

ARTICLE V - PROCEDURE FOR REVIEW AND APPROVAL OF PLATS AND PLANS

A. General Requirements

1. The Planning Board shall consider each application for subdivision approval according to the procedure set forth in this section, unless otherwise specifically provided.
2. An applicant for subdivision approval who wishes the Planning Board to take some official action on his or her application shall submit all of the materials required by the applicable section of Article XV of these Regulations (Checklists) to the Administrative Officer. If the requested action is not applicable under any of the Checklists provided in Article XV, such as a request for an extension of an approval, the applicant shall submit a written request to the Administrative Officer describing the requested action to be taken by the Planning Board. The matter will be placed on the next available agenda of the Planning Board only if the Administrative Officer determines that all of the required material has been submitted and only after a Certificate of Completeness has been issued in accordance with the applicable provisions of these Regulations.
3. Any submission of materials to the Administrative Officer shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. No materials shall be accepted by the Administrative Officer without said cover letter. Upon receipt of any materials, the Administrative Officer shall stamp the date of receipt upon them.
4. Applicants for subdivision approval shall certify in writing and notarized that they are the owner of land being subdivided. If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a notarized written statement from the owner authorizing such application. (See Article XV, H. for Owner Authorization Form - The owner's signature of all existing lots involved in an Administrative Subdivision shall appear on the plat for recording prior to endorsement by the Administrative Officer.)
5. Any application for subdivision which requires a public hearing shall be accompanied by a subdivision notification form (See Article XV, I.).

B. 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. Certification of a complete application shall be made in writing by the Administrative Officer upon a form entitled Certificate of Completeness. A copy of said Certificate shall be provided to the applicant. In the event such certification of the application is not made within the time specified in these Regulations for the type of plan being proposed, 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 Article XV (Checklists), and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

Notwithstanding the paragraph above, the Planning Board may subsequently require the applicant to correct any information found to be in error and/or to submit additional information specified in the Regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

Where 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.

For the purposes of calculating mandatory review periods as provided in these Regulations, all days shall be considered to be calendar days.

C. Procedure for Approval

The Planning Board shall consider applications for subdivision approval according to the following procedures:

1. Pre-Application Meetings and Concept Review

- a. An applicant wishing to obtain subdivision approval shall first contact the Administrative Officer to arrange a meeting with the Planning Department and other Town staff. At the staff meeting, the applicant and planning staff shall determine if a pre-application meeting with the Planning Board is required by these regulations or is desired by either the applicant or the Town.
- b. If a pre-application meeting is required or requested, the applicant shall submit all the information required by the Checklist for Pre-application Meetings and Concept Review in Article XV. The planning staff will review and comment on the checklist information and, if determined to be complete, will schedule the application to appear before the Planning Board.
- c. If no pre-application meeting is required or requested, the applicant will be advised by the Administrative Officer as to the requirements of the Subdivision Regulations and the procedure to be followed by the applicant for subdivision approval.
- d. One or more pre-application meetings shall be held before the Planning Board for all major land development or subdivision applications. Pre-application meetings may be held for administrative subdivisions and minor land development and minor subdivision applications, upon request of either the Town, acting through the Planning Department, or the applicant. Pre-application meetings shall allow the applicant to meet with the Planning Board for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commission, planning staff and state agencies shall be notified of the pre-application meetings and invited to provide comments on the proposed subdivision or land development plan.

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

f. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

2. Administrative Subdivision

a. Any applicant requesting approval of a proposed administrative subdivision as herein defined shall submit to the Administrative Officer the items required by the Checklist for Administrative Subdivisions in Article XV.

b. 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 B. of this Article.

c. Within fifteen (15) days of certification of completeness the Administrative Officer, or 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.

If no action is taken by the Administrative Officer or Technical Review Committee, within the fifteen (15) day mandatory review period, the application shall be placed on the agenda of the next regular Planning Board meeting.

d. If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and/or the Technical Review Committee and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of the 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 to act within the required time and the resulting approval shall be issued on request of the applicant.

e. 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.

f. Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period of time a plat in conformity with such approval is submitted for signature and recording as provided in Article VI.

3. Minor Land Development Projects and Minor Subdivisions

a. Review Stages - Minor plan review shall consist of at least two stages: (1) preliminary; and (2) final. A pre-application meeting may also be held as provided in Section C.1. of this Article. The Planning Board may vote to combine the approval stages, provided that requirements for all stages so combined have been met by the applicant to the satisfaction of the Planning Board.

b. Submission Requirements - Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in these Regulations, shall submit to the Administrative Officer the plans and supporting materials provided in the Preliminary Plat Checklist for Minor Land Development and Minor Subdivision as provided in Article XV.

c. Certification of Preliminary Plat - The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days of its receipt according to the provisions of Section B. of this Article.

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

(1) If the land development or subdivision plan is approved by a majority vote of the Committee members, the application shall be forwarded to the Planning Board with a recommendation for preliminary plan approval without further review; or,

(2) If the plan is not approved by a majority vote of the Committee members, the application shall be referred to the Planning Board for their decision on the application;

e. Re-assignment to Major Review - The Planning Board may re-assign a proposed minor land development or minor subdivision to major review only when the Planning Board is unable to make the positive findings required in Article III, Section A.

f. Decision (No Street Extension or Creation) - If no street extension or creation is required, the Planning Board shall approve, deny, or approve with conditions the preliminary plan within sixty-five (65) days of the issuance of the Certificate of Completeness by the Administrative Officer as provided in subsection c. of this Section, above. Provided, however, that if an

extension of time is agreed to by the applicant and the Board as provided in Section B. of this Article, this time period shall be stayed.

g. Decision (Street Extension or Creation) - If a street extension or creation is required, the Planning Board shall hold a public hearing prior to any action according to the requirements set forth in Section C.4.r. and s. of this Article. The Planning Board shall approve, deny, or approve with conditions the preliminary plan within ninety-five (95) days of the issuance of the Certificate of Completeness by the Administrative Officer as provided in Subsection c. of this Section, above. Provided, however, that if an extension of time is agreed to by the applicant and the Board as provided in Section B. of this Article, this time period shall be stayed.

h. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection f. or g. of this Section 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.

i. Expiration of Preliminary Approval - The approved preliminary plan shall be vested for a period of one (1) year from the date of preliminary approval and vesting may be extended for a longer period for good cause shown, subject to the provisions of Article VIII.C., if requested in writing by the applicant and approved by the Planning Board. The vesting for the preliminary approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

j. Final Plan - The Planning Board shall delegate final plan review and approval to the Administrative Officer, who shall report his/her actions to the Planning Board at its next regular meeting, to be made part of the record. The Administrative Officer shall be authorized to sign (endorse) the final plat or plans for recording as specified in Article VI. Endorsement of the final plat or plans by the Administrative Officer shall constitute the act of "final approval".

k. Expiration of Final Approval - Final approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of approval by the Administrative Officer unless within such period a plat or plan, in conformity with such approval, and as defined in Article II is recorded as specified in Article VI. Final approval may be extended for a longer period for cause shown, and subject to the provisions of Article VIII.C., if requested by the applicant in writing and approved by the Planning Board.

l. Completion of Required Improvements - All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of Article VIII.C., extend the period for completion of all required improvements, if requested by the applicant in writing.

4. Major Land Development Projects and Major Subdivisions

a. Review Stages - Major Plan review shall consist of four stages of review: (1) pre-application meeting(s); (2) conceptual master plan; (3) preliminary plan; and (4) final plan.

Also required is a public informational meeting and a public hearing. The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in Article VIII. Review stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.

b. Submission Requirements—Preapplication - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Pre-application Checklist for Major Land Development and Major Subdivision as provided in Article XV. The procedure and criteria for pre-application meetings and concept review as provided in Section C.1. of this Article shall apply.

At the conclusion of the pre-application meeting(s) the applicant may proceed to the conceptual master plan stage of review.

c. Submission Requirements-Conceptual Master Plan - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Conceptual Master Plan Checklist for Major Land Development and Major Subdivision as provided in Article XV.

The purpose of the conceptual 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 conceptual master plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

Initial comments on the conceptual master plan shall be solicited from local agencies, adjacent communities, state agencies, and federal agencies, as required in the Conceptual Master Plan Checklist. The Administrative Officer shall coordinate review and comments by participating agencies.

d. Certification of Conceptual Master Plan Application - The application shall be certified complete or incomplete by the Administrative Officer within ninety (90) days of its receipt according to the provisions of Section B. of this Article.

e. Technical Review Committee - The Technical Review Committee shall review the application for conceptual master plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as stated in Section 4.g. of this Article.

f. Informational Meeting - A public informational meeting shall be held prior to the Planning Board decision on the conceptual master plan, unless the conceptual master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based on Planning Board determination. In such case, review

stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.

- (1) Public notice for the informational meeting is required. Notice shall be given by publication in a newspaper of general circulation within the Town at least once each week for two (2) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, but may not include the day the hearing is to be held. The first newspaper advertisement shall appear at least seven (7) days prior to the date of the meeting. The placement and scheduling of all newspaper notice shall be the responsibility of the Town. The content of all advertisements shall be prepared by the Town, and approved by the applicant.

Postcard notice shall be mailed by the applicant to all property owners within the notice area. Postcards shall be of a color and size prescribed by the Administrative Officer. The notice requirements and notice area for informational meetings shall be as specified in subsections r. and s. of this Section, below.

In addition to the required postcard notice, the Town shall also provide separate, supplemental notice as provided in Article V, Section C.4.r., which shall be mailed to all owners of property within the notice area as provided in Section C.4.s. These notice and informational materials shall be sent by the Town via regular mail not less than 10 days prior to the date of the informational meeting.

The applicant shall also provide an on-site sign or signs notifying the public of the pending application before the Planning Board as specified in subsection r. of this Section, below.

- (2) At the public informational meeting the applicant, or his or her representative(s), shall present the proposed development project for the benefit of the Planning Board and the public. 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.

g. Decision - The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the conceptual master plan application as provided in Section C.4.d. of this Article, or within such further time as may be consented to by the applicant as provided in Section B. of this Article, approve of the conceptual master plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of Section E. of Article XI.

h. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection 4.g. of this Section shall constitute approval of the conceptual 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.

i. Expiration of Conceptual Master Plan Approval - Approval of a major land development or major subdivision conceptual master plan shall expire one (1) year* from the date of conceptual master plan approval, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a period beyond one year, for good cause shown, subject to the provisions of Article VIII.C., if requested by the applicant in writing, and approved by the Planning Board. Conceptual 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 conceptual master plan drawings and supporting materials.

The initial two year vesting for the approved conceptual master plan shall constitute the vested rights for the development as required in Section 45-24-44 of the Rhode Island Zoning Enabling Act of 1991.

j. Submission Requirements--Preliminary Plan - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Preliminary Plat Checklist for Major Land Developments and Major Subdivisions as provided in Article XV.

k. Certification of Preliminary Plan Application - The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days of its receipt according to the provisions of Section B. of this Article.

l. Technical Review Committee - The Technical Review Committee shall review the application for preliminary plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as stated in Section 4.o. of this Article, below.

m. Public Hearing - Prior to a Planning Board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in Section 4.r. and s. of this Article must be held.

n. Public Improvement Guarantees - Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the time of preliminary plan approval.

o. Decision - The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the preliminary plan application as provided in Section

*Per Public Law 2008-2009 the vesting period has been changed to two (2) years with the right to extend for two (2) one-year extensions.

C.4.k. of this Article, or within such further time as may be consented to by the applicant as provided in Section B of this Article, approve of the preliminary plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of Section E. of Article XI.

p. Failure to Act - Failure of the Planning Board to act within the period prescribed in Section C.4.o. of this Article 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.

q. Expiration of Preliminary Approval - The approved preliminary plan shall be vested for a period of one (1) year* from the date of preliminary approval and vesting may be extended for a longer period for good cause shown, subject to the provisions of Article VIII.C., if requested in writing by the applicant and approved by the Planning Board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

r. Public Hearing and Notice Requirements - A public hearing on the preliminary plan 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. Public notice of the hearing shall be given by publication in a newspaper of general circulation within the Town at least once each week for two (2) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, but may not include the day the hearing is to be held. The first newspaper advertisement shall appear at least fourteen (14) days prior to the date of the meeting. The placement and scheduling of all newspaper notices shall be the responsibility of the Town. The content of all advertisements shall be prepared by the Town, and approved by the applicant.

Newspaper advertisements shall be printed in the legal section of the classifieds 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 specified below. Written notice shall also be sent by the applicant, upon forms to be provided to the applicant by the Town, to each owner of property within the notice areas as specified in subsection s. of this Section, below. The applicant shall receive a copy of the notice from the Planning Department. Notice shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date of the hearing. As proof of such mailing, a copy of all return receipts shall be provided to the Planning Department by the applicant prior to or at the time of the public hearing.

All mail and newspaper notices required by this subsection shall specify (1) the date, time and place of public hearing; (2) the assessor's plat and lot number of the subject property; (3) the street address of the subject property, or if no street 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

*Per Public Law 2008-2009 the vesting period has been changed to two (2) years with the right to extend for two (2) one-year extensions.

tenths (1/10's) of a mile; (4) advise interested parties where and when a copy of the plans of the proposed major subdivision or major land development project may be examined; and (5) contain a statement that the proposed major subdivision or major land development project may be revised by the Planning Board as a result of further study or because of the views expressed at the public hearing.

In addition to the legal notice requirements cited above, the Town shall also provide a separate, supplemental notice to all property owners within the notice area as per Section C.4.s. of this Article. At a minimum this supplemental notice shall consist of a reduced general plan of plans of the proposed development, no smaller than 11" X 17", which depicts the entire development parcel, means of access/egress to the site, number and sizes of proposed lots, typical building locations, proposed location of utilities and environmental features of the site. In addition, the Town shall include, with the supplemental notice, an informational pamphlet which describes the general requirements of the planning and subdivision process. This pamphlet shall be prepared by the South Kingstown Planning Board. These notice and informational materials shall be sent by the Town via regular mail not less than 10 days prior to the hearing.

The applicant shall also provide an on-site sign or signs notifying the public of the scheduled public hearing pending before the Planning Board. This sign(s) shall be considered to be a supplemental notice and shall be of a weather-resistant design, measuring a minimum 20" X 30" in size, erected in a location upon the site proposed for development which is visible from the nearest public or private street and fixed upon a support that is of sufficient height to make the sign visible from the nearest public or private street. Such Sign shall contain a basic project description and notice of the informational hearing, and shall be maintained on the site by the applicant until the public hearing is closed. The Administrative Officer shall determine if additional notification signs are required in order to provide sufficient public notice, up to a maximum of two (2) signs. Signage specifications and content shall be provided to the applicant by the Administrative Officer.

s. Notice Area - The distance for notice of the public hearing shall be two hundred (200) feet from the perimeter of the parcel being subdivided in all zoning districts except R 80 and R 200, in which zoning districts the distance for notice of the public hearing shall be five hundred (500) feet. The applicant is responsible for determining 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 Tax Assessor.

Additional mail notice for notice areas which fall within watersheds shall also be sent as required in the R. I. General Laws Section 45-23-53 (B) and (C).

Notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) in the opinion of the Planning Board, there is a potential for significant negative impact on the adjacent municipality.

The cost of all such mail notice shall be borne by the applicant.

t. Submission Requirements-Final Plan - Any applicant requesting final approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials required by the Final Plat Checklist for Major Land Development and Major Subdivision as provided in Article XV, in addition to any material required by the Planning Board when the application was given preliminary approval.

u. Certification of Final Plat - The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within forty-five (45) days of its receipt according to the provisions of Section B. of this Article. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per subsection v. of this Section below, the final plan shall be considered approved.

v. Referral to the Planning Board - If the Administrative Officer determines that an application for final approval does not meet the requirements set by these Subdivision Regulations or by any other 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 issuance of the Certificate of Completeness of the application for final plan approval by the Administrative Officer in subsection u. of this Section, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

w. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection v. of this Section 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.

x. Recording - The final plan approval of a major subdivision or land development project shall expire one (1) year from the date of approval by the Planning Board in subsection v. or by the Administrative Officer in subsections u. or w. of this Section unless, within that period, the plat or plan shall have been submitted for signature (endorsement) and recording as specified in Article VI. The Planning Board may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing.

y. Completion of Required Improvements - All required improvements shall be completed within two (2) years of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of Article VIII.C., extend the period for completion of all required improvements, if requested by the applicant in writing.

D. Precedence of Approvals Between Planning Board and Other Local Permitting Authorities

1. Zoning Board

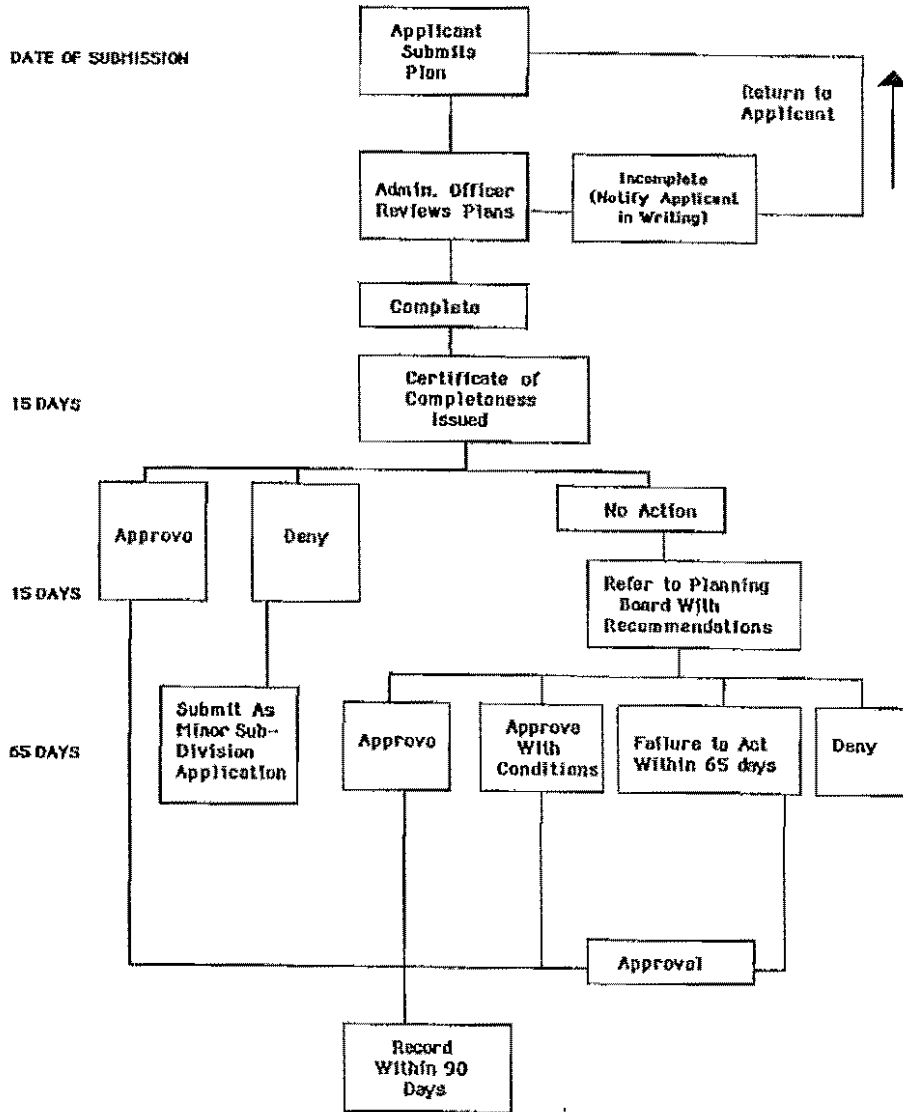
a. Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be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

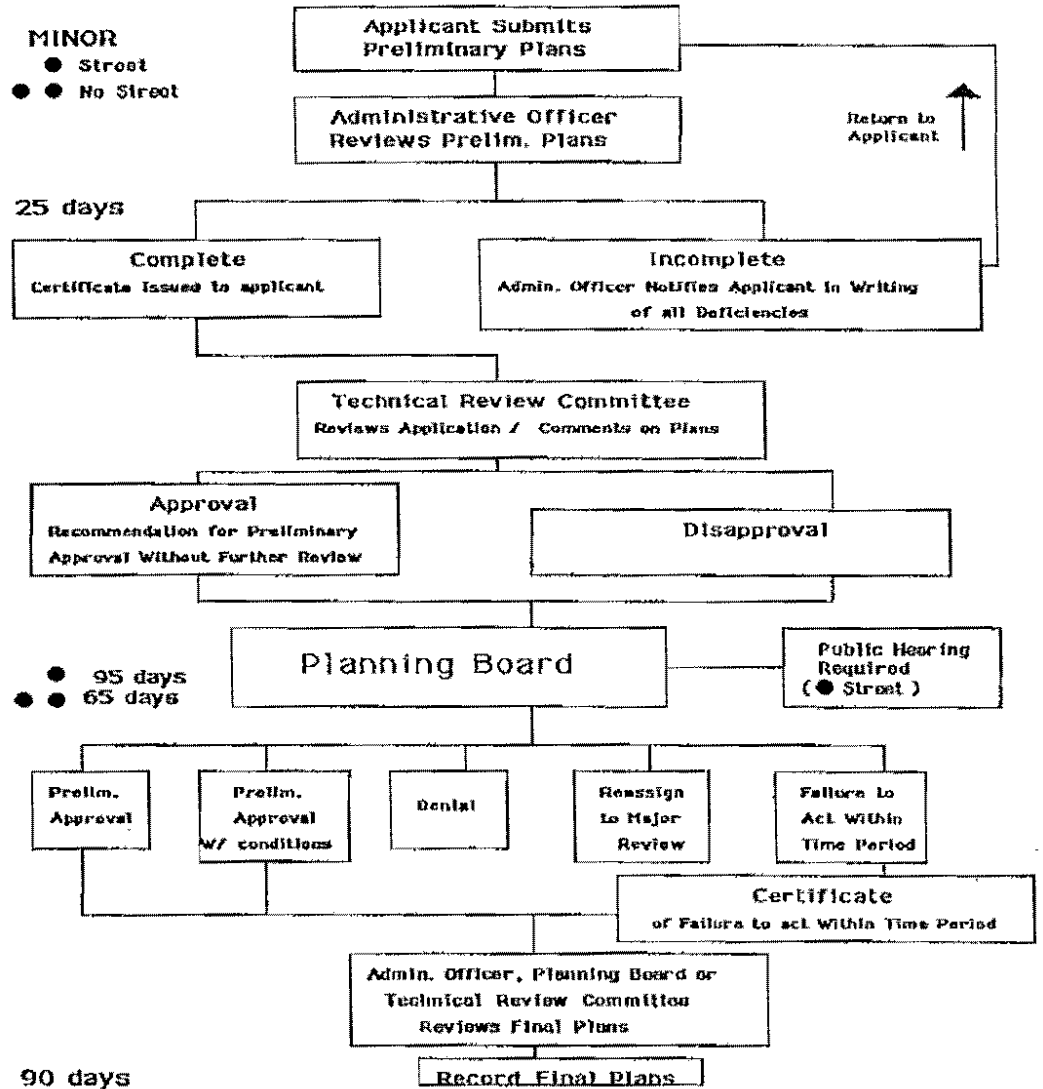
b. Where an applicant requires both a special-use permit under the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which 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).

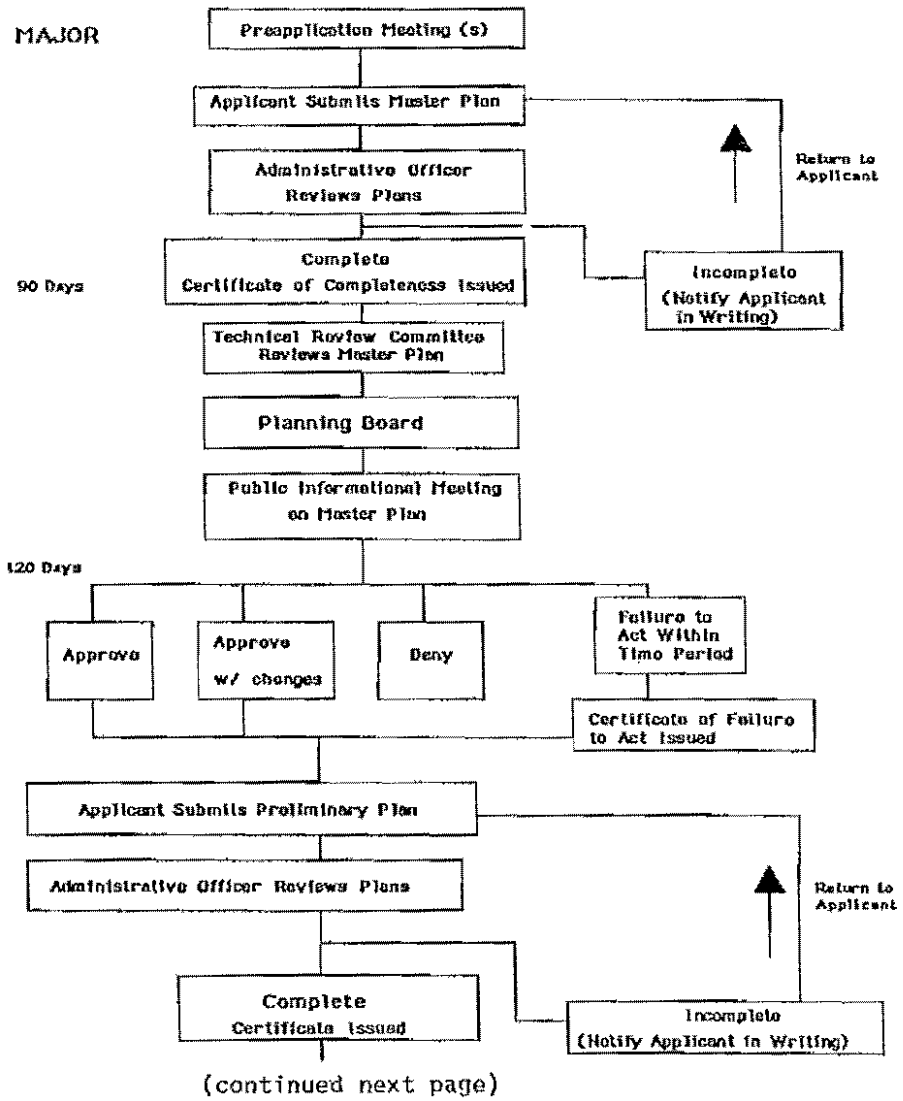
2. Town Council

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).

**ADMINISTRATIVE
SUBDIVISION**







MAJOR
(continued)
60 Days

