and concurrence of the Department of Public Works.
4. Sidewalks may be required if the Planning Board feels a safety hazard may exist between vehicular and pedestrian traffic and if so required shall be installed in accordance with Article C (6d).
5. Surface and subsurface storm drainage structures and facilities shall be installed, connected to catch basins, dry wells, watercourses or to the public storm sewer system if permitted. Such installation shall conform to the specifications in Article D, and the standards and specifications for road and bridge construction published by the State of Rhode Island Department of Transportation. No connection to said storm drains shall be made without written approval by the Department of Public Works for the Town of North Providence. All connections to the sewer lines must be approved in writing by the Narragansett Bay Commission and the Sanitation Department of the Town of North Providence or its designee.
6. Notwithstanding anything in these regulations, any retention or detention pond or surface drainage or retention facility of any sort whatsoever, shall conform to the specifications and recommendations made by the Department of Public Works and/or the Division of Inspections.
7. Water mains are required within all subdivisions and or land development projects. All inhabited structures or structures requiring water must be connected to such water system.
8. Sanitary sewers shall be required and installed in any subdivision or land development project as approved by the Narragansett Bay Commission and the North Providence Sanitation Department or its designee.

9. Permanent monuments must be placed at all corners in the exterior boundary of any subdivision or land development project, except at such corners which are inaccessible due to topography, or non-development; and at such locations as the Planning Board may designate. Permanent monuments must be installed and be of the type and materials as specified by Article F.

10. Any underground utilities must conform to the requirements of such utility company and must be installed prior to any binder or road pavement on any rights-of-way.

Article B General

1. **Construction Plans:** One complete set of all construction plans, cross sections or other working drawings of required improvements to the land must be submitted to the administrative officer and approved by the Department of Public Works prior to any construction starting.

2. **Notification:** No phase(s) or step(s) in the construction of required improvements to the land shall commence until the Department of Public Works or a duly designated representative has been notified in writing at least forty-eight (48) hours in advance.

3. Inspection of Improvements:

- a. Each phase or step in the construction of required improvements to the land shall be inspected and approved in writing, on the job, by the Department of Public Works or a duly designated representative and forwarded to the Planning Department. No further phase or step shall commence until such inspection and approval has been completed.
- b. The Department of Public Works, or a duly designated representative, upon proper notification of commencement of a phase or step in construction shall not impede such construction by delaying inspection and approval without just cause.
- c. Construction inspections shall include, but not be limited to the following:

1. Sanitary sewers must meet pressure test requirements.
2. Sanitary and storm sewers must pass visual inspection for alignment and cleanliness.
3. Water mains and hydrants shall be installed in accordance with the policies and practices of the appropriate Public Water Department and must be inspected by such department personnel as directed by the Planning Board.
4. Storm drains shall have three (3') feet minimum cover.
5. Catch basins shall conform to RI standard 4.3.
6. Catch basin grates shall conform to RI standard 5.13.
7. Manholes shall conform to RI standard 3.1.

8. Manhole covers shall conform to RI standard 5.22.
9. Street Construction:
 - a. Curbing shall conform to RI standard 7.11 and be neatly aligned.
 - b. Gravel base materials, course depth and compaction.
 - c. Sidewalk areas shall be graded to a true cross section.
 - d. Bituminous base course compacted thickness of one and one-half (1-1/2") inch shall be a smooth and neat surface free from defects.
 - e. Bituminous wearing course compacted thickness of one and one-half (1-1/2") inch shall be a smooth and neat surface free from defects.

4. Post Construction Requirements:

- a. Street and traffic safety signs approved by the North Providence Police Department, shall be installed.
- b. Permanent monuments shall be set.
- c. On the completion of construction and installation of all required improvements to the land and prior to the release of bond or certification of acceptance if no bond is posted, the subdivider or developer, shall furnish two (2) sets of "as-built" drawings of such improvements to the administrative officer. One copy of such improvement plans shall be a Mylar copy. As-built drawings shall be revised copies of the recorded plat and such additional drawings as are required all of which shall be clearly marked "as-built" drawings. Such "as-built" conditions shall be signed by the subdivider or developer and the contractor or contractors responsible for such changes certifying the "as-built" conditions indicated thereon.
- d. Such reports and certifications that may be required by the Department of Public Works and Division of Inspections to show that all improvements have been installed as required by the Planning Board and the Town of North Providence.
- e. All drawings of as-built plans shall be certified by a registered engineer and registered land surveyor in the State of Rhode Island.

Article C. Street Construction

1. **Dimensions:** All streets constructed within a subdivision or land development project shall conform to all applicable requirements in Section 11 of these regulations.
2. **Clearing and Grubbing:** The entire rights-of-way as shown on the plat shall be cleared and grubbed. All root systems, trees, stumps, bushes and other objectionable materials shall be removed and disposed of. Healthy trees within the right-of-way may be left standing provided they are not more than five (5') feet from the right-of-way line.

3. **Earth Excavation:** Earth excavation shall include, but shall not be limited to, the removal of clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting, boulders of less than one-half (1/2) cubic yard in volume and other unacceptable materials within the limits of the roadway, drainage or other excavation. Earth excavation also includes backfilling of all stump holes and other surface irregularities with suitable fill materials properly compacted. All excavations shall be of a depth and width as shown on the accepted plans, profiles and cross sections.

4. **Rock and Ledge Excavation:** Rock and ledge excavation shall include removal and disposal of all boulders one-half (1/2) cubic yard or more in volume and all hard ledge rock which can be removed only by drilling and splitting mechanically by hand or by blasting. Such excavation shall be at least six (6") inches below subgrade and where appropriate ledge side slopes shall be four (4') feet vertical to one (1') foot horizontal.

5. **Subsurface Water:** Where free water is encountered within three (3') feet of finished grade, adequate drainage shall be constructed at a depth of at least four (4') feet below finished grade.

6. **Description of Street Construction:**

a. **Gravel Base Course:** A gravel base meeting the gradation requirements of column 1, table 1 subsection M.01.09 of the Standard Specifications for Roads and Bridge Construction, published by the State of Rhode Island Department of Transportation, shall be placed on the subgrade and compacted to a depth of twelve (12") inches rolled in two (2) six (6") inch courses with a ten (10) ton roller or equivalent. If, in the opinion of the Department of Public Works the gravel base course is not of acceptable quality, crushed stone or crushed gravel meeting the gradation requirements of column 1, table 2, subsection M, 01.09 of the RI standard specification may be required as directed by the Department of Public Works.

b. **Curbs:** Concrete curbing shall meet the requirements of RI standard 7.11 precast concrete curb and shall be set on a thoroughly compacted base of a minimum of three (3") inches of gravel and in good alignment with the roadway. Backfilling shall be done with suitable material and thoroughly compacted.

c. **Bituminous Surface:** On an approved gravel base provide a three (3") inch bituminous concrete pavement consisting of a separate binder and surface course with each course one and one-half (1-1/2") inches in compacted thickness.

d. **Sidewalk Areas and Pedestrian Right-of-Way:** Sidewalks shall meet the requirements of section 901M of the RI standard specifications. If no paved sidewalks are to be constructed, the area between the curb and the street sideline shall be graded to a true cross section. If the subdivider or developer installs a paved sidewalk or pedestrian right-of-way, the materials for construction, the dimensions and the location of such walk shall be approved in advance by the Planning Board or its agent.

e. **Drainage, Culverts and Bridges:** All necessary drainage structures, culverts and bridges shall conform to the State of Rhode Island Department of Transportation

Standard Specifications for Roads and Bridge Construction. All sewer pipe shall be laid with watertight joints true to line and grade as shown on the plans and in conformance with requirements established by the Division of Inspections and Department of Public Works. When rock, shale, or other non-uniform material is encountered a minimum of four (4") inches of material shall be provided below the bottom of the pipe. This material shall be properly compacted and shaped to the contour of the pipe. Trenches shall be backfilled with suitable materials properly placed and compacted. Backfill material shall be free from rocks, frozen material or other objectionable materials larger than three (3") inches within one (1') foot of the top of the pipe. Where underdrain pipe is to be installed, it shall be properly laid and provided with suitable filter material in the vicinity of the pipe and backfilled with suitable material to prevent clogging. All such drainage structures, culverts and bridges shall be installed and approved by the Division of Inspections and Department of Public Works before covering.

7. Traffic Limitation: Traffic passing over newly constructed streets shall be limited to wheeled vehicles only, and no tracked equipment shall be allowed to pass.

Article D Subsurface Storm Drainage Structures

1. **Manholes:** Manholes shall be located on all storm sewer trunk lines less than thirty (30") inches in diameter.

- a. At maximum distances of three (300') hundred feet;
- b. At all angles in the sewer line;
- c. At street intersections and other points where catch basins, inlets or laterals are to be connected;
- d. At points where pipe change;
- e. All catch basins shall conform to RI standard 4.3 or approved modifications;
- f. Catch basin and manhole covers shall conform to RI standards 5.13 and 5.22 respectively or approved equals.

2. **Minimum Cover:** All subsurface drainage structures and facilities within street rights-of-way shall have a minimum cover of three (3') feet. All such drainage structures and facilities shall be inspected and approved by the Division of Inspections and Department of Public Works before backfilling.

3. **Settling of Backfill:** No paving shall be constructed over pipe installations within street rights-of-way until the backfill has been allowed to settle for a minimum of thirty (30) days prior to the preparation of street subbase.

Article E Installation-of Utilities

All utility lines, curb stops and/or other subsurface facilities within the street rights-of-way shall be installed and the backfill allowed to settle for a minimum of thirty (30) days prior to the preparation of street subbase.

Installation of water mains shall be in conformance to the specifications of the appropriate water supply board and the Town of North Providence.

Installation of sewer lines shall be in conformance with the ordinance relating to Public Sewerage and Waste Water Systems adopted by the Town of North Providence on June 6, 1995 and any other specifications required by the North Providence Public Works Department and/or the Narragansett Bay Commission.

Article F Permanent Monuments

1. **Materials:** Permanent monuments shall be stone or reinforced concrete, which shall conform in size and shape to the specifications in item 2 below.

2. **Dimensions:**

- a. Monuments shall be thirty (30") inches in length and four (4") inches square, set flush with the finished grade.
- b. A drill hole one-half (1/2") inch in diameter and three-fourths (3/4") of an inch deep shall be placed and centered on the top surface of the monument.

Appendix D

Fee Schedule

The following fee structure shall apply to matters before the North Providence Planning Board and/or concerning the North Providence Subdivision Regulations.

A. Division of Land/Section H Variance/Master Plans

Twenty-five (\$25.00) dollars per lot, plus three (\$3.00) per abutter owning property within two hundred (200') feet of the perimeter of the subject property.

B. Subdivisions & Land Development Plans

- 1.) Pre-Preliminary Stage: No Fee
- 2.) Preliminary Stage: Fifty (\$50.00) dollars per lot.
- 3.) Final Stage & Public Hearing: Fifty (\$50.00) dollars per lot, plus the cost of mailing to all abutters and the cost of the stenographer and a printed copy of the stenographic record.

C. Administrative Approval of Plans Not Requiring Planning Board Action

- 1.) Twenty-five (\$25.00) dollars per plan.

D. Continuation

Applications continued or withdrawn less than seven (7) days prior to the hearing without prior notice shall be required to pay a penalty fee of twenty-five (\$25.00) dollars for each lot and three (\$3.00) dollars per abutter owning property within two hundred (200') feet of the perimeter of the subject property. Exceptions may be granted by the board on a case by case basis.

Whenever any stage in the application process before the board shall be waived and/or moved to the succeeding stage, one hundred (100%) percent of all the associated fees due for that particular stage must be paid by the applicant before advancement to the step in the subdivision process.

Appendix E

Supplemental Regulations - Environmental Controls

Article A: Environmental Impact Statement

1) **Purpose:** An environmental impact statement may be required by the Planning Board for the purpose of protecting the safety, convenience and welfare of the inhabitants of North Providence. This statement will also serve to protect, preserve and maintain the quality of surface and subsurface waters deemed to be of irreplaceable value - such as a water classified as drinking water grade. In compiling such a statement, the applicant shall consult with various town and state departments having knowledge and authority in the areas cited, such as the Department of Public Works and the State Department of Health and DEM.

2) **When Required:** When the board is of the opinion that an environmental impact statement is necessary to properly determine the effects of a land development project or subdivision upon the town, the board may vote to require that the developer or subdivider provide the board with an environmental impact statement. such a vote must be taken at a pre-preliminary or preliminary hearing and a majority of the whole current membership of the board must be obtained for an environmental impact statement to be required. The record shall stipulate the information which shall be required as part of the environmental impact statement when required.

3) **Contents:** The Planning Board may require one or more of the following parts of the environmental impact statement:

- A A description of the proposed use;
- B A description of the existing environmental setting to include all man-made, natural and physiographic features within five hundred (500') feet of the property lines including, but not limited to vegetation, wetlands, topographic contours, and existing development;
- C A statement of any prior or anticipated flood levels, and of the expected flood hazard present on the site;
- D A traffic analysis conducted by a Rhode Island registered traffic engineer;
- E All favorable and adverse environmental impacts of the proposed use;
- F The means and estimated cost of minimizing the adverse impacts;

- G Identification of any irreversible commitment or alterations of natural features as a result of the proposed action;
- H Statements from the Town Departments and the appropriate Water District.

Article B Environmental Review

It shall be the burden and responsibility of the applicant to prove to the satisfaction of the board that the proposed land development or subdivision project will not adversely effect the source of water supply for the town or any known underground aquifers/springs that are currently in use. If the board is of the opinion that the proposed project will result in substantial adverse effects to the source of water supply to the town, then such effects are grounds for the denial of the land development or subdivision project.

In its review, the planning board may impose restrictions and conditions which in its judgment will safeguard the source of the water supply and the environment of the town. the board will give consideration to the simplicity, reliability, and feasibility of any control measures proposed and the degree of threat which may result if the control measures fail.

Article C Flood Hazard Provisions

Reference is hereby made to special flood hazard zones A1-A30 as identified on flood insurance rate maps 1-2 inclusive in community number 440020 by the Federal Insurance Administration of the Federal Emergency Management Agency. Approval of the proposed land development or subdivision land development or subdivision project wholly or partly in those zones shall be conditioned upon the following:

1. That a notation is entered on the preliminary and final plat indicating that the land development or subdivision project is located within zones A1-A30. Where the proposed subdivision is partly located within zones A1-A30, the boundary between these zones shall be indicated. Where a proposal provides for the alteration of a floodplain area, the planning board shall notify adjacent communities and the Rhode Island Statewide Planning Program and forward a copy of said notice to the office of the Federal Insurance Administration.
2. Submission of evidence by the developer or subdivider that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.
3. That a notation is entered on the preliminary and final plat indicating the maximum and minimum elevation above sea level on each lot.
4. The finding of fact by the Planning Board with regard to the following:

- A. That the proposed land development or subdivision project is consistent with the need to minimize damage from flooding;
- B. That all utilities, water and sewer lines are located and constructed so as to minimize damage from flooding;
- C. Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands;
- D. Adequate drainage is provided so as to reduce exposure to flood hazards;
- E. That any earth removal, filling, alteration or construction within said flood hazard "A" zones will not increase base flood elevation levels more than one (1') foot.
- F. All subdivision or land development proposals greater than ten (10) units/lots or 2.5 acres, whichever is the less, shall include base flood (100 year flood) elevation data.