

TOWN OF SMITHFIELD
RHODE ISLAND

**LAND DEVELOPMENT
AND SUBDIVISION REVIEW
REGULATIONS**

Adopted March 4, 1996

**Amended: May 25, 2006, March 22, 2007, October 27, 2011,
June 27, 2013, September 19, 2019**

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SECTION I

GENERAL

ARTICLE A. ENACTMENT, AUTHORITY, AND PURPOSE.

The following Regulations governing the land development and subdivision of land development and subdivision of land in the Town of Smithfield are hereby adopted by the Smithfield Planning Board in accordance with Title 45, Chapter 23, Sections 25 through 74 of the General Laws of Rhode Island (1956, as amended), known as “The Land Development and Subdivision Review Enabling Act of 1992”, and the Code of Ordinances of the Town of Smithfield, Chapter 16, Article II, Division 2, “Planning Board/Subdivisions” (1985, as amended), and are declared effective as of:

March 4, 1996 (as amended May 25, 2006, March 22, 2007)

All Regulations and Amendments or parts of Regulations and Amendments which are inconsistent herewith are hereby repealed.

These Regulations are intended to be consistent with the Smithfield Comprehensive Community Plan, the Smithfield Zoning Ordinance, and all other applicable federal, state, and local land use Regulations have been designed to address the following purposes:

1. Protect the health, safety, and welfare of the community;
2. Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
3. Promoting high quality and appropriate design and construction of land developments and subdivisions;
4. Promoting 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;
5. Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which can best support intensive use by reason of natural characteristics and existing infrastructure;
6. Encouraging the design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
7. Promoting through technical review of all proposed land developments and subdivisions by appropriate local officials;
8. Encouraging 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; and
9. Encouraging the establishment and consistent application of procedures for local record keeping on all matters of land development and subdivision review, approval and construction.

ARTICLE B. REVIEW CONSIDERATIONS.

The Planning Board will base its actions on all subdivision plats and land development on the following considerations:

1. **Comprehensive Community Plan** - Conformance with the current approved Comprehensive Community Plan and all subsequent amendments thereto;
2. **Zoning Ordinance** – Conformance with the current approved Zoning Ordinance and all subsequent amendments thereto;
3. **Site Design Standards** – Adherence to standards of site design in such a manner as to provide for adequate, safe, and free-flowing circulation of pedestrian and vehicular traffic, for control of surface water run-off, for suitable building sites, and for preservation of natural features which contribute to the attractiveness of the neighborhoods, districts, and community at large;
4. **Open Space** – Provision of open space to accommodate the projected intensity of use as determined by the population density and composition of the proposed site;
5. **Landscape Protection** - Preservation of natural terrain and drainage flow and other such natural assets which reduce flooding and/or soil erosion as well as 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;
6. **Economy** – Design of subdivision in such a manner as to economize on the costs of roads, utilities and land usage;
7. **Public Improvements and Services** - Adequacy of existing public improvements and services in the area - including, but not limited to, roads, water, sewer, drainage, schools, recreation facilities, and fire protection - to service the proposed subdivision;
8. **Public Utilities and Facilities** - Construction and location of public utilities and facilities within a proposed subdivision shall meet the need of minimizing flood damage and potential thereof, with particular attention to all areas of special flood hazard as identified by the National Flood Insurance Program of the Federal Insurance Administration and to the adequacy of drainage in and affected by the proposed subdivision;
9. **Wetlands** – Conformance with State and Federal Laws designed to protect wetlands;
10. **Streets** – Conformance of the design of the street system as it relates to the major street plan of the community with regard to the subdivision, the existing street pattern of adjoining subdivisions, and the terrain;
11. **Neighborhood Integration** - Promoting design of land developments and subdivisions which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
12. **Water Resources** – Protection of surface waters, subsurface aquifers, and other water resources.

ARTICLE C. APPLICABILITY.

1. These regulations shall be applicable in all of the following instances:

- a. In all cases of Subdivision of Land, all provisions of sections 45-23-25 through 45-23-74 of the General Laws of Rhode Island (1956 as amended) shall apply. "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. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
- b. In all cases of re-subdivision of land, all provisions of sections 45-23-25 through 45-23-74 of the General Laws of Rhode Island (1956 as amended) shall apply. "Re-Subdivision is defined as 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 these Regulations, any such action shall constitute a subdivision.
- c. In all cases of land development projects, as provided for in section 45-24-47 of the Zoning Enabling Act of 1991, to the degree If 1991, to the degree permitted by the Smithfield Zoning Ordinance.
- d. In all cases of land development projects, as provided for in Section 45-24-49 of the Zoning Enabling Act of 1991, to the degree permitted by the Smithfield Zoning Ordinance.

2. Plats Required.

- a. 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.
- b. Prior to recording a plat, the approved plat shall be submitted for signature and recording as specified in these Regulations.

ARTICLE D. DEFINITION OF TERMS.

1. **Abutter.** One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.
2. **Administrative Officer.** The administration and enforcement of these Regulations shall be under the direction of the Administrative Officer. The Officer shall be responsible for the coordination of local boards and commissions, municipal staff, and state agencies as well as the enforcement efforts of the Zoning Enforcement Officer, the Building Official, the Planning Department staff, the Town Engineer, the Department of Public Works, and any other local officials responsible for the enforcement of discrete elements of these Regulations. The Administrative Officer shall be designated by the Planning Board in accordance with the provisions of Section IX, Article A of these Regulations and by statute may be a member of, or the Chair, of the Planning Board, or an appointed official of the Town pursuant to Section 45-23-55 of the General Laws of Rhode Island (1956 as amended).
3. **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.
4. **Applicant.** An owner or authorized agent of the owner submitting an Application for a development proposal to the Town.
5. **Application.** The complete form or forms and all accompanying plans, documents, and fees required of an applicant by an approving authority, for development review or approval purposes.

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6. **Aggrieved Party.** An aggrieved party, for purposes of these Regulations, shall be:
 - a. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any Officer or agency responsible for administering the Land Development and Subdivision Regulations of the of the Town of Smithfield; or
 - b. Anyone requiring notice pursuant to these Regulations.
 7. **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 Natural Resources Conservation Service (formerly Soil Conservation Service) of the United States Department of Agriculture.
 8. **Aquifer.** A body of rock or soil that contains sufficient saturated, permeable material to conduct groundwater and to yield economically significant quantities of groundwater to wells and springs.
 9. **Aquifer. Confined.** An aquifer bound above and below by beds of material distinctly less permeable than the aquifer itself.
 10. **Aquifer.** Unconfined. An aquifer possessing a water table.
 11. **Arterial Street/Highway.** See "Street Classification - Arterial".
 12. **As-Built Drawings.** Drawings specifying the dimensions, location, and specifications of all roadways, utilities, services, curb cuts, telephone poles, guys, structures and facilities as they have been constructed and any deviation from the final approved plans. As-Built drawings shall be superimposed on a reproducible copy (i.e. mylar or paper sepia) of the final approved plan.
 13. **Board of Appeal.** The Smithfield Zoning Board of Review.
 14. **Bond.** See "*Improvement Guarantee*".
 15. **Buffer.** Land which is maintained, in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.
 16. **Buildable Lot.** A lot where construction for the use(s) permitted on the site under the Smithfield 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 state and local regulations.
 17. **Certification 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.
 18. **Comprehensive Plan.** The Comprehensive Plan adopted by the Town and approved pursuant to Chapter 22.2 - "Rhode Island Comprehensive Planning and Land Use Regulation Act" of the General Laws of the State of Rhode Island (1956 as amended) and to which any zoning, subdivision and/or land use regulation adopted pursuant to said Chapter shall be in compliance.
 19. **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.

20. **Conservation Development.** A type of land development project which utilizes prescribed site planning techniques to conserve open land, protect site features and provide flexibility in the siting of structures, services and infrastructure. See Section X.
21. **Consistency with the Comprehensive Plan.** A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the Comprehensive Community Plan as specified in Section 45-22.2-3 of the General Laws of Rhode Island (1956 as amended).
22. **Conventional Subdivision.** A residential subdivision in which all land being subdivided is dedicated to either development lots or street right of way, with no common open space. Not a Conservation Development.
23. **Conventional Yield Plan.** A plan of a conventional subdivision or 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.
24. **Cul-de-sac.** See “*Street – Cul-de-Sac*”.
25. **Dead-end Street.** A street that is open only at one end; it may or may not have a turn-around at the other end (see also “*Street - Cul-de-Sac*”).
26. **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 45-23-47 of the General Laws of Rhode Island (1956 as amended).
27. **Depth. Lot.** See “*Lot Depth*”.
28. **Design Flood.** The magnitude of flood used for design and operation of flood control structures or other protective measures. It shall be used to denote the magnitude of flood used in floodplain regulations.
29. **Developer.** The owner or owners, group of individuals, builder, real estate agent, or subdivider having a financial interest in the development, sale, or lease of a Subdivision or Land Development Project, in whole or in part.
30. **Development.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land alteration or land disturbance; any change in use, or alteration or extension of the use, of land.
31. **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.
32. **Discharge. Stream.** Rate of flow of a stream as expressed as volume per unit of time.
33. **Discharge Area. Groundwater.** An area in which subsurface water is released to the land surface.
34. **Division of Land.** A subdivision.

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35. **Drainage System**. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the human-made elements which include drains, culverts, grading, ditches, channels, retention facilities, the storm sewer system, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters, and the prevention and/or alleviation of flooding.
 36. **Easement**. A grant for an indefinite time period of the right or use of land for a specific purpose or purposes.
 37. **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".
 38. **Final Plan**. The final stage of land development and subdivision review. See Section 45-23-43 of the General Laws of Rhode Island (1956 as amended).
 39. **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 Town's regulations and/or required by the Planning Board.
 40. **Flood**. A temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water.
 41. **Flood Plain**. The low lands adjoining the channel of a river, stream, or water-course, lake, or other body of standing water, which have been or may be inundated by flood water. The channel of a stream or watercourse is part of the flood plain.
 42. **Flood Frequency**. A statistical expression pertaining to the average time periods of a flood equaling or exceeding a given magnitude. For example, a 100-Year Flood has a magnitude expected to be equaled or exceeded on the average of once every one hundred years; such a flood has a one percent (1 %) chance of being equaled or exceeded in any given year. Often used interchangeably with "recurrence interval".
 43. **Floodproofing**. A combination of structural changes and adjustments to new or existing structures and facilities, their contents, and/or sites for the purpose of reducing or eliminating flood damages by protecting against structural failure, keeping water out, or reducing the effect of water entry.
 44. **Floodway**. The channel of a watercourse and those portions of the adjoining flood plain required to provide for the passage of the selected flood (normally the 100-Year Flood) with an insignificant increase in the flood levels above that of natural conditions. As used in the National Flood Insurance Program, floodways must be large enough to pass the 100-Year Flood without causing an increase in elevation of more than a specified amount (one foot [1'] in most areas).
 45. **Floor Area, Gross**. See R.I. State Building Code.
 46. **Fresh Water Wetlands**. Land areas which include one or more of the following physical features: marshes, swamps, bogs, ponds, rivers, river and stream flood plains and banks, areas subject to flooding or storm flowage, emergent and submergent plant communities in any body of fresh water, including rivers and streams and that area of land within 50' (fifty feet) of the edge of any bog, marsh, swamp, or pond, or as otherwise defined by the Rhode Island Department of Environmental Management.

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47. **Front Lot Line.** See “Lot Line”.
 48. **Front Yard.** See “Yard, Front”.
 49. **Frontage.** See “Lot Frontage”.
 50. **Governing Body.** The Town Council of the Town of Smithfield who has the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.
 51. **Hydrologic Cycle.** The cycle of the movement of water from the atmosphere by precipitation to the earth and its return to the atmosphere by interception or evaporation.
 52. **Hydrology.** The properties of water, including circulation or distribution, on or below the ground.
 53. **Improvement.** Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
 54. **Improvement Guarantee.** A security instrument accepted by a municipality to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. See Section 45-23-46 of the General Laws of Rhode Island (1956 as amended).
 55. **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 structures, including, but not limited to, planned development, and/or conservation development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Smithfield Zoning Ordinance.
 56. **Land Development and Subdivision Review Regulations.** Regulations adopted by the Planning Board governing and controlling land development and subdivision projects within the Town of Smithfield pursuant to Section 45-23-51 of the General Laws of Rhode Island (1056 as amended).
 57. **Landscaped Area.** Land fully developed and maintained to present a pleasant appearance and to stabilize the soil using primarily vegetation and natural features of the site, although these may also be supplemented by paving.
 58. **Local Regulations.** The land development and subdivision review regulations adopted under the provisions of “The Land Development and Subdivision Review Enabling Act of 1992”. For purposes of clarification, throughout these Regulations, 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 the State Act.
 59. **Lot.** Either:
 - a. The basic development unit for determination of lot area, depth, and other dimensional regulations; or
 - b. A parcel of land whose boundaries have been established by some legal instrument such as a recorded map and which is recognized as a separate legal entitle for purposes of transfer of title; or
 - c. A portion of land into which a lot, tract, or parcel of land is Subdivided or Redivided.
 60. **Lot. Corner.** A lot at the junction of and fronting on two (2) or more intersecting streets.
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61. **Lot. Through.** A lot having frontage on two (2) or more parallel or approximately parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.
 62. **Lot Area.** The total area within the boundaries of a lot, excluding any street acres or square feet.
 63. **Lot Depth.** The distance measured from the front line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.
 64. **Lot Frontage.** That portion of a lot abutting a street. A zoning ordinance shall specify how noncontiguous frontage will be considered with regard to minimum frontage requirements.
 65. **Lot Line.** A line of record, bounding a lot, which divides one lot from another lot or: any other public or private space and shall include:
 - a. **Front:** the Separating a lot from a street right-of-way. A zoning ordinance shall specify the method to be used to determine the front lot line on lots fronting on more than one street, for example, corner and through lots;
 - b. **Rear:** the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
 - c. **Side:** any lot line other than a front or rear lot line. On a corner lot, a side lot line, depending on requirements of the local zoning.
 66. **Lot Line. Front.** See "*Lot Line*".
 67. **Lot Line. Rear.** See "*Lot Line*".
 68. **Lot Line. Side.** See "*Lot Line*".
 69. **Lot Width.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.
 70. **Maintenance Guarantee.** Any security instrument which may be required and accepted by a municipality to ensure that necessary improvements will function as required for a specific period of time. See also "Improvement Guarantee".
 71. **Major Land Development Plan.** Any land development plan not classified as a Minor Land Development Plan.
 72. **Major Subdivision.** Any subdivision not classified as either an Administrative Subdivision or a Minor Subdivision
 73. **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. Said plan is required in Major Land Development or major subdivision review. See Section 45-23-40 of the General Laws of Rhode Island (1956 as amended).
 74. **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.
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75. **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 subdivision.
 76. **Modification of Requirements**. See Section 45-23-62 of the General Laws of Rhode Island (1956 as amended).
 77. **Municipal Engineer**. The Town Engineer of the Town of Smithfield or such other person designated by the Smithfield Town Council to perform the functions of the Municipal Engineer.
 78. **Nutrient Loading**. The quantity of nitrogen and phosphorous that will be added to ground and/or surface water from proposed and/or potential developments.
 79. **Nutrient Loading Determination**. A study conducted to determine existing nutrient levels and increases due to future development and compare them to future critical eutrophic levels.
 80. **Outlot**. Land reserved to connect isolated parcels to the street system. Outlots shall have sufficient frontage on an existing street to permit the extension of new streets into the isolated parcel.
 81. **Parcel**. A lot, or contiguous group of lots in single ownership or under single control, and usually a unit for purposes of development. Also referred to as a tract.
 82. **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.
 83. **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.
 84. **Phased Development**. Development, usually for large-scale Projects, where construction of public or private improvements proceeds by Section(s) subsequent to approval of a Master Plan for the entire site. See Section 45-23-48 of the General Laws of Rhode Island (1956 as amended).
 85. **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".
 86. **Planned Development**. A "land, development project", as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.
 87. **Planning Board**. The Planning Board of the Town of Smithfield.
 88. **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.
 89. **Plat. Final**. See "*Final Plat*".
 90. **Plat. Preliminary**. See "*Preliminary Plan*".
 91. **Platting Board of Review**. See "*Subdivision Board of Review*".
 92. **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 municipal officials and others. See Section 45-23-35 of the General Laws of Rhode Island (1956 as amended).

93. **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 45-23-41 of the General Laws of Rhode Island (1956 as amended).
94. **Preliminary Plat**. See "*Preliminary Plan*".
95. **Property**. Physical evidence of possession which for the purposes of these Regulations includes the land; building(s); all improvements and structures thereon; all easements, rights, and appurtenances belonging thereto; and, all articles of personal property intended for use in connection therewith.
96. **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.
97. **Public Informational Meeting**. A meeting of the Planning Board or Governing Body preceded by a notice, open to the public, and at which the public shall be heard.
98. **Rear Lot Line**. See "*Lot Line*".
99. **Rear Yard**. See "*Yard, Rear*".
100. **Recharge Area**. An area in which water is absorbed and added to the groundwater reservoir.
101. **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 these Regulations, any such action shall constitute a subdivision.
102. **Runoff**. That portion of precipitation that flows off the land without filtering into the soil.
103. **Runoff, Stormwater**. Water that results from precipitation which is not absorbed by the soil or plant material.
104. **Sedimentation**. The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.
105. **Sediment Load**. The quantity of solid material that is transported by a natural agent, such as a stream, and expressed as a dry weight passing a given point in a given period of time.
106. **Sediment Transport**. The movement of sediment by natural agents such as runoff or surface water courses.
107. **Setback**. See "*Setback Line*".
108. **Setback Line or Lines**. A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.
109. **Setback Line, Structure**. See "*Setback Line*".

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110. **Side Lot Line.** See “*Lot Line*”.
 111. **Side Yard.** See “*Yard, Side*”.
 112. **Smithfield Zoning Board of Review.** See “*Zoning Board of Review*”.
 113. **Soil Erosion.** The detachment and movement of soil or rock fragments, or by the wearing away of the land surface by water, wind, ice, and/or gravity.
 114. **Soil Erosion and Sediment Control Plan.** A plan that indicates necessary land use treatment measures, including a schedule for installation and future maintenance, which will effectively minimize or eliminate soil erosion and sedimentation, which has been approved by the sediment and soil erosion committee.
 115. **Specimen Vegetation.** Rhode Island Natural Heritage Program plant species listed as either 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; any species such as American Elm (*Ulmus americana*) and American Chestnut (*Castanea dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.
 116. **Storm Water Detention.** A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
 117. **Storm Water Retention.** A provision for storage of storm water runoff.
 118. **Storm Water Runoff.** See “*Runoff, Stormwater*”.
 119. **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 also “*Street Classification*”.
 120. **Street/Highway, Arterial.** See “*Street Classification -Arterial*”.
 121. **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.
 122. **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.
 123. **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.
 124. **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.
 125. **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.
 126. **Street. Public.** All public property reserved or dedicated for street traffic.

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127. **Street, Rights-of-Way.** The area from lot line to lot line including pavement, grass and sidewalk areas.
128. **Street, Stub.** A portion of a street reserved to provide access to future development, which may provide for utility connections.
129. **Street Classification.** A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:
- a. **Arterial.** A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
 - b. **Collector.** A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - c. **Local.** Streets whose primary function is to provide access to abutting properties.
130. **Structure.** Anything constructed or erected, whether requiring location on the ground or attachment having a location on the ground. Among other things, structures shall include buildings, walls, fences, poster panels, satellite receiving dishes, and solar panels, but shall not include a trailer, mobile home, or any other like product.
131. **Structure Setback Line.** See "*Setback Line*".
132. **Subdivider.** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.
133. **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 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.
134. **Subdivision Board of Review.** See "*Board of Appeal*".
135. **Subdivision Regulations.** See "*Land Development and Subdivision Review Regulations*".
136. **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.
137. **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.
138. **Topography.** General term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.
139. **Town.** The Town of Smithfield, Rhode Island.

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140. **Town Council**. The Town Council of the Town of Smithfield, Rhode Island. Also referred to herein as the Council.
 141. **Town Surveyor**. The Registered Land Surveyor of the Town of Smithfield or such other person designated by the Smithfield Town Council to perform the functions of Town Surveyor.
 142. **Through Lot**. See "Lot, Through"
 143. **Unit**. A part of the property intended for any type of independent use including one or more rooms or spaces located in one or more floors or parts of floors in a building.
 144. **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.
 145. **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.
 146. **Waiver of Requirements**. See Section 45-23-62 of the General Laws of the State of Rhode Island (1956 as amended).
 147. **Watershed**. The area drained by or contributing water to a given stream, river, lake, or other body of water.
 148. **Wetlands**. See "*Fresh Water Wetlands*".
 149. **Width. Lot**. See "*Lot Width*".
 150. **Yard**. A space on the same lot with a main building with said space being open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in the Smithfield Zoning Ordinance (1994, as amended).
 151. **Yard. Front**. The area between the street line and a line parallel thereto drawn through the nearest point of a main structure, extending between side lot lines. Refer to the Smithfield Zoning Ordinance (1994, as amended) for illustrative purposes.
 152. **Yard. Rear**. A yard extending across the full width of the lot line between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building, Refer to the Smithfield Zoning Ordinance (1994, as amended) for illustrative purposes.
 153. **Yard. Side**. The area between the main building and the side lot line, extending from the front yard or front lot line where no front is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the rest part of the main building. Refer to the Smithfield Zoning Ordinance (1994, as amended) for illustrative purposes.
 154. **Zone of Contribution**. The surface area that provides recharge to a public well.
 155. **Zoning Certificate**. A document signed by the Zoning Enforcement Officer, as required in the Zoning Ordinance, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the Smithfield to the provisions of the Smithfield Zoning Ordinance or is an authorized variance or modification therefrom.

156. **Zoning Board of Review.** The Zoning Board of the Town of Smithfield, Rhode Island. For purposes of these regulations, said Board of Review serves as the Board of Appeal. It is also known from time to time as the Platting Board of Appeal.
157. **Zoning Map.** The maps or maps which are a part of the Zoning Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Town of Smithfield.
158. **Zoning Ordinance.** An ordinance enacted by the legislative body of the city or town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city or town's legislative or home rule charter, if any, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the city or town as defined in chapter 22.2 of this title, which includes a zoning map, and which complies with the provisions of this chapter.
159. **Zoning Use Districts.** The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: commercial, industrial, office, planned, and residential. Each district may include sub-districts.

SECTION II.

GENERAL REQUIREMENTS.

ARTICLE A. SUBMISSION OF PLANS.

Any developer of a Major Land Development Project or the Subdivision of Land in the Town of Smithfield is required to file with the Planning Board a MASTER PLAN, a PRELIMINARY PLAN, and a FINAL PLAN in addition to the necessary accompanying materials. Minor Land Development Projects and Subdivision of Land in the Town of Smithfield are required to file with the Town a PRELIMINARY PLAN and a FINAL PLAN in addition to the necessary accompanying materials.

ARTICLE B. REQUIRED FINDINGS DURING REVIEW PROCESS.

These regulations require that for all Administrative, Minor and Major Subdivisions and Development Applications address each of the general purposes stated in Section I, Article A of these Regulations and the Planning Board shall make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

1. The proposed development is consistent with the Smithfield Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the Smithfield Zoning Ordinance;
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
4. A 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;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.
6. A subdivision, as proposed, shall provide for safe circulation of pedestrian and vehicular traffic, for adequate control of surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
7. The design and location of streets, building lots, utilities, drainage improvements, and other improvements in a subdivision, as proposed, shall minimize flooding and soil erosion.

Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted. If a negative finding for any of these standards is made, the Planning Board shall have legally competent evidence on the record for denial of the project design.

ARTICLE C. PHASING OF MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS

1. **Provision for Permitting of Phasing.**

When a Major Land Development or Major Subdivision is submitted for Master Plan Approval, 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, water pressure, 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.

2. **Notification Requirements.**

When an application is submitted for Master Plan Approval, the applicant shall notify each applicable municipal, state, or private agency as required by the Administrative Officer. Each agency so notified by the applicant by the Administrative Officer. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the Administrative Officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the Master Plan and the Public Hearing on the Preliminary Plan are combined, all comments from reviewing agencies shall be received prior to the date of the Public Hearing.

3. **Comments from Required Notified Agencies – Content and Format.**

Each department or agency to which such a request for comments is made shall deliver to the Administrative Officer a completed written form, and any supplemental material, which shall:

- a. Provide and estimate of the impact of the subdivision or land development project on the facilities and/or services provided by the department or agency;
- b. Describe whether existing facilities and/or services are adequate to serve the subdivision or land development project's residents;
- c. Identify whether plans for the necessary improvements to existing facilities and/or services are included in the Town's Capital Improvement Program or are otherwise planned; and,
- d. Estimate how long it would take to provide any necessary improvements to existing facilities and/or services.

All such written forms and supplementary materials shall be delivered to the Administrative Officer by the reviewing agency within the time limits prescribed herein.

4. **Establishment of Rate of Development for Phasing by Planning Board.**

Based on the responses received from the various departments and agencies, the Planning Board shall establish at the time of Master Plan Approval, a rate of development of the entire subdivision or land development project 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 a growth plan, the Planning Board may require that improvements be installed, or lots sold, in two (2) or more phases.

5. **Phasing Approval Sequence.**

If phasing is required, the Planning Board shall approve the entire Master Plan 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 such review and approval, the Board may, in its discretion, impose the conditions relative to the following:

- a. For determining the physical limits of phases,

- b. For allowing progression to additional phases,
- c. For allowing two (2) or more phases to proceed in review or construction simultaneously,
- d. For interim public improvements or construction conditions,
- e. For changes to Master or Preliminary Plans, and
- f. Other provisions as necessitated by special conditions.

6. Master Plan Documents - Contents.

The Master Plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvements installation, improvement guarantees, and the completion schedules for approvals and construction of the phases.

7. Vesting – Phased Projects.

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

ARTICLE D. DEVELOPMENT IMPACT FEE/REQUIREMENTS FOR DEDICATION OF PUBLIC LAND

1. Development Impact Fee.

Where a fee is required by the Permitting Authority, the amount of such fee shall be set in accordance with the Code of Ordinances of the Town of Smithfield. The amount of such fee shall be based upon the formula outlined in the Impact Fee Study Report. When Development Impact fee payments are made, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and/or recreational facilities.

2. Developer Required to Provide Land Dedication.

In the event of a subdivision or land development project where the Planning Board requires an alternative means of satisfying the Development Impact Fee, the Fee shall be assessed in the following manner; dedication of land, performance of construction services, purchase of equipment, or any combination thereof. The total value of the Applicant’s contribution shall not be less than the amount of a particular projected Fee involved. If the Application uses alternative means to satisfy a particular Fee, the alternative means cannot partially satisfy the projected Fee involved; the particular fee must be entirely determined by the Planning Board, upon recommendation by the Town Engineer. The Planning Board shall document the value of the Applicant's contribution. In an instance where the Planning Board considers and/or requires an alternative means of satisfying the Development Impact Fee, the Planning Board may require Town Council notification and/or review of these alternative means.

3. Relationship to Comprehensive Plan.

No dedication of land to the public or Development Impact Fee shall be required unless the need for such is documented in the adopted plans of the Town, i.e., the Smithfield Comprehensive Community Plan, the Smithfield Recreation, Conservation and Open Space Plan, or the Smithfield Capital Improvement Program (CIP).

The requirements of land for open space, conservation, park, and recreation facilities shall be based upon the policies and standards set forth in the above plans and Code of Ordinances of the Town of Smithfield, and shall reflect the character defined in the neighborhood or district in which the subdivision is located by the Comprehensive Community Plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use.

ARTICLE E. ENVIRONMENTAL IMPACT STATEMENT

1. Authority to Require Environmental Impact Statement.

The Planning Board shall have the authority to require the applicant to prepare an Environmental Impact Statement (EIS) to assess the potential short and long term affects of the proposed subdivision or land development project if the Planning Board finds that there is reasonable expectation that the proposed development will have a significant negative environmental impact on natural systems located on the property that is the subject of the application, or upon nearby properties or natural systems.

2. “Findings of Fact” – Required to be Written.

The Planning Board shall make “Findings of Fact” in writing and shall identify the environmental resources to be potentially threatened. The Board's findings shall be made a part of the record of the application.

3. Contents of Environmental Impact Statement.

An EIS required under this Article shall include research and documentation describing and assessing short and long-term environmental impacts which may include, but not be limited to impacts upon the following:

- a. Freshwater Wetlands
- b. Noise and Air Quality
- c. Solid Waste Generation
- d. Historic/Archaeological Area
- e. Traffic
- f. Soils
- g. Wildlife
- h. Groundwater
- i. Vegetation
- j. Nutrient Levels

4. Notification to Applicant.

If an EIS is required, the Applicant shall be so informed at the Preliminary Stage meeting for a Minor Development, or the Conceptual Master Plan Stage for a Major Development and shall be advised at said meeting as to the specific information that the EIS must contain.

5. Impacts on Development Plan Approvals.

For any subdivision or land development project for which an EIS is required, the Board shall have the authority to impose conditions on approval that, based on the finding and analysis of the EIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.

6. Referral for Review and Comment to Conservation Commission.

All Environmental Impact Statements may be referred to the Smithfield Conservation Commission for its review and comment.

7. Use of Project Review Fees Authorized

If an EIS is required, the Planning Board may require an applicant to pay for the costs of the EIS by payment of Project Review Fees, as provided in Section IV, Article D.2.

SECTION III.**PROCEDURE FOR SUBMISSION OF PLANS AND PLATS FOR LAND DEVELOPMENT PROJECTS AND SUBDIVISIONS.**

All persons wishing to appear before the Planning Board concerning major or minor land development projects or the major, minor, or administrative subdivision of land in the Town of Smithfield must notify the Administrative Officer who will advise the, applicant of the scheduling requirements and required submission materials. All required submission materials shall be submitted to said Officer in accordance with the time schedules identified in this Section. Before an application will be scheduled for review by the Town, every application must contain the specific information, plans and other submission requirements as specified in the appropriate checklist in Section IV.

For any Planning Board agenda item regarding the development of property in the Town for which a time period for review is not specifically identified in these Regulations, the deadline for placement on the agenda shall be ten (10) working days prior to the meeting; the applicant shall notify the Administrative Officer of said request for placement who shall then inform the applicant whether or not any supporting materials shall be required for submission prior the meeting deadline.

ARTICLE A. PRE-APPLICATION MEETINGS & INFORMAL CONCEPT REVIEW

1. **Purpose.** In order to eliminate conflicts and misunderstandings during later stages of the subdivision design and to save time and expense on the part of the developer and the Town Officials, one or more Pre-application Meetings shall be required prior to the submission of the Master Plan for all Major Land Development or Subdivision Applications and for all conservation developments. Pre-application meetings may be held for administrative and minor applications, upon request of either the Town 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 required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development Project. Pre-application meetings shall also be held to determine if a subdivision may be submitted for review and approval as a conventional subdivision, and to determine if the Planning Board will impose a Project Review Fee (see Section IV, Article D.2). Applicants seeking a pre-application meeting, or if requested by the Planning Board, shall submit the information and materials as provided in Checklist C – Checklist for Pre-Application Meetings, in Section IV.

2. **Scheduling.** Any person wishing to construct a Land Development Project or subdivide land in the Town of Smithfield shall first contact the Administrative Officer and schedule a Pre-application Conference with the Planning Board whenever appropriate. At this time, the Administrative Officer will advise the Applicant of the Subdivision Regulations, plan approval requirements, and the submission requirements.
3. **Informal Concept Review (Minor Land Development Projects/Subdivisions).** 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 subdivisions. Applicants seeking an informal concept review, or if requested by the Planning Board, shall submit the information and materials as provided in Checklist B– Checklist for Informal Concept Review, in Section IV. After the Planning Board has conducted the informal 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. The Administrative Officer shall have fifteen (15) days to certify that an informal concept review submission is complete or incomplete. Within forty-five (45) days after the submission has been certified as complete, the concept review meeting shall be held.

4. Provided that at least one pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Section 45-23-36.
5. **Submission.** Persons seeking a Pre-application Meeting or an informal Concept Review and wishing to appear before the Planning Board concerning a subdivision or land development project in the Town of Smithfield must be placed on the Board's agenda ten (10) working days in advance of a scheduled meeting. Applicants shall submit materials in advance of the meeting(s) as requested by municipal officials.
6. **Determinations.** Pre-application Meetings shall aim to encourage information sharing and discussion of Project concepts among the participants. Pre-application discussions are intended for the guidance of the Applicant and shall not be considered approval of a Project or its elements.

ARTICLE B. APPLICATION FOR DEVELOPMENT AND CERTIFICATION OF COMPLETENESS

1. **Classification.** 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. The following types of applications, as defined in Section 45-23-32 of the Rhode Island General Laws may be filed:
 - a. Administrative Subdivision
 - b. Minor Subdivision or Minor Land Development Plan
 - c. Major Subdivision or Major Land Development Plan
2. **Certification of a Complete Application.** An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification of the application is not made within the time specified in this chapter 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 the local regulations and the Administrative Officer has notified the Applicant, in writing, of the deficiencies in the application. The running of the time period set forth in this section shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected Minor Subdivision or Land Development Project submission as complete or incomplete less than fourteen (14) days after its resubmission, ten (10) days for Major Subdivisions and Land Development Projects.
3. **Modifications to Submissions.** Notwithstanding sub-sections (1) and (2) above, 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.
4. **Postponements During Review Process.** 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.

ARTICLE C. ADMINISTRATIVE SUBDIVISION.

1. **Submission.** Any Applicant requesting approval of a proposed Administrative Subdivision, as defined in this chapter, shall submit to the Administrative Officer the items required by Checklist A as provided in Section IV of these Regulations.
2. **Certification of Completeness.** The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section 45-23-36(B).
3. **Review Process:**
 - a. Within fifteen (15) days of Certification of Completeness, the Administrative Officer, or the Technical Review Committee, shall review the application and approve, deny or refer it to the Planning Board with recommendations. The Officer or Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.
 - b. If no actions is taken by the Administrative Officer or the Technical Review Committee within the fifteen (15) days, the application shall be placed on the agenda of the next regular Planning Board meeting.
4. **Planning Board Review.** If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and/or Technical Review Committee and shall either approve, approve with conditions, or deny within sixty-five (65) days of certification of Completeness. 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 or Committee to act within the required time and the resulting approval shall be issued on request of the Applicant.
5. **Determinations.**
 - a. **Denial.** Denial of an application by the Administrative Officer and/or the Technical Review Committee shall not be appealable and shall require the plan to be submitted as a Minor Subdivision Application.
 - b. **Approval.** 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 45-23-64.
6. **Review by Technical Review Committee.** The Technical Review Committee shall review all applications for pre-application meetings and informal concept review.

ARTICLE D. MINOR LAND DEVELOPMENT AND MINOR SUBDIVISION REVIEWS.

1. **Review Stages.** Minor plan review shall consist of at least two stages of review: 1) Preliminary, including a site visit; and 2) Final, provided, that if a street creation or extension is involved, a Public Hearing is required. A Pre-Application Meeting pursuant to Article A of this Section may also be held at the request of either the applicant and/or the Town. An Informal Concept Review meeting may also be held if requested by the applicant or the Planning Board (see Section III, Article A.3). The Planning Board may combine the approval stages, providing requirements for all stages so combined have been met by the Applicant to the satisfaction of the planning officials.
2. **Submission Requirements.** Any Applicant requesting 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 Checklist F in Section IV of these Regulations.

3. **Certification.** The application shall be certified complete or incomplete by the Administrative Officer within fifteen (15) days, if no street creation or extension is required, according to the provisions of Article B of this Section. An application involving street creation or extension shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days, according to the provisions of Article B of this Section. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.
4. **Site Visit.** After preparing the Existing Resources and Site Analysis Map, and before the preliminary plan is approved, 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 roads, 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 III, Article H.2 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.

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.

The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, 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 site visit. Minutes of the site visit shall be kept in accordance with Title 42, Chapter 46 of the RI General Laws entitled Open Meetings.

5. **Technical Review Committee.** The Technical Review Committee shall review the application and shall comment and make recommendations to the Planning Board. The application shall be referred to the Planning Board as a whole if there is no review by the Technical Review Committee. When reviewed by a Technical Review Committee:
 - a. If the land development or subdivision plan is approved by a majority of the Committee members, the application shall be forwarded to the Planning Board with a recommendation for Preliminary Plan approval without further review.
 - b. If the plan is not approved by a majority vote of the Committee members, the Minor Land Development and subdivision application shall be referred to the Planning Board.
6. **Re-Assignment to Major Review.** The Planning Board may re-assign a proposed minor Project to major review only when the Planning Board is unable to make the positive findings required in Section II, Article B of these Regulations.
7. **Decision.**
 - a. **No Street Construction or Creation Involved.** If no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the Preliminary Plan within sixty-five (65) days of Certification of Completeness, or within such further time as is agreed to

by the Applicant and the Board, according to the requirements of Sections 45-23-60 and 45-23-63 of the General Laws of the State of Rhode Island (1956 as amended).

- b. **Street Construction or Creation Involved.** If a street extension or creation is required, the Planning Board shall hold a Public Hearing prior to approval according to the requirements in Section 45-23-42 of the General Laws of the State of Rhode Island (1956 as amended) and Article H of this Section and shall approve, deny, or approve with conditions, the Preliminary Plan within ninety-five (95) days of Certification of Completeness, or within such further time as is agreed to by the Applicant and the Board, according to the requirements of Sections 45-23-60 and 45-23-63 of the General Laws of the State of Rhode Island (1956 as amended).
8. **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.
9. **Final Plan.** The Planning Board may delegate Final Plan review and approval to either the Administrative Officer or the Technical Review Committee. The Officer or Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.
10. **Expiration of Approval – “Vesting”.** Approval of a Minor Land Development or subdivision shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval, and as defined in this act, is submitted for signature and recording as specified in Section 45-23-64. 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 E. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION REVIEW STAGES

1. Major plan review required of all applications for land development and subdivision approval subject to this chapter, unless classified as an Administrative Subdivision or as a Minor Land Development or a minor subdivision.
2. Major Plan review shall consist of four stages of review: (1) Pre-Application Meeting(s); (2) Master Plan, including a site visit; (3) Preliminary Plan; and (4) Final Plan. Also required is a public informational meeting and a Public Hearing.
3. The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in Section 45-23-62. Review stages may be combined only after the Planning Board determines that all necessary requirements of all stages being combined have been met by the Applicant.

ARTICLE F. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION MASTER PLAN

1. **Submission Requirements:**
 - a. The Applicant shall first submit to the Administrative Officer the items required by these Regulations for Master Plans as provided by Checklist D or G for Conventional Developments in Section IV.
 - b. The purpose of the Master Plan Stage of Review is to provide the Applicant with the opportunity to present an overall plan for a proposed project site outlining general rather than detailed, development intentions. The Master Plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

- c. Initial comments shall be solicited from the following agencies, and as provided in Checklist D or G for Conventional Developments:
 - 1) Local Government Departments and Agencies including, but not limited to, the Planning Department, the Department of Public Works, the Fire and Police Departments, the Conservation Commission, Recreation Department, and appropriate sewer and water authorities;
 - 2) Adjacent Communities;
 - 3) Stage Agencies, as appropriate, including the Departments of Environmental Management and Transportation; and
 - 4) Federal Agencies, as appropriate.

The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

2. **Site Visit.** A site visit, as described in Section III, Article D.4, shall be held prior to a decision being made by the Planning Board on the Master Plan application.
3. **Certification.** The application shall be certified complete or incomplete by the Administrative Officer in writing within twenty-five (25) days, according to the provisions of Article B of this Section and Section 45-23-36(B) of the General Laws of Rhode Island (1956 as amended). The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
4. **Technical Review Committee.** The Technical Review Committee shall review the application and make recommendations to the Planning Board.
5. **Informational Meeting.** A public informational meeting shall be held prior to the Planning Board decision on the Master Plan, unless the Master Plan and Preliminary Plan approvals are being combined, in which case the public informational meeting shall be optional, based upon Planning Board determination.
6. **Public Notice Requirements - Informational Meeting.** Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the municipality. Postcard notice shall be mailed to the Applicant and to all property owners within the notice area as also required for a Public Hearing and identified in Section III, Article H-2 of these Regulations.
7. **Informational Meeting - Presentation.** At the public informational meeting the Applicant shall present the proposed development Project. The Planning Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the Project application.
8. **Decision.** The Planning Board shall, within ninety (90) days of Certification of Completeness, or within such further time as may be consented to by the Applicant, approve of the Master Plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Sections 45-23-60 and 45-23-63 of the General Laws of Rhode Island (1956 as amended).
9. **Failure to Act.** Failure of the Planning Board to act within 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 request of the Applicant.

10. **Expiration of Approval – “Vesting”**. The approved Master Plan shall be vested rights for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for the annual review. Thereafter, 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 any applicable provisions of the Zoning Ordinance that were in place at the time of approval, conceptual layout and all conditions shown on the approved Master Plan and drawings and supporting materials.

The initial 4 year vesting for the approved Master Plan shall constitute the vested rights for the development as required in Section 45-24-44 of the General Laws of Rhode Island (1956 as amended). Developments which have been approved for phasing shall be vested in accordance with the provisions of Section II, Article C-7 of these Regulations.

ARTICLE G. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION PRELIMINARY PLAN

1. **Submission Requirements.**
 - a. The Applicant shall first submit to the Administrative Officer the items required by these Regulations for Preliminary Plans as provided by Checklist E or H for Conventional Developments in Section IV, Article A of these Regulations.
 - b. Requirements for the Preliminary Plan and supporting materials for this phase of the review are provided in Checklist E of Section IV. They include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development Project, a perimeter survey, all applicable permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.
 - c. Final written comments and/or approvals of the Department of Public Works, the Municipal Engineer, the Town Solicitor, other local government departments, commissions, or authorities as appropriate.
 - d. Prior to approval of the Preliminary Plan, copies of all legal documents describing the property, proposed easements and rights-of-way.
2. **Certification.** The application shall be certified as complete or incomplete by the Administrative Officer within twenty five (25) days, according to the provisions of Article B of this Section and Section 45-23-36(B) of the General Laws of Rhode Island (1956 as amended.) The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
3. **Technical Review Committee.** The Technical Review Committee shall review the application and shall comment and make recommendations to the Planning Board within the time limits for the Planning Board action.
4. **Public Hearing.** Prior to Planning Board decision on the Preliminary Plan, a Public Hearing, which adheres to the requirements for notice described in Article H of this Section and Section 45-23-42 of the General Laws of Rhode Island (1956 as amended), must be held.
5. **Public Improvement Guarantees.** Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at Preliminary Plan approval.
6. **Decision.** A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied in accordance with the requirements of Sections 45-23-60 and 45-23-63 within ninety (90) days of the date when it is certified complete, or within such further time as may be consented to by the developer.
7. **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.

8. **Expiration of Approval – “Vesting”**. The approved Preliminary Plan shall be vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

ARTICLE H. LAND DEVELOPMENT PROJECTS AND SUBDIVISIONS
PUBLIC HEARING AND NOTICE REQUIREMENTS

A Public Hearing shall be required for a Major Land Development Project or a Major Subdivision or where a street extension or creation requires a Public Hearing for a Minor Land Development Project or Minor Subdivision.

1. **Notice Requirements.**

- a. **Newspaper Advertisements.** 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 in the Town. Newspaper ads shall be printed in the legal section of the classifieds or the display section of the newspaper using a type size at least as large as the normal type size used by the newspaper in its news articles and shall contain the information as specified below.
- b. **Written Notice.** Written notice shall also be sent to the applicant and to each owner of property within the Notice Area identified in this Article. Said notice shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date of the Hearing.
- c. **Content of Notice.** All mail and newspaper notices required by this Article shall specify the following information:
 - 1) Date, Time, and Place of Public Hearing.
 - 2) Assessor’s Lots and Lot Number(s) of the Subject Property(ies).
 - 3) Street Address(es) of the Subject Property(ties), or if no address is available, the name of the street(s) on which or near which the subject property is located and the distance and direction from the nearest existing street intersection in tenths (0.10) of a mile.
 - 4) Identification, for Interested Parties, as to where and when a copy of the plans of the proposed development may be examined.
 - 5) Inclusion of a statement that the proposed development that the proposed may be revised by the Planning Board as a result of further study or because of the view expressed at the Public Hearing.

2. **Notice Area.**

- a. **Property Owners.** All property owners within 200' (two hundred feet) of the perimeter of the subject parcel shall receive notice. The applicant is responsible for submitting the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the most current names and addresses listed by the Smithfield Tax Assessor's Office.
- b. **Watersheds.** Additional notice within watersheds shall also be sent as required in Section 45-23-53(B) and (C) of the General Laws of Rhode Island (1956 as amended).
- c. **Adjacent Municipalities.** Notice of the Public Hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.

3. **Notice Cost.** The cost of such notice shall be borne by the Applicant.

ARTICLE I. MAJOR/MINOR LAND DEVELOPMENT PROJECTS AND MAJOR/MINOR SUBDIVISIONS

FINAL PLAN

1. **Submission Requirements:**

- a. The applicant shall submit to the Administrative Officer the items required for the Final Plan (see Checklist I, Section IV, Article A of these Regulations), as well as all material required by the Planning Board when the application was given preliminary approval.
- b. Written Description of arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- c. Written Certification by the Smithfield Tax Collector that all property taxes are current.
- d. For phased Projects, the Final Plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

2. **Certification.** The application for Final Plan approval shall be certified complete or incomplete by the Administrative Officer in writing within twenty five (25) days, according to the provisions of Article B of this Section and Section 45-23-36(b) of the General Laws of Rhode Island (1956 as amended). This time period may be extended to forty-five (45) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval.

3. **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 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.

4. **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.

5. **Recording.** The final approval of a major subdivision or land development Project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Section 45-23-64 of the General Laws of the State of Rhode Island (1956 as amended). The Planning Board may, for good cause shown, extend the period for recording for an additional period.

6. **Acceptance of Public Improvements.** Signature and recording as specified in Section 45-23-64 of the General Laws of the State of Rhode Island (1956 as amended) shall constitute the acceptance by the Town of any street or other public or other land intended for dedication. Final Plan approval shall not impose any duty upon the Town to maintain or improve those dedicated areas until the Smithfield Town Council accepts the completed public improvements as constructed in compliance with the Final Plans.

7. **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 45-23-65 of the General Laws of Rhode Island (1956 as amended), or a new plan is approved by the Planning Board.

ARTICLE J. PRECEDENCE OF APPROVALS BETWEEN THE PLANNING BOARD AND OTHER LOCAL PERMITTING AUTHORITIES

1. **Zoning Board.**

- a. Where an applicant requires both a variance from the Zoning Board and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional Zoning Board relief, then return to the Planning Board for subsequent required approval(s).
- b. Where an applicant requires both a special use permit under the Zoning Ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, 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).

2. **Town Council.**

- a. 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).

ARTICLE K. RECORDING OF PLATS AND PLANS

1. **Signing of Approved Plats and Plans for Recording.**

All approved final plans and plats for land development and subdivision projects shall be signed and dated by the appropriate Planning Board or Town Official as an indication of final approval. Plats and plans for major land developments and major subdivisions, and for minor land developments and minor subdivisions, shall be signed and dated by the Planning Board Chairperson. Plats and plans for Administrative Subdivisions shall be signed by the Administrative Officer or his/her designee.

No plans or plats shall be signed until the following has occurred:

- a. the Administrative Officer has certified in writing that all of the required improvements have made, or
- b. the Finance Director has certified in writing that the acceptable improvement guarantees have been received in accordance with the provisions hereof.

2. **Recording.**

- a. **Certification by Administrative Officer.** Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the Land Evidence Records of the Town. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all aspects of the approved project design, the al conditions placed on the development by the municipality, permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board. No plans, plats, or supporting materials shall be recorded until the Administrative Officer has certified, in writing, that all required fees have been paid.

- b. **Additional Permanent Record.** Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing, and the entire final approval set of drawings shall be kept permanently by the Town departments responsible for implementation and enforcement. One (1) copy shall be kept on file by the Planning Department.
- c. **Permanent Construction Drawings.** Construction drawings need not be recorded. A complete set of blue line or photocopy set of construction drawings, however, including street plans and profiles, cross-sections, grading plans, and any other construction plans, details and specifications required as a condition of approval shall be filed with the Administrative Officer prior to the recording of the development. One (1) copy of all construction drawings shall be kept by the Department of Public Works.
- d. **Notification to E-911.** The Administrative Officer shall notify the statewide “911” emergency authority and the local police and fire authorities servicing the new development with the information required by each of the authorities.

ARTICLE L. CHANGES TO RECORDED PLATS AND PLANS.

1. General.

For all changes to the approved plans of land development projects or subdivisions subject to these Regulations, an amendment of the final development plans is required prior to the issuance of any building permits upon the subject property. Any changes approved to the final plan shall be recorded as amendments to the to the final plan in accordance with the procedure established for recording of plats in Article K of this section.

2. Minor Changes.

Minor changes to a land development or subdivision plan may be approved administratively by the Administrative Officer. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer without review and approval by the Planning Board and without a Public Hearing thereon. 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) by the Administrative Officer shall be referred to the Planning Board for review as a major change according to the procedure identified below. Upon written authorization of the approval of a minor change by the Administrative Officer, the Building Official may issue a building permit for any proposed construction upon the subject property.

For the purpose of these Regulations, the term "Minor Changes" shall mean any change which, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to the following:

- a. **Amendments to utility plans** which are acceptable to the Town Manager or to the appropriate utility company;
- b. **Lot line revisions** which can be reviewed and approved as an administrative subdivision according to the provisions hereof;
- c. **Amendments to grading plans or drainage** plans which are acceptable to the Municipal Engineer and Director of Public Works and which do not require approval of any state or federal reviewing authorities;

- d. **Amendments to construction plans** which are required because of unforeseen physical conditions on the parcel being subdivided;
- e. **Modifications to any construction plans for off-site improvements** which are acceptable to the Municipal Engineer and Director of Public Works;
- f. **Minor Modifications which are required by the outside permitting agencies,** such as the Department of Environmental Management, the Coast Resources Management Council, and the Department of Transportation.

3. **Major Changes.**

Major changes to land development or subdivision plan may be approved only by the Planning Board. The procedure for approval of any such major change shall follow the same Review and Public Hearing Process required for approval of preliminary approval to a major land development and major subdivision as provided herein.

For the purpose of these Regulations, the term "Major Changes" shall mean changes which in the opinion of the Administrative Officer, are contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following:

- a. **Additional Lot Creation.** Changes which would have the effect of creating additional lots or dwelling units for development;
- b. **Contrary to Zoning Ordinance.** Changes which would be contrary to any applicable provision of the Zoning Ordinance or which require a variance or special use permit from the Zoning Board of Review; or,
- c. **Negative Impacts in Project Vicinity.** Changes which may have negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.

4. **Rescission Procedure.**

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 the Zoning Ordinance and/or Land Development and Subdivision Review Regulations and shall hold a Public Hearing, which adheres to the requirements for notice described in Section 45-23-42 of the Rhode Island General Laws (1956, as amended). The Planning Board shall approve, approve with conditions of modifications, or deny the application for rescission of the plat according to the requirements of Section 45-23-63 of the Rhode Island General Laws (1956, as amended). If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the Rhode Island General Laws (1956, as amended), 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 45-23-64.

ARTICLE M. REINSTATEMENT OF APPLICATION.

- a. When an applicant has exceeded a deadline established by these Regulations for submission of material for a subdivision or land development, thereby rendering a previously granted approval invalid, the application may be reinstated by the Planning Board under the following conditions:
 - 1) The subdivision or land development project is consistent with the Comprehensive Community Plan;
 - 2) The Land Development and Subdivision Review Regulations are substantially the same as they were at the time of original approval;

- 3) The zoning of the development parcel is substantially the same as it was at the time of original approval.
 - 4) Physical conditions on the development parcel are substantially the same as they were at the time of original approval.
- b. Application for reinstatement of a previously approved development shall be made to the Planning Board in writing by the developer. The Planning Board, in approving or denying the request for an extension, shall make findings of fact which shall be made part of the record.

SECTION IV.

INFORMATION REQUIRED FOR SUBMISSION

ARTICLE A - CHECKLISTS

The information listed in the checklists attached hereto and made a part of these Regulations, shall be submitted by the applicant to the Administrative Officer as required for review by the Town for approval of a subdivision or land development project, as further provided in Section III.

Checklist A – Checklist for Administrative Subdivisions

Checklist B – Checklist for Informal Concept Review – Minor Subdivision/Land Development Projects

Checklist C - Checklist for Pre-Application Meetings - Major Subdivision/Land Development Projects

Checklist D - Master Plan Checklist for Major Subdivision/Land Development Projects

Checklist E - Preliminary Plan Checklist for Major Subdivision/Land Development Projects

Checklist F - Preliminary Plan Checklist for Conventional Minor Subdivision/Land Development Projects

Checklist G – Master Plan Checklist for Conventional Major Subdivision/Land Development Projects

Checklist H – Preliminary Plan Checklist for Conventional Major Subdivision/Land Development Projects

Checklist I - Final Plan Checklist for Major & Minor Subdivisions/Major Land Development Projects

ARTICLE B. PRECONSTRUCTION CONFERENCE, CONSTRUCTION AND INSPECTIONS OF IMPROVEMENTS.

1. Construction Plans.

Two (2) complete sets of all Construction Plans, Cross- Sections, or other Working Drawings of Required Improvements to the Land shall be submitted to the Municipal Engineer prior to any construction start.

2. Pre-Construction Conference and Notification.

No construction of the required improvements to the land shall commence until the developer or his/her duly authorized representative and the contractor and his/her on- site project manager have attended a pre-construction conference with the Administrative Officer, Municipal Engineer, and the Director of Public Works. At this time, the Municipal Engineer and Director of Public Works will inform the contractor of all town construction requirements and will explain the method of obtaining approval for each item of work before the next item of work may begin. At the pre-construction conference, the developer shall submit the estimated Inspection Fees to the Municipal Engineer for transmittal to the Planning Board pursuant to the amount identified by the Planning Board in the project's final approvals.

3. Construction Inspection Notifications.

After the completion of the Pre-Construction Conference, no phase or step in the construction of required improvements to the land shall commence until the Municipal Engineer, or authorized representative, has been notified in writing at least three (3) working days prior thereto.

4. Inspection of Improvements.

- a. **Request for Inspection. Prior Written Approval required.** - Each phase or step if the construction of required improvements to the land shall be inspected and approved in writing, on the job, by the Municipal Engineer, or authorized representative. No further phase or step shall commence until such inspection and approval has been completed.
- b. **Inspection Report** -For the purpose of implementing Article G-3a 9f this Section, the Municipal Engineer shall complete the approved Inspection' Report and Checklist. Upon completion of all required improvements, the Municipal Engineer shall furnish the original copy of said report, copies of all relevant field notes, and checklist to the Administrative Officer for transmittal to the Planning Board, one (1) copy to the Director of Public Works, one (1) copy for the developer, and retain one (1) copy for the Town Engineer's Office records. It will be the developer's responsibility to request and receive copies of the foregoing cited inspections.
- c. **Inspection Delays** -The Municipal Engineer, or authorized representative, upon proper notifications of commencement of a phase or stage of construction shall not impede such construction unreasonably by delaying inspection and approval without just cause.

5. **As-Built Drawings.**

Upon completion of construction and installation of all required improvements to the land, the developer shall furnish As-Built Drawings of such improvements to the Administrative Officer as required by Section IV, Article F. Each sheet of each set of said drawings shall be stamped and signed (original signature) by the developer's Professional Engineer and Professional Land Surveyor. No development project requiring the installation of any improvement(s) or the construction of any roadway shall be approved for recording if the accurate As-Built Drawings have not been properly submitted and approved in writing by the Municipal Engineer.

ARTICLE C. RECORDING STAGE.

1. **Submission Requirements.** The following materials are required to be submitted to the Administrative Officer (or as otherwise noted) for Planning Board examination relative to completeness prior to the placement of the Approval Stamp on I Subdivision/Land Development Project Plans and Profiles and subsequent recording of the same plus all pertinent documents. The prints will be signed for recording in accordance with Section III, Article K. of these Regulations.

- a. **Approved Plan** - Blue or Black Line Prints of the Approved Subdivision/Land Development Project Plan(s) on a maximum size paper measuring 21 "x 26" (twenty-one inches by twenty-six inches) and drawn to a Scale of 1"=40' (one inch equals forty feet). Said Plan(s) shall be identical in design to the Plan(s) as approved by the Planning Board subsequent to the Public Hearing and Final Approval.

Note: An original stamp and signature of the Professional Engineer and/or Registered Land Surveyor must be placed on each and every page of the Subdivision Plan.

1 (one) Print on Mylar

7 (seven) Prints on Heavy Paper

- b. **Approved Profile Plan** - Blue or Black Line Prints of the Approved Subdivision/Land Development Project Profile Plan(s) on a maximum size paper measuring 21" x 26" (twenty-one inches by twenty-six inches) and drawn to a Scale as follows:

Horizontal Scale:

1" = 40' (one inch equals forty feet)

Vertical Scale:

1" = 4' (one inch equals four feet) with Cross-Sections every 100' (one hundred feet)

Said Profile Plan(s) shall be identical in design to the Profile Plan(s) as approved by the Planning Board subsequent to the Public Hearing and Final Approval.

1 (one) Print on Mylar
7 (seven) Prints on Heavy Paper

Note: An original stamp and signature of the Professional Engineer and/or Registered Land Surveyor must be placed on each and every page of the Subdivision/Land Development Project Plan Profile.

One (1) *Original* Document plus One (1) *Copy* of each of the following items, as applicable, shall be submitted at the time of recording in addition to the previously cited items in this Article.

Please Note: Said Original Documents will be the Actual Documents to be recorded with the Plan(s) and Profile(s) and as such shall be in the exact format required for recording and contain all original signatures.

- c. **Streets -Quit-Claim Deed** -for each street/rights-of-way within the Subdivision.
- d. **Easements** -Statement and Conditions of each Easement.
- e. **Protective Covenants** -Statement of all Protective Covenants and Plat Restrictions.
- f. **Dedicated Land –Quit Claim Deed** -for each piece of property to be deeded to the Town of Smithfield or other governmental unit, organization, or the like.

One (1) Original Document plus One (1) *Copy* of each of the following items, as applicable, shall be submitted at the rim; of recording in additional to the previously cited items in this Article. All originals must have original signatures.

- g. **Tax Collector's Certificate** -Certifying that all taxes due on the land have been paid IN FULL for a period of five (5) years prior to the Recording of the Subdivision Plat and there are no outstanding Municipal Liens on the Property.
- h. **As-Built Plans of all Improvements** -Submission of an Original and Ten (10) Copies of the As-Built Drawings to the Administrative Officer. These copies shall be forwarded by the Administrative Officer to the following: Two (2) Copies of same to the appropriate Sewer District; Two (2) Copies of same to the appropriate Water District; Two (2) Copies of same to the Smithfield Fire Department; One (1) Copy of same to the Public Works Director; One (1) Copy of same to the Municipal Engineer; and One (1) Copy of same to the Town Surveyor. Once certification is received from the appropriate authorities, the applicant shall submit four (4) copies of approved as-built plans to the Administrative Officer; copies shall include two (2) paper sepias and two (2) black line mylar sepias for recording. Said plans shall be drawn on the same size sheet and to a Scale identical to that required for Recording purposes as specified elsewhere in this Article.

The Developer's Professional Engineer's and Professional Land Surveyor's original stamps and signatures as well as the date shall be on each page of all plans and shall certify that the drawings represent the exact location of all improvements as constructed in the Subdivision/Land Development Project and that all improvements have been constructed in conformance with the Final Plan approved by the Planning Board. Said As-Built Plans shall at a minimum meet the following requirements:

- 1) Show all curbs. radius, curb cuts, driveways, and islands.
- 2) Show limits of pavement.
- 3) Locate all catch basins, storm pipes, rim elevations, inverts, headwalls, fared end Sections, and pipe sizes entering and leaving structures.
- 4) Locate detention basins (size, length, and width) invert of outlet and inlet structures and elevation on the top and bottom of the basin.

- 5) Show all sanitary manholes, sanitary sewers, services, inverts, pipe sizes leaving and entering structures.
- 6) Locate all waterlines, gate boxes, curb stops, and services.
- 7) Locate all gas lines, valves, curb boxes, and services.
- 8) Show all ditches, swales, limits of excavation, and seeding.
- 9) Show all easements for utilities, temporary construction easements construction easements, or any other type of easements.
- 10) Show all roadway profile grades every 50' (fifty feet), with elevations at the center line and at the left and right gutter line.
- 11) Locate all walls including top and toe elevations.
- 12) Measure and station all roadways.
- 13) Show all underground telephone and electric.
- 14) Bounds shall be shown with ties.
- 15) All elevations shall be shown based on the mean sea level datum, National Geodetic Vertical Datum (NGVD, 1929).
- 16) All utility lines, manholes, catch basins and the like shall be dimensioned from the face of curb. All dimensions shall be from the face of curb and stationed from the center line.
- 17) If additional sketches are required, the sketches shall relate to the plan and will have a title block, north arrow, and be to scale.

i. **Municipal Engineer's Certifications.**

- 1) Certification that the required As-Built Plans have been received and accepted as submitted.
- 2) Certification that the Final Inspection of all Improvements has been completed and that all Improvements, with the exception of the last coat of asphalt and any other extenuating conditions which may have been approved by the Planning Board, are Approved as Constructed.
- 3) Filing of Interim and Final Inspection Reports - All Inspection Reports shall be submitted to the Administrative Officer and bear the Original Signature of the Municipal Engineer or Designate.

j. **Public Works Director Certifications.**

- 1) Certification that the required As-Built Drawings have been received for filing and that the same are accurate relative to that which has been inspected in the field and therefore the Subdivision/Land Development Project may be recommended for recording.
- 2) Certification that the Final Inspection of all Improvements with the exception of the final coat of asphalt has been completed and that all said Improvements are Approved as Constructed.
- 3) Certification shall also include a listing of all Improvements plus their Estimated Cost for utilization in calculating the required amount for the Maintenance Guarantee. This Estimate shall be based upon the coordinated efforts of the Public Works Director and Municipal Engineer.

k. **Town Surveyor Certification.**

- 1) Certification from the Smithfield Town Surveyor that the required number of As-Built Plans have been received and accepted as submitted.

1. **Sewer District Certifications.**

- 1) Certification from the appropriate Sewer District that the required number of As-Built Plans have been received and accepted as submitted.

- 2) Certification that the Final Inspection of all Improvements has been completed and that all Improvements are Approved as Constructed.

m. **Water Department Certifications.**

- 1) Certification from the appropriate Water District that the required number of As-Built Plans have been received and accepted as submitted.
- 2) Certification from the appropriate Water District that the Final Inspection of all Water Related Improvements has been completed and that all Improvements are Approved as Constructed.

n. **Fire Department Certifications.**

1. Certification from the Smithfield Fire Department that the required number of As-Built Plans have been received and accepted as submitted.

2. **Fees and Costs**

- a. **Outstanding Fees and Costs** -Payment of any outstanding Fees and Costs resultant from the Public Hearing and/or Final Submission. Said Fees may include but are not limited to the following types of costs.
 - 1) Advertising and Mailing Costs.
 - 2) Inspection Fees.
 - 3) Project Review Fees.

3. **Fees - Fees In-Lieu-Of Land Dedication.** Payment of Fees assessed In-Lieu-Of Land Dedication as required by Section II, Article D.

Note: Payment of this Fee shall be paid prior to the recording of the Plan.

4. **Maintenance Guarantee** -Submission of the required Maintenance Guarantee in the format approved by the Planning Board and in an amount sufficient to cover 100% (one hundred percent) of the Cost of the Asphalt Final Finish and any other costs due to extenuating conditions plus 50 % (fifty percent) of the Total Cost of All Other Required Improvements. Said amount shall be determined by the Planning Board and based upon the recommendations of the Public Works Director and Municipal Engineer.
5. **Recording Fees** -Payment of Recording Fees of all documents to be recorded in the Town Clerk's Office. Said Fees shall be based upon Fees established by the State of Rhode Island and the Smithfield Town Clerk's Office and currently in effect at the time of recording.

ARTICLE D. FEE SCHEDULE AND MISCELLANEOUS COSTS.

A fee schedule is hereby established, which are to be paid to the Town by the applicant at the time of submission of materials for review by the Town. The Planning Board may from time to time amend or otherwise alter such fee schedule by amendment to these Regulations. All fees and costs are to be paid in the Municipal Planner's Office unless otherwise notated below or directed by the Planning Board at a Planning Board meeting. Two types of fees are established: (1) administrative fees and (2) project review fees.

1. Administrative Fees.**A. Administrative Subdivision.**

- i. **Administrative Fee - \$100.00** (One Hundred Dollars). Said fee shall be paid at the time of submission of materials.

B. Pre-Application/Concept Plan Review.

- i. **Minor Land Development or Subdivision: Administrative Fee - \$400.00** (Four Hundred Dollars)
- ii. **Major Land Development or Subdivision: Administrative Fee - \$500.00** (Five Hundred Dollars)

C. Master Plan Stage – Major Development Project

- i. **Administrative Fee - \$500.00** (Five Hundred dollars). Payment due at time of submission of materials of proposed project for review.
Note: Should there be a period of greater than one (1) year between submissions of Master Plans, the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.
- ii. **Advertisement and Mailing Costs – At Actual Cost.** Payment is required of preliminary actual Advertisement and Mailing Costs for hearing pursuant to Section III/Article F.

D. Preliminary Stage - Minor Development Project.

- i. **Administrative Fee -No Street Construction or Extension - \$250.00** (Two Hundred and Fifty Dollars) **plus \$20.00 per unit.** Payment due at time of submission of materials of proposed project for review.
or
Administrative Fee- Project involving Street Construction or Extension - \$350.00 (Three Hundred Fifty Dollars) **plus \$20.00 per unit.** Payment due at time of submission of materials of proposed project for review.
Note: Should there be a period of greater than one (1) year between submissions of Preliminary Plans, the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.
- ii. **Advertising and Mailing Costs –Actual Cost.** Payment is required of preliminary estimated Mailing and Advertising Costs for Public Hearing pursuant to Section III, Article H. Note: this fee is required only if a Public Hearing must be held for the given project.
- iii. **Project Review Fees** As provided in Section IV, Article D.2.

E. Preliminary Stage – Major Development Project.

- i. **Administrative Fee -\$500.00** (Five Hundred Dollars) **plus \$20.00 per unit** or fraction thereof. Payment due at time of submission of materials of proposed project for review.
Note: Should there be a period of greater than one (1) year between submissions of Preliminary Plans, the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.
- ii. **Advertising and Mailing Costs – Actual Cost.** Payment is required of preliminary estimated Mailing and Advertising Costs for Public Hearing pursuant to Section III, Article H.

F. Final Stage -Minor Development Project.

- i. **Administrative Fee -No Street Construction or Extension -\$350.00** (Three Hundred Fifty Dollars). Payment due at time of submission of materials of proposed project for review.
or
- ii. **Administrative Fee - Project involving Street Construction or Extension - \$400.00** (Four Hundred Dollars). Payment due at time of submission of materials of proposed project for review.
Note: Should there be a period of greater than one (1) year between submissions of Final Plans the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.
- iii. **Advertising and Mailing Costs – Actual Costs.** Payment is required of actual Mailing and Advertising Costs for Public Hearing pursuant to Section III, Article H.
Note: This fee is required only if a Public Hearing must be held at this stage for the given project.

G. Final Stage -Major Development Project.

- ii. **Administrative Fee -\$600.00** (Six Hundred Dollars) **plus \$20.00 per unit** or fraction thereof. Said fee shall be paid at the time of submission of materials for initial placement of the proposed subdivision for Final Stage Review.
Note: Should there be a period of greater than one (1) year between submissions of Final Plans, the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.
- ii. **Advertising and Mailing Costs – Actual Costs.** Payment is required of actual Mailing and Advertising Costs for Public Hearing pursuant to Section III, Article H.
Note: This fee is required only if a Public Hearing must be held at this stage for the given project.

H. Pre-Construction Conference.

- i. Inspection Fee -Payment of an Inspection Fee as required in accordance with Section IV, Article D.3.

I. Recording Process.

- i. **Maintenance Guarantee** -Submission of Maintenance Guarantee as required in accordance with Section VI, Article B.

- ii. **Recording Fees** -Payment of Recording Fees as required for all documents to be recorded in the Town Clerk's Office. Said Fees shall be based upon Fees established by the State of Rhode Island and the Town Clerk's Office and currently in effect at the time of recording. Said Fees shall be paid in the Town Clerk's Office and shall be due and payable at the time of recording.
- iii. **Fees In-Lieu-Of Land Dedication** -Payment is required of fees pursuant to Section II, Article D and Chapter 16, Article VI of the Codified Ordinances of the Town of Smithfield (1985 as amended).
- iv. **Outstanding Fees** -Payment of any fees which are remaining to be paid at the time of recording, such as, but not limited to, advertising costs, mailing costs, inspection fees, or project review fees.

2. **Project Review Fees**

Project Review Fees may be required by the Planning Board to be paid to the Town by an applicant as follows:

- A. **Applicability.** In addition to an Administrative Fee, for all subdivisions and land development projects, including conservation developments, but specifically excluding those types of subdivisions specified in Section X.B.3, 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 determination if a Project Review Fee will be required may be made by the Planning Board at the pre-application stage of review, but no later than the Master Plan stage of review for major subdivisions and major land development projects; and prior to the preliminary stage of review for minor subdivisions and minor land development projects.

The fee shall ultimately equal the actual cost to the Town for such consultant. In hiring outside consultants, the Town may engage engineers, 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. 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 in Section IV, Article D.3.

- B. **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.
- C. **Schedule of Initial Project Review Fees.** The schedule of initial Project Review Fees is provided as follows:

\$500 for each lot or dwelling unit for the first five lots or dwelling units, (whichever is greater) including existing dwellings, if present; plus \$250 for each lot or dwelling unit thereafter.

This schedule supersedes all previous schedules as they may have appeared in the Subdivision and Land Development Regulations, and any checklists which may have been compiled from time to

time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable Initial Project Review Fees shall be collected to be held in the Escrow Account, and not the sum of those fees.

- D. **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.
- E. **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.
- i. Outside consultants retained by the Town to assist in the review of an application shall be paid from this account.
 - ii. Project Review Fees may be used by the Town for the purposes stated in subsection a. of this Article above at any time during the review process.
 - iii. Project Review Fees shall be turned over to the Finance Director by the Administrative Officer to be held in an Escrow Account.
 - iv. The Finance Director shall prepare a report for the Administrative Officer on activity in the Escrow Account upon request.
 - v. 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.
 - vi. 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.
 - vii. 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 which is defined as either:
 - (a) With the disapproval of a Subdivision or Land Development Plan; or,
 - (b) With the release of the performance bond or other financial guarantees at the end of construction of an approved Final Plan; or,
 - (c) With the final inspection after approval on all other types of applications under the Zoning Ordinance or Subdivision and Land Development Regulations.

3. **Inspection Fees**

Assessment of an Inspection Fee in the amount of 3% (three percent) of the Estimated Cost of all Improvements, with the exception of costs associated with the installation of water and sewer systems, as recommended by the Director of the Department of Public Works and Municipal Engineer and set by the Planning Board at the Preliminary Plan stage. Said fee shall be paid at the Pre-Construction Conference, prior to the commencement of site construction of any required improvements and prior to recording of the plan. Should the Applicant fail to submit payment within the required time frame and no time extension has been approved by the Board, a "Stop Work Order" may be imposed by the Town until such time as said Fees have been paid. An estimate of the total cost of construction and the last coat of asphalt shall be computed by the Municipal Engineer based on a good faith estimate and submitted to the Planning Board for consideration and levy.

Subsequent to the completion of the improvements, Actual Inspection Fees shall be computed by the Municipal Engineer and based on the actual cost to the Town for all inspections of the subdivision/land development project. Should the actual inspection costs be less than the 3% fee collected, the developer shall be reimbursed the difference subsequent to final acceptance of the construction improvements. Should the actual inspection costs exceed the 3% fee collected, the developer shall be responsible for payment of the difference; the Subdivision shall not be recorded until all inspection fees have been paid in full.

SECTION V.**DESIGN STANDARDS**

The Planning Board shall require Subdivisions/Land Development Projects to conform with the following design standards.

ARTICLE A. GENERAL.

1. **Design** - The design of all Subdivisions shall conform to and be in harmony with these Regulations as well as the Zoning Ordinance of the Town of Smithfield.
2. **Street Layout** - The layout of streets shall be considered in relation to the existing street system and any official Highway Plan of the Town of Smithfield.
 - a. **Arrangement** -The arrangement of streets shall provide for the continuation or appropriate projection of existing principal streets into surrounding areas.
 - b. **Topography** - Streets shall fit the topography where such is practicable.
 - c. **Functional Design** - Care shall be exercised to insure that all streets in the development are functional, i.e., to provide service to lots or to enhance the internal traffic circulation system.
 - d. **Natural Drainage Pattern** - The developer shall avoid the layout of streets in such a manner as to radically change the natural drainage patterns.
3. **Compatibility with Natural Landscape** - The design of the development shall complement the site and be compatible with the natural surroundings.

ARTICLE B. EASEMENTS

1. **Purpose** - The Planning Board may require the provision of Easements for specific purposes, such as, the installation and maintenance of utilities and drainage facilities.
2. **Identification and Size** - Easements shall be at least 20' (twenty feet) wide and labeled accordingly on all plans.

ARTICLE C. STREETS.

1. **Street Extensions** - Street Rights-Of-Way, both existing and proposed shall be continued with at least the same width throughout the development.
2. **Street Intersection Center Lines** - shall coincide precisely with or be offset by at least 150' (one hundred fifty feet) on center lines.
3. **Street Center Lines** - shall intersect at right angles as practicable; no intersection shall contain an angle of less than 60° (sixty degrees).
4. **Private Driveways** - shall not be shown on a Plan. Said driveways, however, shall not be placed/constructed in such a way as to cause problems in traffic flow and safety.
5. **Street Widths.**
 - a. **Rights-or-Way Widths** shall not be less than 50' (fifty feet).

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- b. **Pavement Widths** shall not be less than 30 (thirty feet) in width measured between curbs and centered between property lines.
 - c. **Industrial and Commercial Subdivisions** may be required to provide wider Street Pavement and Rights-of-Way Widths.
6. **Arterial Street Widths** -The Planning Board may require additional width for Arterial Streets subject to heavy traffic.
 7. **Street Grades.**
 - a. **Local Streets** -Street Grades shall not be less than 1.0% (one percent) or greater than 8% (eight percent) slope.
 - b. **Collector and Arterial Streets** -Street Grades shall not be less than 1.0% (one percent) or greater than 5.0% (five percent) slope.
 - c. **Cul-de-Sacs** -Street Grades within a Cul-de-Sac and for a distance of 30' (thirty feet) prior to it, shall not exceed 1.0% (one percent) slope.
 - d. **Intersections - Local or Collector Street with Arterial Street** -When a Local or Collector Street intersects with an Arterial Street, the maximum grade of the local or collector street shall not exceed 1.0% (one percent) slope for a distance of 30' (thirty feet) from the intersection of said Arterial Street.
 8. **Dead-End Streets/Cul-de-Sac Streets.**
 - a. **Permanent Dead-End Streets/Cul-de-Sac Streets** - Dead end streets shall serve no more than 25 lots or dwelling units. Streets serving more than 25 lots or dwelling units shall be provided with a secondary access, which may be an "emergency" access of a design and location approved by the Planning Board. The Board may also permit more than 25 lots or dwelling units to be located on a dead end street if, in the opinion of the Board, there is a likelihood of a future street connection to adjoining streets or properties that would provide secondary access. Said Streets shall have at their closed end a turn-around "cul-de-sac" as shown in Figure 1.
 - b. **Temporary Cul-de-Sacs** -Where a Dead-End Street is to provide access to adjacent property, the Planning Board may require a provision for a temporary turn-around Cul-de-Sac until such time as the adjacent tract is developed and the street is extended provided that a timetable for said extension has been reviewed and approved by the Planning Board. Said temporary dead-end street shall be greater than 200' (two hundred feet) in length and not more than 500' (five hundred feet) in length and conform with the provisions of the foregoing item #8a. above. Such temporary turn-around, when required, shall be shown and labeled as a "Temporary Cul-de-Sac" on submitted plans and recorded Plan(s) and Plat(s).
 6. **Reservation of Strips of Land** by Developer or any physical barrier controlling access to a street, shall not be permitted. This requirement shall not be subject to the provisions of Section II, Article D of these Regulations regarding Land Dedication.
 7. **Center Lines on Horizontal Curves** -Where a deflection angle of 10° (ten degrees) or more occurs along the center line of a street, a Center Line Horizontal Curve having a radius of 175' (one hundred and seventy-five feet) or more shall be introduced.
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8. **Intersecting Street Rights-of-Way Lines** shall be rounded by an arc having a radius of 15' (fifteen feet) or more.
9. **Retention Structures/Facilities** - Where street grades require two feet (2') or more, cut or fill, Retaining Walls or other acceptable measures approve by the Planning Board may be required along abutting property lines. This requirement may also apply where property along an existing street is developed. Applicants shall provide detailed designs for each retaining wall required and provide the same on the Profile Plans submitted as part of the Development Review Process.
10. **Street Names** - An Extension of an existing street shall have the same name as the existing street. If a proposed street extension or otherwise is interrupted by a channel, private property, limited access highway (interstate), etc., and eventual connection is not probable, the segments shall bear different names.

Names of other proposed streets which are not extensions of an existing street shall be substantially different from any existing street name in the Town of Smithfield. Proposed names shall be easy to pronounce and spelled with commonly accepted spellings. Names shall be pleasant sounding, appropriate, easy to read, and should add to pride of property ownership. Large developments are encouraged to incorporate street names using a single, significant category; small subdivisions should use the same category as the surrounding or adjacent area, which helps to establish locational identity.

The names of all proposed streets or street extensions shall be approved by the Fire Department. Names which will be deemed unacceptable include the following: numerical names (1st, 2nd, etc.); alphabetical letters (A, B, C, etc.); surnames of living persons (excluding the names of early settlers or distinguished r. persons, etc.); first names of persons; frivolous, complicated, or undesirable names; unconventional spellings; compound names. Thoroughfare designations (Street, Road, Drive, etc.) shall be assigned in accordance with the policy and procedure established by the Municipal Planner's Office for the usage of same.

11. **Frontage on Improved Streets** - The area to be developed shall have frontage on an existing improved public or private street. If such an existing street has not been improved to the Standards and Specifications as required in these Regulations (Section VII), the Planning Board and/or the Municipal Engineer may require the developer to install certain improvements along that portion of the street abutting the property to be developed, where necessary, for drainage, safety, traffic, or other reasons deemed proper by the Planning Board. For the purpose of these Regulations, streets platted but not improved or accepted for dedication by the Town shall not be considered existing public streets. Where those streets are incorporated within the development, they shall be improved by the developer to meet the Planning Board's regulatory standards as stated herein.
12. **Installation of Protective Barriers** - The Board may require the installation of protective barriers where deemed necessary. The design of same shall be detailed on the Subdivision/Land Development Profile(s) submitted as part of the Development Review Process.
13. **Restriction or Access** - When a tract with a property depth of more than 350' (three hundred fifty feet) fronts on a major street, the Planning Board may require the residential lots adjoining the major street to be provided frontage on a secondary, or interior street.

ARTICLE D. BLOCKS.

1. **Length** -In residential developments, blocks shall not be greater than 1,000' (one thousand feet) in length. Commercial and Industrial Subdivisions shall have block lengths not greater than 2,000' (two thousand feet).

2. **Pedestrian Rights-of-Way - Blocks greater than 800'** -Blocks which exceed 800' (eight hundred feet) in length shall be provided with a Pedestrian Right-of-Way located at the mid-point of the block.
 - a. **Size, Location, and Construction** -Pedestrian Rights-of-Way shall measure 15' (fifteen feet) in width and placed at a 90 angle (right angle) to the Street Rights-of-Way Line, whenever possible. They shall be graded and paved and the abutting area graded and landscaped in accordance with Section VII, Article D. of these Regulations.
 - b. **Ownership** -Pedestrian Rights-of-Way shall be conveyed to the Town of Smithfield.
3. **Miscellaneous Pedestrian Rights-of-Way** - The Planning Board shall have the authority to require Pedestrian Rights-of -Way, conforming or not conforming; with the street system. These Pedestrian rights-of-way shall be constructed also as a non-motorized bicycle rights-of-way. They shall be graded and paved and the abutting areas graded and landscaped by the developer in accordance with the Specifications in Section VII, Article D. of these Regulations. These miscellaneous pedestrian rights-of-way shall also be 15' (fifteen feet) in width and deeded to the Town of Smithfield.
4. **Blocks in Group Housing, Commercial, or Industrial Developments** shall be designed to allow traffic to move with ease and to provide inherent safety to pedestrians and inhabitants.

ARTICLE E. LOTS.

1. **Frontage** -All lots shall front on existing or proposed public or private streets.
2. **Yard Grade** -The Yard Grade to the Street Rights-of-Way shall not exceed a 4:1 slope or a Retaining Wall shall be required to be provided by the developer.
3. **"Through" Lots** - Lots shall not extend through a block to another existing or proposed residential street except corner lots.
4. **Lot Boundaries** shall have no interior angles greater than 200° (two hundred degrees), except on those sides bordering a street. Multiple angles or curves incorporated to circumvent this requirement shall not be allowed.
5. **Side Lot Lines** -All side lot lines shall be as near right angles (90° Angle) to street rights-of-way lines as practicable or radial in arrangement when the rights-of-way is a curve.

ARTICLE F. ENVIRONMENTAL STUDIES and ANALYSES.

1. **Soil Erosion and Sediment Control Plan.**

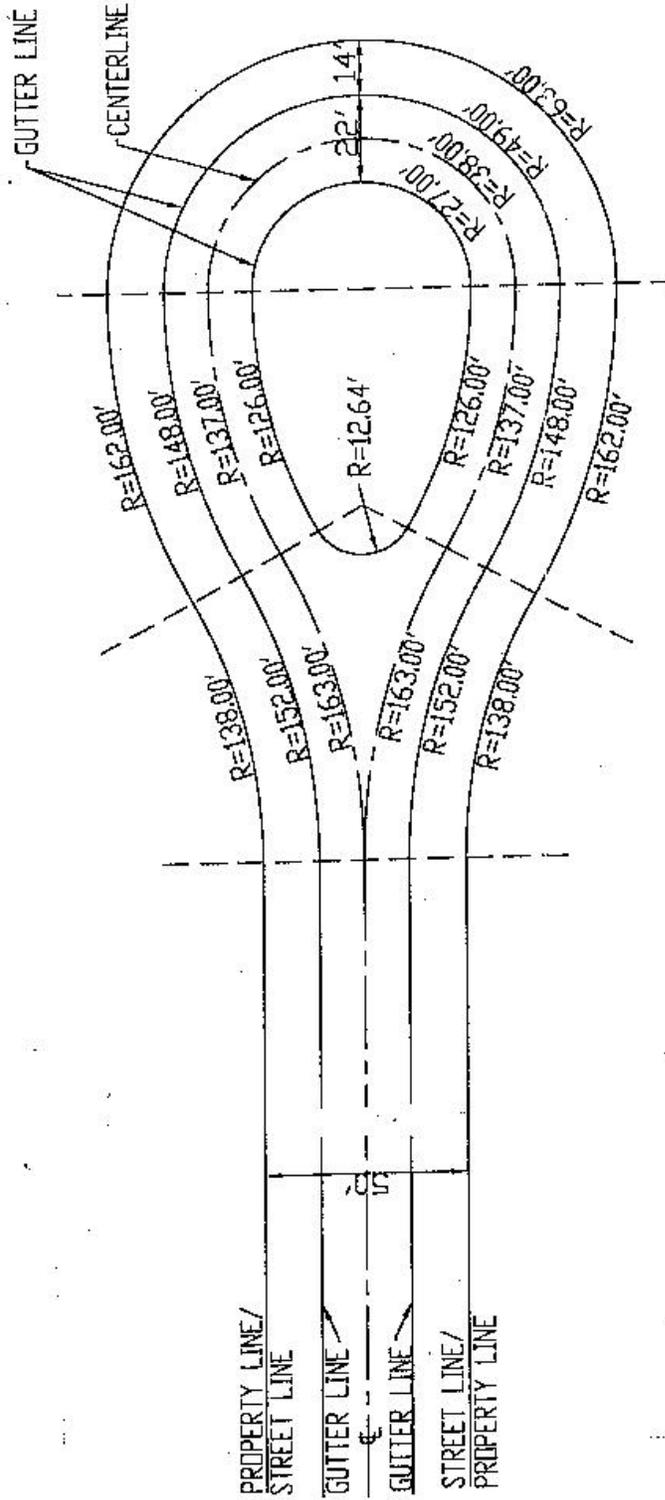
Any proposed development which will disturb the land as stipulated in Chapter 16, Article IV, "Soil Erosion and Sediment Control", of the Smithfield Codified Ordinances (1985 as amended) will be required to submit Soil Erosion and Sediment Control Plans to the Planning Board as part of the Development Review Process. In addition to the submission of said Plan(s) to the Board, the developer must follow all the procedures of Chapter 16, Article IV, as well as present said Plans and obtain the required approvals from all other appropriate Town offices and agencies in accordance with said document.

TOWN OF SMITHFIELD

FIGURE 1

CUL-DE-SAC TURNAROUND DETAIL

Not to Scale



Note: See Section V, Article C for street right-of-way and pavement width

SECTION VI.**IMPROVEMENTS TO THE LAND****ARTICLE A. REQUIRED IMPROVEMENTS.**

Developers shall, at their own expense, construct Improvements to the Land in accordance with the Specifications of these Regulations or otherwise designated Town Officials. Required Improvements are as follows:

1. **Street Rights-of-Way.** Street Rights-of -Way shall be cleared and grubbed for their entire width in accordance with the Specifications in Section VII, Article B. of these Regulations.
2. **Streets.** Streets shall be graded, graveled, and paved in accordance with the Specifications in Section VII, Article B and the Typical Section.
3. **Street Signs.** Street signs, including but not limited to, street name signs, stop signs, and the like, shall be installed immediately after grading and preparation of sub-base. Street signs shall be of the size, type, location, and number specified by the Planning Board and based upon the recommendations of the Director of Public Works.
4. **Curbs.** Curbs shall be installed in conformance with the Specifications in Section VII, Article C and the Typical Section in these Regulations.
5. **Sidewalks.** Sidewalks may be req1fued if the Planning Board feels a safety hazard may exist ; between vehicular and pedestrian traffic and, if so required, shall be installed in accordance with the Specifications in Section VII, Article D and the Typical Section in these Regulations.
6. **Surface and Subsurface Storm Drainage.** Stormwater management within a proposed development shall be designed to minimize the volume and rate of runoff and to encourage infiltration into the ground. Wherever possible, grass swales and sheet flow of stormwater over unpaved areas shall be employed instead of curbs and gutters and closed or piped drainage systems. Where practical, in lieu of a single large detention or retention area, a series of smaller basins shall be employed. Drainage systems may be located within designated open space areas with the permission of the Planning Commission. Drainage detention or retention basins shall be suitably landscaped and integrated into the overall site design as provided in Section X, Articles L&M.
 - a. **Connections** –Where determined to be necessary by the Planning Board, structures and facilities shall be installed and connected to the public storm sewer-system, catch basins, watercourses, or dry wells.
 - b. **Storm Water Runoff Criteria** –Storm Water (Runoff Calculations shall be Certified by a Professional Engineer and submitted with the Preliminary Plan. All Storm Water Collection Systems shall be designed using the formulations as specified in Technical Release 55 (TR55) as published by the United States Department of Agriculture, Soil Conservation Services (USDA/SCS).
 - 1) **Peak Flow** –Storm Sewers should carry the peak flow of a 25- Year 24-Hour Storm with Type III Distribution. Portions of peak flows from larger storms can be allowed to flow down the road and shall be caught in catch basins at all low points. No flooding of buildings or washing out of areas due to overland flow shall occur.
 - 2) **Road Culverts for Subdivision Roads** should have the capacity to handle the peak flow" from a 25-year storm without flooding the road or causing upstream buildings to be flooded, All detention basins shall be designed for 25 or 100 years storms as determined by the Planning Board.

3) **Road Culverts for State Highways and Major Town Roads** (that is, "through streets" and heavily traveled Town roads) should handle the peak flow from a 100-year storm without flooding the road or causing flooding of upstream buildings.

c. **Conduit Design Criteria** - The capacity of conduits shall be calculated by the following formulas:

$$Q = (A)(V)$$

wherein: Q = cubic feet per second Discharge
A = cross-sectional area of water, in square feet
V = Velocity, in feet per second

Velocity of Flow shall be determined by the Manning Formula as follows:

$$V = (1.486/n) \times R^{2/3} \times S^{1/2}$$

wherein: n = Factor for Conduit Roughness
"n" Values
n = 0.013 Reinforced Concrete Pipe {up to 18"}
n = 0.012 Reinforced Concrete Pipe (18" or larger)
n = 0.035 Stone Rip-Rap Channels
n = 0.030 Grass Channels
n = other Other Conduits, as cited by the State factor DOT values
R = Hydraulic Radius, in feet
Cross Section Area
(wetted perimeter, in feet)
S = Slope of Pipe, in feet/feet -except where the system will be surcharged when the outfall is expected to be submerged with design storm flow. "S" (design gradient) in this case shall be the hydraulic gradient of the pipe crown and the free water surface. For open conduits, "S" shall be the hydraulic gradient of the water.

Calculations shall include provisions for entrance and exit losses of head in all conduits. Velocities in storm culverts shall not exceed 10 (ten) feet/second.

d. **Cross Culverts for Storm Water Pipes** shall not be less than 15" (fifteen inches) in diameter. Those pipes serving only as conduits from a single catch basin to a main conduit shall not be less than 12" (twelve inches) in diameter.

e. **Grass Cover Open Channels** shall not exceed 2.5' (two and one-half feet) per second flow velocity at design storm.

f. **Riprap Open Channels** shall not exceed 8' (eight feet) per second flow velocity at design storm.

g. **Underground Storm Water Conduit** - shall be of Reinforced Concrete Pipe, minimum Class III, Poly Vinyl Chloride Pipe (of acceptable strength and rating as approved by the Municipal Engineer) or other equal piping.

h. **High Water Table Conditions** -Where a subsurface drainage system is used to reduce a high water table condition, the Planning Board may allow the above formula to be altered to accommodate the same.

7. **Permanent Soil Erosion and Sediment Control Structures.** Permanent Soil Erosion and Sediment Control Structures shall not be built upon lots that will not have other real property built upon them unless deemed required by the Planning Board due to the particular, unique conditions of the property.

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8. **Water Mains.** If the development is within 2,500' (twenty-five hundred feet) of the perimeter of a public water system, the development must be connected to said system unless denied connection by the appropriate water district. All service piping shall be installed in accordance with the regulations of the appropriate water district.
 9. **Sanitary Sewers.** Sanitary Sewer Lines shall be installed and paid for by the developer of proposed subdivisions/land development projects who are within the dimensional limits from an existing sewer system as identified in Section 18 of the Codified Ordinances of the Town of Smithfield.
 - a. **Installation** -Sanitary Sewer Lines shall be installed by the developer in accordance with the directions and specifications of the appropriate sewer district and its engineers. The appropriate sewer district's inspectors shall conduct interim inspections of the sewer line installation.
 - b. **Capping** -Sanitary sewers shall be installed in accordance with the appropriate sewer district's Master Sewer Plan. Sewer pipes shall be capped or plugged at the ends pending later connection to the mains.
 - c. **Laterals and Fittings** -The developer shall furnish and install the proper fittings in sewer lines and shall include branch connections to the lot lines of each lot (laterals) to prevent the necessity of excavating within the street rights-of-way at a later date.
 - d. **Sewer District Approval** -The Planning/Board shall not grant Preliminary Plan Approval to any development project where sanitary sewers are required unless and until Written Certification is received from the appropriate sewer district stating that the sewer lines meet the district's plans, regulations, and specifications.
 - e. **Installation Cost Estimate** -The appropriate sewer district shall submit to the Planning Board a cost estimate for the installation of the required sanitary sewer lines to be used for the purposes of Section VI, Article B of these Regulations.
 - f. **Installation Prior to Recording of Plan** -Sanitary sewers shall be installed and completed prior to the recording of any Plan for Subdivision or Land Development Project.
 - 1) **Inspection** -On-site inspections of sanitary sewers shall be scheduled and arranged between the developer and the appropriate sewer district in accordance with Section VII, Article A-3 of these Regulations.
 - 2) **Certification of Installation** -The appropriate sewer district shall submit to the Planning Board written certification that sanitary sewers have been installed in accordance with the district's plans and specifications prior to the recording of any plan.
 - 3) **As-Built Plans** -The developer shall submit two (2) sets of "As-Built" Plans to the appropriate sewer district prior to the recording of any plan.
 - g. **Oversized Improvements** - The developer may invoke the provision of Section VI, Article A-13, "Oversized Improvements", if in the opinion of the Planning Board or the appropriate sewer district that such improvements are needed to serve areas outside the development.
 10. **Permanent Monuments.** Permanent Monuments shall be placed at all corners in the exterior boundary of the development where acceptable permanent monuments are not already in place and at the nearest lot corner to all street line points of curvature and tangency. All corner perimeter monuments shall indicate the elevation of that specific elevation. Said elevation shall be based upon USGS Sea Level Data. Permanent monuments shall be installed and consist of the type and materials as specified in Section VII, Article G of these Regulations. The placement of all permanent monuments must be certified by the Town Surveyor.
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11. **Street Trees.** Where natural growth is insufficient, the Planning Board shall require the developer to plant trees appropriate to the terrain, soil, and climatic conditions encountered in the development. Said tree types shall be specified in quantity and type by the Smithfield Conservation Commission. All trees located at least 5' (five feet) outside the street rights-of-way shall be preserved wherever possible.
12. **Screening.** Where a proposed residential development abuts an existing or proposed commercial or industrial area, a dense evergreen buffer of at least 10' (ten feet) in depth, or other tree type and/or depth as required by the Planning Board, shall be planted along the common boundary between the residential development and such commercial or industrial development.
13. **Oversized Improvements.** The developer may negotiate with the Town Council for reimbursement of additional expenses incurred in the construction and installation of oversized improvements which are required by the Planning Board, Director of Public Works, Municipal Engineer, Water District(s), and/or Sewer District(s).
14. **Underground Utilities** All electric, telephone, and cable services shall be installed underground in conformity with rules and regulations in effect with the respective utility companies.

In all new developments where utilities are being installed underground, provision shall be made for street lighting connections. Lighting plans shall be reviewed by the appropriate utility and the Planning Board.

ARTICLE B. GUARANTEES OF PERFORMANCE

1. Definition and Purpose.

- a. An "Improvement Guarantee" is a security instrument accepted by the Town to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval of a subdivision plan by the Planning Board will be completed in compliance with the approved plans and specifications.
- b. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and maintenance of required street, utility and other physical improvements and to ensure compliance with other nonstructural conditions of final plat approval (if any). The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the subdivider.

2. General Procedures.

- a. Before final plan approval of any land development or subdivision plan, the developer must secure the agreement of the Planning Board to approve agreements for the completion of all required improvements. Such agreements may take the form of (1) completion of actual construction of all improvements; (2) improvement guarantees, or (3) a combination thereof.
- b. At the preliminary plan review stage, the developer 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 recording of the final plan; 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. Inspections shall be made by the Municipal Engineer and Public Works Department at all required stages of construction as specified herein. Upon completion of all required improvements, the Administrative Officer shall certify in writing of such completion and a copy of shall be provided to the developer upon request. The final plat shall be signed by the appropriate Planning Board or Town official and the plat shall be recorded at which time the lots within the development may be transferred or sold.

- 2) If improvements are to be guaranteed, the provisions of Paragraph 3 of this Section shall apply.

3. **Procedures for Financial Guarantees.**

a. **Amount.**

- 1) Improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town 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 completion provided herein.
- 2) The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. These estimates shall be prepared by the applicant for review by the Municipal Engineer and the Administrative Officer. The Municipal Engineer and Administrative Officer may revise the estimates as necessary and prepare a recommendation for the Planning Board.
- 3) The Planning Board shall review the improvement guarantee recommendation of the Municipal Engineer's and Administrative Officer and set the final improvement guarantee amount.
- 4) The Planning Board may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed 120% (one hundred and twenty percent) of the estimated costs of improvements as recommended by the Municipal Engineer and Administrative Officer.
- 5) At the expiration of the guarantee period, if all required improvements are not complete, the Planning Board shall review the status of improvements and may implement one of the following actions:
 - a) require the developer to extend the duration of the entire improvement guarantee;
 - b) reduce the amount of the improvement guarantee to cover the estimated costs of remaining Improvements; or
 - c) authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds.
- 6) If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Planning Board not to be in compliance with the approved plans, the Board may, after proper notification to the applicant, authorize the use of improvement guarantee funds to insure proper compliance.

b. **Form and Amount of Guarantee.**

The developer shall submit to the Planning Board an Improvement Guarantee in the form required by the Planning Board and based upon the recommendation of the Finance Director. Said Guarantee shall be payable to the Town of Smithfield.

c. **Conditions.**

- 1) **Establishment of Reliability** -The Finance Director shall establish the reliability of the person, persons, or company furnishing the required Improvement Guarantee to the developer.
- 2) **Binding Agreement.** Acceptance of the required Improvement Guarantee by the Planning Board, Certification by the Finance Director of the receipt of such guarantee(s), and the recording of such action in the minutes of the Planning Board Meeting shall constitute a binding agreement between the Principal, Surety, and the Town of Smithfield.

d. **Duration and Release of Guarantee.**

- 1) **Term of Duration** of the required Improvement Guarantee shall begin with the date of acceptance of such instrument of guarantee by the Planning Board.
- 2) **Expiration-** The required Improvement Guarantee shall be conditioned on the faithful completion of construction and installation of required improvements to the land within a period of one (1) year. Said Guarantee shall have a minimum expiration date of one (1) year after

- completion of said improvements as certified by the Municipal Engineer in coordination with the Director of Public Works and shall contain the provision that same may be released to the developer only upon the due authorization of the Smithfield Planning Board.
- 3) **Release of Guarantee** -At the end of the one (1) year period, the developer may apply to the Planning Board at a regularly scheduled meeting for the release of the Improvement Guarantee. This application shall be accompanied by Certificates from the Director of Public Works, Municipal Engineer, and the Administrative Officer that all required improvements have been installed, constructed, and completed within the specified time limit and in accordance with the specifications contained in these regulations.
 - 4) **Approval of Release** -Certificates for Release of the Improvement Guarantee shall be promptly executed by the Planning Board upon receipt of the prescribed Certificates of "Completion of Required Improvements" from the Director of Public Works, Municipal Engineer, and the Administrative Officer.
 - 5) **Partial Releases** -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 guarantees shall be made to the Planning Board, which shall act thereon upon receipt of a recommendation from the Municipal Engineer and Administrative Officer.
- e. **Extension of Time.** If due to circumstances beyond the control of the developer, the construction of required improvements to the land cannot be completed in the prescribed time, the Planning Board may grant a one (1) time extension for a period not to exceed 90 (ninety) days. During such time extension, the guarantees shall remain in full force.
- f. **Default.**
- 1) **Conditions of Default.**

The Town of Smithfield shall hold the developer and surety in default of guarantee should the developer:

 - a) Fail to meet all specifications for construction of required improvements to the land.
 - b) Fail to properly notify the Director of Public Works and the Municipal Engineer of the beginning and completion of all phases of construction of required improvements to the land.
 - c) Fail to protect existing improvements and/or properly repair such improvements should damage occur during construction of the development.
 - d) Fail to clean debris from the site and adjacent areas upon completion of construction within the development.
 - e) Fail to complete required improvements to the land within the time prescribed in Section VI, Article B-3d of these Regulations.
 - f) Fail to correct improvement deficiencies evident within one (1) year of the completion of said improvement.

Within the time periods of the Improvement Guarantee, the Planning Board shall make any and all tests and inspections necessary to determine if any conditions of default exist. The Board shall require the developer to pay an Inspection Fee in accordance with Section IV, Article D of these Regulations.
 - 2) **Certification of Default.**
 - a) Should any of the conditions cited in Section VI, Article B-3f occur, the Municipal Engineer and agents retained by the Planning Board shall certify in writing to the Planning Board that the developer has not complied with the requirements of either Section VI or Section VII, or both, of these Regulations. The Municipal Engineer shall further certify the extent of noncompliance and the conditions thereof.

- 3) **Execution of Guarantee** The Planning Board shall, under the provisions of Title 45, Chapter 23-46 11 of R.I.G.L. (1956 as amended), execute only that portion of the guarantee which shall be necessary to correct the deficiency for which the developer and surety are held in default.
 - 4) **Payment of Surety.**
Upon notification to the surety by the Planning Board that the developer has been held in default of guarantee, the surety shall promptly pay to the Town of Smithfield that portion of the Guarantee which shall be necessary to correct the deficiency for which the developer and surety are held in default.
- g. **Phased Subdivisions.**
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 or conditions which are not directly related to a particular phase are required as a condition of approval, the Board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.
- h. **Maintenance Guarantees.**
- 1) The Planning Board shall request that a maintenance guarantee be provided by the applicant for all improvements which are being dedicated to the Town for public acceptance and maintenance. The amount of the maintenance guarantee shall be determined in accordance with §IV, Article C (q) herein. Surety bonding shall be renewed annually.
 - 2) The initial period for such maintenance guarantee shall be one (1) year. At the end of the one-year maintenance period, the Director of Public Works shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found to be unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Finance Director, and the original funds shall not be returned to the applicant unless public improvements are in good condition and have not been damaged due to the fault of the applicant.
 - 3) In cases where the Planning Board finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.
- i. **Acceptance of Improvements.**
- 1) Upon completion of all required improvements, with the exception of the last coat of Asphalt, the developer shall convey all public improvements to the Town. Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the Town. The applicant shall first request the Department of Public Works to conduct a final inspection as provided herein. The Director of Public Works shall certify to the Administrative Officer in writing that all required improvements, with the exception of the last coat of Asphalt, have been satisfactorily completed.
 - 2) The applicant shall request, in writing to the Administrative Officer that public improvements, streets, land, easements or other facilities be accepted by the Town. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or 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 and describing any special conditions or other requirements.
 - 3) 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 upon the next available agenda of the Planning Board. If all requirements of these Regulations have been met by the applicant, the Planning Board shall recommend acceptance by the Town

Council of all such Improvements and shall transmit such recommendation to the Town Council in writing. In such recommendation for acceptance by the Town Council, the Planning Board shall also recommend an amount for a maintenance bond in accordance with these Regulations and shall recommend to the Town Council that no public improvements or facilities be accepted for ownership and maintenance until such maintenance bond has been submitted as required herein.

- 4) Upon their acceptance by the Town Council, and recording of the deeds with the Town Clerk's Office, all improvements shall be permanently owned and maintained by the Town as part of the municipal system and the developer shall no longer be responsible for their care, repair, or maintenance.
- 5) Signature and recording of the final plat in accordance with these Regulations shall constitute the acceptance by the Town of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the Town to maintain or improve those dedicated areas until the Town Council accepts the completed public improvements as constructed in compliance with the final plans.

ARTICLE C WAIVERS AND MODIFICATIONS.

1. Waiver or Modification of Regulations.

- a. The Planning Board shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these Regulations if the Planning Board; finds that:
 - 1) The waiver or modification is reasonable and within the general purposes and intents of these Regulations; and
 - 2) Literal enforcement of the Regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the Regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and
 - 3) The waiver does not reduce the standard below the requirements of the Smithfield Zoning Ordinance.

2. Decision on Waivers and Modifications.

The Planning Board shall approve, approve with conditions, or deny a request for a waiver or modification by a decision in writing which shall contain findings of fact addressing the conditions contained in Article C-1 of this Section.

SECTION VII.**SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS TO THE LAND.****ARTICLE A. GENERAL.****1. Construction Plans.**

Two (2) complete sets of all Construction Plans, Cross-Sections, or other Working Drawings of Required Improvements to the Land shall be submitted to the Municipal Engineer prior to any construction start. Unless otherwise provided herein all construction shall conform to both the Rhode Island "Standards and Specifications for Road and Bridge Construction", and "Rhode Island Department of Transportation Standard Details" except as to the methods of measurement and payment provided in those standards.

2. Material Preparation.

All reinforced concrete pipes shall be cured for a minimum of seven (7) days prior to delivery to site.

3. Preconstruction Conference and Notification.

No construction of the required improvements to the land shall commence until the developer and contractor have attended a Pre-Construction Conference with the Administrative Officer, Municipal Engineer, and the Director of Public Works. At this time, the Administrative Officer, Municipal Engineer, and Director of Public Works will inform the contractor of all town construction requirements and will explain the method of obtaining approval for each item of work before the next item of work may begin. At the Pre-Construction Conference, the developer shall submit the required Inspection Fees to the Municipal Engineer for transmittal to the Planning Board pursuant to Section IV, Article D. of these Regulations and in the amount identified by the Planning Board in the project's final approvals. After the completion of the Pre-Construction Conference, no phase or step in the construction of required improvements to the land shall commence until the Municipal Engineer, or authorized representative, has been notified in writing: at least three (3) working days prior thereto.

4. Inspection of Improvements.

- a. **Written Approval** -Each phase or step in the construction of required improvements to the land shall be inspected and approved in writing, on the job, by the Municipal Engineer, or authorized representative. No further phase or step shall commence until such inspection and approval has been completed.
- b. **Inspection Report** -For the purpose of implementing Article A-4a of this Section, the Municipal Engineer shall complete the approved Inspection Report and Checklist. Upon completion of all required improvements, the Municipal Engineer shall furnish the original copy of said report and checklist to the Planning Board, one (1) copy to the Director of Public Works, one (1) copy for the developer, and retain one (1) copy for the Municipal Engineer's Office records it will be the developer's responsibility to request and receive copies of the foregoing cited inspections.
- c. **Inspection Delays** -The Municipal Engineer, or authorized representative, upon proper notifications of commencement of a phase or stage of construction shall not impede such construction unreasonably by delaying inspection and approval without just cause.

5. **As-Built Drawings.** : Upon completion of construction and installation of all required improvements to the land, the developer shall furnish As-Built Drawings of such improvements to the Administrative Officer as required by Section N, Article F. Each sheet of each set of said drawings shall be stamped and signed (original signature) by the developer's Professional Engineer. No plat or plan requiring the installation of any improvement(s) or the construction of any roadway shall be approved for recording if the accurate As-Built Drawings have not been properly submitted and approved in writing by the Municipal Engineer.

6. Conflicting Specification

Should any conflict arise between the construction specifications contained herein and the "Standard Specifications for Road and Bridge Construction", published by the State of Rhode Island, Department of Transportation, which is hereinafter cited, the construction specifications contained in these Regulations shall apply.

ARTICLE B. STREET CONSTRUCTION.**1. Dimensions.**

All streets constructed within a development shall conform to all applicable standards as cited in Section V, Article C of these Regulations.

2. Clearing and Grubbing.

The entire area of the rights-of-way shown on the approved Final Plan shall be cleared and grubbed. All root systems, trees, stumps, bushes, and other objectionable materials shall be removed and disposed of as indicated by the Municipal Engineer. Healthy trees within the rights-of-way width and outside the pavement width may be left standing, provided said trees are not more than 5' (five feet) from the right-of-way line, except where sidewalks are required.

3. Earth Excavations.

Earth excavations shall include, but not be limited to, the removal of clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting; boulders of less than 1/2 cu. yd. (one-half cubic yard) in volume; and, other unacceptable materials within the limits of roadway, drainage, or other excavation.

This item of work shall also include backfilling of all stump holes and other surface irregularities with materials having good drainage characteristics.

All excavations shall be to a depth and width as shown on the approved Final Plans, Profiles, and Cross-Sections.

4. Rock and Ledge Excavation.

Rock and Ledge Excavation shall include removal and disposal of all boulders of 1/2 cu. yd. (one-half cubic yard) or more in volume and all hard ledge rock which can be removed only by drilling and splitting mechanically by hand or blasting

Such excavations shall be at least 12" (twelve inches) below sub-grades and, where applicable, ledge side slopes shall be (one foot) horizontal to 1' (one foot) vertical.

5. Subsurface Water.

Where ground water is encountered within 5' (five feet) of finished grade as determined by RI Department of Environmental Management, "Ground Water Procedures", during the wet season, adequate subsurface drainage shall be constructed to lower the ground water level to a depth of at least 5' (five feet) below finished grade.

6. Description of Street Construction.

a. General Street. shall be constructed so as to provide a minimum cross-section after compaction of 8" (eight inches) gravel borrow base course sub-base in fill and 10" (ten inches) gravel borrow base course in cuts with 2" (two inches) of crushed bank run gravel (meeting Town specifications) and hot-mix asphaltic and bituminous concrete materials conforming to R.I. Standard Specifications as follows:

One (1) - 2" (two inches) layer of modified bituminous binder course.

One (1) - 2" (two inches) layer of bituminous concrete surface course for roadways, Class I, Type I-I.

- b. **Materials.**
 - 1) Gravel borrow sub-base course shall conform to the R.I. Standard Specifications.
 - 2) Modified Bituminous Concrete Binder and surface course shall conform to the R.I. Standard Specifications.
- c. **Construction Method.**
 - 1). **Preparation of Sub-Base** - The sub-base shall be thoroughly compacted to 95 % of maximum dry density as determined by ASTM (American Society of Testing and Materials) Method D1557 or AASHTO (American Association of State Highway and Transportation Officials) T-180, true to the lines, grades and cross-sections shown on the approved Final Plat and Plans and accepted drawings. The sub-base shall be approved by the Municipal Engineer or his representative and shall be free of soft or otherwise weak zones before any aggregate is spread.
 - 2) **Curb and Gutter** - The edge of the wearing surface shall be held to line and grade by the installation of curbs and gutters prior to the installation of the gravel bottom base course.
 - 3) **Installation** - Installation of gravel borrow base course, curbing, and bituminous wearing courses shall conform to the R.I. Standard Specifications, Revision of 1971 with latest revisions.
 - 4) **Closing of Newly Constructed Street** - Upon completion of the placement and rolling of the surface course, the street(s) shall be closed to all traffic for a minimum duration of eight (8) hours. Traffic passing over newly constructed streets shall be limited to wheeled vehicles only and no tracked equipment shall be allowed to pass.
 - 5) **Seasonal Limits** - No bituminous material shall be laid when the temperature of the air is 50 F. (Fahrenheit) and falling or during unfavorable weather conditions.

ARTICLE C. CURBS.

1. **Installment and Specifications.**

Pre-Cast Concrete, Granite Curbs, or Bituminous Berm, as determined by the Planning Board, shall be installed at the edges of the street pavement area and shall conform to the "Standard Specifications for Road and Bridge Construction" published by the Rhode Island Department of Transportation (RIDOT) as well as ANSI standards for handicapped accessibility. At all street intersections, Curb Returns shall have a radius of at least 20' (twenty feet).

ARTICLE D. SIDEWALKS and PEDESTRIAN RIGHTS OF WAY.

1. **Paved Sidewalks.** When paved sidewalks are to be constructed, they shall be installed in the area between the back of the curb line and the rights-of-way line. Such sidewalks shall consist of 6" (six inches) gravel borrow base course and a 4" (four inches) concrete wearing surface. Materials and methods of construction shall conform generally to the specifications in the foregoing Article B. of this Section.
2. **Unpaved Sidewalks.**

If no sidewalks are to be constructed, the area between the back of the curb line and the rights-of-way line shall be loamed to a depth of 6" (six inches) and seeded with a suitable grass seed as determined by the Municipal Engineer.
3. **Pedestrian Rights-of-Way.**

Pedestrian Rights-of-Way shall be paved a minimum of 6' (six feet) in width and shall consist of 6" (six inches) gravel borrow base course, one (1) 1-1/2" (one and one-half inches) layer of binder, and one (1) 1-1/2" (one and one-half inches) layer of wearing surface. Materials and construction method shall conform generally to the specifications in the foregoing Article B of this Section.

ARTICLE E. SURFACE AND SUBSURFACE STORM DRAINAGE STRUCTURES AND FACILITIES.**1. Earthwork and Drainage.**

All necessary surface and subsurface drainage structures and facilities shall conform to the "Standard Specifications for Road and Bridge Construction", published by RIDOT, exclusive of any items therein covering methods of measurement, basis of payment.

2. Manholes.

Manholes shall be located on all storm sewer trunk lines as follows:

- a. At maximum distances of 300' (three hundred feet) for lines 30 (thirty inches) in diameter or less;
- b. At all angles in the sewer line;
- c. At street intersection 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 sewer changes;
- f. All catch basins shall conform to the State Standard details.

3. Minimum Cover.

All subsurface drainage structures and facilities within street rights-of-way shall have a minimum of 3' (three feet) from finished grade. All such drainage structures and facilities shall be inspected and approved by both the Director of Public Works and the Municipal Engineer before covering.

4. Settling of Backfill

No pavement shall be placed over pipe installations within street rights-of-way until the backfill has been allowed to settle for a minimum of 30 (thirty) days, unless the Municipal Engineer determines a longer time is required.

ARTICLE F. INSTALLATION OF UTILITIES.**1. Location, Connection, and Backfilling.**

All utility lines and other subsurface facilities within street rights-of-way shall be installed between the curb lines of the street rights-of-way. The lot connections of said facilities shall extend to the property lines. The backfill shall be allowed to settle for a minimum of 30 (thirty) days prior to the preparation of the street sub- base, unless the Municipal Engineer determines a longer time is required.

2. Water Mains.

Installation of water mains shall be in conformance to the "American Water Works Association Standard Specifications for Residential Subdivisions", and such other specifications as may be required by the water district providing the service.

ARTICLE G. PERMANENT MONUMENT**1. Materials.**

Permanent monuments shall be stone and conform in size and Shape to the specifications in Article G-2 of this section.

2. Dimensions.

- a. **Size** -Monuments shall be 36" (thirty-six inches) in length and 6" (six inches) square.
- b. **Drill Hole** -A drill hole measuring 1/2" (one-half inch) in diameter and 3/4" (three-quarters inch) deep shall be placed and centered on the top surface of the monument.
- c. **Location Elevation** shall be engraved in 1/4" (one-quarter inch) lettering on the top of the monument next to the drill hole. Said elevation shall be based I upon USGS Mean Sea Level Datum.

3. **Setting Monuments.**

- a. All monuments shall be set flush with the finished grade anticipated subsequent to the completion of property landscaping by the property owner; that is, monuments set by the developer should be raised approximately 2" (two inches) above the development grade in anticipation of 2" (two inches) of landscaping loam.
- b. The setting of all monuments must be certified by the Town Surveyor. Said certification shall be provided in writing by the Town Surveyor prior to the release of any Improvement Guarantee held on the specific phase of a development. :

SECTION VIII.

BOARD OF APPEAL.

ARTICLE A. APPOINTMENT.

Pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, the Town Council has established the Zoning Board of Review to be the BOARD OF APPEAL to hear appeals of decisions of the Planning Board and Administrative Officer on matters of review and approval of land development and subdivision projects. Said Board of Appeal shall also be known from time to time as the PLATTING BOARD OF APPEAL.

ARTICLE B. POWERS of the BOARD of APPEAL.

The Board of Appeal shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Board or the Administrative Officer in the enforcement of the Land Development and Subdivision Review Regulations of the Town of Smithfield, hereinafter called the Regulations.

ARTICLE C. USE OF POWERS.

In exercising the powers cited in Article B. above, the Board of Appeal may, in conformity with the provisions of the Regulations and in the proper exercise of its discretion, reverse or affirm wholly or partly or may modify the decision appealed from and make such order, requirement, decision, or determination as ought to be made and that end shall have all the powers of the Planning Board or Administrative Officer from whom the appeal was taken.

ARTICLE D. PROCEDURE FOR APPEALS TO BOARD OF APPEAL.

1. **General.**

- a. Any party aggrieved by a decision of the Planning Board or the Administrative Officer shall have the right to appeal that decision to the Board of Appeal by the following procedure:
 - 1) The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.
 - 2) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.
 - 3) The appeal shall either be sent certified mail, with a return receipt requested, or shall be hand-delivered, to the office of the Town Clerk.
 - 4) Upon receipt of an appeal, the Board of Appeal shall require the Planning Board or the Administrative Officer to transmit forthwith to the Board of Appeal all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.
 - 5) Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the planning board at the preliminary stage, providing that a public hearing has been held on the plan pursuant to Section 45-23-42.
- b. An appeal shall stay all proceedings in furtherance of the action being appealed.

2. **Public Hearing on Appeals to the Board of Appeal.**

- a. The Board of Appeal shall conduct a Public Hearing on each appeal within forty-five (45) days of receipt of the Appeal by the Board.

- b. Notice of the Public Hearing shall be published in a newspaper of general circulation within the Town at least 14 (fourteen) days prior to the date of the Public Hearing. Notices shall be sent by certified mail, return receipt required, to the parties to the appeal and to each owner of property within two hundred (200) feet of the perimeter of the subject parcel. The party who filed the appeal shall bear the cost of advertising and notice.
- c. At the Hearing, any party may appear in person or may be represented by an agent or attorney.
- d. The Public Hearing shall be conducted at a meeting called and advertised especially for the purpose of the appeal. The Hearing shall be conducted separately from any Zoning Board of Review meeting, but it may be held the same date and at the same place as a meeting of the Zoning Board of Review. Separate minutes and records of votes as required by the Rhode Island General Laws 45-23- 70(D) shall be maintained by the Board of Appeal.
- e. The Board shall render a decision on the appeal in the following manner.
 - 1) The Board shall not substitute its own judgment for that of the Planning Board or Administrative Officer, but shall consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
 - 2) The concurring votes of three (3) of the five (5) members of the Board sitting at the hearing shall be necessary to reverse any decision of the Planning Board or Administrative Officer.
 - 3) In the instance where the Board overturns a decision of the Planning Board or Administrative Officer, the proposed project application shall be remanded to the Planning Board or Administrative, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for final disposition, which shall be consistent with the Board's decision.
 - 4) The Board shall keep complete records of all proceedings including a record of all votes taken. All decisions shall be in writing and shall include reasons for the decision.

ARTICLE E. APPEALS TO SUPERIOR COURT

1. Appeals of Decisions of the Board of Appeal.

- a. **Aggrieved Parties.** An aggrieved party may appeal a decision of the Smithfield Board of Appeal to the Providence County Superior Court by filing a complaint setting forth the reasons of appeal within 20 (twenty) days after the decision ~s been recorded and posted in the Town Clerk's Office. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings.
- b. **Filing by Town with Court.** Within 30 (*thirty*) days after being served with a copy of the complaint, the Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court.
- c. **Stays of Proceeding-** 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 appropriate orders as it deems necessary for an equitable disposition of the appeal.
- d. **Court Review Process-** The Court shall review the appeal pursuant to R.I. General Laws, Section 45-23-71.

2. **Appeals of Enactment or Amendment of Regulations.**

- a. **Appeal by Smithfield Residents or Landowners.** Any legal resident or landowner of Smithfield or any association of residents or landowners of Smithfield, may appeal an enactment or amendment of these Regulations by the Planning Board by filing a complaint in the Providence County Superior Court within 30 (thirty) days after such enactment or amendment has become effective.
- b. **Content of Complaint.** The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with:
 - 1) Title 45, Chapter 22.2 of the Rhode Island General Laws, known as the "Comprehensive Planning and Land Use Regulation Act";
 - 2) Title 45, Chapter 24, Section 27 et. seq. of the Rhode Island General Laws, known as the "Zoning Enabling Act of 1991";
 - 3) The Smithfield Comprehensive Community Plan;
 - 4) The Smithfield Zoning Ordinance.
- c. **Stays of Enforcement.** The appeal shall not stay the enforcement of Regulations, as enacted or amended, but the Court may, in its discretion, grant a stay on appropriate terms, which include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.
- d. **Court Review Process.** The Court shall review the appeal pursuant to Rhode Island General Laws Section 45-23-72.

SECTION IX.**ADMINISTRATION AND ENFORCEMENT****ARTICLE A. ADMINISTRATIVE OFFICER.**

I

1. Administration.

Administration of these Regulations shall be under the direction of the Administrative Officer, who shall issue reports to the Planning Board. The Administrative Officer shall be designated by the Planning Board.

2. Appointment.

Appointment of the Administrative Officer shall be the responsibility of the Planning Board.

3. Duties and Responsibilities.

The duties and responsibilities of the Administrative Officer shall include, but shall not be limited to, the following responsibilities:

- a. Coordination of the review, approval, recording, and enforcement provisions of these Regulations;
- b. 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 and as directed by the Planning Board.
- c. Enforcement of these Regulations -the Administrative Officer shall be responsible for coordinating the enforcement efforts of the zoning enforcement officer, the building official, planning department staff, the municipal engineer, the Department of Public Works, and other local officials responsible for the enforcement or implementation of discrete elements of these Regulations.
- d. Serve as the chair of the Technical Review Committee.

4. Qualifications.

The qualifications of the Administrative Officer shall be determined by the Planning Board and be based upon consideration of education, training, and/or experience in land use planning and site plan review.

ARTICLE B. TECHNICAL REVIEW COMMITTEE.**1. Establishment.**

The Planning Board shall establish a Technical Review Committee to implement the provisions in these Regulations pertaining to same. Said Committee shall have the following composition:

- a) Administrative Officer shall serve as the Chair.
- b) Municipal Planner
- c) Municipal Surveyor
- d) Building/Zoning Enforcement Official
- e) Director of Public Works
- f) Town Engineer
- g) Planning Board member
- h) Conservation Commission member

2. Purpose.

The purpose of this Committee shall be to conduct technical reviews of applications submitted pursuant to these Regulations and within its jurisdiction as established by same.

3. **Responsibilities.** The Planning Board shall adopt written procedures establishing the Committee's responsibilities.
4. **Reports.** Reports of the Technical Review Committee to the Planning Board shall be in writing and shall be kept as part of the permanent documentation on the development application. In no case shall the recommendations of the Technical Review Committee be binding on the Planning Board in its activities or decisions. All reports of the technical review committee shall be made available to the applicant prior to the meeting of the planning board meeting at which the reports are first considered.

ARTICLE C. ENFORCEMENT.

1. **General.**

The Municipal Engineer shall enforce the provisions of the construction related provisions of these Regulations under the direction of the Administrative Officer and ensure compliance with the corresponding decisions of the Planning Board. The enforcement of all non-construction related provisions of these Regulations shall be performed by the Administrative Officer. :
2. **Violations.**
 - 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. 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 Land Evidence Records shall be in violation of these Regulations.
 - c. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or 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.
3. **Penalties for Violations.**

Any person adjudged in violation of these Regulations shall be liable for penalties not to exceed \$500.00 (five hundred dollars) per day, and each day of existence of a violation shall be deemed a separate offense. Any such fine shall inure to the Town of Smithfield.
4. **Stop Work Orders.**

Work initiated under a plan approved by the Planning Board may be halted by the Municipal Engineer or his authorized agent by written notification transmitted to the developer or owner for one or more of the following reasons:

 - a. Failure to construct the required improvements in accordance with the specifications approved by the Planning Board as required by these Regulations;
 - b. Violation of any of the provisions of these Land Development and Subdivision Review Regulations or any other applicable law, ordinance, rule or regulation related to the work or site of work; and
 - c. The existence of any condition or the performance of any act creating a hazard or endangerment to human life or property, or contrary to the spirit or intent of these Regulations.
5. **Injunctive Relief.**
 - a. The Town of Smithfield shall have the authority to bring suit in the Providence County Superior Court to restrain the violation of, or compel compliance with, the provisions of these Regulations.

- b. An action for injunctive relief brought by the Town of Smithfield in the Superior Court may be consolidated with an action seeking penalties for violations of these Regulations.

ARTICLE D. MEETINGS, VOTES, DECISIONS, AND RECORDS.

1. **Records.** 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 also be available for public review.
2. **Meeting Participation.** 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.
3. **Written Comments.** All final written comments to the Planning Board from the Administrative Officer, municipal departments, the Technical Review Committee (if any) state and federal agencies, and local boards or commissions shall be part of the permanent record of the development application.
4. **Votes and Decisions.** 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.

All written decisions of the planning board shall be recorded in the land evidence records within twenty (20) days after the planning board vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the administrative officer.

SECTION X**CONSERVATION DEVELOPMENT****ARTICLE A. PURPOSE**

Pursuant to and consistent with Section 5.6 of the Zoning Ordinance, the purposes of this section, entitled Conservation Development, are:

1. To protect natural resources, including but not limited to those areas containing woodlands, unique vegetation, streams, floodplains, wetlands, aquifers to their recharge areas, agricultural lands, wellheads and vernal pools, by setting them aside from development;
2. To preserve cultural, historical and archaeological resources;
3. To protect recreational resources;
4. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including wastewater disposal systems and wells, and to reduce length of roads, utility runs, and the amount of paving required for residential development;
5. To provide for a diversity of lot sizes, building densities, and 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 contiguous greenway system within the Town;
8. To implement adopted land use, transportation and community service policies, as set forth in the Comprehensive Plan,
9. To protect areas of the Town with productive agricultural soils to encourage continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
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 streets, neighborhoods, active farmland and adjacent park or conservation land.

ARTICLE B. APPLICABILITY

1. The Planning Board may require Conservation Developments only in the following zoning districts: Medium Density, Residential R-Med; Low Density, Residential R-80; and Residential Conservation R-200.
2. In accordance with the standards set forth in this Section X, the Planning Board shall require that all major subdivisions or land development projects be developed as a Conservation Development, whether a subdivision or not, except as provided in subsection X.B.4 of this Section, below.
3. Administrative subdivisions and minor subdivisions shall not be required to be developed as a Conservation Development. However, if the applicant of a minor subdivision requests to do a conservation development, they may do so with the approval of the Administrative Officer.

4. If an applicant requests approval of a major conventional subdivision, the Planning Board shall first require the applicant to submit a plan(s) of a conservation development for the property proposed for development, following the requirements and procedures for conservation developments provided in this section. As a comparison, the applicant shall also submit plan(s) for the conventional subdivision requested. If the Board finds that the conventional subdivision meets the general purposes of these Regulations as set forth in Section I, Article A, and after consideration of the purposes of conservation developments set forth in Section X, Article A, herein, the Board may permit the application to be reviewed in a form other than conservation development. For major subdivisions or land development projects, the Board may make this determination at the pre-application meeting, but no later than the master plan stage of review.
5. All requests for development of a major conventional subdivision shall only be authorized by the Planning Board by the granting of a waiver, in accordance with the provisions of Section VI, Article C of these Regulations.

ARTICLE 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 Section III of these Regulations.

ARTICLE D. 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, and any amendments thereto, 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. See the appropriate checklist for specific requirements.

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 Pre-Application Checklist C. For master plan meetings, this information shall be submitted in the form of an Existing Resources and Site Analysis Map, as specified in Section X, Article Q.

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 X, Article F.

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 Smithfield Comprehensive Plan.

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 Conventional Yield Plan approach as described in Section X, Article 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.

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 X, Article E. 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 (Section X, Article Q).

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 Smithfield's rural character.

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.

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.

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).

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 X, Article L.5 shall be submitted.

ARTICLE E. SKETCH PLAN OVERLAY SHEET

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).

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.

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.

ARTICLE F. SITE CONTEXT MAP

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 1,000 feet of the subdivision parcel. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, Rhode Island Natural Heritage Areas, flood plains or flood hazard areas, aquifers, and significant public facilities shall be indicated on this Map. Topography at 10-foot contour intervals (from USGS maps) shall be shown.

A separate soils map of the surrounding area shall be prepared. If present, agricultural land as defined in Section I, Article D, and any very poorly drained soils shall also be shown on the Site Context Map.

ARTICLE G. LOT DIMENSIONAL REQUIREMENTS

Applicants are encouraged to modify lot size, shape, and other dimensional characteristics within a Conservation Development. A Conservation Development may be developed with dwelling units on separate lots, a single lot, or a combination thereof. Where dwellings are proposed to be located on individual lots, the minimum dimensional regulations provided in Table 5.6-1 of the Zoning Ordinance shall be applicable to dwellings within a Conservation Development. Where dwellings are located on a single lot, the lot frontage and width, front yard depth, rear yard depth and side yard depth shall be as provided in Section 5.5 of the Zoning Ordinance.

ARTICLE H. BASIC MAXIMUM NUMBER OF DWELLING UNITS

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 detached dwellings 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 Conventional Yield Plan; provided, however, that the Planning Board's determination of the Basic Maximum Number shall be conclusive.

Conventional Yield Plans shall be prepared as conceptual layout plans in accordance with the Pre-application Checklist (Checklist C). Conventional Yield Plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. The Conventional 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 Section 6.8 of the Zoning Ordinance), existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.

The Conventional Yield Plan shall also reflect the dimensional standards for uses being proposed, as contained in Table 1 - Dimensional Regulations in Section 5.4 of the Zoning Ordinance, or other applicable dimensional requirement of the Zoning Ordinance. The Conventional 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 Conventional Yield Plan may contain land unsuitable for development, this area shall be counted towards the minimum lot area only as provided in Section 6.8 of the Zoning Ordinance.

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 Conventional 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 the site visit to the property, and/or upon other evidence available to the Board at any time during the development review process.

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.

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.

ARTICLE I. USES PERMITTED

A Conservation Development may consist of any combination of uses as permitted in Section 5.6.3 of the Zoning Ordinance. The Planning Board may require the development plan to show the location of building footprints, and their relation to driveways and streets, and may approve, approve with modification, or deny such locations. For all 2, 3, or 4 unit dwellings, the applicant shall be required by the Planning Board to submit exterior building elevations and schematic architectural plans for its review and approval. The Board shall review these drawings for conformity with the design guidelines set forth herein and in the Comprehensive Plan. The Board may also permit specific written or graphic architectural standards or codes for building appearance to be submitted by the applicant for review and approval.

For the purposes of determining the Basic Maximum Number, a single-family dwelling shall be counted as one dwelling, a two-family dwelling shall be counted as two dwellings, a multifamily dwelling or a townhouse dwelling shall be counted as the total number of dwelling units contained in all such structures. Accessory family dwelling units shall not count as dwelling units in a conservation development.

Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the Conservation Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

ARTICLE J. STORMWATER MANAGEMENT

The stormwater management system for a Conservation Development shall conform to the Town's Subdivision and Land Development Regulations, with particular regard for the need to encourage infiltration and groundwater recharge as opposed to detention or retention basins. See Section VI, Article A.6.

The Planning Board may allow stormwater drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, streambelts or greenways, and are designed to facilitate infiltration and recharge of water, and that such facilities are not in conflict with the intent and purpose of a Conservation Development as stated in Section X, Article A, or with the general purposes of these Regulations.

Where stormwater drainage facilities are approved by the Board to be located within common open space areas, the Board shall require legal documents to be recorded along with the approved plat that clearly specify maintenance responsibilities. In addition, a maintenance plan for the facilities shall be prepared and approved by the Board as part of the open space use and management plan as provided in Section X, Article L.5 of these Regulations.

ARTICLE K. PARKING

Each dwelling unit shall be served by off-street parking as provided in Article 7 of the Zoning Ordinance.

ARTICLE L. OPEN SPACE

Every Conservation Development shall provide protected open space lot or lots in accordance with the standards set forth below, and in Section 5.6.6 of the Zoning Ordinance.

1. Open space provided by a Conservation Development for public or common use, shall either (1) be conveyed to the Town and accepted by the Town for park, open space, agricultural, or other permitted use or uses; or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the Conservation Development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the Comprehensive Plan and Zoning Ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. In such cases, the Planning Board, as part of its review of a conservation development, shall make positive findings as part of the record, setting forth the basis for such ownership.
2. The Planning Board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the Comprehensive Plan.
3. In any case where the land is not conveyed to the Town, a restriction, in perpetuity, enforceable by the Town and by any owner of property in the land development project in which the land is located shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed.
4. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five (5) percent of the total open space area of the Conservation Development.
5. All open space, regardless of whether it is conveyed to the Town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended to at least one entity other than the Town, which entity shall be a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.
6. The perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The Planning Board or Administrative Officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the open space, the Town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

7. 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.

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:

1. the general location and area of all proposed open space;
2. the general proposed use(s) of the open space;
3. existing topography and existing ground cover of open space areas;
4. the location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;
5. 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;
6. generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas;
7. the location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas recreation areas and,
8. areas proposed to be left in their existing natural states without any disturbance.

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.

9. 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.

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.

ARTICLE M. 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 X 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 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;
 - 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. 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;
 - h. Active agricultural uses, pastures, croplands;
 - i. 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 roads (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:
 - 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. Placement of individual sewage disposal systems (ISDS) within the open space shall be permitted only by the granting of a waiver by the Board, as provided in Section VI, Article C.

- b. 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;
 - c. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Board, without interfering with adjacent dwelling units, parking, driveways, and roads;
 - d. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision;
 - e. They shall provide buffers to adjoining parks, preserves or other protected lands;
 - f. 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;
 - g. Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation;
 - h. 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;
 - i. They shall be consistent with the Comprehensive Community Plan.
3. **Uses Permitted Within Open Space Areas** The open space in a Conservation Development shall be devoted only to conservation purposes or for park, recreation and agricultural purposes as provided in Section 5.6.3 of the Zoning Ordinance.

ARTICLE N. BUFFER AREAS

The Planning Board may require a vegetated buffer between new development and existing streets, neighborhoods, active farmland, adjacent park or conservation land, or other surrounding uses or areas in accordance with the following standards:

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 yard dimensions as provided in Article 5 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. Structures and off-street parking and loading areas shall not be permitted in any buffer area.
3. 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 X, Article L above, 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 open space or landscaping purposes only. Where such easements are located on privately owned lots, they shall not be counted toward the minimum required open space area.

4. 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;
 - 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.
5. 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.
6. 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 fifty (50) feet in depth along the entire street frontage, except for any necessary access streets.
7. If development within the Conservation Development is such that individual building lots are not being created (i.e., subdivision) but that buildings are proposed to be located on a single lot (i.e., multifamily or condominium) or combination thereof, the provisions stated above with regard to buffer areas shall be interpreted to apply to the setback, screening and location of individual buildings. The minimum yard dimensions for multifamily dwellings provided in Section 5.5 shall apply.

ARTICLE O. STREETS

Streets within a Conservation Development may be publicly or privately owned and maintained and shall conform to the standards of Section V of these Regulations. 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 adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

ARTICLE P. DECISION

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Development upon finding that the Conservation Development better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations than would a conventional development, and after consideration of the general requirements set forth in Section I, Article B, the required findings for approval set forth in Section II, Article B, and after consideration of the purposes of Conservation Developments set forth in Section X, Article A, herein.

ARTICLE Q. EXISTING RESOURCES AND SITE ANALYSIS MAP

Subdivisions and land development projects, whether or not proposed to be developed as a conservation development, shall be required to prepare an Existing Resources and Site Analysis Map, if required by Checklists C and D. 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 on the proposed development site.

An Existing Resources and Site Analysis Map is required to be prepared at the following review stages of subdivisions and land development projects:

- Checklist C - Checklist for Pre-application Meetings - /Major – Subdivision Plan/Land Development Project
- Checklist D - Master Plat Checklist for Major Subdivisions / Land Development Projects

The checklists referenced above provide guidance to the applicant regarding preparation and use of the Map and its components.

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).

A. Topography and Slopes

1. 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 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

1. 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.
2. 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 Section 2 shall be identified.
3. 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
4. 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.
5. Ridge lines of existing hills and watershed boundaries shall be identified.
6. Wellhead protection areas for public or community drinking water wells.

C. Cultural Resources Inventory

1. 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.

2. 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.
3. 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 Section I, Article D.

D. Recreational Resources Inventory

1. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
2. Boat launches, stream access locations and water trails
3. Existing play fields and recreation areas

E. Utilities and Infrastructure

1. 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.
2. Location of all streets and utilities

SECTION XI

MISCELLANEOUS.

ARTICLE A. REVIEW.

The provisions of these Regulations will be reviewed by the Planning Board a minimum of once every two (2) years.

ARTICLE B. ADOPTION, AMENDMENTS, AND REPEALS.

The Land Development and Subdivision Review Regulations of the Town of Smithfield shall not be adopted, repealed, or amended until after a Public Hearing of which notice shall be given specifying the time and place of such Hearing by publication of such notice in a newspaper of the general circulation of the Town at least once a week for three (3) consecutive weeks prior to the date of such Hearing.

The Planning Board shall adopt, amend, or repeal these Regulations pursuant to the following procedures:

1. **Advertisement Notice.**

Notice of a Public Hearing on any proposed adoption, amendment, or repeal shall be published in a newspaper of general circulation within the Town at least once each week for three (3) successive weeks prior to the date of the Hearing, which may include the week in which the hearing is to be held. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles. The contents of the advertisement shall include at least the following information:

- a. Specify the place of said hearing and the date and time of its commencement;
- b. Indicate that adoption, amendment or repeal of local regulations is under consideration;
- c. 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;
- d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- e. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

2. **Mailed Notices.**

Notice of the Public Hearing shall be sent by first class mail to the following:

- a. 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.
- b. City or Town Planning Board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of Town of Smithfield's boundaries.
- c. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed

that is used or is suitable for use as a public water source located within either the Town of Smithfield or two thousand feet (2,000') of the Town's boundaries, provided, however, that a map survey has been filed with the Smithfield Building Inspector showing the areas of surface water resources and/or watersheds, and parcels of land within 2000' (two thousand feet) of the areas of surface water resources and/or watersheds, pursuant to the General Laws of the State of Rhode Island (1956 as amended), Section 45-24-53(E).

3. **Conduct of Hearing.**

The Planning Board shall conduct a Public Hearing at the date, time, and place specified in the newspaper advertisement and notices. At the Hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed Regulations.

ARTICLE C. COPIES OF REGULATIONS.

Printed copies of the local regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies. Upon publication of local regulations and any amendments thereto, the municipality shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library.

ARTICLE D. VESTED RIGHTS.

Nothing contained in these Regulations shall impair the validity of any plat legally recorded prior to the effective date of these Regulations.

ARTICLE E. APPLICABILITY OF PRIOR SUBDIVISION REGULATIONS.

Subdivisions which were submitted to the Planning Board for approval under the provisions of these Regulations in effect prior to the date of passage of these Regulations (March, 2007) may be continued to be reviewed by the Planning Board and approved under said prior Regulations in accordance with the following:

1. **Final Approvals.**

Any subdivider who, at the time of adoption of these Regulations, 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 extension as set forth in the Regulations in effect at the time of final approval.

2. **Preliminary Approvals.**

Any subdivision which, at the time of adoption of these Regulations 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 that the final plat must be approved and recorded within one (1) year from the date of preliminary approval, unless an extension of time is granted by the Planning Board for good cause shown.

3. **Other.**

Any subdivision which, at the time of adoption of these Regulations has not received final or preliminary approval; or has been reviewed by the Planning Board for preliminary review but no approval therefore has been granted; or which has received any pre-application approval; and any division of land which has not received final approval; shall be reviewed under the terms of these Regulations. The Planning Board shall determine which Regulations apply for subdivisions submitted for approval prior to the date of passage of these Regulations (May, 2006). Appeals from a decision regarding the application status and the applicable Regulation shall be made to the Platting Board of Review as herein provided.

ARTICLE F. SEVERABILITY.

If any provision of these Regulations or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of these Regulations and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

A. CHECKLIST - ADMINISTRATIVE SUBDIVISION

The applicant shall submit to the Administrative Officer at least four (4) legible blue or black line copies of the required plans and any supporting materials required by this checklist. The scale of the plans shall be 1"=100' (one inch equals one hundred feet) or smaller. Each sheet shall be no larger than 24 x 36 inches, and each sheet shall be numbered sequentially, e.g. Sheet 1 of 3, 2 of 3, etc. Smaller subdivisions shall be drawn on a minimum sheet size of 18" x 24".

The plans must illustrate all parcels, in their entirety, involved in the proposed subdivision or land development. Plans shall include a certification that all plans and proposed improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors, as appropriate.

1. ___ Name and address of the property owner and applicant
2. ___ Date of plan preparation, with revision date(s) (if any)
3. ___ Graphic scale and true north arrow
4. ___ Plat and lot numbers of the parcel being re-subdivided
5. ___ Zoning district(s) of the parcel being re-subdivided. If more than one district, zoning boundary lines must be shown
6. ___ Existing property lines, easements and rights of way
7. ___ Proposed property lines, drawn so as to distinguish them from existing property lines
8. ___ Existing and proposed area(s) and dimensions of the parcel(s) being re-subdivided, for the entire extent of all lots included in the administrative subdivision
9. ___ Approximate location of wooded areas
10. ___ Approximate location of wetlands or other land unsuitable for development
11. ___ Location and size of existing buildings, structures, utilities and improvements
12. ___ Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided
13. ___ Certification (stamp) of a Professional Land Surveyor that the plan is correct, and that it conforms to a minimum of a Class I Survey, and is tied into the Town of Smithfield GIS vertical and horizontal control datum.

Supplementary Information

1. ___ Administrative fee.
2. ___ Deed Descriptions for each lot and one for the area to be conveyed.
3. ___ General Application for Subdivision Review.
3. ___ RIDEM or RIDOT approvals, if necessary.
4. ___ The signature of the owner(s) of all existing lots involved in the subdivision shall appear on the mylar plat prior to endorsement by the Administrative Officer

**B. CHECKLIST FOR INFORMAL CONCEPT REVIEW
MAJOR & MINOR SUBDIVISION / MAJOR LAND DEVELOPMENT PROJECTS**

The applicant shall submit to the Administrative Officer at least eighteen (18) copies of the required plans and any supporting materials required by this checklist. The scale of the plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. Each sheet shall be no larger than 24 x 36 inches, and a minimum of 18" x 24". Each sheet shall be numbered sequentially, e.g. Sheet 1 of 3, 2 of 3, etc. The plans must illustrate all parcels, in their entirety, involved in the proposed subdivision or land development. Plans shall include a certification that all plans and proposed improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors, as appropriate.

Base Map

The base map shows the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1 inch = 100 feet or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. ___ Name of the proposed subdivision.
2. ___ Name and address of property owner and applicant.
3. ___ Name, address and telephone number of the person or firm preparing the pre-application plan(s)
4. ___ Date of plan preparation, with revision date(s) (if any).
5. ___ Graphic scale and true north arrow.
6. ___ Plat and lot numbers(s) of the land being subdivided.
7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines shall be shown
8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. ___ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed
10. ___ Area in acres of the parcel.
11. ___ Location and approximate size of existing structures.
12. ___ Location of land unsuitable for development, including rivers, streams, lakes, ponds and wetlands. It is not necessary to field verify wetlands at this stage.

Sketch Plan Overlay Sheet

The site features described above have been documented by the applicant and presented to the Planning Board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of the base map required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

1. ___ Identification of areas proposed for development
2. ___ Location of proposed open space areas, if any
3. ___ Initial layout of streets
4. ___ Initial number of dwelling units

Supporting Materials

1. ___ Administrative Fee as required by Section IV, Article D.1
2. ___ General Application for Subdivision Review

**C. CHECKLIST FOR PRE-APPLICATION MEETINGS
MAJOR SUBDIVISION/ LAND DEVELOPMENT PROJECTS**

The applicant shall submit to the Administrative Officer at least eight (8) full-sized copies of the required plans and any supporting materials required by this checklist. The scale of the plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. Each sheet shall be no larger than 24 x 36 inches, and each sheet shall be numbered sequentially, e.g. Sheet 1 of 3, 2 of 3, etc. In addition, twenty-five (25) legible sets of plans shall be submitted and reduced to a minimum sheet size of no larger than 18" x 24". The plans must illustrate all parcels, in their entirety, involved in the proposed subdivision or land development. Plans shall include a certification that all plans and proposed improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors, as appropriate.

At a minimum, the following information shall be provided:

1. Site Base Map
2. Existing Resources and Site Analysis Map (See Section X, Article Q)
3. Site Context Map (see Section X, Article F)
4. Potential Site Conservation Areas Map
5. Sketch Plan Overlay Sheet
6. Conventional Yield plan

Base Map

The base map shows the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1 inch = 100 feet or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. ___ Name of the proposed subdivision.
2. ___ Name and address of property owner and applicant.
3. ___ Name, address and telephone number of the person or firm preparing the pre-application plan(s).
4. ___ Date of plan preparation, with revision date(s) (if any).
5. ___ Graphic scale and true north arrow.
6. ___ Plat and lot numbers(s) of the land being subdivided.
7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines shall be shown.
8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
9. ___ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
10. ___ Area in acres of the parcel.
11. ___ Location and approximate size of existing structures.
12. ___ Known surface waters including rivers, streams, lakes, ponds and wetlands. It is not necessary to field verify wetlands at this stage.

Step 1: Existing Resources and Site Analysis Maps

During Site Analysis, information about natural and cultural factors is collected and mapped, creating an objective basis of facts to inform discussions and support fair decisions. In this first step, the focus is on the site itself, its features and capabilities. The Site Analysis process is described in detail in Section X, Article D, Step 1 of these Regulations. The number of Site Analysis maps required will vary with the complexity of each site. The following maps should be prepared as separate overlays, which can be combined in different ways using Geographic Information System Technology (GIS) to better understand the interaction of the various site features and resource types. GIS maps are recommended. For further information and illustrated examples regarding suggested GIS maps refer to RIDEM Conservation Development Manual 2003.

Topography and Slopes

The form of the land is fundamental to understanding both natural systems and suitability for construction. USGS topographic maps provide 10' contours (elevation lines); these can be traced manually or digitized for use as an overlay. In addition, a slope map provides a general assessment of development suitability, or potential hazards, based on slope.

13. ___ Existing topography with 10' contour lines.

14. ___ Slope map, with slopes grouped according to three categories based on development suitability: less than 15%, 15-25%, and over 25%. Steeper slopes should be shown in progressively darker colors or shades of gray.

15. ___ Existing drainage and drainage structures, such as culverts and pipes, etc.

Natural Resource Inventory

Unique features and local priorities for natural resources can be found in the Comprehensive Plan. Smaller parcels in particular may contain only a portion of a resource area or buffer zone, which may be shown more clearly on a separate map showing the site within a larger district or watershed. Subsurface groundwater aquifers and surface water supplies should be indicated in a gradation of blue colors, tones or hatching where the surface water supply reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, respectively, with an indication of underlying soil types with hatching and/or labels. Natural Heritage areas can be shown with a red outline around the designated area.

16. ___ Location of land unsuitable for development as defined in the Zoning Ordinance, including wetlands, ponds, streams, ditches, drains, special aquatic sites, vernal pools. Wetland locations do not need to be verified by RIDEM.

17. ___ Surface watersheds, groundwater aquifers, recharge areas and wellhead protection areas.

18. ___ State-designated Natural Heritage Sites

19. ___ Unfragmented forest tracts.

20. ___ Prime farmland soils.

21. ___ Land in active agricultural use.

22. ___ State, regional, or community greenways and greenspace priorities.

23. ___ 100-year floodplains as shown on federal flood protection maps.

Cultural Resource Inventory

State and local records of historic features can be transferred to a base map by hand or as GIS layers. Site-level features such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features can be located on RIGIS orthophotos or transferred to an overlay map based on a site

walk. Scenic roads and areas are identified in state and local plans, and specific views on the parcel can be identified with arrows and text description.

- 24. ___ State or locally-designated historic sites, districts, cemeteries or landscapes.
- 25. ___ Archaeological sites.
- 26. ___ Scenic road corridors and state-designated scenic areas.
- 27. ___ Approximate location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational Resource Inventory

Trails and recreational areas can be identified based on site observation, USGS maps, and aerial photography. Regional trails, boat launches and recreational sites may be found on RIGIS, and in the Comprehensive Plan or other Greenspace Plans, which indicate existing and potential trails and recreation areas within the Town. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

- 28. ___ Existing hiking, biking, and bridle trails within and adjacent to site.
- 29. ___ Boat launches, lake and stream access points, beaches and water trails.
- 30. ___ Existing play fields and playgrounds adjacent to the site.

Utilities and Infrastructure (if available)

Utility information available on RIGIS may be dated, and therefore lacking more recent extensions. The Comprehensive Plan contains more recent maps of utilities, and the Smithfield Department of Public Works and public utility companies maintain the most up-to-date records. A quick field survey of manholes and utility poles can often provide a good approximation of available utilities.

- 31. ___ Size and approximate location of public or private water lines.
- 32. ___ Size and approximate location of public or private sewer lines.
- 33. ___ Gas service.
- 34. ___ Electrical service.
- 35. ___ Telephone, cable, and other communication services.
- 36. ___ Width and surfacing material of existing road(s) at access points.

Step 2: Site Context Map

In Step 2, attention shifts to what's around the site in the larger context of the neighborhood and town. Objective data is collected for natural, cultural and recreational resource systems that surround the site, as well as the social structure and visual character of the neighborhood. The Contextual Analysis process is described in detail in Section X, Article F and in Section X, Article D, Step 2 of these Regulations. It can include many of the same features and resources mapped for the site analysis, but this time with a focus on the area surrounding the site.

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within 1 or 2 miles of the site at a scale of one inch equals 400 feet.. Outline the parcel boundary. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. Resources which extend over large areas, such as public drinking water supply watersheds, groundwater aquifers, well head protection areas and agricultural districts, may also be shown more effectively at the context scale than on the site analysis maps in Step 1. A USGS map should be submitted with the parcel boundary outline. This will show many key features surrounding the site.

Step 3: Potential Conservation Areas

Based on the data mapped as part of the analysis of the site and its context in Steps 1 and 2, respectively, an assessment map of potential conservation areas shows that part of the site which must be protected by law, that which cannot be built on because of physical constraints, or which represents an important resource or neighborhood feature to be protected. Together, these represent the most logical potential conservation areas. While the first two steps consist of a straightforward inventory of resources, opportunities and constraints, for Step 3 planners must reach a consensus about which areas have high value for conservation. Designation of Potential Conservation Areas is described in detail in Section X, Article D, Step 3 of these Regulations.

Graphic and coloring schemes, as suggested below, can help keep this information legible as the information is combined on the maps. Separate overlays may be required to illustrate more complicated situations, but where possible try to keep these coverages on the same map.

Non-Buildable Areas

Land Unsuitable for Development is defined in Section 6.8 of the Zoning Ordinance. These areas shall be shown as follows:

1. ___ Freshwater wetlands, surface waters and vernal pools, including local and state regulated setbacks. Surface waters can be mapped in blue, with wetlands in blue/green and setback lines in darker blue/green.
2. ___ Land located in any floodway
3. ___ Ledge and/or rock out crops - can be mapped in brown.
4. ___ Slopes greater than 15% - can be mapped in orange.
5. ___ Existing utility easements and power line right-of-ways.
6. ___ Unique sites having historical, archaeological or values protected by Local, State or Federal Regulations.
7. ___ Hydric soils - can be mapped collectively in red cross-hatching rather than individual soil types.

Since soil conditions are fundamental both to natural resources and construction suitability, the statewide soil survey available on RIGIS can yield an approximate idea of areas where construction will be difficult or impossible. The soils data also shows where development may be most appropriate, particularly for on-site wastewater treatment systems. The applicant must show soils as a function of the soil properties, not the individual soil type. Several ways of grouping and assessing soils have been prepared by state agencies to aid in this assessment. RIGIS provides a grouping scheme based on water table, slope, bedrock, and miscellaneous severe constraints. The Cooperative Extension Service at the University of Rhode Island has developed a grouping scheme based on hydrological characteristics, from well-drained soils with a deep water table to hydric soils that are essentially wetlands. (A comparison of these methods may be found at the Rhode Island Cooperative Extension's web site www.uri.edu/ce/wq/mtp/rapid/sscomp.html.) The extent of hazard or constraint will depend to some degree on local conditions and availability of public sewer and water, etc. Items to be identified as potential conservation areas will therefore need to be identified in consultation with town staff or the Planning Board.

Partially Constrained Areas

8. ___ Slopes between 15-25% - can be mapped in yellow.
9. ___ 100-year flood plains - can be indicated with blue cross-hatching.
10. ___ Soils with seasonal high water table less than 3.5 feet or slowly-permeable "hardpan" soils - can be shown with orange cross-hatching (primarily a constraint on the construction of septic systems).

Important Natural, Cultural, and Recreational Resource Areas

Identify the resources in each category which are the most important to protect, based on an assessment of the natural, cultural and recreational resources mapped for Step 1; these can be indicated with transparent tones and/or written annotations on the map.

- 11. ___ Natural resource areas - can be shown in green transparent tones.
- 12. ___ Cultural resource areas - can be shown in red transparent tones.
- 13. ___ Recreational resources - can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Sketch Plan Overlay Sheet

The site features described above have been documented by the applicant and presented to the Planning Board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

- 1. ___ Identification of areas proposed for development
- 2. ___ Location of proposed open space areas
- 3. ___ Initial layout of streets
- 4. ___ Initial number of dwelling units

Conventional Yield Plan

A Conventional Yield Plan, as discussed in Section X.H shall be drawn to scale to show the maximum number of single family lots that could be developed on a subdivision parcel, taking into consideration the presence of land unsuitable for development as defined in the Zoning Ordinance.

- 1. ___ Conventional Yield Plan

Supplementary Information

- 1. ___ Administrative Fee (Section IV.D.1)
- 2. ___ General Application for Subdivision Review

Conclusions/Outcomes from Pre-Application Review

___ Agreement on areas for further investigation, necessary detail of field surveys, etc.

___ Approximate location of natural, cultural and recreational resources and agreement on the Town's priorities for resource protection in the areas of the site.

___ Understanding of resource systems within the site's larger context.

___ Preliminary location of potential conservation and open space areas.

___Preliminary location potential development areas.

___Agreement on type of development (conservation development, conventional development or rural residential compound).

___Agreement on initial basic maximum number of units. Refer to Section X.H

___Agreement regarding the consultants, if any, the Town will use to assist in the review process. Refer to Section IV, Article D.2 – Project Review Fees

___Other

**D. MASTER PLAN CHECKLIST FOR
MAJOR SUBDIVISION /LAND DEVELOPMENT PROJECTS**

Each of the ten steps in the Conservation Development process is reflected in Master Plan Review. Many of the same maps and overlays submitted for Pre-Application can be reused as they are, or updated with such additional field surveys and research as may be agreed to by the applicant and the Planning Board during pre-application review. Looking ahead to Preliminary and Final Plan submissions, the applicant may commission detailed topographic, wetlands, and boundary surveys - especially for areas of the site where development is proposed.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced sets of all drawings and plans required below on minimum 18" x 24" sheets. The number of reduced copies shall be determined by the Administrative Officer, based upon the required distribution to the Planning Board, and other agencies listed in D. Supporting Materials, below.

Initially, the applicant shall submit to the Administrative Officer at least eight full-scale (8) blue or blackline copies of master plan maps required below. In addition, at least twenty-five (25) reduced copies of the narrative report, including reduced maps shall be submitted.

A. Base Map

Unless otherwise indicated, plans shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a standard size sheet (24 inches x 36 inches), unless otherwise approved by the Administrative Officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). At this stage the basic features such as roads, parcel boundaries, topography, vegetation and water features are best redrawn as a clean base map, or used as overlays to the Existing Resources and Site Analysis Map.

1. ___ Name of the proposed subdivision.
2. ___ Name and address of property owner and applicant.
3. ___ Name, address and telephone number of the person or firm preparing the master plan(s)
4. ___ Date of plan preparation, with revision date(s) (if any).
5. ___ Graphic scale and true north arrow.
6. ___ Plat and lot numbers(s) of the land being subdivided.
7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines shall be shown
8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. ___ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed
10. ___ Area in acres of the parcel.
11. ___ Names of abutting property owners and property owners immediately across any adjacent streets.
12. ___ Location and approximate size of existing structures.
13. ___ Location of land unsuitable for development, including known surface waters including rivers, streams, lakes, ponds, wetlands and vernal pools. Wetland areas shall be field surveyed and verified by the RI Department of Environmental Management at this point, especially within or adjacent to proposed development zones.

B. The 10-Step Design Review Process (refer to Section X, Article D)

Step 1: Existing Resources and Site Analysis Map - Refer to Section X, Article Q

Topography and Slopes

After the pre-application meeting and concept review, the Planning Board and the applicant should agree on the necessary accuracy and detail of topographic data for the Master Plan submission. 10' contours (elevation lines) based on USGS surveys can be traced manually or digitized for use as an overlay, and may be sufficient if proposed development zones fall in areas of moderate slopes. For planning roads and building sites within areas over 8% grade, or to discern gently-sloping areas near wetlands, vernal pools or intermittent streams, a field survey of topography to map the 2' or 5' contour interval may be necessary to ensure a buildable Master Plan. This can be the basis for a more accurate slope map depicting a general assessment of development suitability, or potential hazards, based on slope or hydrologic conditions.

14. ___ Topography with contour lines at 10' interval, or more detailed, if necessary.
15. ___ Slopes grouped according to three categories based on development suitability: <15%, 15-25%, and over 25%. Steeper slopes should be shown in progressively darker colors or shades of gray.
16. ___ Existing drainage and drainage structures.

Natural Resource Inventory

Based on the preliminary designation of development zones, further site investigation and surveys may be necessary to establish the limits of natural resource areas such as wetlands, streams, vernal pools, and vegetation. These overlays can be updated with the more accurate information, using the same graphic schemes as the Pre-Application submission. Subsurface aquifers and surface water supplies should be indicated in a gradation of colors, tone or hatching where the reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, with an indication of underlying soil types with hatching and/or labels. Natural Heritage areas can be shown with a red outline around the designated area.

17. ___ Location of land unsuitable for development as defined in the Zoning Ordinance, including wetlands, ponds, streams, ditches, drains, special aquatic sites, vernal pools. All wetland locations shall be verified by RIDEM.
18. ___ Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
19. ___ Groundwater aquifers, including state-designated "groundwater reservoirs," recharge areas, wellhead protection areas and groundwater elevation, or "water table."
20. ___ State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
21. ___ Unfragmented forest tracts.
22. ___ Prime farmland soils.
23. ___ Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
24. ___ Large or unusual trees, shrubs or other unique vegetation.
25. ___ State, Regional, or community greenways and greenspace priorities.
26. ___ 100-year floodplains and base flood elevation data, as shown on FEMA maps.

Cultural Resource Inventory

Cultural features identified on the site, such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features may need to be more carefully surveyed in the field, along with other special features, views, etc. identified during the Site Visit and Pre-Application review. This is especially important if these features fall within proposed development areas, and could be incorporated into the proposed development.

- 27. ___ State or locally-designated historic sites, districts, cemeteries, or landscapes.
- 28. ___ Archaeological sites.
- 29. ___ Scenic road corridors and state-designated scenic areas.
- 30. ___ Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational Resource Inventory

Trails identified in Pre-Application may need to be more carefully surveyed in the field, especially where they cross proposed development areas. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

- 31. ___ Existing hiking, biking, and bridle trails within the site, or in the vicinity, where there is an opportunity to link the site with established trails.
- 32. ___ Boat launches, stream access locations and water trails.
- 33. ___ Existing play fields and playgrounds adjacent to the site.

Utilities and Infrastructure (if available)

Utility should be shown to the level of detail necessary for planning the most efficient connections to the development, but need not be surveyed in the field. Documentation of capacities of various services should be provided, if applicable.

- 34. ___ Size and location of public or private water lines.
- 35. ___ Size and location of public or private sewer lines.
- 36. ___ Gas service.
- 37. ___ Electrical service.
- 38. ___ Telephone, cable, and other communication services.
- 39. ___ Width and surfacing materials of existing road(s) at access points.

Step 2: Site Context Map – Refer to Section X, Article F

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within one-half mile of the development parcel at a scale of 1"=400' or as necessary. Outline the parcel boundary. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. After Pre-Application Review, the Planning Board may request that other resources be overlaid with the context map in order to better understand how the development will affect its surroundings. This may be particularly important in showing how the site fits into surrounding ecological or cultural systems. These may include regionally-important surface or subsurface water supplies, large stream/wetland systems, continuous blocks of forested land, or extended areas in agricultural use.

Step 3: Potential Conservation Areas

The Pre-Application Review, especially Step 3, the designation of potential conservation and development areas, will serve to focus the more detailed mapping of potential conservation areas during Master Plan. More detailed assessment of soils and slope constraints should be based on the specific character of the site and the type of development proposed. Conclusions about “non-buildable” and “partially-constrained” areas of the site will thus be calibrated to fit the specific situation. At a minimum, the Planning Board and the applicant should agree as to the method for evaluating soil constraints, using either the RIGIS suitability model or a soil-hydrology scheme, depending on site conditions. At the same time, the Planning Board can identify locations where field testing of soils and water table will be necessary, and the extent of such investigation required for the Master Plan submission.

Non-Buildable Areas

- 40. ___ Fresh water wetlands and surface waters including local and state regulated setbacks, verified by the Rhode Island Department of Environmental Management.
- 41. ___ Surface waters - can be mapped in blue, wetlands in blue/green and setback lines in darker blue/green.
- 42. ___ Hydric soils - can be mapped collectively in red cross-hatching rather than individual soil types.
- 43. ___ Ledge/outcrops - can be mapped in brown.
- 44. ___ Slopes greater than 15% - can be mapped in orange.
- 45. ___ Existing land restrictions such as utility easements, power line right-of-ways, etc.
- 46. ___ Any other land unsuitable for development, as defined in the Zoning Ordinance

Partially Constrained Areas (Physical Constraints to Development)

- 47. ___ Slopes between 15-25% - can be mapped in yellow.
- 48. ___ 100-year flood plains - can be indicated with blue cross-hatching
- 49. ___ Soils with seasonal high water table less than 3.5 feet or slowly-permeable “hardpan” soils - can be shown with orange cross-hatching.

Important Natural, Cultural and Recreational Resource Areas

Identify the resources in each category which are the most important to protect; these can be indicated with transparent tones and/or written annotations on the map.

- 50. ___ Natural resource areas can be shown in green transparent tones. The natural, cultural, and recreational inventories from Step 1 should be used here, and supplemented as necessary with field surveys.
- 51. ___ Cultural resource areas can be shown in red transparent tones.
- 52. ___ Recreational resources can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Summary Map

A Summary Map should be prepared, combining non-buildable, partially-constrained and important resource areas into a single overlay. The Summary Map represents a synthesis of the principal conclusions drawn from the previous maps. It therefore serves as a record of what the applicant and the Planning Board agree are the areas which should be preserved as open space, and likewise clearly identifies the areas most suited for development. It also allows for an agreement on what areas of the site

may need to be investigated in further detail, either to better locate the edges of a sensitive resource, or to perform a more detailed survey of features which might be incorporated in the proposed development.

The Summary Map simplifies the previous overlays into three colors:

- 53. ___ Non-Buildable Areas - shown in red or red hatching
- 54. ___ Partially-Constrained Areas - shown in orange or orange hatching
- 55. ___ Important Natural, Cultural and Recreational Resource Areas - shown in green tone or line work, as appropriate.

Step 4: Determine Maximum Number of Units

The applicant and the Planning Board shall agree on the Basic Maximum Number of Dwelling Units, if changed from the pre-application stage of review. Refer to the discussion of Step 4 in Section X.D, and to Section X.H, entitled Basic Maximum Number of Dwelling Units.

- 56. ___ Yield Plan drawings, with indication of number of units. :

Step Five: Locate Development Areas and Explore Conceptual Alternatives.

Development of a conceptual neighborhood layout can provide a framework to tie the proposed community together into a unified whole, and to link it with the larger neighborhood of which it is a part. Based on the results of Steps 1-3, the applicant prepares a Sketch Plan Overlay Sheet to overlay the Existing Resources and Site Analysis Maps showing the potential development areas, and at least three conceptual alternatives, where applicable, for the general layout of the proposed development. Refer to Section X.E entitled Sketch Plan Overlay Sheet. The focus of this Sketch Plan is to demonstrate how the development areas will avoid or minimize impacts to the potential conservation areas as shown on the Summary Map in Step 3. The plan should also demonstrate how the proposals would fit into the context as described in Step 2. The Sketch Plan Overlay Sheet shall be prepared for review by the Planning Board during the site visit.

- 57. ___ Potential development areas - show as a tone or boundary line.
- 58. ___ Conceptual alternatives - specify number and variables, if possible.
- 59. ___ Describe overall themes and organizing principles.
- 60. ___ Describe house types and/or architectural themes.

Step 6: Locate House Sites

Once a preferred concept is in place, attention turns to selecting house sites that provide high value to potential buyers, with opportunities for creative design, privacy, attractive views and yard space. Potential house sites are also evaluated for potential access, drainage, availability of utilities, and suitability for wells and septic systems. The process of locating house sites should be documented by describing the potential of proposed locations to avoid or minimize impacts to the resources identified in Steps 2 and 3, as well as the visual effect from within and outside the development, and livability for future residents.

A site visit is required at this point and prior to establishing final locations to verify that locations avoid or minimize impacts to the conservation areas identified in Steps 2 and 3. Refer to Section X, Article D.

- 61. ___ Development Suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures

good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.

62. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.

63. ___ Views and visual character of house sites - describe with arrows and annotation.

64. ___ Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.

65. ___ Indicate site access, service and parking alternatives.

66. ___ Indicate how the house sites will be connected to or benefit from the dedicated open space.

Step 7: Lay Out Streets, Trails and other Infrastructure

The layout of streets and trails is based on providing efficient access to the preferred house sites, organized by the overall design concept or theme. Several alternatives may need to be explored to find the best balance of community design with physical goals of minimizing pavement and limiting disturbance of the site.

67. ___ Alternatives for location and alignment of proposed roads and pedestrian system.

68. ___ Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.

69. ___ Alternatives for stormwater treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to Step 7 in Section X.D, and to Section VI.6 for further information regarding alternative stormwater treatment methods. The most recent edition of the Rhode Island Stormwater Design and Installation Standards Manual should also be consulted.

70. ___ Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

Step 8: Design Open Space

Proposed uses and design guidelines for open space areas to be preserved by the project should be carefully planned to take advantage of existing natural, cultural and historical features and the potential for active agriculture and forestry, and active or passive recreation. The design of open space should flow directly from its proposed use -- farming, stormwater management, habitat protection, recreation, etc. - and respond to the needs of the community.

71. ___ Map the proposed open space and indicate the proposed uses and design criteria.

72. ___ Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.

73. ___ Show proposed facilities for active sports, playgrounds, stream fishing access, etc.

74. ___ Plan for active agriculture, or forestry.

75. ___ Conceptual management criteria, including protection of the natural and cultural resources identified in Step 3.

Step 9: Draw in the Lot Lines

As one of the last steps in the design process, the location of lot lines should flow logically from the location of resources, proposed house sites, and existing features of the site. Lot lines should reflect logical boundary locations in the field, such as drainages, stone walls, and tree lines. Easements for utilities and trails are also set down to preserve access to important corridors. If the best locations for lot lines are still unclear at the Master Plan stage, criteria or guidelines for their placement should be described.

Depending on the size of individual lots, building envelopes may be necessary to ensure that houses are built in the desired area of each lot. This can take the form of a “build-to line” showing where the front wall of each house should be placed, a “limit of disturbance line” showing the area that should not be altered, or a building envelope zone, within which the builder can vary the final location and orientation of the house and appurtenances.

- 76. ___ Alternatives for location of lot lines.
- 77. ___ Criteria or statement of design intent for locating lot lines.
- 78. ___ Location of rights-of-way, utility or trail easements.
- 79. ___ Building envelopes or build-to lines.

Step 10: Establish Ownership and Maintenance of Open Space

In the final step of the process, the applicant should suggest the alternatives for ownership and maintenance of designated open space areas. This may only be conceptual during Master Plan stage, with the goal of revealing opportunities for ownership that may take advantage of unique site features, or which makes a particularly good fit with one of the design alternatives under consideration.

- 80. ___ Open space use plan. See Section X, Article L.5
- 81. ___ Maintenance alternatives, including potential funding sources.
- 82. ___ Show potential open space to be preserved, conservation easements or other restrictions.

Conclusions/outcomes from Master Plan Review

Following certification of a complete Master Plan submission, the town has 120 days to approve the Master Plan as submitted, deny the plan, or approve with conditions. As this formal approval proceeds, it is critical to the ongoing design process that the applicant and the town reach a clear and mutual understanding about the character of the site and the best way to develop it. Whether incorporated into the written approvals or not, these agreements record the conclusions of the Master Plan review and establish review criteria for the Preliminary Plan:

- ___ Agreement on areas for further investigation, soil tests, borings, necessary detail of field surveys, etc. to be done for the Preliminary Plan submission.
- ___ Agreement on location and function of natural, cultural and recreational resources.
- ___ Agreement on function and value of resource systems within the site’s larger context.
- ___ Agreement on location of potential conservation and development areas.
- ___ Agreement on basic maximum number of units
- ___ Agreement on design and uses of open space areas, trail connections, and other shared amenities.
- ___ Agreement on location and design of streets, home sites and other elements.
- ___ Agreement on criteria for establishing lot lines, pending further site surveys and analysis.
- ___ Agreement on ownership, maintenance and management responsibility of open space areas.
- ___ Agreement on use of Project Review Fees (if required)

C. Supplementary Information

- 1. ___ An estimate of the approximate population of the proposed subdivision
- 2. ___ An estimate of the number of school-aged children to be housed in the proposed subdivision
- 3. ___ Fiscal impact statement, if required
- 4. ___ Proposed phasing, if any

D. Supporting Materials

- 1. ___ Administrative Fee, plus required mailing and advertising expenses
- 2. ___ Project Review Fee. See Section IV, Article D.2
- 3. ___ General Application for Subdivision Review
- 4. ___ The names and addresses of owners of all property owners, agencies or communities requiring notification as required by these Regulations
- 5. ___ Initial written comments on the Master Plan from the following agencies:
(Provided by the Administrative Officer)

Local Agencies

- A. ___ Town Engineer Date: _____
- B. ___ Public Works Director Date: _____
- C. ___ Town Surveyor Date: _____
- D. ___ Fire Department Date: _____
- E. ___ Police Department Date: _____
- F. ___ Conservation Comm. Date: _____
- G. ___ Recreation Department Date: _____
- H. ___ Sewer Authority Date: _____
- I. ___ Water Authority Date: _____
- J. Other (specify) _____ Date: _____

Adjacent communities (specify)

- A. _____ Date: _____
- B. _____ Date: _____
- C. _____ Date: _____
- D. _____ Date: _____
- E. _____ Date: _____

State agencies

- A. ___ Environmental Management Date: _____
 - B. ___ Transportation Date: _____
 - C. ___ Other (specify) _____ Date: _____
-

Federal agencies

- A. ___ U.S. Army Corps Engineers Date: _____
- B. ___ FEMA Date: _____
- C. ___ Soil Conservation Service Date: _____

E. PRELIMINARY PLAN CHECKLIST FOR MAJOR SUBDIVISION /LAND DEVELOPMENT PROJECTS

Under state law, submission requirements for Preliminary Plan are determined by each town, but should include the following, as listed under Section 45-23-41:

“...engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic systems, public water systems, and connections to state roads.”

Preliminary Plan Review is thus concerned with the details of engineering and permitting necessary to ensure construction of the plans set down by the Master Plan. Barring surprises that turn up in more detailed surveys of the site, the conclusions reached in Master Plan will not change much, but they will need to be developed in more detail to explain exactly how each feature of the proposed development will be constructed. Under Section 45-23-44, state law lists requirements towns may adopt for physical design:

“Such requirements may include, but shall not be limited to, requirements and policies for rights-of-way, open space, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, public access through property to adjacent public property, and the relationship of proposed developments to natural and man-made features of the surrounding neighborhood.”

Section 45-23-45 expands this list to include standards for public design and improvements, including “...specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control.” What these requirements and standards imply is that the focus on community context and the environment that was so important to the development of the design during Pre-Application and Master Plan should not be lost as the project proceeds into Preliminary and Final Plan. Rather, as each aspect of engineering and construction is worked out, the Master Plan can and should continually be the basis of decision making, and the means by which each of the various aspects of construction, drainage, and environmental protection are coordinated into a unified whole.

At the conclusion of Master Plan all ten steps of the Conservation Development design process have been completed. The purpose of the Preliminary Plan stage is to do the detailed engineering and any remaining site analysis to determine that the Master Plan works. If not done previously, further site surveys may be required for a thorough assessment of whether there are additional natural or physical constraints, such as vernal pools or presence of ledge, that will require the Master Plan to be revised.

The following checklist repeats those elements of the Master Plan submission that are necessary to describe the basic information about the project and summarize existing conditions on the site. The Preliminary Plan submission will include these maps, and additional plans describing proposed conditions, as well as supporting materials necessary to record review and approvals by various state and local boards and officials.

Preliminary Plan Application Submission Requirements

Initially, the applicant shall submit to the Administrative Officer at least eight full-scale (8) blue or blackline copies of all drawings required below. In addition, at least twenty-five (25) reduced copies of the narrative report, including reduced maps and supplementary information shall be submitted.

A. Base Information

Unless otherwise indicated, plans shall be drawn to a scale of 1 inch to 40 feet. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Scale and sheet size may be modified with permission of the Administrative Officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The information below should appear on all sheets.

1. ___ Name of the proposed subdivision, including phase number.
2. ___ Name and address of property owner and applicant.
3. ___ Name, address, and telephone number of engineer, land surveyor, and landscape architect.
4. ___ Date of plan preparation, with revision dates.
5. ___ Graphic scale and true north arrow.
6. ___ Plat and lot numbers(s) of the land being subdivided or developed
7. ___ Names of abutting property owners and property owners immediately across any adjacent streets, with plat/lot numbers.
8. ___ Boundary lines of the parcel, with dimensions and bearings, drawn so as to distinguish them from other property lines.
9. ___ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown
10. ___ Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a Class I survey, and is tied into the Town of Smithfield GIS vertical and horizontal control datum.
11. ___ Location of public rights-of-way and/or easements.
12. ___ Area of the parcel(s) being developed and proposed number of buildable lots, dwellings or other proposed improvements
13. ___ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided.
14. ___ Phasing schedule (if any)

B. Proposed Design Conditions Plan(s):

1. ___ Proposed improvements, including streets, sidewalks, trails, or bike paths, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
2. ___ Proposed building envelopes or build-to lines shall be shown, if applicable.
3. ___ Grading plan showing existing and proposed contours at two-foot intervals for all grading proposed for on and offsite construction, streets, drainage facilities, and grading on individual lots if part of the proposed subdivision improvement.
4. ___ Stormwater management plan and drainage calculations prepared by a Registered Professional Engineer. The stormwater management plan should emphasize infiltration and the low impact design,

and how the selected management techniques will be operated and maintained during and after construction.

5. ___ Utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other existing and proposed above or underground utilities as applicable.

6. ___ Landscaping plan, to show all significant proposed clearing of land, removal of existing vegetation, revegetation and/or landscaping on street right-of-way and upon individual lots, if part of proposed subdivision improvements. Include proposed street tree plantings, with species and size indicated. All proposed plantings should use only non-invasive plants (see URI Cooperative Extension's "Sustainable Plant List").

7. ___ Location, dimension and area of any land proposed to be set aside as open space

8. ___ Location of land unsuitable for development as defined in the Zoning Ordinance

9. ___ Limit of disturbance line/ limit of clearing, with method of tree protection if applicable.

10. ___ Location of proposed stump dumps

11. ___ Soil erosion and sediment control plan, including inspection and maintenance provisions.

12. ___ Construction plans for access road(s) or routes(s), temporary parking and storage areas, location of construction trailers, and stockpiles of soil, stone, or waste materials.

13. ___ Proposed street plans and profiles drawn at a scale of 1"=40' horizontal and 1"=4' vertical.

14. ___ Proposed street cross section(s) with location of utilities indicated.

15. ___ Proposed street names

16. ___ Yield Plan, if modified from the master plan stage of review.

17. ___ Other(s)

C. Supporting Materials

1. ___ Administrative Fee, plus required mailing and advertising expenses.

2. ___ Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required offsite construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that the approval has been granted for the proposed site alteration.

3. ___ In lieu of item 2 above, an affidavit signed by a qualified professional (a Wetlands Biologist, Registered Professional Engineer or Registered Landscape Architect) stating that there are no freshwater wetlands present or within 200 feet of the property being subdivided.

4. ___ Written confirmation that the appropriate water and sewer authority or district has reviewed the plan and is able to provide water service (if proposed).

- a. Water Company or District: _____
- b. Date of Letter: _____
- c. Sewer Company or District: _____
- d. Date of Letter: _____

5. ___ Written confirmation that the Department of Public Works has reviewed and approved the plans for proposed sewer service, stormwater management, erosion and sediment control, road construction and indicating any bond or surety amounts to be posted by the applicant.

6. ___ Written confirmation that the Fire Chief has reviewed and approved all plans and proposed improvements (dry hydrants etc.) for fire protection.

7. ___ If Individual Sewage Disposal Systems are proposed, confirmation from the State Department of Environmental Management that each proposed lot is suitable to support an on-site wastewater treatment system. For subdivisions of 3 lots or more, provide a Preliminary Subdivision Suitability Determination

8. ___ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or other right-of-way, if applicable.

9. ___ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid and that there are no outstanding municipal liens on the parcel.

10. ___ The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations.

11. ___ Copies of return receipts for certified mail notices.

12. ___ Either of the following:

- a. ___ A letter to the Planning Board stating it is the intent of the applicant to complete the required improvements prior to endorsement of the final plat; or,
- b. ___ A letter to the Planning Board requesting that security sufficient to cover the cost of required improvements be established by the Board according to the Regulations.

13. ___ General Application for Subdivision Review

14. ___ Water Quality Certification for construction activities that may temporarily affect surface waters in the vicinity of the site work to be performed (if applicable)

15. ___ Any permits required under federal statute, including Section 404 Clean Water Act for Fill of Wetlands and Waters of the U.S. issued by the U.S. Army Corps of Engineers.

16. ___ Final written comments on the Preliminary Plan by the following:
(Provided by the Administrative Officer)

- A. ___ Town Engineer
Date: _____
- B. ___ Public Works Director
Date: _____
- C. ___ Town Surveyor
Date: _____
- D. ___ Fire Department
Date: _____
- E. ___ Police Department
Date: _____
- F. ___ Conservation Comm.
Date: _____

G. _____ Recreation Department	Date:_____
H. _____ Sewer Authority	Date:_____
I. _____ Water Authority	Date:_____
J. Other (specify)_____	Date:_____

17. ___Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

18. ___Proposed ownership scheme for open space areas, with draft legal documentation, such as Homeowner’s Association bylaws.

19. ___Plan location and draft legal language of proposed conservation easements or restrictions to be applied to open space areas.

20. ___Open Space Use and Management Plan, including standards and methods, specific responsibilities, and funding sources. See Section X, Article L.5

F. PRELIMINARY PLAN CHECKLIST FOR CONVENTIONAL MINOR SUBDIVISION/LAND DEVELOPMENT PROJECTS

In order for the Administrative Officer and/or Planning Board (as applicable) to determine that a proposed Major Land Development Project or Subdivision meets the criteria established in these Regulations and may be certified for completeness, the owner or Applicant shall submit the following required materials and information pursuant to Section III, Article B of the Smithfield Land Development and Subdivision Regulations:

- Eight (8) Legible Blue or Black Line Prints of the Master Plan sized 30" x 42" or smaller and at a maximum **Scale of 1" = 100'** (one inch equals one hundred feet).
- In addition, 25 (twenty-five) legible, REDUCED sets of all said plans shall be submitted and reduced to a sheet size of at least 11" x 17"; the reduced scale shall be identified.
- Two (2) full-size copies shall be submitted for each document presented; in addition, 25 (twenty-five) reduced sets shall be submitted for same in a size and format in conformance with the policy requirements of the Administrative Officer.

Plans shall show the following information. In order to insure legibility, additional sheets shall be used where necessary.

Identification. Name of Subdivision/Land Development Project; Name and Address of Owner(s); Name and Address of Registered Engineer(s) and/or Land Surveyor(s); Tax Plat(s) and Lot(s) comprising Proposed Subdivision/Land Development Project; Date of Plan; Dates of all Revisions to Plan; North Arrow; Scale of Plan, both Numeric and Graphic (bar); Total Number of Proposed Lots; Total Acreage; Zoning Classification(s) and Boundary(ies); and, Page Number for each sheet of Plan. This information shall appear in a blocked section at the lower right corner on all plans and all corresponding sheets of a plan, wherever possible, except for Title Cover Sheets.

Note: In naming a Subdivision/Land Development Project, names shall be substantially different from existing recorded plat or development names and different from previous Planning Board Subdivision/Land Development Project Proposals. Section designations shall be numeric and in Arabic numerals.

- Dates** Date of Plan; Date of Informal Concept Approval (where appropriate); Preliminary Plan Submission Date, and Dates of all Preliminary Plan Revisions.
- Random ISDS Testing.** Testing shall comprise a representative sampling of the property as proposed and/or required by the Board at the Pre-Application Stage. The testing shall be in conformance with DEM requirements for ISDS relative to suitability of percolation and ground water. The entire parcel to be subdivided shall be included within the representative testing area.
- Boundary Limits.** Approximate Location of Proposed Project as well as Existing Boundary Lines, Easements, and Rights-of-Way.
- Bounds.** Location of Existing and Proposed Permanent Bounds and noting any disparities of Existing Bounds.
- Waterways/Systems.** Exact Location of any Lakes, Ponds, Water-Courses within Tract as well as within 200' of Perimeter, or other Wetland Areas.

- Physical Features.** Location of Rock Outcrops, Ledge, Wooded Areas, Poorly Drained Soils, Existing Structures, Embankments, or Retaining Walls, and other Significant Physical Features which may have an effect upon development of the tract.
- Slopes/High Hazard Areas.** Delineation of the Exact Location and Extent of Slopes 15% or greater as well as other high hazard areas. Where there exist slopes which are greater than 15% or greater, minimum lots sizes in accordance with the Smithfield Zoning Ordinance shall be required. Details are to be provided relative to all proposed/existing cut and fill operations. Maintenance easements shall be required and shown on plan for all cut and fill areas.
- Existing Public Ways.** Exact Location and Names of Existing Streets or other Public Ways within or immediately adjacent to the tract.
- Proposed Public Ways.** Exact Location and Width of Proposed Streets. Proposed Names of Streets shall be identified.
- Existing Utilities/Drainage.** Exact Location(s) and Size(s) of Existing Sewer Lines, Water Mains, Culverts, and other Surface-Level and Underground Structures, Facilities, and Improvements within the Tract and/or immediately adjacent to the tract.
- Proposed Utilities/Drainage.** Exact locations of proposed connections to Existing Water Supply and Sanitary Sewer Systems (where applicable); Delineation of provisions for collecting and discharging surface water drainage.
- Topography.** Contours of Tract, existing and proposed, at intervals of 2' (two feet) and based upon the United States Geodetic Survey (USGS) Sea Level Data.
- Lots.** Delineation of dimensions and measurements as follows: Length and width of streets and right of ways; Angles and dimensions of all lot lines and rights-of-ways lines; Curb lines and subdivision boundaries; Areas of all lots; Curve data to include lengths of radii, central angles, and arc length; location of fire hydrants; Location, length, width, and purpose of all easements and rights-of-way; Location of curb cuts.
- Aggregate Measurements.** Notation shall be made relative to the Total Linear Footage of Existing and Proposed Streets, Public Water Lines, and Sanitary Sewer Lines as well as Total Area of Streets, Total Area of Lots, and Total Area of Land to be dedicated for Recreational Purposes (area to be in acres or square footage). Existing shall be differentiated from Proposed Measurements. Said notations shall appear in a note block to appear in the lower left corner of the Plat Plan.
- Lot Numbers.** Lot Numbers as provided by the Smithfield Municipal Planner's Office.
- Abutters.** Identification of Abutting Landowners by Name on corresponding lot(s) on Proposed Plan. Current Ownership shall be identified as determined as of the date of submission from the public records of the Town of Smithfield. Corresponding Tax Plat and Lot Numbers shall be delineated.
- Proposed Dedicated Land.** Land Proposed to be dedicated to the Town of Smithfield, the State of Rhode Island, or other Public, Quasi-Public, Non-Profit, or Private Organizations and/or Homeowners' Associations. The purpose of the dedication shall be identified and delineated on the Plan.
- Soil Erosion and Sediment Control.** Soil Erosion and Control Measures to be taken shall be detailed on the Plans. Said measures shall include both temporary and permanent measures and shall have been approved by the Soil Erosion and Sediment Committee.

- Restrictions.** Notation of Proposed Deed Restrictions and Covenants.
- Reviews/Consultations.** Due to the nature of the needs of a given development, the Planning Board may require additional studies and reviews to be conducted by non-municipal consultants, such as, USDA Soil Conservation Service's Environmental Review Team, other local/state/federal Agencies, Independent Consultants, and the like. An additional fee may be required if such studies/reviews are deemed necessary by the Planning Board.
- Easements.** Copies of any and all temporary and permanent easements for construction, utilities, and the like shall be shown on the Preliminary Plan and copies of easements shall be submitted to the Planning Board.
- Professional Certification.** Signed Certification of Registered Professional Engineer and/or Land Surveyor as well as the Professional/Registered Stamp and Signature of same. Stamps and certifications shall appear on each and every page of Profile Plans. The survey classification incorporated shall be identified on each page of the plan.
- Miscellaneous.** Any other Information or Data requested by the Planning Board which is relevant to good land use planning and design.
- Wetland Certification.** Written confirmation of "No Affect Determination" or Approval of "Alteration Plans" (as appropriate) from the RI Department of Environmental Management (DEM) indicating the proposed plat does not violate Fresh Water Wetland Statutes of the State of Rhode Island (where applicable, in accordance with Preapplication Conference Recommendations). The Applicant shall submit a Stamped Plan from DEM certifying that said plan is the plan which corresponds to the Wetlands Certification.
- Percolation Test Approval.** Certification from D EM in the form of a Stamped Plan plus accompanying certified supporting information as to the Suitability of Soil, Ground Water Table, and Adequacy of Percolation Tests on all lots where Individual Sewage Disposal Systems are proposed.
- Army Corps of Engineers Certification/Approval.** Certification/Approval Certification from the U.S. Army Corps of Engineers relative to "Approval of Alteration Plans" or "No Affect Determination" indicating that the proposed Subdivision/Land Development Project is in conformance with Regulations established for Waterways under Army Corps jurisdiction (where applicable, in accordance with the Preapplication Conference recommendations). Certification shall include a stamped plan from the Army Corps certifying that the plan was the same plan for which certification has been made.
- Sewer District Approval.** Final Approval of the appropriate Sewer District's engineers that the Plans and Profiles have been approved for construction. Said approval must be stamped on a copy of the approved plans and profiles on each and its entirety for the Plan Submission. Should the appropriate Sewer District disapprove the connection of the proposed development to the existing sewer lines, a letter of disapproval and the reasons therefore, shall be submitted by the applicant.
Note: Each page of the Plan must also be stamped and signed by the Applicant's Professional Engineers/Registered Land Surveyors.
- Water District Approval.** Final Approval of the appropriate Water District that the Plans and Profiles have been approved for construction. Said approval must be stamped on a copy of the approved plans and profiles on each and every page and submitted in its entirety for the Plan Submission. Should the appropriate Water District disapprove the connection of the proposed development to the existing

water lines, a letter of disapproval and the reasons therefore, shall be submitted by the Applicant. In addition, the appropriate Water District shall certify the amount of the water flow/pressure as designed by the applicant.

Note: Each page of the Plan must also be stamped and signed by the Applicant's Professional Engineers/Registered Land Surveyors.

Approval of Miscellaneous Utilities. Written Approval or Disapproval from the applicable Utility Companies and Authorities that they have reviewed the Preliminary Plan and have attached all recommended/required modifications relative to such elements as necessary underground and surface-level structures, facilities, improvements, utility capacities and limitations; and, other pertinent information. Utilities which are included in this requirement include, but are not limited to the following: Electric, Gas, Telephone, and Cable.

Drainage Calculations. Supporting Calculations for all surface and subsurface drainage facilities.

Property Owners List. Lists of Names and Addresses of all property owners within 200 (two hundred feet) of the perimeter of -the Proposed Subdivision/Land Development Project. Such ownership shall be based upon current ownership as of the date of submission as determined from the Public Record of the Town of Smithfield; past ownership will not be accepted.

Soil Erosion and Sediment Control Plan. Plan to include; Approved Soil Erosion and Sediment Control Measures, both temporary and permanent, and shall be in conformance with the provisions of the Codified Ordinances of the Town of Smithfield (1985, as amended -Chapter 16, Article IV, "Soil Erosion and Sediment Control").

Fire Department Approval. Fire Department Approval relative to the overall proposed Subdivision/Land Development Project layout as well as fire hydrant placement and fire flow pressure calculations and estimates. Said approval shall be certified on the plan itself which was presented for approval to the Fire Department by the Applicant.

Department of Transportation Approval - Curb Cuts. Written Certification from the RI Department of Transportation (DOT) that all necessary curb cuts onto State highways have been approved (where applicable).

Base Flood Elevation Data. In all areas of Special Flood Hazard, as defined in the Codified Ordinances of the Town of Smithfield (1985, as amended -Chapter 16, Article V, "Flood Plain Management"), the developer shall provide base flood elevation data in accordance with a 100-Year Flood Event, as established by the Federal Insurance Administration's Flood Insurance Study. Said data shall be incorporated and notated on the proposed Preliminary Plat Plan.

Protective Covenants. Two (2) copies of Protective Covenants, where applicable, by which the Subdivider intends to regulate and protect the proposed Subdivision. Submitted copies shall be in the proposed format that they will appear for actual recording.

Quit-Claim Deeds. Two (2) copies of all Quit-Claim Deeds conveying all Street Rights-of-Way and other Open Areas to the Town of Smithfield, which may be required under Section IV, Article F. Submitted copies of deeds shall be in the proposed format that they will appear for actual recording.

Easements. Two (2) Notarized Copies of Deeds of Easements, where applicable. Submitted copies of Easements shall be in the format that they will appear for actual recording.

House Number Assignments. Listing of House Numbers as assigned by the Smithfield Fire Department

- Review Fee.** Payment of Review Fee, as follows:
- **No Street Construction or Extension - \$250.00** (Two Hundred and Fifty Dollars) **plus \$20.00 per unit.**

- **Administrative Fee- Project involving Street Construction or Extension - \$350.00** (Three Hundred Fifty Dollars) **plus \$20.00 per unit.**

Note: Should there be a period of greater than one (1) year between submissions of Preliminary Plans, the Applicant will be required to pay the Review Fee again unless an extension is granted by the Planning Board due to extenuating circumstances.

- Fees- Advertising and Mailing.** Payment of Advertising and Mailing Costs relative to the Public Hearing. (Note: This payment refers to the actual fees incurred.)

G. MASTER PLAN CHECKLIST FOR CONVENTIONAL MAJOR SUBDIVISION/LAND DEVELOPMENT PROJECTS

In order for the Administrative Officer and/or Planning Board (as applicable) to determine that a proposed Major Land Development Project or Subdivision meets the criteria established in these Regulations and may be certified for completeness, the owner or Applicant shall submit the following required materials and information pursuant to Section III, Article B of the Smithfield Land Development and Subdivision Regulations:

- Eight (8) Legible Blue or Black Line Prints of the Master Plan sized 30" x 42" or smaller and at a maximum **Scale of 1" = 100'** (one inch equals one hundred feet).
- In addition, 25 (twenty-five) legible, REDUCED sets of all said plans shall be submitted and reduced to a sheet size of at least 11" x 17"; the reduced scale shall be identified.
- Two (2) full-size copies shall be submitted for each document presented; in addition, 25 (twenty-five) reduced sets shall be submitted for same in a size and format in conformance with the policy requirements of the Administrative Officer.

Plans shall show the following information. In order to insure legibility, additional sheets shall be used where necessary.

Layout. Layout of the Entire Subdivision/Land Development Project, even if said development is to be developed in Sections. Said layout shall also include all land in contiguous ownership. Contiguously owned land shall be labeled with the Tax Plat and Lot Designations and/or Street Names for same.

Identification. Name of Subdivision/Land Development Project; Name and Address of Owner(s); Name and Address of Registered Engineer(s) and/or Land Surveyor(s); Tax Plat(s) and Lot(s) comprising Proposed Subdivision/Land Development Project; Date of Plan; Dates of all Revisions to Plan; North Arrow; Scale of Plan, both Numeric and Graphic (bar); Total Number of Proposed Lots; Total Acreage; Zoning Classification(s) and Boundary(ies); and, Page Number for each sheet of Plan. This information shall appear in a blocked section at the lower right corner on all plans and all corresponding sheets of a plan, wherever possible, except for Title Cover Sheets.

Note: In naming a Subdivision/Land Development Project, names shall be substantially different from existing recorded plat or development names and different from previous Planning Board Subdivision/Land Development Project Proposals. Section designations shall be numeric and in Arabic numerals.

Location Map Insert. To show the physical relationship of the Proposed Project to the Area within a Radius of 1/2 mile (one-half mile). Such insert shall also show Town Boundary Lines (where applicable); Major and Arterial Streets and Street Names; General Location of Public Utilities; Zoning Classification(s) and Boundary(ies). Said insert shall be blocked, drawn at a Scale of 1" = 1,000' (one inch equals one thousand feet) and appear at the top right-hand corner of the Master Plan Sheet.

Boundary Limits. Approximate Location of Proposed Project as well as Existing Boundary Lines, Easements, and Rights-of-Way.

Natural Resources. Approximate Location of Wooded Areas, Wetlands, Watercourses within the tract as well as within 200' (two hundred feet) of perimeter, Ledge, and Poorly Drained Areas.

Slopes/High Hazard Areas. Delineation of the Approximate Location and Extent of Slopes 15% or greater as well as other high hazard areas.

Existing Public Ways. Approximate Location and Names of Existing Streets or other Public Ways within or immediately adjacent to the tract.

Proposed Public Ways. Approximate Location and Width of Proposed Streets. Proposed Names of

Streets shall be identified.

Existing Utilities/Drainage. Approximate Location(s) and Size(s) of Existing Sewer Lines, Water Mains, Culverts, and other Surface-Level and Underground Structures, Facilities, and Improvements within the Tract and/or immediately adjacent to the tract.

Proposed Utilities/Drainage. Proposals for connection with Existing Water Supply and Sanitary Sewer Systems (where applicable); Provisions for collecting and discharging surface water drainage.

Topography. Approximate Topography at 10' (ten feet) intervals and based upon the United States Geodetic Survey (USGS) Sea Level Data.

Lots. Approximate Locations, Dimensions, and Areas of all Proposed and Existing Lots. Proposed Lots should be numbered beginning with number one (#1). Existing Lots shall identify Tax Plat and Lot Numbers.

Open Space. Approximate Location(s) and Extent of Area(s) of all Proposed Land to be set aside for Open Space.

Natural Constraints. Delineation of all Existing Land which is undevelopable due to Slope, Soil, or Water Constraints.

Soil Conditions. Statement of General Analysis of Soil Conditions for Proposed Area(s) for Development. In addition, the proposed locations of testing sites for the representative ISDS random property sampling shall be indicated on the plans presented. The Planning Board may require that certain specified areas be tested in addition to those identified by the developer.

Watershed. Any portion of the development that lies within the watershed or zone of contribution of a pond or public water supply well shall be delineated. If no portion of the Proposed Subdivision is in such a zone, a statement to that effect shall be notated on the plans.

Miscellaneous. Any other Preliminary Information or Data requested by the Planning Board and/or Administrative Officer (as applicable) which is relevant to good land use planning and design.

Property Owners List. List of Names and Addresses of all property owners within 200' (two hundred feet) of the perimeter of the Proposed Subdivision/Land Development Project. Such ownership shall be based upon current ownership as of the date of submission as determined from the Public Records of the Town of Smithfield; past ownership will not be accepted.

Review Fee. Payment of Review Fee (\$500.00)

Amt:

Check#:

Date:

Advertising and Mailing Cost Fee. Payment of Actual Advertising and Mailing Costs.

Amt:

Check#:

Date:

H. PRELIMINARY PLAN CHECKLIST FOR CONVENTIONAL MAJOR SUBDIVISION/LAND DEVELOPMENT PROJECTS

The following information is required before the Preliminary Plan shall be certified as a complete application pursuant to Section III, Article B of the Smithfield Land Development and Subdivision Regulations.

- Eight (8) Legible Blue or Black Line Prints of the Master Plan sized 30" x 42" or smaller and at a maximum **Scale of 1" 100'** (one inch equals one hundred feet).
- In addition, 25 (twenty-five) legible, REDUCED sets of all said plans shall be submitted and reduced to a sheet size of at least 11" x 17"; the reduced scale shall be identified.
- Two (2) full-size copies shall be submitted for each document presented; in addition, 25 (twenty-five) reduced sets shall be submitted for same in a size and format in conformance with the policy requirements of the Administrative Officer.

Plans shall show the following information. In order to insure legibility, additional sheets shall be used where necessary.

- Identification.** Name of Subdivision/Land Development Project; Name and Address of Owner(s); Name and Address of Registered Engineer(s) and/or Land Surveyor(s); Tax Plat(s) and Lot(s) comprising Proposed Subdivision/Land Development Project; Date of Plan; Dates of all Revisions to Plan; North Arrow; Scale of Plan, both Numeric and Graphic (bar); Total Number of Proposed Lots; Total Acreage; Zoning Classification(s) and Boundary(ies); and, Page Number for each sheet of Plan. This information shall appear in a blocked section at the lower right corner on all plans and all corresponding sheets of a plan, wherever possible, except for Title Cover Sheets.

Note: In naming a Subdivision/Land Development Project, names shall be substantially different from existing recorded plat or development names and different from previous Planning Board Subdivision/Land Development Project Proposals. Section designations shall be numeric and in Arabic numerals.

- Dates** Date of Plan; Date of Prepreliminary Approval of Master Plan (where appropriate); Preliminary Plan Submission Date, and Dates of all Preliminary Plan Revisions.
- Random ISDS Testing.** Testing shall comprise a representative sampling of the property as proposed and/or required by the Board at the Pre-Application Stage. The testing shall be in conformance with DEM requirements for ISDS relative to suitability of percolation and ground water. The entire parcel to be subdivided shall be included within the representative testing area.
- Boundary Limits.** Approximate Location of Proposed Project as well as Existing Boundary Lines, Easements, and Rights-of-Way.
- Bounds.** Location of Existing and Proposed Permanent Bounds and noting any disparities of Existing Bounds.
- Waterways/Systems.** Exact Location of any Lakes, Ponds, Water-Courses within Tract as well as within 200' of Perimeter, or other Wetland Areas.
- Physical Features.** Location of Rock Outcrops, Ledge, Wooded Areas, Poorly Drained Soils,

Existing Structures, Embankments, or Retaining Walls, and other Significant Physical Features which may have an effect upon development of the tract.

Slopes/High Hazard Areas. Delineation of the Exact Location and Extent of Slopes 15% or greater as well as other high hazard areas. Where there exist slopes which are greater than 15% or greater, minimum lots sizes in accordance with the Smithfield Zoning Ordinance shall be required. Details are to be provided relative to all proposed/existing cut and fill operations. Maintenance easements shall be required and shown on plan for all cut and fill areas.

Existing Public Ways. Exact Location and Names of Existing Streets or other Public Ways within or immediately adjacent to the tract.

Proposed Public Ways. Exact Location and Width of Proposed Streets. Proposed Names of Streets shall be identified.

Existing Utilities/Drainage. Exact Location(s) and Size(s) of Existing Sewer Lines, Water Mains, Culverts, and other Surface-Level and Underground Structures, Facilities, and Improvements within the Tract and/or immediately adjacent to the tract.

Proposed Utilities/Drainage. Exact locations of proposed connections to Existing Water Supply and Sanitary Sewer Systems (where applicable); Delineation of provisions for collecting and discharging surface water drainage.

Topography. Contours of Tract, existing and proposed, at intervals of 2' (two feet) and based upon the United States Geodetic Survey (USGS) Sea Level Data.

Lots. Delineation of dimensions and measurements as follows: Length and width of streets and right of ways; Angles and dimensions of all lot lines and rights-of-ways lines; Curb lines and subdivision boundaries; Areas of all lots; Curve data to include lengths of radii, central angles, and arc length; location of fire hydrants; Location, length, width, and purpose of all easements and rights-of-way; Location of curb cuts.

Aggregate Measurements. Notation shall be made relative to the Total Linear Footage of Existing and Proposed Streets, Public Water Lines, and Sanitary Sewer Lines as well as Total Area of Streets, Total Area of Lots, and Total Area of Land to be dedicated for Recreational Purposes (area to be in acres or square footage). Existing shall be differentiated from Proposed Measurements. Said notations shall appear in a note block to appear in the lower left corner of the Plat Plan.

Lot Numbers. Lot Numbers as provided by the Smithfield Municipal Planner's Office.

Abutters. Identification of Abutting Landowners by Name on corresponding lot(s) on Proposed Plan. Current Ownership shall be identified as determined as of the date of submission from the public records of the Town of Smithfield. Corresponding Tax Plat and Lot Numbers shall be delineated.

Proposed Dedicated Land. Land Proposed to be dedicated to the Town of Smithfield, the State of Rhode Island, or other Public, Quasi-Public, Non-Profit, or Private Organizations and/or Homeowners' Associations. The purpose of the dedication shall be identified and delineated on the Plan.

Soil Erosion and Sediment Control. Soil Erosion and Control Measures to be taken shall be detailed on the Plans. Said measures shall include both temporary and permanent measures and shall have been approved by the Soil Erosion and Sediment Committee.

Restrictions. Notation of Proposed Deed Restrictions and Covenants.

Reviews/Consultations. Due to the nature of the needs of a given development, the Planning Board may require additional studies and reviews to be conducted by non-municipal consultants, such as, USDA Soil Conservation Service's Environmental Review Team, other local/state/federal Agencies, Independent Consultants, and the like. An additional fee may be required if such studies/reviews are deemed necessary by the Planning Board.

Easements. Copies of any and all temporary and permanent easements for construction, utilities, and the like shall be shown on the Preliminary Plan and copies of easements shall be submitted to the Planning Board.

Professional Certification. Signed Certification of Registered Professional Engineer and/or Land Surveyor as well as the Professional/Registered Stamp and Signature of same. Stamps and certifications shall appear on each and every page of Profile Plans. The survey classification incorporated shall be identified on each page of the plan.

Miscellaneous. Any other Information or Data requested by the Planning Board which is relevant to good land use planning and design.

PRELIMINARY PLAN PROFILE

Eight (8) Blue or Black Line Prints of the Preliminary Plat Profile Plans for each Proposed street in the Subdivision/Land Development Project -Sized 30" x 42" or smaller and drawn to a scale as follows:

Horizontal Scale:

○ 1" = 40' (one inch equals forty feet)

○ Vertical Scale:

▪ 1" = 4" (one inch equals four feet)

○ with Cross-Sections

▪ every 100' (one hundred feet)

In addition, twenty-five (25) legible reduced sets of all profile plans shall be submitted and reduced to sheet size of at least 11" x 17"; the reduced scale shall be identified.

Note: Horizontal Plan shall appear above and directly correspond to the vertical plan below it.

Profile Plans shall show the following information. In order to insure legibility, additional sheets shall be used where necessary.

Identification. Name of Subdivision/Land Development Project; Section Number of Subdivision/Land Development Project; Name of Proposed Street detailed on Plan Profile; Name and Address of Owner(s); Name and Address of Registered Engineer(s) and/or Land Surveyor(s); Tax Plat(s) and Lot(s) comprising Proposed Subdivision; Numeric and Graphic (bar) Scales for both Horizontal and Vertical Sections of the Profile; North Arrow; and, Page Number for each sheet of Plan. This information shall appear in a blocked Section at the lower right corner of the Horizontal Portion of the Plan and above the Vertical Portion; said information shall appear on all plans and all corresponding sheets of a plan, wherever possible, except for Title Cover Sheets.

Note: Section designations shall be numeric and in Arabic numerals.

- Dates.** Date of Profile Plan; Preliminary Profile Plan Submission Date, and Dates of all Revisions to Profile Plan.
- Professional Certification.** Signed Certification of Registered Professional Engineer and/or Land Surveyor as well as the Professional/Registered Stamp and Signature of same. Stamps and certifications shall appear on each and every page of Profile Plans. The survey classification incorporated shall be identified on each page of the plan.

HORIZONTAL PORTION OF Preliminary Stage PROFILE PLAN
(Top Half-of Sheet)

- Bounds.** Location of pertinent Existing and Proposed Permanent Bounds.
- Boundaries and Abutters.** Identification of pertinent Boundary Lines of Subdivision/Land Development Project and Names of Abutting Owners.
- Lots.** Delineation of Existing and Proposed Lot Lines on Horizontal Plan Section of profile.
- Drainage Plan.** Depiction of Existing Drainage Patterns and the Proposed Drainage System of the Proposed Subdivision/Land Development Project Site and Abutting Land Areas whose surface drainage patterns may be affected by said Subdivision/Land Project.
- Measurements and Dimensions.** Delineation of Dimensions and Measurements as follows: Length and width of relative streets and rights-of-way; Angles and Dimensions of all respective lot lines; curb lines, and subdivision boundaries; Location of Fire Hydrants; Location, Diameters, and Lengths of Water Lines, Sanitary Sewer Lines, Surface and Subsurface Drainage Facilities; Location, Dimensions, and Purpose Identification of all relative Easements.
- Curve Information.** Curve Data to include Lengths of Radii, Central Angles, Arc Lengths, and Tangent Distances as well as Radii and Angles of Intersection of Horizontal Curves;
- Miscellaneous.** Any other information or data requested by the Planning Board which is relevant to good land use planning and design.

VERTICAL PORTION OF Preliminary Stage PROFILE PLAN
(Bottom Half of Sheet)

- Grades/Contours.** Delineation of Existing and Proposed Grades/Contours.
- Dimensions and Measurements.** Location, Diameter, and Lengths of Water Lines, Sanitary Sewer Lines, Surface and Subsurface Drainage Facilities, and other pertinent Improvements, Structures, and Facilities.
- Drainage Plan.** Depiction of Existing Drainage Patterns and the Proposed Drainage System of the Proposed Subdivision/Land Development Project Site and Abutting Land Areas whose surface drainage patterns may be affected by said Subdivision/Land Development Project.
- Miscellaneous.** Any other information or data requested by the Planning Board which is relevant to good land use planning and design.

PRELIMINARY PLAN STAGE - REQUIRED DOCUMENTATION

The following information is required before preliminary plan shall be accepted for consideration by the Board.

Wetland Certification. Written confirmation of "No Affect Determination" or Approval of "Alteration Plans" (as appropriate) from the RI Department of Environmental Management (DEM) indicating the proposed plat does not violate Fresh Water Wetland Statutes of the State of Rhode Island (where applicable, in accordance with Pre-application Conference Recommendations). The Applicant shall submit a Stamped Plan from DEM certifying that said plan is the plan which corresponds to the Wetlands Certification.

Percolation Test Approval. Certification from D EM in the form of a Stamped Plan plus accompanying certified supporting information as to the Suitability of Soil, Ground Water Table, and Adequacy of Percolation Tests on all lots where Individual Sewage Disposal Systems are proposed.

Army Corps of Engineers Certification/Approval. Certification/Approval Certification from the U.S. Army Corps of Engineers relative to "Approval of Alteration Plans" or "No Affect Determination" indicating that the proposed Subdivision/Land Development Project is in conformance with Regulations established for Waterways under Army Corps jurisdiction (where applicable, in accordance with the Pre-application Conference recommendations). Certification shall include a stamped plan from the Army Corps certifying that the plan was the same plan for which certification has been made.

Sewer District Approval. Final Approval of the appropriate Sewer District's engineers that the Plans and Profiles have been approved for construction. Said approval must be stamped on a copy of the approved plans and profiles on each and its entirety for the Plan Submission. Should the appropriate Sewer District disapprove the connection of the proposed development to the existing sewer lines, a letter of disapproval and the reasons therefore, shall be submitted by the applicant.

Note: Each page of the Plan must also be stamped and signed by the Applicant's Professional Engineers/Registered Land Surveyors.

Water District Approval. Final Approval of the appropriate Water District that the Plans and Profiles have been approved for construction. Said approval must be stamped on a copy of the approved plans and profiles on each and every page and submitted in its entirety for the Plan Submission. Should the appropriate Water District disapprove the connection of the proposed development to the existing water lines, a letter of disapproval and the reasons therefore, shall be submitted by the Applicant. In addition, the appropriate Water District shall certify the amount of the water flow/pressure as designed by the applicant.

Note: Each page of the Plan must also be stamped and signed by the Applicant's Professional Engineers/Registered Land Surveyors.

Approval of Miscellaneous Utilities. Written Approval or Disapproval from the applicable Utility Companies and Authorities that they have reviewed the Preliminary Plan and have attached all recommended/required modifications relative to such elements as necessary underground and surface-level structures, facilities, improvements, utility capacities and limitations; and, other pertinent information. Utilities which are included in this requirement include, but are not limited to the following: Electric, Gas, Telephone, and Cable.

Drainage Calculations. Supporting Calculations for all surface and subsurface drainage facilities.

- Property Owners List.** Lists of Names and Addresses of all property owners within 200 (two hundred feet) of the perimeter of -the Proposed Subdivision/Land Development Project. Such ownership shall be based upon current ownership as of the date of submission as determined from the Public Record of the Town of Smithfield; past ownership will not be accepted.
- Soil Erosion and Sediment Control Plan.** Plan to include; Approved Soil Erosion and Sediment Control Measures, both temporary and permanent, and shall be in conformance with the provisions of the Codified Ordinances of the Town of Smithfield (1985, as amended -Chapter 16, Article IV, "Soil Erosion and Sediment Control").
- Fire Department Approval.** Fire Department Approval relative to the overall proposed Subdivision/Land Development Project layout as well as fire hydrant placement and fire flow pressure calculations and estimates. Said approval shall be certified on the plan itself which was presented for approval to the Fire Department by the Applicant.
- Department of Transportation Approval - Curb Cuts.** Written Certification from the RI Department of Transportation (DOT) that all necessary curb cuts onto State highways have been approved (where applicable).
- Base Flood Elevation Data.** In all areas of Special Flood Hazard, as defined in the Codified Ordinances of the Town of Smithfield (1985, as amended -Chapter 16, Article V, "Flood Plain Management"), the developer shall provide base flood elevation data in accordance with a 100-Year Flood Event, as established by the Federal Insurance Administration's Flood Insurance Study. Said data shall be incorporated and notated on the proposed Preliminary Plat Plan.
- Protective Covenants.** Two (2) copies of Protective Covenants, where applicable, by which the Subdivider intends to regulate and protect the proposed Subdivision. Submitted copies shall be in the proposed format that they will appear for actual recording.
- Quit-Claim Deeds.** Two (2) copies of all Quit-Claim Deeds conveying all Street Rights-of-Way and other Open Areas to the Town of Smithfield, which may be required under Section IV, Article F. Submitted copies of deeds shall be in the proposed format that they will appear for actual recording.
- Easements.** Two (2) Notarized Copies of Deeds of Easements, where applicable. Submitted copies of Easements shall be in the format that they will appear for actual recording.
- House Number Assignments.** Listing of House Numbers as assigned by the Smithfield Fire Department
- Review Fee.** Payment of Review Fee (\$500.00 plus \$20.00/units)
 - Amt: Check#:
 - Date:
- Advertising and Mailing Cost Fee.** Payment of Actual Advertising and Mailing Costs.
 - Amt: Check#:
 - Date:

**I. FINAL PLAN CHECKLIST FOR
MAJOR SUBDIVISION/LAND DEVELOPMENT PROJECTS**

The applicant shall submit to the Administrative Officer copies of final site plans and supporting materials as indicated below:

A. Plat Plans to be Recorded - One (1) copy of the final plat plan drawn on mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. In addition, eight (8) blue or blackline copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). In addition, if final review is to be conducted by the Planning Board, 25 (twenty-five) legible reduced sets of all plans and information shall also be submitted and reduced to a minimum sheet size 18" x 24". The following information shall be shown on the plans:

1. ___ Name and address of the proposed development
2. ___ Notation that the subdivision is located in the Town of Smithfield, RI
3. ___ Name and address of property owner and applicant
4. ___ Name, address and telephone number of engineer or land surveyor
5. ___ Date of plan preparation, with revision date(s) (if any)
6. ___ Graphic scale and true north arrow
7. ___ Plat and lot number(s) of the parcel(s) being developed
8. ___ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown
9. ___ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines
10. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
11. ___ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being developed
12. ___ Names of abutting property owners and property owners immediately across any adjacent streets
13. ___ Location of proposed permanent bounds
14. ___ Location of all interior lot lines and street lines with accurate dimensions indicated
15. ___ Location and number of all proposed lots, with accurate areas indicated
16. ___ Location and notation of type of easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated

- 17.____ Location and notation of type of proposed open space areas
- 18.____ Notation of special conditions of approval imposed by the Planning Board (if any)
- 19.____ Notation of any permits and agreements with state and federal reviewing agencies (if any)
- 20.____ Phasing schedule (if any)
- 21.____ Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a Class I Survey, including the location of all proposed permanent monuments, and are certified as being correct, and is tied into the Town of Smithfield GIS vertical and horizontal control datum.
- 22.____ AutoCAD File and Digital Format Disc of all drawings.

B. Construction Drawings - Eight (8) blue or blackline copies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

- 1.____ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval.
- 2.____ Certification (stamp) of a Registered Professional Engineer that the construction drawings are correct
- 3.____ Street cross-sections, if required by the Planning Board
- 4.____ Proposed landscaping plan, if required by the Planning Board
- 5.____ Soil erosion and sediment control plan, if required by the Planning Board
- 6.____ Proposed street trees
- 7.____ Proposed street plan and profiles drawn at a scale of 1"=40' horizontal and 1"=4' vertical if required by the Planning Board

Horizontal Scale: 1" = 40' (one inch equals forty feet)

Vertical Scale: 1" = 4' (one inch equals four feet)
with Cross-Sections every 100' (one hundred feet)

The horizontal plan and corresponding profile shall appear on the same design drawing.
(*Note:* Horizontal Plan shall appear above and directly correspond to the vertical plan below it.)

Final Profile Plans shall show the following information. In order to insure legibility, additional sheets shall be used where necessary.

**HORIZONTAL PORTION OF FINAL STAGE PROFILE PLAN
(Top Half of Sheet)**

1. **Bounds.** Location of Pertinent Existing and Proposed Permanent Bounds.
2. **Boundaries and Abutters.** Identification of pertinent Boundary Lines of Subdivision/Land Development Project and Names of Abutting Owners.
3. **Lots.** Delineation of Existing and Proposed Lot Lines on Horizontal Plan Section of Profile.
4. **Drainage Plan.** Depiction of Existing Drainage Patterns and the Proposed Drainage System of the Proposed Subdivision/Land Development Project Site and Abutting Land Areas whose surface drainage patterns may be affected by said Subdivision/Land Development Project.
5. **Measurements and Dimensions.** Delineation of Dimensions and Measurements as follows: Length and Width of relative streets and rights-of-way; Angles and Dimensions of all respective lot lines; curb lines, and subdivision boundaries; Location of Fire Hydrants; Location, Diameters, and Lengths of Water Lines, Sanitary Sewer Lines, Surface and Subsurface Drainage Facilities; Location, Dimensions, and Purpose Identification of all relative Easements.
6. **Curve Information.** Curve Data to include Lengths of Radii, Central Angles, Arc Lengths, and Tangent Distances as well as Radii and Angles of Intersection of Horizontal Curves.
7. **Miscellaneous.** Any other information or data requested by the Planning Board which is relevant to good land use planning and design.

**VERTICAL PORTION OF FINAL STAGE PROFILE PLAN
(Bottom Half of Sheet)**

8. **Grades/Contours.** Delineation of Existing and Proposed Grades/Contours.
9. **Dimensions and Measurements.** Location, Diameter, and Lengths of Water Lines, Sanitary Sewer Lines, Surface and Subsurface Drainage Facilities, and other pertinent Improvements, Structures, and Facilities.
10. **Curve Information.** Curve Data to include Lengths of Radii, Central Angles, Arc Lengths, and Tangent Distances as well as Radii and Angles of Intersection of Horizontal Curves.
11. **Drainage Plan.** Depiction of Existing Drainage Patterns and the Proposed Drainage System of the Proposed Subdivision/Land Development Project Site and Abutting Land Areas whose surface drainage patterns may be affected by said Subdivision Land Development Project.
12. **Miscellaneous.** Any other information or data requested by the Planning Board which is relevant to good land use planning and design.

C. Supporting Materials

1. ___ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five (5) years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel
2. ___ Two original signed copies of all legal documents describing the property, creating a Homeowners' Association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents

Specify:

3. ___ Two signed copies of an irrevocable offer to convey to the Town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas
4. ___ Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes
5. ___ 911 Emergency Numbers. Proof of notification to Police, Fire, Ambulance and the Planning Board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.
6. ___ General Application for Subdivision Review

D. Payment of Required Fees - Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans:

1. ___ Administrative Fee
2. ___ Final plat recording fee - Amount _____
3. ___ Performance bond or other financial guarantees

Initial amount _____

Date set by Planning Board _____

Date of Expiration of Surety _____

4. ___ Fees in-lieu-of land dedication (if required)
Amount _____

5. ___ Inspection fee - Amount _____

6. ___ Maintenance bond for acceptance of public improvements (if applicable)

Amount _____

Date of maintenance bond expiration

Date of Planning Board approval of public improvements

Description.

Date of recommendation of acceptance from Planning Board to the Town Council

Date of Council acceptance of public improvements