

December 14, 2021

To: James Rabbit, Director of Planning
Town of South Kingstown
180 High Street
South Kingstown, RI 02879

Re: Request for an Extension for the Hillside Commons

Dear Mr. Rabbitt,

The purpose of this letter is to request an extension of the preliminary plan decision dated January 29, 2020 and recorded on February 4, 2020. I am requesting a one-year extension on that approval pursuant to R.I.G.L. 45-23-41(h) entitled Vesting. I enclose a copy of the Statute for your use, though I am certain that you have it memorized. Kindly put me on the Agenda for this request at your very earliest convenience. Thank you as always for your help and consideration.

Very Truly Yours,



Scot V. Hallberg

SVH/wso
Enclosure

Cc: John Kenyon, Esq.
Eric Prive, P.E.

Title 45

Towns and Cities

Chapter 23

Subdivision of Land

R.I. Gen. Laws § 45-23-41

§ 45-23-41. General provisions — Major land development and major subdivision — Preliminary plan.

(a) **Submission requirements.**

(1) The applicant shall first submit to the administrative officer the items required by the local regulations for preliminary plans.

(2) Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: 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 disposal systems, public water systems, and connections to state roads.

(3) At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the city or town engineer, the city or town solicitor, other local government departments, commissions, or authorities as appropriate.

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

(5) If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board or commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to § 45-23-50.1(b).

(b) **Certification.** The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days, according to the provisions of § 45-23-36(b). 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 shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(c) **Technical review committee.** The technical review committee, if established, shall review the application and shall comment and make recommendations to the planning board.

(d) **Public hearing.** Prior to a planning board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in § 45-23-42, must be held.

(e) **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.

(f) **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 §§ 45-23-60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver.

(g) **Failure to act.** Failure of the planning board to act within the prescribed period constitutes 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.

~~(h) **Vesting.** The approved preliminary plan is 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.~~

History of Section.

P.L. 1992, ch. 385, § 1; P.L. 1999, ch. 157, § 1; P.L. 2008, ch. 224, § 1; P.L. 2008, ch. 294, § 1; P.L. 2008, ch. 464, § 1; P.L. 2016, ch. 527, § 2; P.L. 2017, ch. 109, § 1; P.L. 2017, ch. 175, § 1.