

Glocester Subdivision Regulations

Adopted by the Town Council of the
Town of Glocester 11-16-1995

Amended 2-23-1998

Amended 11-15-2007

Amended 10-17-2022

GLOCESTER SUBDIVISION REGULATIONS

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Article I. Authority and Intent

Section 1.01 Title

These regulations shall be known as the "Glocester Land Development and Subdivision Regulations", hereinafter referred to as "Subdivision Regulations/or Regulations".

Section 1.02 Authority to Create and Administer Regulations

- A. The Glocester Home Rule Charter, Article XII, Section C12-1, authorizes the Planning Board ... "to administer the Subdivision Regulations of the Town of Glocester as required by that Ordinance and perform such other duties as may be prescribed by law."
- B. The Town of Glocester, acting by authority of its Town Council in accordance with the Glocester Home Rule Charter, and under the authority of Section 45-23-51 of the State Land Development and Subdivision Review Enabling Act of 1992, as may be amended, hereinafter referred to as the Act, hereby authorizes the Glocester Planning Board to adopt, administer, and maintain rules and regulations for Land Development and Subdivision Review consistent with the provisions of the authorizing Ordinance and the Act, and consistent with the adopted Comprehensive Community Plan for the Town of Glocester.

Section 1.03 Adoption; when effective

- A. The Planning Board hereby adopts these Subdivision and Land Development Regulations pursuant to the authority contained in Title 45, Chapter 23, Sections 25-74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992.
- B. The Planning Board hereby establishes the standard review procedures for local land development and subdivision review and approval as specified in this ordinance.
- C. The effective date of these rules and regulations adopted under authority of the Act and ordinance shall be the date of their adoption by the Glocester Planning Board: December 18, 1995, as amended November 15, 2007, as amended October 17, 2022.

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Section 1.04 Applicability; plats required

- A. These rules and regulations and RIGL 45-23-25 through 45-23-74 shall be applicable in all of the following instances:
 - 1. In all cases of subdivision of land, including re-subdivision, as defined in RIGL 45-23-32;
 - 2. In all cases of land development projects, as provided for in RIGL 45-24-47, where Gloucester may allow for such land development projects in Chapter 350, Zoning; and/or
 - 3. In all cases of development plan review, as provided for in RIGL 45-24-49, where Gloucester has established, within its Zoning Ordinance, such procedures for Planning Board review of applications.

- B. Plats required.
 - 1. All activity defined as subdivision shall require a new plat, drawn to the specifications of these regulations, and shall be reviewed and approved by the Planning Board or its agents as provided in this ordinance; and
 - 2. Prior to recording, the approved plat shall be submitted for signature and recording as specified in Section 8.05.

Section 1.05 Continuance of Ordinances; Supersession; Relation to other statutes

- A. This chapter, as amended, adopted by the Town of Gloucester under prior authority of RIGL 45-23-1 through 45-23-24 of the General Laws of Rhode Island, shall remain in full force and effect through and until the effective date of rules and regulations adopted by the Town of Gloucester Planning Board under the Act (RIGL 45-23-51).

- B. On the effective date, these rules and regulations shall supersede all other subdivision ordinances and rules and regulations in effect at the time of such adoption. Except as otherwise provided in these regulations, any application for subdivision or land development review and approval as may be pending as of the effective date of adoption of these regulations, or any amendments thereto, shall be subject to the requirements and provisions of these regulations or any amendment thereto.

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- C. Any plat legally recorded prior to the effective date of these Regulations shall remain valid.

- D. The adoption of these rules and regulations are not intended to supersede or interfere with any other ordinance provision of the Town of Gloucester, except the Gloucester Subdivision Regulations as adopted May, 1972, as may be amended.

- E. Final Approvals.
[Added 11-15-2007, effective 12-20-2007]
 - 1. Any subdivision or land development project which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Planning Board may initiate or construct any part of the development, or record said plans in accordance with the Subdivision Regulations in effect at the time final approval was granted. The Planning Board, may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of final approval.

 - 2. In the event that a subdivision granted final approval under prior Regulations is not recorded and construction initiated within one year from the effective date of these Regulations, a one year extension, with one additional extension, may be granted by the Planning Board, upon request by the applicant.

 - 3. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Platting Board of Appeal as herein provided.

- F. Preliminary Approvals. Any subdivision or land development project, which at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Planning Board may continue to be reviewed by the Planning Board in accordance with the Subdivision Regulations in effect at the time preliminary approval was granted, provided any one of the following conditions have been met:
[Added 11-15-2007, effective 12-20-2007]

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1. The final plat, including all materials required in the applicable final plat checklist, is filed with and has been certified as complete by the Administrative Officer within one year from the date of preliminary approval; or within one year from any such other time period granted as an extension by the Planning Board; or
 2. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM); and the preliminary plans as approved by the Planning Board have been filed with RIDEM for approval as required by the Freshwater Wetland Act.¹
- G. Master Plan Approvals. Any major subdivision or land development project which, at the time of adoption of these amendments, has received master plan approval, or master plan approval with conditions, from the Planning Board may continue to be reviewed by the Planning Board in accordance with the Subdivision Regulations in effect at the time of master plan approval was granted, provided any one of the following conditions have been met:
[Added 11-15-2007, effective 12-20-2007]
1. The preliminary plat, including all materials required in the applicable preliminary plat checklist, is filed with, and has been certified complete by the Administrative Officer within one year from the date of master plan approval or within one year from any such time period granted as an extension by the Planning Board; or
 2. The subdivision or land development project is located within an area and is of a nature to be within the jurisdiction of RIDEM and the master plans as approved by the Planning Board have been filed with RIDEM for approval as required by the Freshwater Wetlands Act.
- H. Other Status.
[Added 11-15-2007, effective 12-20-2007]

¹ Editor's Note: See RI GL 2-1-18 et seq.

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1. Any subdivision or land development project which, at the time of adoption of these Regulations, has not received final, preliminary or master plan approval; or which has been submitted to the Planning Board for either preliminary or master plan review but no certificate of completeness therefor has been issued; or which has received preliminary or master plan approval more than one year prior to the date of adoption of these Regulations and no extension or reinstatement of approval has been granted by the Planning Board; or for which only preapplication conference(s) has (have) been conducted, shall be required to be reviewed under the revisions to the Land Development and Subdivision Regulations adopted on November 15, 2007, pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, as amended thereafter.

2. Appeals from a decision made regarding the application status and vested rights of any subdivision shall be made to the Board of Appeals as provided in Article IX.

Section 1.06 Consistency with other land use regulations

In the instance of uncertainty in the construction or application of any section of these rules and regulations, it shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Gloucester Comprehensive Plan and Chapter 350, Zoning. Furthermore, these rules and regulations shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of RIGL 45-23-25 through 45-23-74.

Section 1.07 General Purposes

The general purposes of these regulations are to:

- A. Provide for the orderly, thorough, and expeditious review and approval of land development projects and subdivisions.

- B. Promote high quality and appropriate design and construction of land development projects and subdivisions.

- C. 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.

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- D. Encourage the design of land development projects and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- E. Encourage local design and improvement standards to reflect the intent of the community comprehensive plan with regard to the physical character of the various neighborhoods and districts of Gloucester.
- F. Promote thorough technical review of all proposed land development projects and subdivisions by appropriate local officials.
- G. Encourage local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered.
- H. Encourage the establishment and consistent application of procedures for local record keeping on all matters of land development and subdivision review, approval, and construction.

Section 1.08 Required Findings

It is required that for all administrative, minor and major development applications the approving authorities responsible for land development subdivision review and approval shall address each of the general purposes stated above in Section 1.07 and shall make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

- A. That the proposed development is consistent with the Gloucester Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. That the proposed development is in compliance with the standards and provisions of Chapter 350, Zoning;
- C. That there will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

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- D. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable (see definition of “buildable 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
- E. That all proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Article II. General Provisions

Section 2.01 Application for Development

An application shall be signed by the owner or owners of the property and by any authorized agent. The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. A subdivision is defined as 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.

- A. The following types of applications may be filed:
 - 1. Administrative Subdivision: A re-subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.
 - 2. Minor Subdivision: A plan for residential development consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this chapter.
 - 3. Major Subdivision: Any subdivision not classified as either an administrative or minor subdivision.

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4. All nonresidential subdivision shall be considered as major subdivisions. [Added 11-15-2007, effective 12-20-2007]

Section 2.02 Certificate of Completeness

- A. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer, with input from the Technical Review Committee. In the event such certification of the application is not made within the time specified in these Regulations for the type of plan, 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 these Regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.
- B. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.
- C. 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.

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Section 2.03 Pre-Application Meeting and Concept Review

- A. One or more pre-application meetings, at least one of which shall be held before the Planning Board, shall be held for all major land development or subdivision applications and for minor subdivisions and land development projects which involve creation or extension of streets, and for all conservation developments. Pre-Application meetings shall also be held to determine if a subdivision may be submitted for review and approval as a conventional subdivision. Pre-application meetings may be held for administrative or other minor subdivision applications, upon request of either the Town of Gloucester or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project. [Amended 11-15-2007, effective 12-20-2007]

- B. At the pre-application stage the applicant may request the Planning Board and/or the Technical Review Committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide Planning Board and/or Technical Review Committee input in the formative stages of major subdivision and land development concept design.

- C. Applicants shall submit materials ten (10) days in advance of the pre-application meeting or of an informal concept plan review as requested by the Town of Gloucester Officials. Applicants seeking a pre-application review, or if requested by the Planning Board, shall submit the information and materials as provided in a checklist for pre-application review approved by the Gloucester Planning Board. [Amended 11-15-2007, effective 12-20-2007; Amended 10-17-2022]

- D. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Discussions which are held at pre-application meetings are intended for the advice or guidance of the applicant and shall not be considered approval or commitment of approval of a project or any of its elements.

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- E. Provided that at least one pre-application meeting has been held for a major land development or subdivision application, or 60 days have elapsed from the filing of the submission and no preapplication meeting has been scheduled to occur within those 60 days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with a master plan application for a land development or subdivision project in accordance with RIGL 45-23-36. [Added 11-15-2007, effective 12-20-2007]

- F. At the preapplication meeting, the Planning Board may also determine whether a project review fee will be required as provided in Section 6.07 B. [Added 11-15-2007, effective 12-20-2007]

Section 2.04 Informal Concept Review (Minor Only)

[Added 11-15-2007, effective 12-20-2007]

- A. Upon request of either the Planning Board or the applicant, an informal concept review meeting may be held. This procedure is restricted only to minor land development projects or minor subdivisions for which there is no creation or extension of streets. Applicants seeking an informal concept review, or if requested by the Planning Board, shall submit the information and materials as provided in a checklist for pre-application review approved by the Gloucester Planning Board. After the Planning Board has conducted the information concept review, the Board shall provide the applicant with direction regarding the necessary steps required to submit a full application for further review and approval. [Amended 10-17-2022]

- B. Informal concept review meetings shall be held to determine if a minor subdivision may be submitted for review and approval as a conservation subdivision.

- C. At the informal concept review meeting, the Planning Board may also determine whether a project review fee will be required, as provided in Section 6.07 B.

- D. The Administrative Officer shall have 15 days to certify that an informal concept review submission is complete or incomplete. Within 45 days after the submission has been certified as complete, the concept review meeting shall be held.

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- E. Provided that at least one informal concept review meeting has been held for a minor land development project or minor subdivision application, or 60 days have elapsed from the filing of the submission and no informal concept review meeting has been scheduled to occur within those 60 days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with a preliminary application for a land development or subdivision project in accordance with RIGL 45-23-36.

Article III. Administrative Subdivision

Section 3.01 Definition of Administrative Subdivision

An administrative subdivision is re-subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.

Section 3.02 Submission Requirements

[Amended 11-15-2007, effective 12-20-2007]

Any applicant seeking approval of a proposed administrative subdivision, as defined in Section 3.01, shall submit to the Administrative Officer the items required by a checklist for administrative subdivisions approved by the Gloucester Planning Board. [Amended 10-17-2022]

Section 3.03 Certification of Completeness

The application shall be certified as complete or incomplete by the Administrative Officer within fifteen (15) days of its submission according to the provisions of Section 2.02.

Section 3.04 Review process

- A. Within fifteen (15) days of certification of completeness, the Technical Review Committee shall review the application and approve, deny, or refer the application to the Planning Board with recommendations. The Technical Review Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

- B. If no action is taken by the Technical Review Committee within the fifteen (15) days, the application shall be placed on the agenda of the next regular Planning Board meeting.

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- C. In the event that a variance from Chapter 350, Zoning, is requested or needed, the appropriate procedure set forth in Section 8.02 shall be followed.

Section 3.05 Referral to Planning Board

- A. The application shall be referred to the Planning Board if any waiver or modification to these regulations is required as set forth in Section 8.03.
- B. If referred to the Planning Board, the Board shall consider the application and the recommendations of the Technical Review Committee and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness.

Section 3.06 Failure of Planning Board to Act

Failure of the Planning Board to act within the period prescribed shall constitute approval of the Administrative Subdivision Plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

Section 3.07 Appeals

Denial of the application by the Technical Review Committee or the Planning Board shall not be appealable and shall require the plan to be submitted as a minor subdivision application.

Section 3.08 Expiration of Approval; Vesting

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 and recording as specified in Section 8.05.

Article IV. Minor Subdivisions

Section 4.01 Definition of Minor Subdivision

[Added 11-15-2007, effective 12-20-2007]

A minor subdivision is a plan for a residential subdivision of land consisting of five (5) or fewer dwelling units or lots, provided that such subdivision does not require waivers or modifications

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as specified in these Regulations. All nonresidential subdivisions shall be considered as major subdivisions.

Section 4.02 Review Stages

[Added 11-15-2007, effective 12-20-2007]

Minor Plan review shall consist of three (3) stages: a pre-application meeting or informal concept review meeting, as specified in Section 2.03 or Section 2.04, a preliminary plan approval, including a site visit, and a final plan approval. A public hearing is also required at or before preliminary plan approval where creation or extension of a street is necessary. A pre-application meeting shall be held with the Administrative Officer for a minor subdivision not requiring a street extension, and before the Planning Board where a street creation or extension is required.

Section 4.03 Preliminary Plan

[Added 11-15-2007, effective 12-20-2007]

- A. **Submission Requirements.** Any applicant seeking preliminary approval of a proposed minor subdivision or minor land development, as defined in these regulations, shall submit to the Administrative Officer the items required by a checklist of preliminary review of minor subdivision/land development projects as approved by the Gloucester Planning Board.
- B. **Certification of Completeness:** The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days, or within 15 days if no street creation or extension is required, according to the provisions of Section 2.02. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.

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C. Site Visit.

1. After the applicant has prepared the Existing Resources and Site Analysis Map (as required in the appropriate checklist), and before the preliminary plan is approved or otherwise acted upon, the Planning Board shall schedule a site visit to the property. In order to facilitate the inspection of the site, the Planning Board may require field location of all proposed streets, improvements and site features consistent with the level of information required at this stage of review. The Existing Resources and Site Analysis Map shall be distributed at the site visit to those Town Officials in attendance, if it has not been distributed earlier. It is strongly encouraged that the site visit be attended by members of the Planning Board, Town Officials, the applicant and/or the applicant's representatives. Owners of property within the notice area specified in Section 5.04 D shall also be notified by the applicant and invited to attend. The site visit shall be considered a public meeting and shall be conducted in accordance with the Town's normal procedures for compliance with the State Open Meetings Law. Members of the public shall be permitted to attend the site visit.
2. Lack of a quorum of the Planning Board in attendance at this visit shall not constitute a failure on the part of the applicant to satisfy the requirements of a site visit. In the event that the Planning Board does not schedule a site visit, or that a scheduled site visit is not conducted within the prescribed time period through no fault of the applicant, the applicant shall not be found to be deficient in the application process, and shall be allowed to proceed with the application.
3. The purpose of the visit is to familiarize local officials with the property's existing conditions and special feature, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designed open space lands, buildings and street alignments. Comments made by Town officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendation can be offered, and no official decisions can be made at the visit. Minutes of the site visit shall be kept in accordance with Title 42, Chapter 46, of RIGL, entitled "Open Meetings".

- D. Review by Technical Review Committee. The Technical Review Committee shall review the application and shall comment and make recommendations to the Planning Board. When reviewed by the Technical Review Committee:

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1. If the Land Development or Subdivision Plan is approved by a unanimous vote of the committee members, the application shall be forwarded to the Planning Board with a recommendation for preliminary plan approval without further review.
 2. If the plan is not approved by a unanimous vote of the committee members, the minor land development and subdivision application shall be referred to the Planning Board.
- E. Reassignment to major review. The Planning Board may reassign a proposed minor project to major review only when the Planning Board is unable to make positive findings required in Section 1-08.
- F. Public Hearing. If a street creation or extension is involved, the Planning Board shall hold a public hearing prior to approval according to the requirements in Section 5.04 D.
- G. Decision where no street creation or extension is required. If no street creation or extension is required, the Planning Board shall approve, approve with changes, or deny 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 Board, according to the requirements of Section 8.04.
- H. Decision where street extension of creation is required. If a street extension or creation is required, the Planning Board shall hold a public hearing prior to any action according to the requirements set forth in Section 5.04 D. The Planning Board shall approve, deny or approve with conditions the preliminary plan within ninety-five (95) days of certification of completion.
- I. Failure to act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

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Section 4.04 Final Plan

- A. Submission Requirements. Any applicant seeking final approval of a proposed minor subdivision or minor land development project, as defined in Section 4.01, shall submit to the Administrative Officer everything required for the preliminary plan of a minor subdivision and the items required by a checklist for master plan review of major subdivisions/land development projects approved by the Gloucester Planning Board.
[Amended 10-17-2022]
- B. Certification of Completeness. The Final Plan shall be certified as complete or incomplete by the Administrative Officer within twenty-five (25) days pursuant to the requirements of Section 2.02.
- C. Decision. The Technical Review Committee shall review and make a finding on whether the Final Plan is consistent with the approved preliminary plan and all the conditions and changes required as part of the preliminary approval. The Technical Review Committee shall report its actions, including its findings, to the Planning Board for acceptance by the Planning Board at the next meeting to be recorded in the minutes. The resulting decision shall mean:
1. Approval. If the Technical Review Committee approves the Final Plan submission the provisions of Section 4.05 shall be initiated.
 2. Denial. If the Technical Review Committee denies the Final Plan submission the application shall be considered by the Planning Board within forty-five (45) days and a final decision shall be issued.
 3. The applicant can be referred to the Planning Board without a recommendation from the Technical Review Committee.
- D. Failure to act. Failure of the Technical Review Committee to act within 30 days shall result in the forwarding of the Final Plan to the Planning Board for consideration.

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Section 4.05 Expiration of Approval; Vesting

Approval of a Minor Land Development or Subdivision shall expire ninety (90) days from the date of final approval unless within such period the plat or plan, in conformity with such approval, and as defined in this act, is submitted for signature and recording as specified in Section 8.05. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the Planning Board.

Article V. Major Subdivisions

Section 5.01 Definition of major subdivision

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

Section 5.02 Review Stages

- A. Major subdivision 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 a minor subdivision.

- B. Major Subdivision Plan review shall consist of three (3) stages of review; master plan, including a site visit, preliminary plan, and final plan, following the pre-application meetings held before the Technical Review Committee or Planning Board as specified in Section 2.03. Also required is a public informational meeting and a public hearing unless the Master Plan and Preliminary Plan are being combined under the conditions set forth in Section 5.02 C below, in which case the Informational meeting shall be waived and the requirements of the master plan, Section 5.03, shall be combined with the requirements of the preliminary plan, Section 5.04.

- C. The master plan and preliminary plan stages will be combined provided that the proposed land development project or subdivision meets the requirements established below. The application process will then consist of the pre-application meeting, the preliminary plan process and requirements, including a public hearing, and the final plan process and requirements. The Technical Review Committee shall make a recommendation to the Planning Board which will make the determination at the pre-application meeting as to whether the proposed project meets the following requirements:

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1. No variance, zoning amendment or special use permit is required.
2. No waivers will be necessary or requested.
3. The project is not to be phased.

Section 5.03 Master Plan

- A. **Submission Requirements.** Any applicant seeking approval of a proposed master plan for a major subdivision or major land development project, as defined in Section 5.01, shall submit to the Administrative Officer the items required by a checklist for master plan review of a major subdivision/land development projects approved by the Gloucester Planning Board. [Amended 10-17-2022]

- B. **Certification of Completeness.** The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions of Section 2.02. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission. [Amended 11-15-2007, effective 12-20-2007]

- C. **Review Process.**
 1. **Technical Review Committee.** The Technical Review Committee shall review the application and make recommendations to the Planning Board no less than fourteen (14) days prior to the date scheduled for the Planning Board meeting at which the application is considered.

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2. Informational Meeting. A public informational meeting shall be held prior to the Planning Board decision on the master plan, unless the master and preliminary plan approvals are being combined, in which case the informational meeting shall be optional, based upon Planning Board determination. Public notice is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the Town of Gloucester. Postcard notice shall be mailed to all property owners within 200 feet of the property lines of the parcel on which the proposed development will occur. At the informational meeting the applicant shall present the proposed project. The Planning Board shall allow written and oral comments from the general public. All public comments shall be made part of the public record of the project application. The costs of all notice and stenographer fees shall be borne by the applicant.

- D. Decision. The Planning Board shall, within one hundred and twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve, approve with changes and/or conditions, or deny the application, according to the requirements of Section 8.04.

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

- F. Vesting: The approved master plan shall be vested for a period of one (1) year, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the Planning Board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials and shall include all the requirements set forth in Article VI. Preliminary and final plan approvals are required before permits may be issued for construction on the approved master plan parcel.

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Section 5.04 Preliminary plan

- A. **Submission Requirements:** Any applicant seeking approval of a proposed preliminary plan for a major subdivision or land development project, as defined in Section 5.01, shall submit to the Administrative Officer the items required by a checklist for preliminary plan review of major subdivisions/land development projects approved by the Gloucester Planning Board. [Amended 10-17-2022]

- B. **Certification of Completeness:** The application shall be certified as complete or incomplete by the Administrative Officer within sixty (60) days, according to the provisions of Section 2.02. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission. [Amended 11-15-2007, effective 12-20-2007]

- C. **Review Process:**
 - 1. **Technical Review Committee.** The Technical Review Committee shall review the application and shall comment and make recommendations to the Planning Board within thirty (30) days.

 - 2. **Public Improvement Guarantees.** Proposed arrangements for completion of all required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the time of preliminary plan approval as provided in Section 6.02.

GLOCESTER SUBDIVISION REGULATIONS

- D. Public Hearing: Prior to Planning Board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described below, must be held. A public hearing shall be required for a major land development project, a major subdivision, a minor land development project or a minor subdivision which involves the creation or extension of a street.
1. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the Town of Gloucester. Notice shall be sent to the applicant and to each record owner within two hundred (200) feet of the subject 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. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in one tenths (1/10's) of a mile. The Administrative Officer shall advertise for the public hearing upon instruction from the Planning Board in writing.
 2. Additional notice within watersheds shall also be sent as required in RIGL 45-23-42 (C) (2).
 3. Notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if the notice area extends into the municipality, the development site extends into the adjacent municipality, or the Planning Board determines there may be a potential for significant negative impact on the adjacent municipality.
 4. The cost of all such notice shall be borne by the applicant.
- E. Decision. A complete application 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 time 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 and a certificate of the administrative officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

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- 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, requested in writing by the applicant, 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 5.05 Final Plan

- A. Submission requirements. Any applicant seeking approval of a proposed final plan for a major subdivision or major land development project, as defined in Section 5.01, shall submit to the Administrative Officer everything required for the Preliminary Plan of a Major Subdivision with any required changes and/or modifications and the items required by a checklist for final plan review of major subdivisions/land development projects approved by the Gloucester Planning Board. [Amended 10-17-2022]

- B. Certification of Completeness: The application for final approval shall be certified complete or incomplete by the Administrative Officer, after soliciting comments from the Technical Review Committee on the completeness of the final plan, within 25 days, according to the provisions of Section 2.02. This time period may be extended to 45 days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per Section 5.05 C, the final plan shall be considered approved. [Amended 11-15-2007, effective 12-20-2007]

GLOCESTER SUBDIVISION REGULATIONS

- C. Review Process.
1. Referral to the Planning Board. If the Administrative Officer determines that an application for final approval does not meet the requirements set by local regulations or by the Planning Board at preliminary plan approval, 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 or deny the final plan as submitted.
 2. Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.
- D. 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 and accepted for signature and recording as specified in Section 8.05. The Planning Board may, for good cause shown, extend the period for recording for an additional period.
- E. Acceptance of public improvements. Signature and recording as specified in Section 8.05 shall constitute the acceptance by the Town of Gloucester of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the Town of Gloucester to maintain or improve those dedicated areas until the Town Council accepts the completed public improvements as constructed in compliance with the final plans.
- F. Validity of recorded plans. The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in Section 8.06, or a new plan is approved by the Planning Board.
- G. Issuance of permits. Unless otherwise authorized by the Planning Board and Town Council, final plan approvals are required before permits may be issued for construction on any lots of the proposed subdivision.

GLOCESTER SUBDIVISION REGULATIONS

Article VI. Special Provisions

Section 6.01 Physical Design Requirements

The goal of a good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. In order to achieve these goals, land development projects and subdivisions shall conform to the following standards which are designed to result in a well planned community.

A. Physical Site Design Requirements:

[Amended 11-15-2007, effective 12-20-2007]

1. Lot design standards. The lot dimensions, setbacks, and configuration shall be in accordance with Article III of the Gloucester Zoning Ordinance. In addition, the following standards should be adhered to wherever possible.
 - a) Side lot lines should be at right angles to street lines or radial curved street lines unless the Planning Board determines that a variation from this rule will provide a better street or lot plan. Except for those sides bordering a street, interior angles should not exceed 200 degrees.
 - b) The preferred lot shape is rectangular and the depth to width ratio should not exceed 2.5 to 1.
 - c) For all minor and major subdivisions, non-buildable lots are prohibited unless identified as permanent open space or permanently reserved for a public purpose on the approved recorded subdivision or land development plan. For the purposes of these regulations, and for the purposes of calculating the total number of buildable lots in a minor or major subdivision, the provisions of Section 350-58 of the Zoning Ordinance shall apply.
 - d) Every lot created within the subdivision shall possess the minimum required frontage on an accepted public street or an accepted suitably improved public street. Streets in a conservation development or a rural residential compound may be privately owned and maintained, subject to approval by the Planning Board.

GLOCESTER SUBDIVISION REGULATIONS

- e) The minimum lot dimensions established by these regulations or by any zoning ordinance adopted by the Town of Gloucester may be increased by the Planning Board if the report of the Chief, Division of Water and Pollution Control, Rhode Island Department of Health indicates that larger dimensions are warranted for the safe and effective operation of individual sewage disposal systems. Lots in areas where public water is not available shall be of such area, shape, and dimensions as will allow the operation of individual sewage disposal systems in such a manner that the water supplies of said lots and of all surrounding lots are adequately safeguarded.
2. Fill requirements. All material that originates on the site or is transported onto the site that is to be utilized as fill material for the construction of public improvements within the proposed subdivision or land development project shall be approved as suitable fill material by the Director of Public Works and shall be identified as to its source and destination prior to final approval. The Planning Board may require any fill material to be removed if prior approval is not granted or unsuitable fill material is utilized.
 3. Easements. Easements may be required by the Planning Board where necessary for the proper location and placement of improvements on private land as described below. Easements shall be identified on the plat by metes and bounds description, to be duly recorded as such in the office of the Town Clerk as part of the recording process. The board may, at its discretion, require dedication of land to the Town of Gloucester in lieu of easements if such dedication would provide greater control over and access to the intended use and meets a stated public purpose. The maintenance responsibilities shall be permanently assigned or delegated to a landowner or other legal organization over time. The proposed language of assignment shall include provisions which recognize the Town of Gloucester's right to enforce the necessary maintenance within the easements and to provide access in the event of an emergency. The Town of Gloucester shall also be recognized as reserving the right to assess the responsible party for the cost of any maintenance or enforcement the Town of Gloucester completes due to the failure of the entity to carry out its responsibilities. The assessment shall become a lien on the property or properties.
- a) Utilities. All utility easements shall have a minimum width of twenty (20) feet and must contain at least one (1) concrete or granite bound.

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- b) Drainage Easements. Easements to install and maintain surface and/or underground drainage facilities on private land shall be dedicated to and accepted by the Town of Gloucester where required. However, wherever practical, easements will remain privately owned and maintained. The nominal width for such a drainage easement shall be twenty (20) feet. Where above ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outflow onto private land, a drainage easement shall be dedicated to the Town of Gloucester for the intended purpose. Easements into and upon above ground drainage facilities such as stormwater detention or retention basins shall be granted to the Town of Gloucester wherever stormwater from the Town of Gloucester-owned streets or other improvements is intended to be directed to such basins.
 - c) Public Access Easements. Bicycle and pedestrian access shall be provided where required by the Planning Board on a separate strip of land dedicated to the Town of Gloucester or on an easement having a minimum width of ten (10) feet with a five (5) foot wide pavement.
 - d) Other Easements. All other easements shall be of sufficient width and area for the intended purpose as determined by the Planning Board.
4. Landscaping standards.
- a) Every effort should be made to retain the natural landscape and terrain, to avoid unnecessary alteration of natural features, and to avoid disturbance of the natural ecology of the area. Except as provided in Section 6.02 of these regulations, clearing and regrading of a natural site prior to final subdivision approval is prohibited unless otherwise authorized by the Planning Board.
 - b) Reasonable landscaping should be provided at site entrances, in public areas and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development, as reasonably determined by the Planning Board. The plant or other landscaping material that best serves the intended functions shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of native grasses or groundcover that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

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5. Construction procedures

- a) Pre-construction meeting. A pre-construction meeting shall be held at least seven (7) days prior to the start of any subdivision improvements. It shall be called by the applicant and be arranged at a time and place mutually agreed upon by the applicant and the Technical Review Committee. It shall be attended by the Technical Review Committee and the applicant or duly authorized representative.
- b) Notification. No step in the construction of public improvements shall commence until the Director of Public Works has been notified at least twenty-four (24) hours in advance of the phases listed in (c), below.
- c) Inspections. Inspection procedures and a schedule shall be submitted to the Director of Public Works and approved prior to the commencement of any construction. The applicant shall be liable for the costs of all inspections which should include at least the following:
 - i) During and following the installation of all underground drainage structures, systems, and utilities prior to backfilling.
 - ii) During and following the preparations of the sub-grade and road shoulders.
 - iii) During and following the spreading and compaction of the sub-base course.
 - iv) During and following the spreading and compaction of the base course.
 - v) Immediately prior to and following the application and compaction of the asphaltic binder course.
 - vi) Following the completion of all improvements and installation of bounds.
 - vii) At periodic intervals as required to ensure compliance with the approved Erosion and Sediment Control Plan.²
 - viii) Any other inspections required by the Planning Board or Technical Review Committee as deemed necessary to assure proper construction of improvements.
- d) Inspection Fees. Inspection fees shall be set at one (1) percent of the total cost of the original performance bond. In the absence of a performance bond, the fee shall be one (1) percent of the total estimated cost of all required improvements.

² Editor's Note: See Code of Ordinances Chapter 177, Erosion and Sediment Control

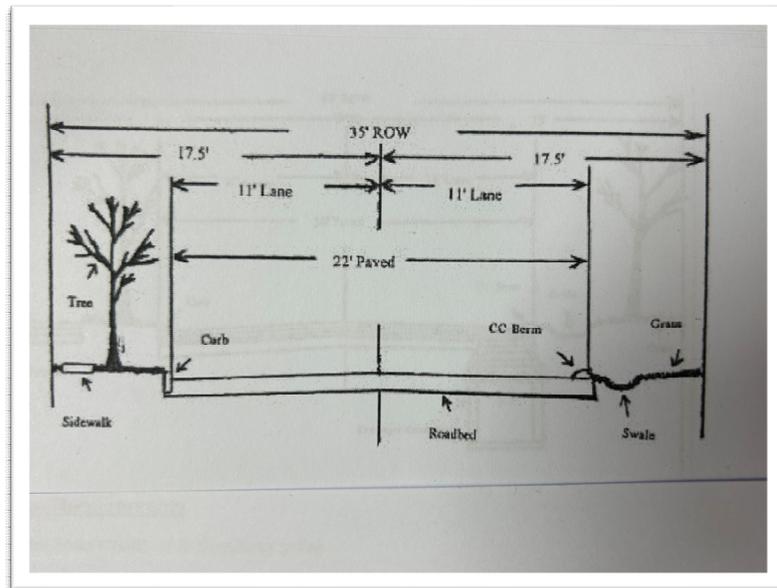
GLOCESTER SUBDIVISION REGULATIONS

- e) As Built Drawings: Two (2) sets of as-built drawings shall be submitted upon the certified completion by the Public Works Director of all the required improvements to the Administrative Officer.
 - f) Borings and tests. The Town Director of Public Works may require borings in a proposed roadbed and tests of compaction with engineering evaluation at the applicant's cost to determine compliance with street construction standards of the Town or as may be promulgated by the RI Department of Transportation for such situations as may be necessary as may be determined by said Director.
- 6. Flood hazard areas. The applicant shall conform to the provisions of Chapter 350, Zoning, Section 350-54, Regulation of flood hazard areas.
 - 7. Potable water supply requirements. All buildable lots within the proposed subdivision or land development project shall have direct access to a permanent, adequate and potable water supply.
 - 8. Sewage disposal requirements. All buildable lots within the proposed subdivision or land development project shall possess the capability of accommodating an Individual Sewage Disposal System that conforms to the Rhode Island Department of Environmental Management's ISDS standards, or those of any successor agency, or an approved municipal or packaged sewage plant.
 - 9. Lot Drainage Requirements: See Section 6.01 B 16
 - 10. Erosion and Sediment control: See Section 6.01 B 17
- B. Public Design and Improvement Standards
- 1. Street frontage requirements: The parcel to be subdivided shall have frontage on and physical access to an existing improved public street that has been formally accepted by the Town of Gloucester for street or highway purposes, or frontage on a highway owned and maintained by the State of Rhode Island. The Planning Board may require the developer to make certain improvements to the street or roadway abutting the property or leading to the property being subdivided for drainage, safety, traffic or other reasons as deemed proper by the Board. See Section 6.01 B 19 of this section.

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2. Subdivision Access. All developments shall have at least two (2) means of public street access to enter and exit the proposed subdivision unless the Planning Board determines that two (2) means of public street access is not possible and/or practical due to site orientation or physical site conditions.
3. Street classifications
 - a) Arterial (see cross-section #4 for minimum requirements): A major public street that serves as the primary access for the circulation of traffic in a non-residential planned development.
 - b) Residential Collector (see cross-section #3 for minimum requirements): A public street whose principal function is to carry traffic between local streets and between local and arterial streets but also provides direct access to abutting properties. This street design is required for all residential developments unless the Planning Board determines that the development plan meets all the requirements to decrease the street size.
 - c) Local Residential (see cross-section #2 for minimum requirements): A public street whose principal purpose is to provide access to abutting properties. This street must meet the following additional criteria:
 - i) Serves less than eight (8) dwelling units
 - ii) No future or potential roadway extension or development potential
 - iii) Maximum length 1200 feet.
 - d) Private Lane: (RESERVED)

Cross Section No. 2 Local Residential



GLOCESTER SUBDIVISION REGULATIONS

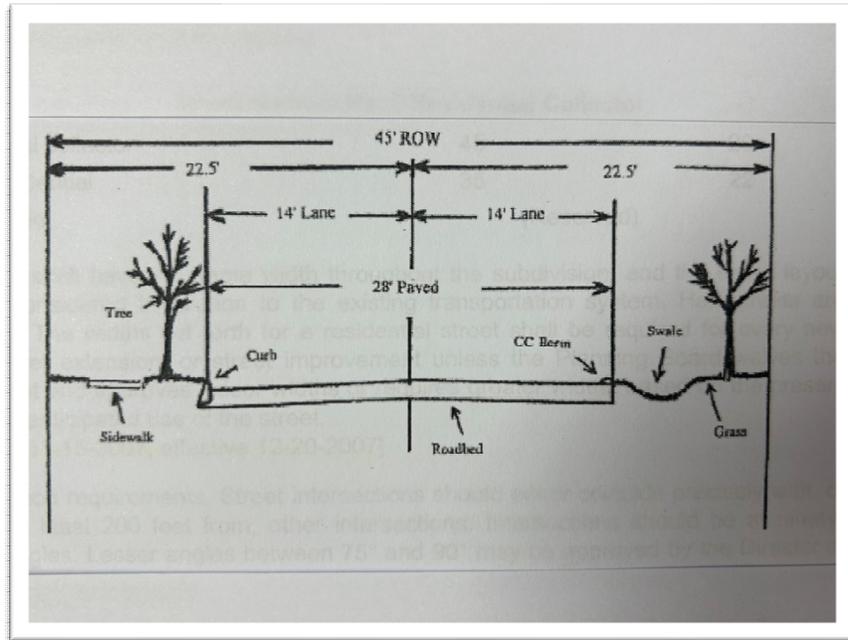
Minimum Requirements

Serves maximum of 8 dwellings

No future or potential roadway extension

No designated on-street parking

Cross Section No. 3 Residential Collector

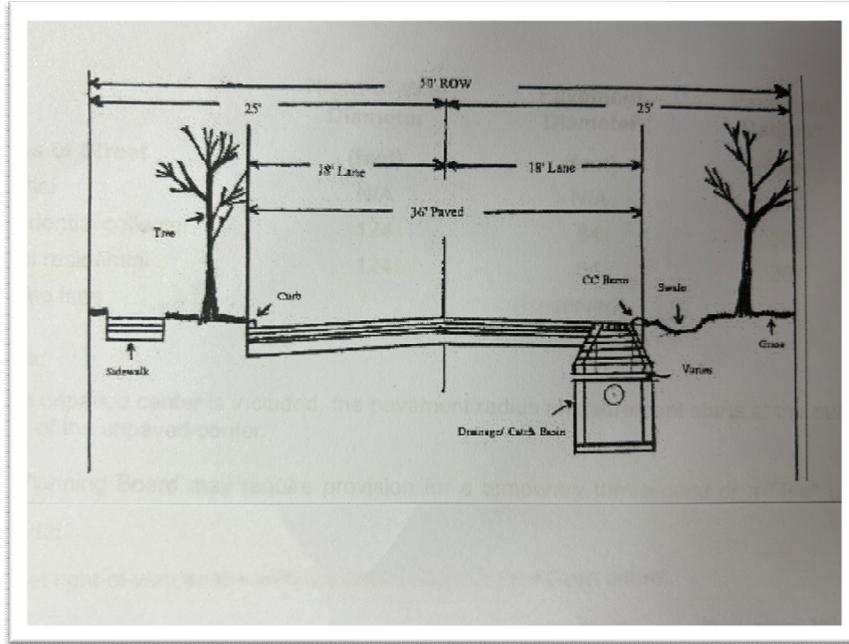


Minimum Requirements

Required for all residential subdivisions unless the Planning Board waives these requirements pursuant to the standards set forth in Section 6.01 B 3.

GLOCESTER SUBDIVISION REGULATIONS

Cross Section No. 4 Arterial



4. Street Width.

a) Street right-of-way widths shall conform to the widths shown below.

Class of Street	ROW Width (feet)	Pavement Width (feet)
Arterial	50	36
Residential Collector	45	28
Local Residential	35	22
Private Lane	(Reserved)	

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- b) The street shall have the same width throughout the subdivision and the street layout shall be considered in relation to the existing transportation system. Half streets are prohibited. The widths set forth for a Residential street shall be required for every new street, street extension, or street improvement unless the Planning Board waives the requirement and approves lesser widths or requires greater widths based on the present and future anticipated use of the street. [Amended 11-15-2007, effective 12-20-2007]

- 5. Street intersection requirements. Street intersections should either coincide precisely with, or be offset by at least 200 feet from other intersections. Intersections should be at 90 degree right angles. Lesser angles between 75 and 90 degrees may be approved by the Director of Public Works where circumstances warrant and safety requirements are met.

- 6. Dead end streets and Cul-de-sacs. All dead end streets must end in a cul-de-sac turnaround. The length of any dead end street, including the turning area, shall not exceed 1200 feet unless approved by the Planning Board. Turnarounds may be designed with a right of way diameter of 124 feet, an unpaved center of 64 foot diameter, and a minimum width of pavement of 30 feet around the unpaved center as measured between the outside edge of the unpaved center and the outside curb line, unless otherwise authorized by the Planning Board on the recommendations of the Director of Public Works. The minimum width of pavement may be reduced to 26 feet where provisions are made for a one-way traffic system around the turnaround. Unpaved centers must be left in a natural state and provided with a 12-foot clear grassed shoulder for sight distance and snow placement and landscaped, with private maintenance responsibility to be set forth by the applicant and approved by the Planning Board. Curbing is required only on the outside edge of pavement.

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a) The minimum requirements for cul-de-sac turnarounds are:

Class of Street	Right of Way Diameter (feet)	Pavement Diameter (feet)	Pavement Radius* (feet)
Arterial	N/A	N/A	N/A
Residential Collector	124	64	30
Local Residential	124	64	30
Private Lane		(Reserved)	

Notes: *If an unpaved center is included, the pavement radius measurement starts at the outer edge of the unpaved center.

b) The Planning Board may require provision for a temporary turn-around or a "Tee" until such time as the adjacent tract is developed and the street is extended. Reservation of strips of land controlling access to a street or land dedicated for other public use will not be permitted.

i) Access to adjoining property.

a. Where the Planning Board determines that there is a need to provide public street access for potential or future development to adjoining property, proposed streets may be required to be continued and improved up to the property line. A temporary turnaround may be required until such time as the adjacent tract is developed. A bond may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable amount of time.

b. Access to adjoining property for pedestrian and/or bicycle circulation may be required wherever the Planning Board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

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- ii) Provision for future resubdivison. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which the subdivision is located, such lots shall be arranged so as to allow for the opening of future streets and logical further resubdivision in accordance with the requirements contained in these regulations.
7. Street names. When selecting names for all new streets, names that differ significantly and phonetically from the names of all existing streets within the Town of Gloucester shall be selected. The proposed street name shall be submitted by the applicant and shall be reviewed by the Safety Commission, which will provide a recommendation to the Planning Board which shall provide a recommendation to the Town Council for acceptance. The Town Council, at the time of final street acceptance, shall approve the street name.
8. Extension of Streets. The extension of any existing street shall have the same name as the existing street.
9. Curbing requirements.
- a) Curbing may be required, where deemed necessary by the Director of Public Works or the Planning Board. Curbing shall be required where sidewalks are being installed. All curbing shall be one (1) of the following types as determined by the Planning Board upon recommendation of the Director of Public Works:
 - i) Rhode Island Standard #19 concrete
 - ii) Cape Cod Berm, bituminous concrete
 - iii) Rhode Island Standard #35A Granite
 - b) Concrete or granite curbing shall have a minimum base thickness of six (6) inches, a minimum top thickness of six (6) inches and a minimum depth of eighteen (18) inches, and shall extend a minimum of six (6) inches above the finished gutter grade. The horizontal and vertical alignment of the curbing shall conform to the established line and grade as shown on the approved plans and profiles, and on Figure #1. Where curbing is not required, an alternate means of providing adequate drainage containment shall be demonstrated.

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10. Street layout requirements.

a) Construction Materials.

- i) Base course. The base course shall consist of bank run gravel with a surface of crushed bank run gravel. The suitability of the base course, including material compaction, grade and composition, shall be approved by the Director of Public Works before the application of the binder asphalt course.
- ii) Binder and surface course shall consist of asphaltic concrete pavement, hot mix, Class 1, Type I-1.

b) Construction Method.

- i) Sub-Base Preparation: All underground sewer and waterlines, utilities, laterals, service lines, and related facilities shall be installed prior to any street construction. At least thirty (30) days following filling and compaction of all utility trenches, the sub-base shall be thoroughly compacted with a ten (10) ton roller, true to the lines, grades, and cross-sections shown on the approved drawings. The sub-base shall be swept or otherwise cleaned of all mud, loose and foreign material and shall be thoroughly dry before the base course is spread.
- ii) Base Course. After the sub-base has been properly prepared and the curbs or shoulders set, the base course of bank run gravel shall be spread by approved street grading equipment and compacted in two (2) four (4) inch layers for the full width and in such volume as to provide an eight (8) inch cross-section after compaction with a ten (10) ton roller. [Amended 11-15-2007, effective 12-20-2007]
- iii) Base Course Surface. Following thorough compaction of the base course, crushed bank run gravel shall be spread by approved street grading equipment for the full width to a depth of two (2) inches after compaction with a ten (10) ton roller. [Amended 11-15-2007, effective 12-20-2007]

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- iv) Binder Course. The binder course shall be applied no less than six (6) months following the backfilling and compaction of all utility trenches unless a shorter time period is permitted by the Director of Public Works. The base course shall be swept clean and all holes, ripples, or unevenness shall be brought back to trueline and cross-section by the spot application and proper compaction of Class I mix. The hot mix shall be applied at a temperature of 250 to 350 degrees Fahrenheit by means of an approved paving spreader with a compactor. Such material shall be placed in sufficient quantity to provide a minimum compacted cross-section of one and one half (1.5) inches. Immediately after placement the binder course shall be compacted with a ten (10) ton roller equipped with a sprinkler system to wet the wheels. The street shall be allowed to stand for a minimum of eight (8) hours without traffic upon the completion of the binder course.

- v) Surface Course. The binder course shall be allowed to stand for at least thirty (30) days before application of the surface course. The hot mix shall be applied at a temperature of 250 to 350 degrees Fahrenheit by means of an approved paving spreader with a compactor. Such material shall be placed in sufficient quantity to provide a minimum compacted cross-section of one and one half (1.5) inches. Immediately after placement the surface course shall be compacted with a ten (10) ton roller equipped with a sprinkler system to wet the wheels. The street shall be allowed to stand for a minimum of eight (8) hours without traffic upon the completion of the surface course. Unless otherwise authorized by the Director of Public Works, the surface course shall not be applied until all heavy construction traffic has ceased within the subdivision. Where a cape cod berm bituminous concrete curbing is installed as provided in Section 6.01 B 9 above, such berm shall be installed as integral with the street surface. [Amended 11-15-2007, effective 12-20-2007]

- vi) Seasonal Limits. No bituminous material shall be laid when the temperature of the air is fifty (50) degrees Fahrenheit and falling or during other unfavorable weather conditions as may be determined by the Director of Public Works.

- c) Grade. Grades of residential streets shall not be less than 1% nor more than 10%. Arterial grades shall not exceed 6% nor be less than 0.5% in grade.

- d) Curves.

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- i) Intersections. Corners at intersections shall be rounded to provide curb radius of not less than twenty (20) feet.
 - ii) Deflection Angles. Where an angle deflection of ten (10) degrees or more occurs along the center line of a street, a curve with a radius of not less than 150 feet shall be introduced.
11. Street lighting requirements. Provisions shall be made for street light connections where required and approved by the Director of Public Works.
12. Street trees. Where natural tree growth within the right-of-way or on abutting lots is determined to be insufficient, the Planning Board shall require the developer to plant street trees within the right-of-way. Trees shall be appropriate for the terrain, soil, and climatic conditions encountered in the subdivision, and in accordance with the following standards:
- a) Location.
 - i) Street trees shall be placed within 10 feet of the street pavement. No street trees shall be placed in a manner that will interfere with utility lines. Street trees shall be spaced approximately 30 to 50 feet on center, depending on anticipated ultimate size.
 - ii) Street trees to be located on private property shall be within ten 10 feet of the right-of-way and shall be perpetually maintained and/or replaced by the property owner upon whose land the trees are situated.
 - b) Screening. Where a proposed residential development abuts an existing or proposed commercial or industrial area, a dense evergreen buffer at least ten (10) feet in depth and at least five and one half (5 1/2') feet high shall be placed along the common boundary, but within the bounds of the commercial property, between the residential and such commercial or industrial development.
 - c) Minimum sizes for trees are three (3) to four (4) inches, caliper, measured diameter at breast height (dbh) in place, and ten (10) feet to twelve (12) feet of height in place.

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- d) Inspection. The Tree Warden shall determine the suitability of the street trees being proposed and require proper planting techniques and maintenance to be followed. Trees suitable include, but are not limited to:
 - i) Deciduous trees such as Honey locust, Pin Oak, London Plane, Ginkgo, Zelkova and Bradford Pear.
 - ii) Small Deciduous trees such as Crab and Cherry varieties
 - iii) Conifers such as Pine, Hemlock, and Spruce

13. Sidewalks.

- a) Paved sidewalks may be required to be installed on one (1) or both sides of all new public streets if the Planning Board finds any of the following:
 - i) The subdivision is located within one (1) mile of a public or private school;
 - ii) The subdivision is located in proximity to major public or private facilities such as churches, shopping areas, playgrounds, parks, etc. where there is a likelihood that pedestrian traffic to and from the proposed subdivision would result;
 - iii) The subdivision is located in an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians;
 - iv) There is a reasonable likelihood that there will be conflicts between pedestrian and vehicular traffic.
- b) Curbing is required wherever sidewalks are installed and the sidewalk shall meet the standards established by the American Disabilities Act for accessibility.
- c) Where paved sidewalks are not required, the buffer between the street pavement and the abutting lots shall be loomed to a depth of 4 inches, seeded, and maintained for pedestrian access and use.

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14. Monuments. Monuments (granite or concrete boundary markers) shall be located on plans, shall be the responsibility of the developer and shall be installed by a registered land surveyor or engineer on the street line at the beginning and end of all horizontal curves on both sides of each subdivision (public) street, at all lot line intersections with street lines, and shall not be more than 500 feet apart. Monuments shall be set flush with the finished grade at the right-of-way. Monuments shall be installed as required prior to final subdivision approval on all subdivision.
15. Manholes. Manholes shall be located on all storm sewer trunk lines:
- a) At a maximum separation of three hundred feet (300);
 - b) At all angles in the line;
 - c) At street intersections and other points where catch basins, inlets, or laterals are to be connected;
 - d) At points where pipe sizes change;
 - e) At points where the grade of the line changes.
16. Drainage requirements. The drainage system may be comprised of natural and man-made elements. These may include grass swales, retention and detention basins, curbs, catch basins, culverts, and stormwater pipes. The applicant is encouraged to incorporate natural elements into the drainage design whenever possible. All drainage structures shall be in conformance with the accepted State RIDOT standards, or approved equals.
- a) A drainage plan and drainage calculations for the entire parcel are required if any of the following conditions are present:
 - i) The subdivision or land development project is classified as a major subdivision or a major land development project.
 - ii) The proposed project requires the preparation of an Erosion and Sediment Control Plan under the requirements set forth in the Chapter 177, Erosion and Sediment Control Ordinance.

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- b) The stormwater drainage calculations, runoff rates, and system design shall be based on the application of the appropriate method as follows:
 - i) Rational Method. This method is preferred for small systems four (4) acres or less in size, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis;
 - ii) TR-55. This method is preferred for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development greater than four (4) acres and up to two thousand (2000) acres;
 - iii) TR-20. This method is for complex watersheds and systems beyond the scope of TR-55.
- c) The proposed drainage system shall be designed to accommodate stormwater flows such that post-construction conditions result in a zero net increase in run-off from pre-construction/ pre-development conditions. The Planning Board may have the proposed drainage system and accompanying data reviewed by a registered professional Engineer for accuracy and suitability for the parcel. The applicant shall be responsible for the fair and reasonable cost of outside professional engineering review of subdivision drainage plans as may be reasonably determined to be necessary by the Board. The selection of engineering services and fees shall be by mutual agreement of the applicant and the Planning Board.
- d) The drainage plan shall indicate how the following requirements will be met:
 - i) That each lot will be adequately drained;
 - ii) That natural drainage patterns will be maintained wherever possible;
 - iii) That all existing drainage systems will be left open, unless approval to enclose is granted by the Planning Board and all applicable State and Federal authorities;
 - iv) That a continuous drainage system will be installed and connected to a natural or manmade drainage system or to an existing piped storm drainage system;

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- v) That all new open drainage systems will be seeded, sodded, or paved depending on grades and soil types;
 - vi) That the ultimate destination of such continuous drainage shall be a permanent natural waterbody or wetland. Where the Planning Board determines that such destination is impractical, the Planning Board may require the construction of a retention area capable of accommodating stormwater volumes based on a 100 year frequency rainfall;
 - vii) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the Planning Board and Department of Public Works will be provided;
 - viii) That all necessary easements to off-street drainage systems will be obtained by the applicant and approved by the Town Solicitor;
 - ix) Where the volume of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook;
 - x) That the overall design of the stormwater drainage system incorporates Best Management Practices (BMPs) for non-point source pollution control and the design guidelines of the Rhode Island Stormwater Design and Installation Manual, where appropriate.
17. Erosion and sediment control. An erosion and sediment control plan shall be developed in accordance with the provisions set forth in Chapter 177, Erosion and Sediment Control. However, administrative and minor subdivisions and minor land development projects shall not be required to submit such plans if the land disturbing activity involved in construction of subdivision improvements meets all of the criteria for exceptions set forth in Chapter 177. However, all major subdivisions and land development projects shall submit an erosion and sediment control plan. The cost for engineering review of the erosion and sediment control plan shall be the responsibility of the applicant as set forth in the governing ordinance.

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18. Safety equipment and infrastructure requirements. The Planning Board, upon the recommendation of the Fire Chief of the applicable fire district, the Police chief, or the Safety Commission, may require the installation of safety equipment within the proposed project area. Safety equipment may include, but shall not be limited to:
- a) Fire hydrants
 - b) Holding ponds
 - c) Signage
 - d) Cross-walks
 - e) Fire lanes
 - f) Emergency access facilities
 - g) Emergency signal services
19. Off-site improvements. As a condition of preliminary approval, the Planning Board may require the construction of reasonable and necessary improvements located off the site of the proposed project. "Necessary" improvements are those clearly and substantially related to or made fully or partly necessary by the subdivision or land development project being proposed. The Planning Board shall include in its preliminary approval the basis for requiring such off-site improvements. In its resolution, the Planning Board must find, and clearly document in the public record that a significant negative impact on existing conditions related to public health, safety, and welfare will result if the off-site improvements are not made. The mitigation required must be related to the significance of the identified impact. Off-site improvements may include, but shall not be limited to:
- a) Street improvements. The minimum street or roadway standard or standards established for a proposed subdivision street shall also be applicable to and necessary for the public street(s) or roadway(s) from which access to the proposed subdivision is dependent. The Planning Board shall have authority to require an upgrading of the public street or roadway serving as public access to the proposed subdivision, at the expense of the developer, as an off-site improvement required for the conditional approval of the subdivision. One or more of the following findings are required:
 - i) The existing street is inadequate to serve the proposed subdivision for reasons of safety, geometric design, capacity, or drainage purposes.

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- ii) Street improvements are not scheduled on the Town of Gloucester Capital Improvement program for completion by the Town of Gloucester within the time period granted for the completion of the proposed subdivision.
 - b) Drainage improvements
 - c) Service improvements, including (schools, fire, police, or rescue)
20. Private Streets. Subject to the approval of the Planning Board, streets within the parcel to be developed as a conservation development or residential compound may be privately owned and maintained in common by the residents of the development. At the time of final approval, the Planning Board shall approve the form and content of the following legal documents to be recorded contemporaneously with the final plat: [Amended 11-15-2007, effective 12-20-2007]
- a) A covenant by the owner of the parcel, binding on his successors and assigns, that the Town of Gloucester shall not be asked or required to accept or maintain the private streets within the parcel that do not meet the engineering and design requirements for Town-accepted streets, for a minimum of 99 years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total 99 years.
 - b) A document or documents establishing the method of ownership, and providing for maintenance of the streets and drainage improvements.

Section 6.02 Construction and Improvement Guarantees

The purpose of this section is to provide a guarantee that the required improvements will be completed. An improvement guarantee is a security instrument accepted by the Town of Gloucester to ensure that all required improvements, facilities, and work required by the Planning Board, including but not limited to street, drainage, utility, landscaping, and offsite improvements will be completed and maintained in compliance with the approved plans and specifications. The nature and duration of the guarantee shall be structured to achieve this goal.

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- A. General Procedures. Before any land development or subdivision plan is endorsed by the Planning Board, and before the recording of any subdivision plat, the Planning Board shall be required to approve agreements for the completion of all required improvements. Such agreements may, at the option of the applicant, take the form of (1) completion of actual construction of all improvements; (2) improvement guarantees, or (3) a combination thereof. At the preliminary plat review stage, the applicant shall submit either of the following: (1) a letter to the Planning Board indicating his/her intent to complete the required improvements prior to the Planning Board's approval of the final plat; or (2) a letter requesting that security sufficient to cover the cost of required improvements be established by the Board.
1. If improvements are to be constructed without a financial guarantee, all work shall be completed prior to final approval and recording. Inspections shall be made by the Public Works Director at all required stages of construction as required in Section 6.01 A 5 under the direction of the Administrative Officer. Upon completion of all required improvements, the Public Works Director shall certify in writing to the Administrative Officer of such completion, and a copy shall be provided to the applicant upon request. The final plat shall be endorsed by the appropriate Planning Board Member and the plat shall be recorded as provided in Section 8.05, at which time the lots within the subdivision may be transferred or sold.

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2. Guarantees.

- a) If financial guarantees are to be provided, they shall be set at preliminary plan approval and received prior to final plan approval. The guarantee shall be set at an amount and with all necessary conditions to secure for the Town of Gloucester the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for the completion provided in said approval.

- b) The amount shall be based upon a minimum of two actual cost estimates which would allow the Town of Gloucester to obtain completion of all improvements required as a condition of preliminary approval. These estimates shall be prepared by a contractor qualified in public street and drainage construction or engineering, submitted by the applicant to the Director of Public Works, who shall review the estimates with the Administrative Officer and, if requested, with the applicant. Estimates shall be broken down by construction category and quantities, shall reflect the requirements of construction, and shall include labor, material and inspection costs. The Director of Public Works shall forward a recommendation to the Planning Board based on review of estimates, which shall review and approve the final amount. The Board may set the amount of the guarantee in reasonable excess of the estimated costs in order to anticipate increases in economic or construction costs. However, the amount of such increase shall not exceed 120% of the estimated cost of improvements as recommended by the Director of Public Works.

- c) Construction of improvements, including regrading, clearing and removal of earth materials, or land fill, shall not commence without acceptance of a performance guarantee, except with the expressed conditional prior approval of the Planning Board. At the expiration of the final approval period, if all improvements are not complete, the Planning Board shall review the status of the improvements and may:
 - i) Require the applicant to extend the period of the entire improvement guarantee.
 - ii) Reduce the amount of the improvement guarantee to cover the costs of the remaining improvements.
 - iii) Authorize the Administrative Officer to take the steps necessary to ensure the completion of the remaining work by using improvement guarantee funds.

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- B. Required Form. The security shall be in the form of a financial instrument acceptable to the Town Finance Director and shall enable the Town of Gloucester to gain timely access to the secured funds, for cause. Performance and maintenance guarantees may be provided by a variety of means including, but not limited to, the following: [Amended 10-17-2022]
1. Letter of credit that is irrevocable from a bank or other reputable financial institution.
 2. Escrow account. The applicant may deposit cash, or other instruments readily convertible into cash at face value with the Town.
 3. Bonding for erosion and sediment purposes may be combined with subdivision required guarantees, subject to review and approval by the Town Solicitor and the Planning Board.
- C. Release. At the expiration of the final plan approval period or completion of the development, if all required improvements are complete, any improvement guarantee shall be returned to the applicant. Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any improvement guarantee shall be made to the Administrative Officer who shall refer the request to the Technical Review Committee. After inspection of the improvements, the Committee shall recommend that the Planning Board:
1. Authorize the return of all improvement guarantees to the applicant;
 2. Authorize a reduction and partial release of the amount of the guarantee being held by the Town of Gloucester to cover the remaining improvements; or
 3. Hold the improvement guarantee and make no releases or reductions.

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- D. Phases. In the case of land development projects or subdivisions which are approved and constructed in phases, the Planning Board shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements not directly related to a particular phase are required as a condition of approval, the Board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided. In phased developments, the improvement guarantee for one phase shall not be released until an improvement guarantee for the next phase has been accepted by the Planning Board for the subsequent phase.
- E. Maintenance Guarantees. The Planning Board may require that a maintenance guarantee be provided by the applicant for all improvements which are being dedicated to the Town of Gloucester for public acceptance and maintenance. The amount of the maintenance guarantee shall be 5% of the original performance bond or other original guarantee amount. In the absence of such a guarantee, 5% of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be one (1) year. At the end of one (1) year, the Public Works Director shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Planning Board, and the original funds shall not be returned to the applicant. If public improvements are found to be in good condition and have not been damaged due to the fault of the applicant, or through the faulty workmanship or design, the maintenance guarantee shall be returned to the applicant.
- F. Building Permits:
1. Building Permits shall not be issued for any lot within a subdivision prior to the acceptance of the subdivision streets by the Town Council for maintenance and ownership as specified in Section 6.02 G. [Amended 11-15-2007, effective 12-20-2007]
 2. The Planning Board may recommend waiver to this requirement to the Town Council on an individual lot basis to allow for the issuance of building permits on individual lots provided that:

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- a) All public improvement to the street fronting the lot to be issued a building permit are certified complete by the Public Works Director, with the exception of the final bituminous layer. [Amended 11-15-2007, effective 12-20-2007]
 - b) The lot meets all the requirements established for the issuance of building permits in Chapter 145, Building Permits.
- G. Acceptance of Improvements.
- 1. Upon completion of all required improvements, the applicant shall convey all public improvements to the Town of Gloucester for ownership and maintenance. Private facilities, such as open space and privately maintained drainage systems shall not be conveyed to the Town of Gloucester. The applicant shall first request the Department of Public Works to conduct a final inspection as provided in Section 6.01 A 5. The Director of Public Works shall certify to the Administrative Officer in writing that all required improvements have been satisfactorily completed. [Amended 11-15-2007, effective 12-20-2007]

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2. The applicant shall also request, in writing to the Administrative Officer, that public improvements, streets, land easements, or other facilities be accepted by the Town of Gloucester. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land, a set of as built plans accepted by the Administrative Officer, and other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the Town of Gloucester and describing any special conditions or other requirements. Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance on the next available agenda of the Technical Review Committee which shall make a recommendation for acceptance, in writing, to the Town Council, if all the requirements have been met.

3. The Technical Review Committee shall also recommend an amount for a maintenance bond and shall recommend that no public facilities or improvements be accepted for ownership and maintenance until such maintenance bond has been submitted as required in Section 6.02 E. Upon acceptance by the Town Council, all public improvements shall be permanently owned and maintained by the Town of Gloucester as part of the Town of Gloucester system and the applicant shall no longer be responsible for their care, repair, or appearance.

Section 6.03 Requirements for Dedication of Land and Fees RESERVED

Section 6.04 Phasing of Projects

- A. When a Major Land Development or Major Subdivision commences the required pre-application meetings, the Planning Board shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the Planning Board determines that such improvements, services, and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the Planning Board shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases, related to the ability of the Town of Gloucester improvements, services, and facilities to serve the residents of the subdivision or development.

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- B. When an application is submitted for Master Plan approval, the applicant shall submit to the applicable Town of Gloucester, State, agency, or utility as provided in the Master Plan Checklist for Major Land Developments and Major Subdivisions, a copy of the Master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments on the application by the Administrative Officer. Comments shall be received from each agency prior to the date of the informational meeting (Section 5.03 C). If comments are not received by the Administrative Officer by that date, it shall be assumed that the agency does not wish to comment.

- C. Comments and supplemental material.
 - 1. Each department or agency to which such a request for comments is made shall deliver to the Administrative Officer, in written format, and any supplemental material, which shall describe:
 - a) An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
 - b) Whether existing facilities and/or services are adequate to serve the subdivision's residents;
 - c) Whether plans for the necessary improvements to existing facilities and/or services are included in the department or agency's capital improvement program or are otherwise planned;
 - d) An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

 - 2. All such written comments and supplementary material shall be delivered to the Administrative Officer by the reviewing agency within the time limits prescribed.

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- D. Based on the responses received from the various departments and agencies, the Planning Board shall establish, at the time of preliminary approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services, and facilities will be adequate to serve the residents of the subdivision or development. As part of such growth rate plan, the Planning Board may require that improvements be installed, or lots developed, in two (2) or more phases.

- E. If phasing is required, the Planning Board shall approve the Master Plan for the entire site first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two (2) or more phases as required by the Planning Board in Subsection D above. In such review and approval, the Board, may in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions, including the applicant's actual provision of the necessary improvement or a payment to a dedicated restricted account in-lieu-of actual provision.

- F. 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.

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

- H. Phasing of a proposed development may be otherwise requested by a developer for his/her own reasons, but shall be subject to the requirements for phasing as may be determined applicable by the Planning Board when phasing is approved by the Planning Board.

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Section 6.05 Conservation Developments

[Amended 11-15-2007, effective 12-20-2007]

A. Purpose. The purposes of this section, entitled Conservation Developments, are:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, wetlands, reservoirs and their drainage areas, and agricultural lands, by setting them aside from development;
2. To preserve historical, cultural, agricultural and archaeological resources;
3. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of streets, utility runs, and the amount of paving required for residential development;
4. To provide for a diversity of lot sizes and layouts;
5. To provide for a diversity of housing choices to accommodate a variety of age and income groups and residential preferences, so that the population diversity of the community may be maintained;
6. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the Comprehensive Plan,
7. To provide reasonable incentives for the creation of a greenbelt/trails system within the Town;
8. To implement adopted land use, environmental and open space policies as set forth in the Comprehensive Plan;
9. To protect areas of the Town with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;

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10. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
 11. To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage or conservation lands;
 12. To conserve and create scenic views and preserve the rural character of the Town; and,
 13. To provide a buffer between new development and existing neighborhoods, delicate natural features and habitats.
- B. Applicability. The Planning Board may approve a proposed land development project or subdivision in the form of a conservation development only in accordance with the provisions of Article XII of the Zoning Ordinance.
- C. Procedures. Applications for conservation development approval shall be made in accordance with the procedures for approval of a major or minor subdivision or land development project based on the number of lots or dwellings in the development as provided in Articles IV - V of these Regulations.
- D. Uses, Lot Area and Dimensional Regulations. The permitted uses, maximum number of units, minimum lot areas and dimensional regulations applicable to conservation development shall be those provided in Article XII of the Zoning Ordinance.
- E. Design Process. The design of a conservation development shall follow the design process specified in the following steps. As a guide in designing conservation developments, applicants are encouraged to review the provisions of the Rhode Island Conservation Development Manual, RIDEM, June 2003, as amended, in the preparation of plans. The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the Master Plan is submitted for major land development projects or subdivisions, or preliminary plans for minor land development projects or subdivisions, applicants shall demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, building locations, and open space. Refer to the appropriate checklist approved by the Gloucester Planning Board for all required information. [Amended 10-17-2022]

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1. Step 1: Analyze the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other and strategies for protection. For pre-application meetings, the applicant shall submit the information required by the Pre-Application Checklist. For master plan meetings, this information shall be submitted in the form of an Existing Resources and Site Analysis Map, as specified in Section 6.05 L.

2. Step 2: Evaluate Site Context. The second step is to evaluate the site in its larger context of the neighborhood and Town by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., street and bicycle networks), and cultural (e.g., open spaces, recreational opportunities) connections to surrounding land uses and activities. This information shall be submitted in the form of a Site Context Map, as specified in Section 6.05 G.

3. Step 3: Designate Potential Conservation Areas. The third step is to identify the areas on the site to be preserved on the site as open space. The open space shall at a minimum include portions of the site that are unsuitable for development and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the Town of Gloucester Comprehensive Plan.

4. Step 4: Determine Maximum Number of Units. At the master plan stage for major subdivisions and major land development projects, and at the preliminary stage for minor subdivisions and minor land development projects, the applicant and Planning Board shall agree upon an initial number of dwelling units that will be permitted in the conservation development or subdivision, using the Yield Plan approach as described in Section 6.05 H. The number of units may be changed by the Planning Board during subsequent stages of review, as more information is provided, until the final Basic Maximum Number of Dwelling Units is determined.

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5. Step 5: Locate Development Areas and Explore Conceptual Alternatives. As part of the Pre-Application submission, the applicant shall show a minimum of two alternative proposed development layouts in the form of a Sketch Plan(s), or Sketch Plan Overlay Sheet(s), as described in Section 6.05 F. These alternative plans shall be substantially different. The Planning Board shall review how each alternative impacts the viability of the development plan, versus the benefits to the Town of one or another approach. This sketch plan shall be further refined for re-submission and discussion between the Board and applicant during subsequent stages of review, as an overlay to the Existing Resources and Site Analysis Map described in Section 6.05 L.

6. Step 6: Locate the House Sites. The sixth step is to locate building sites, using the proposed open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with Gloucester's rural character.

7. Step 7: Lay Out Streets, Trails and Other Infrastructure. Upon designation of the building sites, a street plan shall be designed to provide vehicular access to each building, complying with the standards herein and bearing a logical relationship to topographic conditions. Detailed information regarding stormwater drainage, water supply and sewage disposal, trails, sidewalks and other infrastructure are also provided during this step.

8. Step 8: Design and Program Open Space. Details regarding the use, design, ownership and management of proposed open spaces shall be developed during the review process. Starting with conceptual proposals at the early stages of review, the function of open space areas shall be developed and refined. Based on review by the Planning Board and other reviewers, these concepts shall be clarified during the review process to establish as clear an approach to the use and maintenance of open space as it does for development areas.

9. Step 9: Draw in the Lot Lines. Upon completion of the preceding 8 steps, the next step is simply to draw in the lot lines to delineate the boundaries of individual residential lots (if applicable).

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10. Step 10: Establish Ownership and Management of Open Space and Other Community Elements. At the time of preliminary review for major land development projects or major subdivisions, or at the time of final review for minor land development projects or minor subdivisions, a more detailed open space use and management plan as described in Section 6.05 I shall be submitted.

F. Sketch Plan Overlay Sheet.

1. The design process described above shall be documented by the applicant and presented to the Planning Board. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of more detailed site surveys and environmental data (at the same scale).
2. At the pre-application stage of review, the initial sketch plan may be presented as an overlay to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development. As an alternative, a separate diagrammatic sketch plan(s) may be presented.
3. At the preliminary stage of review for minor land development projects and subdivisions, and at the master plan stage of review for major land development projects and subdivisions, the sketch plan of development shall be presented as an overlay to the Existing Resources and Site Analysis Map.

G. Site Context Map.

1. A map showing the location of the proposed development within its neighborhood context shall be submitted. The Site Context Map, which may be superimposed on an aerial photograph, shall be drawn to a scale of 1"= 400' or as necessary to show the area within a ½-mile radius of the subdivision parcel. It shall show the locations of major streets and zoning district boundaries. Major features that surround the site shall also be indicated on this Map. Topography at 10-foot contour intervals (from USGS maps) shall be shown.

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2. A separate soils map of the site and surrounding area shall be prepared, along with a general analysis of soil types and suitability for the development proposed. If present, agricultural land as defined in Article X, and any very poorly drained soils shall also be shown on this map.
- H. Basic Maximum Number of Dwelling Units.
1. The Basic Maximum Number of dwelling units allowed on a parcel of land proposed for development as a conservation development is defined as the maximum number of single family building lots or dwelling units that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a Conventional Yield Plan as defined herein. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such Yield Plan; provided, however, that the Planning Board's determination of the Basic Maximum Number shall be conclusive.
 2. Yield Plans shall be prepared as conceptual layout plans in accordance with the checklist for pre-application review approved by the Gloucester Planning Board. Yield plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. The Yield Plan must be drawn to scale, and it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of land unsuitable for development (as defined in § 350-58 of the Zoning Ordinance), existing easements or encumbrances and the suitability of soils for subsurface sewage disposal. [Amended 10-17-2022]
 3. The Yield Plan shall also reflect the dimensional standards for uses being proposed, as contained in the District Dimensional Regulations in Article III of the Zoning Ordinance, and as further provided in §350-58 of the Zoning Ordinance. The Yield Plan must identify how conventional lots or uses could be developed having the required area, frontage and other dimensional requirements of the Zoning Ordinance. Although lots shown in the Yield Plan may contain land unsuitable for development, this area shall not be counted towards the minimum lot area as provided in the Zoning Ordinance.

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4. On sites served by Individual Sewage Disposal Systems (ISDS), density shall be further determined by evaluating the number of dwellings or other uses that could be supported by ISDS on lots in a conventional subdivision. Lots or dwelling units shown on a Yield Plan shall not include dwellings proposed to be serviced by an ISDS that requires the granting of a variance by the RI Department of Environmental Management. The Planning Board shall determine the suitability of the parcel to be developed as a conventional subdivision, based on the soils information provided by the applicant, upon observations made during a site visit to the property, and/or upon other evidence available to the Board at any time during the development review process.

5. Upon completion of their review, the Planning Board shall determine the initial Basic Maximum Number of lots/dwelling units permitted in a development. This initial determination shall be made at the master plan stage of review for major subdivisions and major land development projects, and at the preliminary stage of review for minor subdivisions and minor land development projects. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent stages of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent stages of review, the Planning Board may increase or reduce the number of lots/dwelling units contained in the initial Basic Maximum Number. For all developments, the final Basic Maximum Number shall be established by the Planning Board at the final stage of review.

6. In developments that require alterations to be made to freshwater wetlands, the Board may establish an initial Basic Maximum Number contingent upon confirmation by the RI Department of Environmental Management that such alterations are permitted under the provisions of the Freshwater Wetlands Act.³

- I. Open Space. Every conservation development shall provide protected open space lot or lots in accordance with the standards set forth below, and in Article XII of the Zoning Ordinance.

³ Editor's Note: See RIGL 2-1-18 et seq.

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1. The Planning Board shall specifically authorize plans for the use, ownership, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirement within a conservation development shall not be excavated or regraded, except as permitted by the Planning Board. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the Planning Board to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat. These disturbances shall be specifically shown on the open space use plan.

2. At the time of Master Plan review by the Planning Board for major subdivisions or land development projects, or preliminary review for minor subdivisions or land development projects, the applicant shall submit a separate open space use plan containing:
 - a) the general location and area of all proposed open space;
 - b) the general proposed use(s) of the open space;
 - c) existing topography and existing ground cover of open space areas;
 - d) the location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;
 - e) areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
 - f) generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas;
 - g) the location and nature of any proposed buildings, structures, parking areas, streets or roadways, impervious areas, recreation areas and,
 - h) areas proposed to be left in their existing natural states without any disturbance.

3. At the time of preliminary review by the Planning Board, a more detailed management plan that specifies the use of the open space shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval. The Planning Board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.

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4. Clearing and excavation of open space areas may be permitted only for the installation of stormwater retention or detention facilities, other drainage facilities, or for permitted utilities, park, open space, recreational, agricultural or forest management uses in accordance with a plan approved by the Planning Board.

 5. In addition, no commercial earth removal, even if permitted by the Zoning Ordinance, in the zoning district in which the development is proposed, shall be permitted within any open space areas. In approving an open space use plan, the Board may permit grading that includes removal of earth materials. The Board shall, however, clearly indicate, as a condition of preliminary approval, the approximate quantities of material and the general areas from which earth removal is authorized, and shall only authorize the minimal amount of earth removal required to grade the land for the intended purpose.
- J. Open Space Design Review Standards.
1. List of Resources to Be Conserved. The design of open space lands in any conservation development shall reflect the standards set forth in this Section 6.05 and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant should be consulting the Greenspace Maps for natural, cultural and recreational resources as identified in the Comprehensive Plan.
 - a) Stream channels, floodplains, hydric soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection;
 - b) Wellhead protection areas;
 - c) Special aquatic sites, vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Heritage Inventory;
 - d) Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;

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- e) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats;
 - f) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
 - g) Areas where open space will mitigate the effects of stormwater runoff, avoid or reduce non-point sources of watershed pollution; or buffer surface watersheds or groundwater resources;
 - h) Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;
 - i) Active agricultural uses, pastures, croplands, prime farmland soils and farmland soils of statewide importance;
 - j) Historic structures and archaeological sites;
 - k) Visually prominent topographic features such as knolls, hilltops and ridges;
 - l) Geologic features such as eskers or kettle holes;
 - m) Scenic viewsheds as seen from public streets (particularly those with historic features);
 - n) Existing or potential trails connecting the parcel to other locations in the Town;
 - o) Any other natural, cultural or recreational resources determined by the Planning Board.
2. Other Design Considerations. The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:

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- a) They shall be free of all structures except historic buildings or structures, stone walls, and structures related to open space uses. The Planning Board may grant approval of structures and improvements required for storm drainage and privately owned and maintained water supply within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
- b) Placement of individual sewage disposal systems (ISDS) within the open space shall be permitted only if the Planning Board determines that such placement would not cause irreparable harm to the natural or scenic character of the open space, and would otherwise be consistent with the purposes of conservation developments as set forth in 6.05 A herein.
- c) They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land;
- d) They shall be suitable for passive recreational uses to the extent deemed necessary by the Planning Board, without interfering with adjacent dwelling units, parking, driveways, streets and roads;
- e) They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the development;
- f) They shall provide buffers to adjoining parks, preserves or other protected lands;
- g) They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the Town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes;
- h) Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation;
- i) They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources;

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- j) They shall be consistent with the Comprehensive Community Plan.

- K. Streets. Streets within a conservation development may be publicly or privately owned as determined by the Planning Board, and maintained and shall conform to the standards of Section 6.01 of these Regulations. Public and private streets shall be designed to conform to the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

- L. Existing Resources and Site Analysis Map.
 - 1. All major subdivisions and land development projects, including all conservation developments, shall be required to prepare an Existing Resources and Site Analysis Map. Minor subdivisions and land development projects which involve the creation or extension of a street shall also be required to prepare this Map. Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to provide such Map. The purpose of this Map is to provide the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

 - 2. The Planning Board shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). Where necessary for clarity, the Map may be submitted as a series of more than one map. The following information shall be included in this Map(s).

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- a) Topography and Slopes. Topography, the contour lines of which shall generally be at 10-foot intervals, interpolated from U.S.G.S. published maps. More detailed topographic mapping with contour intervals of 2 feet as determined by photogrammetry or on-site survey shall be required in areas proposed for development. The determination of appropriate contour intervals shall be made by the Administrative Officer, who may require greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated by shading on the map, and the area thereof in acres shall be indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

- b) Natural Resources Inventory.
 - i) The location and delineation of ponds, streams, ditches, drains, special aquatic sites, vernal pools, natural drainage swales, 100-year floodplains and freshwater wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

 - ii) Vegetative cover conditions on the property according to general cover type including cultivated land, agricultural land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland. Trees with a caliper in excess of eighteen inches DBH, if located within an area proposed for disturbance or alteration shall also be indicated. Vegetative types shall be described by plant community, relative age and condition. Specimen vegetation as defined in Article X shall be identified.

 - iii) Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the State, and accompanying data published for each soil relating to its suitability for construction and for septic suitability.

 - iv) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, kettle holes, eskers, etc. based on available published information or more detailed data obtained by the applicant.

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- v) Ridge lines of existing hills and watershed boundaries shall be identified. Where applicable, the watershed boundary of the Scituate Reservoir shall be indicated.

- c) Cultural Resources Inventory
 - i) All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers.

 - ii) Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, cellar holes and foundations, and known archaeological resources.

 - iii) A viewshed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties. See definition in Article X.

- d) Recreational Resources Inventory
 - i) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

 - ii) Boat launches, stream access locations and water trails

 - iii) Existing play fields and recreation areas

- e) Utilities and Infrastructure
 - i) Location of all easements and other encumbrances of property which are or have been filed of record with the Land Evidence Records of the Town.

 - ii) Location of all streets and utilities

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- M. Buffer Areas. The Planning Board may require a vegetated buffer between new development and existing streets, neighborhoods, active farmland, adjacent park or conservation land, reservoir watersheds, or other surrounding uses or areas in accordance with the standards set forth herein. If property abutting the proposed conservation development contains developed residential building lots, or if there are existing residential structures within one hundred (100) feet of the perimeter of the Conservation Development, the following conditions shall apply:
1. Structures in the conservation development must be located to meet at least the minimum rear yard setback as provided in § 350-13 of the Zoning Ordinance, and,
 2. A permanent buffer along the perimeter of the conservation development shall be established, providing for the preservation of existing trees or other vegetation or for the planting of new vegetation having adequate density, height and type of vegetation, in order to provide an all-season visual and audio screen between the conservation development and adjacent land uses. This buffer may be provided in either of two alternative forms, to be determined by the Planning Board:
 - a) A separate open space lot or lots as provided in Section 6.05 I, entitled Open Space; or,
 - b) A permanent easement along the perimeter of the conservation development to be located along the rear or side property line of the proposed lot or lots that abut the perimeter of the conservation development. Said easement shall run in favor of the Town and shall be for conservation or open space purposes only. Where such easements are located on privately owned lots, they shall not be counted toward the minimum required open space area.
 3. The width of the required perimeter buffer shall be at least fifty (50) feet provided, however, that the Planning Board may reduce this width to a minimum of ten (10) feet. In making this determination, the Planning Board shall consider the following factors:
 - a) the nature of adjacent land uses existing at the time of master plan review (or preliminary review for a minor subdivision or land development project);
 - b) the nature of proposed or projected future land uses on adjacent property;

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- c) the physical characteristics of adjacent property (e.g., wetlands, slopes, stone walls, etc.);
 - d) the ownership of adjacent property (e.g., private, public, non-profit conservation, etc.);
 - e) the zoning of adjacent property;
 - f) the land use classification of adjacent property as provided on the Comprehensive Plan Land Use Plan Map.
4. If lots on the outer perimeter of the proposed conservation development are not contiguous to developed residential building lots outside the conservation development, the Planning Board shall determine if a buffer is required.
5. Lots on the outer perimeter of the proposed conservation development, which are directly adjacent to a public street, must be separated from said public street by a thickly wooded buffer or screen of at least one hundred (100) feet in depth along the entire street frontage, except for any necessary access streets.
- N. Decision. The Planning Board may approve, approve with conditions, or deny an application for a conservation development. In making this decision, the Board shall make findings on the record as to whether the conservation development better promotes the objectives of the Land Development and Subdivision Regulations than would a conventional development, and after consideration of the general requirements set forth in Section 1.08 herein, and after consideration of the purposes of conservation developments set forth in § 350-100.A of the Zoning Ordinance. The Planning Board may deny an application if, in the opinion of the Board, the criteria set forth above are not met to the satisfaction of the Board.

Section 6.06 Development Plan Review RESERVED

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Section 6.07 Fee Schedule

- A. Administrative Fees. Administrative fees as set from time to time by the Town Council are required to be paid by an applicant for approval of any subdivision and/or land development project, for the adequate review and hearing of applications. Building permits (see Chapter 368), notice fees (see Section 5.04 D), legal fees (see Section 8.05), and inspection fees (see Section 6.01 A 5 d), erosion and sediment control plan fees (see Chapter 177, Erosion and Sediment Control) and the recording of plats and plans (see § 8.05) are separate from the fee structure established in this section and shall also be the responsibility of the applicant as applicable.

- B. Project Review Fees
 - 1. Applicability.
 - a) In addition to an Administrative Fee, for all subdivisions and land development projects, including conservation developments, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. The fee shall ultimately equal the actual cost to the Town for such consultant. In hiring outside consultants, the Town may engage engineers, surveyors, planners, lawyers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, design review of applications to determine consistency with the Comprehensive Plan; determining consistency with the purposes and design standards for conservation developments; assessing the economic, archaeological, traffic or environmental impact of a development proposal, review of unique site features including trees; or for monitoring a project or site for compliance with the Board's decisions or regulations.

 - b) Project Review Fees are separate from, and in addition to, fees imposed by the Town for inspecting a project during construction or implementation as provided Section 6.01 A 5 d.

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- c) Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development (e.g., open space lots) shall not be required to pay a Project Review Fee.
2. Determination of Applicability by Planning Board. The Planning Board shall determine whether or not a project review fee must be paid by the applicant. This determination may be made at the pre-application conference, but no later than the master plan stage of review for a major land development project or major subdivision; or at the time of Informal Concept Review, if conducted, for a minor land development project or minor subdivision. If an Informal Concept Review meeting is not held, no project review fee shall be required.
 3. Submittal. Initial Project Review Fees shall be submitted at the time of the submittal of the Master Plan application (for major subdivisions or land development projects) and at the time of the submittal of the preliminary application (for minor subdivisions or land development projects). These fees shall be held in custody by the Finance Director (Escrow Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
 4. Schedule of Initial Project Review Fees. Project Review Fees shall be as set from time to time by the Town Council.
 5. Replenishment. When the balance in an applicant's Escrow Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board may consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.
 6. Handling of Project Review Fees. The Project Review Fee is to be held in an escrow account as established by the Finance Director. No interest shall accrue on any funds held in this escrow account.
 - a) Outside consultants retained by the Town to assist in the review of an application shall be paid from this account.
 - b) Project Review Fees may be used by the Town for the purposes stated in Section 6.07 B at any time during the review process.

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- c) Project Review Fees shall be turned over to the Finance Director by the Administrative Officer to be held in an Escrow Account.
 - d) The Finance Director shall prepare a report for the Administrative Officer on activity in the Escrow Account upon request.
 - e) An accounting of an applicant's funds held in the Escrow Account may be requested by the applicant at any time. The Finance Director shall respond to the request in a timely fashion.
 - f) An applicant may request the Administrative Officer to provide an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
 - g) Excess fees in the Escrow Account shall be returned to the applicant or the applicant's successor in interest. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest. Excess fees shall be returned at the conclusion of the review process, to be determined by the Administrative Officer as either:
 - i) With the disapproval of a Subdivision or Land Development Plan; or
 - ii) With the final approval of a Subdivision or Land Development Plan; or
 - iii) If fees are proposed to be used to monitor the construction of a site, with the release of the performance bond or other financial guarantees at the end of construction; or
 - iv) If no financial guarantee is used, and if fees are proposed to be used to monitor the construction of a site, with the final inspection and approval of construction by the Town.
7. Disqualification. The choice of a consultant hired by the Town for the review of an application may be appealed as provided in Article IX. Three circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.

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- a) Conflict of interest. A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process.
 - b) Lack of appropriate qualifications. A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
 - c) Business relationship. The consultant has conducted business with an applicant whose project the consultant is reviewing within the past eighteen (18) months.
8. Time Limits. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.

Section 6.08 Plats Overlapping Town of Gloucester Boundaries

If a proposed project overlaps Town of Gloucester boundaries, the process shall be coordinated with that of the other jurisdiction. Lot lines shall not overlap Town of Gloucester boundaries.

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Article VII. Administration

Section 7.01 Administrative Officer

- A. Administration. The Administration of these Subdivision and Land Development regulations shall be under the direction of the Administrative Officer, who shall be the Town Planner, who shall report to the Planning Board in matters pertaining to the administration of subdivisions only.

- B. Appointment. Appointment of the Town Planner shall be by the Town Council pursuant to the Town of Gloucester Charter.

- C. Duties and Responsibilities. The duties and responsibilities of the Administrative Officer shall include, but not be limited to;
 - 1. Serve as chairperson of the Technical Review Committee;

 - 2. Enforcement of these regulations as provided in Section 8.07 of these regulations;

 - 3. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable Federal, State, and Local laws as directed by the Planning Board;

 - 4. Coordination of the review, approval, recording, and enforcement provisions of these regulations; including, coordination the enforcement efforts of the Zoning Officer, the Building Official, the Public Works Director, the Town Solicitor, the Planning Department, and other local officials responsible for enforcing or carrying out the elements of these regulations.

Section 7.02 Technical Review Committee

- A. Administration. There is hereby established the Technical Review Committee. This committee shall consist of the Town Planner, the Building Official, and the Public Works Director.

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B. Duties.

1. To conduct technical reviews of applications for subdivisions and land development projects which are subject to Planning Board jurisdiction.
2. To review and decide Administrative Subdivisions. To assist the Administrative Officer in carrying out the duties outlined in Section 7.01.
3. To carry out any other duties assigned or delegated by the Planning Board or these regulations.

C. Records. Reports of the Technical Review Committee to the Planning Board shall be in writing and shall be kept as the permanent documentation on the development application. In no case shall recommendations made by the Technical Review Committee to the Planning Board be binding on the Planning Board in its activities or decisions.

Article VIII. Procedures

Section 8.01 Public hearing and notice requirements

- A. No local rules or regulations shall be adopted, repealed, or amended pursuant to the Act and the Ordinance until after a public hearing has been held upon the question before the Town of Gloucester Planning Board. The Town of Gloucester Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of Gloucester at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing opportunity shall be given to all persons interested 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 its news articles, and shall:
1. Specify the place of said hearing and the date and time of its commencement;

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2. Indicate that adoption, amendment or repeal of local regulations is under consideration;
 3. Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
 4. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 5. State that the proposals shown 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 alteration or amendment must be presented for comment in the course of said hearing.
- B. The Planning Board shall notify and seek the advice of the Town Council three (3) weeks prior to the adoption, repeal, and/or amendment of these rules and regulations. The Town Council may make recommendations within the notice period, in writing, to the Planning Board regarding any adoption, repeal, or amendment to these rules and regulations.
- C. Notice of the public hearing shall be sent by first class mail to the city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of the Town of Gloucester boundaries.
- D. 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 Gloucester or 2,000 feet of Gloucester' s boundaries, provided, however, that a map survey has been filed with the Building Official as specified in the 1991 Zoning Enabling Act 45-24-53(E).
- E. No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.
- F. The above requirements are to be construed as minimum requirements.

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Section 8.02 Coordination of review with Zoning Board and Town Council

- A. Zoning Board of Review.
 - 1. Where an applicant requires both a variance from Chapter 350, Zoning, 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 required approval stage for the proposed project, which may be simultaneous, then obtain conditional Zoning Board relief, and then return to the Planning Board for subsequent required approval(s).
 - 2. Where an applicant requires both a special use permit under Chapter 350, Zoning, 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 preliminary approval stage for the proposed project, which may be simultaneous, then obtain a conditional special use permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).
- B. Town Council. Where an applicant requires both Planning Board approval and Town Council approval for a Zoning Ordinance or Zoning Map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the Town Council, and then return to the Planning Board for subsequent required approval(s).

Section 8.03 Waivers or Modifications

- 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, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

GLOCESTER SUBDIVISION REGULATIONS

2. The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact. Such documentation shall include a zoning certificate for the existing use; fully completed building permit application for the proposed use including all plans and documents as required by the Building Official for a building permit; letter requesting a waiver stating all reasons therefor; a survey of existing site conditions showing all data as specified in Section 23-27.3-113.6 of the Rhode Island Building Code, and written evaluation by the Building Official of the proposed permit application.
- B. Waiver and/or modification of requirements. The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Gloucester Comprehensive Plan and Chapter 350, Zoning.
- C. Reinstatement of Applications.
1. When an applicant has exceeded a deadline established by this Ordinance thereby invalidating a previously granted approval, the Planning Board may reinstate the application under the following conditions:
 - a) The subdivision is consistent with the Gloucester Comprehensive Plan at the time of reapplication;
 - b) The zoning of the proposed parcel is substantially the same as it was at the time of original approval;
 - c) Any applicable state or federal regulations obtained are still valid;
 - d) Physical conditions on the parcel are substantially the same as they were at the time of original approval;

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- e) The land development and subdivision regulations are substantially the same as they were at the time of original approval and that any changes made thereto would not have affected the previously granted approval;
 - f) There is no outstanding violation of any condition of prior approval or of any local, state, or federal act, ordinance, rule or regulation applicable to the site, including but not limited to, nonpayment of taxes or fees.
2. Applications for reinstatement of a previously approved subdivision shall be made to the Planning Board in writing by the applicant. The Planning Board, in approving or denying the reinstatement, shall make findings of fact which shall be made part of the record.
- D. Decision. The Planning Board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:
- 1. The Planning Board's decision shall be made within forty-five (45) days of the date the request for waiver or modification was first considered by the Planning Board, unless the applicant waives the deadline.
 - 2. The Planning Board shall refer the application to the Technical Review Committee for advisory recommendation.
 - 3. The Planning Board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in this section.

Section 8.04 Decisions and Records

- A. All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development 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.

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- C. All final written comments to the Planning Board from the Administrative Officer, Town departments, the Technical Review Committee, state and federal agencies, and local commissions shall be part of the permanent record of the development application.
- D. Votes. All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership.

Section 8.05 Recording of Plats and Plans

- A. All approved final plans and plats for land development and subdivision projects shall be endorsed 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 or Secretary or the board's designated agent.
- B. Upon signature of approval, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the Office of the Town Clerk for final review by the Administrative Officer and the Town Solicitor for proper legal form and content. The Planning Board shall require the applicant to reimburse the town for any fair and reasonable legal expense that may be incurred by specific request of the Board for legal review and/or advice as a result of a special circumstance or need. The material to be recorded for all plans and plats 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 Town of Gloucester, permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board. The final approval and signed plat shall be affixed on a plat card in a manner approved by the Town Clerk. The applicant shall be liable for the costs of recording the final plans and plat.
- C. Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved Master and Preliminary Plans, site analyses, impact analyses, all legal agreements, records of the public hearing, construction drawings and the entire final approval set of drawings shall be kept permanently by the Administrative Officer which is responsible for implementation and enforcement.

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- D. The Administrative Officer shall notify the statewide "911" emergency authority, the local police and fire authorities, and the school department servicing the new plat with the information required by each of the authorities.

Section 8.06 Changes to Plats and Plans

- A. For all changes to the approved plans of Land Development Projects or Subdivisions, an amendment of the final development plans is required by the proper authority prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording plats in Section 8.05.
- B. Minor changes, as defined below, 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 hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical Review Committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change. For the purpose of this section, the term minor change shall mean any change which, in the opinion of the Administrative Officer, results in no substantial alteration of the intent of the original approval. Such minor changes shall include, but are not limited to the following:
 - 1. Any revision which can be reviewed and approved as an Administrative Subdivision according to the provisions of Article III.
 - 2. Modifications which are required by outside permitting agencies such as, but not limited to, the Department of Environmental Management, and the Department of Transportation.
 - 3. Modifications to construction plans which are required due to unforeseen physical conditions on the parcel being subdivided and which are acceptable to the Director of Public Works and the Administrative Officer.
 - 4. Modifications of utility plans which are acceptable to the Director of Public Works and the applicable utility company.

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5. Modifications to drainage, grading, and erosion and sediment control plans which are acceptable to the Director of Public Works and the Administrative Officer and which do not require approval of state or federal reviewing authorities.
- C. Major changes to a Land Development or Subdivision Plan may only be approved by the Planning Board and must follow the same review and public hearing process required for the approval of preliminary plans as described in Section 5.04 D. For the purpose of this section, the term major change shall mean any change which, in the opinion of the Administrative Officer, is substantially inconsistent to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following:
1. Changes which would have the effect of creating additional lots or dwelling units for development;
 2. Changes which would be contrary to any applicable provision of Chapter 350, Zoning or which would require a special use permit from the Zoning Board of Review;
 3. Changes which would have a significant adverse impact on any utility, service, street or road; [Amended 11-15-2007, effective 12-20-2007]
 4. Changes which may have significant adverse impacts on abutting property owner(s) or any property in the vicinity of the proposed subdivision or land development project.
- D. The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the comprehensive community plan and is not in compliance with the standards and provisions of Chapter 350, Zoning and/or this chapter and shall hold a public hearing, which adheres to the requirements for notice described in Section 5.04 D. 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 8.04. If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the General Laws, State of Rhode Island, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in Section 8.05.

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Section 8.07 Violations and penalties

- A. Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the Planning Board or the administrative officer shall be in violation of these regulations.
- B. Violation of these regulations shall include any action related to the transfer or sale of land in unapproved subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use of, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Town of Gloucester land evidence records shall be in violation of the local regulations and subject to the penalties described in these regulations.
- C. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision development, or constructs any structure or improvement on the parcel, without having first received approval from the Planning Board or the administrative officer, shall be in violation of these regulations.
- D. The Planning Board shall report any suspected violations to the Town Council for further action. The Town of Gloucester may also cause suit to be brought to Providence County Superior Court or the Rhode Island Supreme Court to restrain the violation of, or to compel compliance with, the provisions of these regulations. The Town of Gloucester may consolidate an action for injunctive relief and/or fines under these regulations in Providence County Superior Court.
- E. The penalty for each violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$500 for each violation, and each day shall be a separate offense. Any such fine shall inure to the municipality.

Article IX. Appeals

Section 9.01 Zoning Board of Review to act as board of appeal

The Town Council shall establish the Town Zoning Board of Review as the Board of Appeal 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.

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Section 9.02 Standards of Review

- A. As established by these regulations, in instances of a Board of Appeal's review of a Planning Board, the Technical Review Committee, or the Administrative Officer's decision on matters subject to these regulations, the Board of Appeal shall not substitute its own judgment for that of the Planning Board, the Technical Review Committee or the Administrative Officer but must consider the issue upon the findings and record of the Planning Board, the Technical Review Committee or the Administrative Officer. The Board of Appeal shall not reverse a decision of the Planning Board, the Technical Review Committee or the Administrative Officer except on a finding of prejudicial error, clear error, or lack of support by the weight of the evidence in the record.
- B. The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing, shall be necessary to reverse any decision of the Planning Board, the Technical Review Committee, or the Administrative Officer.
- C. In the instance where the Board of Appeal overturns a decision of the Planning Board, the Technical Review Committee, or the Administrative Officer, the proposed project application shall be remanded to the Planning Board, the Technical Review Committee or the Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board, the Technical Review Committee or the Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision.
- D. The Board of Appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include in the written record the reasons for each decision.

Section 9.03 Right to appeal

- A. An appeal from any decision of the Planning Board, the Technical Review Committee or the Administrative Officer charged in the regulations with enforcement of any provisions, except as provided herein, may be taken to the Board of Appeal by an aggrieved party.
- B. An appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the Providence County Superior Court.

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Section 9.04 Process of appeal

- A. An appeal to the Board of Appeal from a decision or action of the Planning Board the Technical Review Committee or the 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 or 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, or shall be hand-delivered to the Board of Appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal.
- C. Upon receipt of an appeal, the Board of Appeal shall require the Planning Board, the Technical Review Committee or the Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

Section 9.05 Public hearing on appeal

- A. The Board of Appeal shall hold a public hearing on the appeal within forty-five (45) days of the 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 Appeal shall only hear appeals of the actions of the Planning Board, the Technical Review Committee or the 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 9.05 B shall be maintained by the Board of Appeal.

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Section 9.06 Superior Court

[See RIGL 45-23-71 for more information]

- A. Appeals to the Superior Court. An aggrieved party may appeal a decision of the board of appeal, to the superior court for 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 office of the Town Clerk. The board of appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court 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 for an equitable disposition of the appeal.

- B. Enactment of or amendment of local regulations. An appeal of an enactment of this chapter may be taken to the Providence County Superior Court 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 Glocester or by any association of residents or landowners of the Town of Glocester. The appeal shall not stay the enforcement of the local 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.

- C. See RIGL 45-23-72 for additional procedures.

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Article X. Definitions

Section 10.01 Terms defined

Where words or phrases used in this ordinance are defined in the definitions section of either the Rhode Island Comprehensive Planning and Land Use Regulation Act, RIGL 45-22.2-4, or the Zoning Enabling Act of 1991, RIGL 45-24-31, they shall have the meanings stated therein. In addition, the following words and phrases shall have the following meanings. Additional words and phrases may be defined in local ordinances, regulations and rules under this act, however, the words and phrases herein defined shall be controlling in all local ordinances, regulations, and rules created hereunder. In addition, the words "chapter", "ordinance", and "regulations" are used interchangeably throughout.

Administrative Officer

The Town Planner of Gloucester as designated by the Town Council to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. See Section 7.01.

Administrative Subdivision

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

Agricultural Land

Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture. [Added 11-15-2007, effective 12-20-2007]

Applicant

An owner or authorized agent submitting an application to subdivide property.

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Board of Appeal

The local review authority for appeals of actions of the administrative officer and the Planning Board on matters of land development or subdivision, which shall be the local Zoning Board of Review constituted as the board of appeal. See Section 9.01.

Bond

See improvement guarantee.

Buildable lot

A lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practicable by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations. See Section 6.01 A.

Certificate of completeness

A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the municipality's regulations, and that the applicant may proceed with the approval process.

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, and classification of the project within the approval process.

Conservation Development

A type of land development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment and to protect the character-defining features of the property. See Section 6.05. [Added 11-15-2007, effective 12-20-2007]

Consistency with the comprehensive plan

A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the Town of Gloucester as the comprehensive community plan as specified in Section 1.06.

Conventional Development

A residential subdivision in which all land being subdivided is dedicated to either

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development lots or street right-of-way, with no common open space; not a conservation development. [Added 11-15-2007, effective 12-20-2007]

Conventional Yield Plan

A plan of a conventional subdivision of land development project (as opposed to a conservation development) that depicts the maximum number of single-family building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development, such as wetlands, or other land unsuitable for development. [Added 11-15-2007, effective 12-20-2007]

Dedication, fee-in-lieu-of

Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations. See Section 6.03.

Development regulation

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

Division of land

A subdivision.

Environmental constraints

Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also "physical constraints to development".

Final plan

The final stage of land development and subdivision review. See Section 4.04 or 5.05.

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Final plat

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

Floor area, gross

See R.I. State Building Code.

Governing body

The Town Council which has the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

Improvement

Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Improvement guarantee

A security instrument accepted by the Town of Gloucester to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the Town of Gloucester as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. See Section 6.02.

Land Development Project

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a structure, including but not limited to, planned development, conservation development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Zoning Ordinance. [Added 11-15-2007, effective 12-20-2007]

Local regulations

The land development and subdivision review regulations adopted under the provisions of this act. For purposes of clarification, throughout this ordinance, where reference is made to local regulations, it shall be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to this act.

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Maintenance guarantee

Any security instrument which may be required and accepted by the Town of Gloucester to ensure that necessary improvements will function as required for a specific period of time. See “improvement guarantee”.

Major land development plan

Any land development plan not classified as a minor land development plan.

Major subdivision

Any subdivision not classified as either an Administrative Subdivision or a Minor Subdivision.

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. See Section 5.03.

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.

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.

Modification of requirements

See Section 8.03.

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.

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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.

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.

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. See Section 6.04.

Physical constraints to development

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

Planning board

The official planning agency of the Town of Gloucester.

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.

Pre-application conference

An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the Town officials and others. See Section 2.03.

Preliminary plan

The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits. See Section 5.04.

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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.

Public informational meeting

A meeting of the Planning Board or Town Council preceded by a notice, open to the public and at which the public shall be heard.

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.

Specimen Vegetation

Rhode Island Natural Heritage Program plant species listed as with state endangered, state threatened, state interest species of concern, or state extirpated; plant species providing habitat for animal species listed by the Heritage Program in the above mentioned categories; species such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*) which are at the limits of their natural range; and species such as American Elm (*Ulmus Americana*) and American Chestnut (*Castenea dentate*) whose population has been drastically reduced by disease, insects or habitat destruction. [Added 11-15-2007, effective 12-20-2007]

Stormwater detention

A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Stormwater retention

A provision for storage of storm water runoff.

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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”.

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.

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.

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:

1. 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.
2. 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.
3. Local. Streets whose primary function is to provide access to abutting properties.

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.

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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.

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.

Street, public

All public property reserved or dedicated for street traffic which has been accepted by the Town of Gloucester.

Street, stub

A portion of a street reserved to provide access to future development, which may provide for utility connections.

Subdivider

Any person who:

1. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or
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
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.

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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.

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. See Section 7.02.

Temporary improvement

Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

Vested rights

The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.

Viewshed

The primary area which can be viewed from a defined observation point. To determine the extent of the viewshed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the viewshed. [Added 11-15-2007, effective 12-20-2007]

Waiver of requirements

See Section 8.03.