

Land Development and Subdivision Review Regulations

Adopted February 6th, 2024



Planning Board
Town of Johnston Rhode Island

Planning Division
Department of Development and Public Services
100 Irons Avenue
Johnston, RI 02919

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Water service must be designed in accordance with the requirements of the Providence Water Supply Board

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All stormwater facilities must be developed in accordance with the Rhode Island Stormwater Management Rules and Guidance

SECTION I. GENERAL

ARTICLE A. ENACTMENT, AUTHORITY AND PURPOSE. These Regulations governing land development and subdivision of land within the Town of Johnston are hereby adopted by the Johnston Planning Board in accordance with Rhode Island General Laws, Title 45, Chapter 23, as amended, and the Town of Johnston Code of Ordinances Section 303 and are declared effective as of February 6th, 2024. All regulations and amendments, or parts of regulations or amendments which are inconsistent are hereby repealed.

These Regulations are intended to be consistent with the Johnston Comprehensive Plan, the Johnston Zoning Ordinance, other local land use regulations, the legislative findings and intents of RIGL 45-23-29 and the general purposes of land development and subdivision review ordinances, regulations and rules as specified in RIGL 45-23-30.

ARTICLE B. DEFINITIONS. Words as defined in the Town of Johnston Zoning Ordinance, RIGL 45-22.2-2 Rhode Island Comprehensive Planning and Land Use Act and RIGL 45-24-31 Zoning Definitions shall have that meaning in these Regulations. The following words are defined for added clarity in these Regulations. If a word or phrase is not defined herein, an acknowledged industry reference shall be consulted.

ADMINISTRATIVE OFFICER. The town planner or designee who administers the Land Development and Subdivision Regulations, to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff, and state agencies as set forth herein.

BOARD. The Johnston Planning Board.

BUFFER ZONE. An area of land situated and so built and/or construed to mitigate the impact of one land use upon an adjacent land use.

CONSERVATION EASEMENT. A power granted to the Town or other entity to constrain the right to develop a specified land area so as to achieve conservation purposes.

DEAD-END STREET. A street that is open only at one end; it may or may not have a turnaround at the closed end.

LAND DEVELOPMENT PROJECT. A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses. The local regulations shall include all requirements, procedures and standards necessary for proper review and approval of land development projects to ensure consistency with this chapter and the zoning ordinance.

1. Minor land development project. A land development project involving any one the following:
 - a. Fifteen thousand (15,000) gross square feet or less of floor area of new commercial, manufacturing or industrial development.
 - b. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet of new commercial, manufacturing or industrial structures.

- c. Mixed-use development consisting of up to twelve (12) dwelling units and five thousand (5,000) gross square feet of commercial space or less.
 - d. Multi-family residential or residential condominium development of sixteen (16) units or less.
 - e. Change in use at the property where no extensive construction of improvements are sought.
 - f. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought.
 - g. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
2. Major land development project. A land development project which exceeds the thresholds for a minor land development project.

MAJOR CHANGE. A change to a recorded Final Plan of a :

- **Subdivision** that increases the number of lots or changes the approved infrastructure such as the street, drainage system, sewer system, street lighting, water supply, landscaping or open space.
- **Land Development** that increases parking by 10 or more spaces, changes the approved stormwater system, increases the building footprint by 20%, or reduces the amount of greenspace.

MINOR CHANGE. Any change requested at any stage of plan review prior to the recording of the Final Plan or any change to a recorded Final Plan when said change involves the correction of an error in drafting, terminology, or legally required information which does not affect the legal ownership, number of lots, or physical dimensions of the existing lots. Such changes may only be made with written approval of the Administrative Officer.

RESERVE STRIP. A privately-owned strip of land of less width than the lot depth permitted by the applicable regulations, bounded on one side by a proposed street and on the other by the boundary of a subdivision containing said proposed street.

SOIL EROSION AND SEDIMENT CONTROL PLAN. A plan, developed in accordance with local and state requirements, which indicates prescribed land use treatment measures necessary to control soil erosion and sedimentation. The plan shall include a schedule for the installation and ongoing maintenance of designed control measures, which will effectively eliminate or minimize soil erosion and sedimentation.

SPECIMEN VEGETATION. *Rhode Island Natural Heritage Program* plant species listed as 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 categories above; species at the limits of their natural range such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*); and any species whose population has been drastically reduced by disease, insects or habitat destruction, such as American Elm (*Ulmus americana*) and American Chestnut (*Castanea dentate*).

VIEWSHED. The extent of the area which can be viewed from an observation point defined by its vantages and/or significant features.

WALKWAY. A street, right-of-way, easement, sidewalk, or other land reserved exclusively for pedestrians, bicycles, equestrians, and other non-motorized circulation.

WATERSHED. The area drained by or contributing water to a given stream, river, lake, or other body of water.

END OF SECTION

SECTION II. GENERAL PROVISIONS

ARTICLE A. PRE-APPLICATION MEETINGS & CONCEPT REVIEW.

1. One or more pre-application meetings shall be held for all major land development or subdivision applications with the Administrative Officer and/or the Technical Review Committee. The applicant may request a pre-application meeting with the Planning Board. Applicants are encouraged to request a pre-application meeting(s) with administrative officer for administrative and minor applications, but are not required. Pre-application meetings allow the applicant to meet with appropriate officials for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project. The pre-application meeting also allows for review and comment on the concept plan for the proposed development.
2. Applicants seeking a pre-application meeting shall submit general, conceptual materials in advance of the meeting(s) which contain the items listed in the Pre-application Checklist in Appendix A.
3. Pre-application meetings aim to encourage information sharing and discussion of project concepts among the participants and are intended for the guidance of the applicant and do not constitute approval of a Project or its elements.
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, the applicant may file and proceed with an application for a land development or subdivision project in accordance with Article E. of this Section.

ARTICLE B. APPLICATION FOR DEVELOPMENT & CERTIFICATION OF COMPLETENESS

1. **Classification.** The Administrative Officer will advise the applicant at the Pre-Application meeting, if one is held, as to which approvals are required. If no pre-application meeting is held, the administrative officer will advise the applicant, when an application is submitted, as to which approvals are required. An applicant shall not be required to obtain both land development and development plan review for the same project. The following categories of applications may be filed:
 - a. *Subdivisions.* Administrative, minor subdivision or major subdivision;
 - b. *Land development projects.* Minor land development or major land development; and
 - c. *Development plan review.*
 - d. *Comprehensive Permits*
2. **Certification of a complete application.**
 - a. *Completeness.* An application shall be complete for purposes of commencing the applicable time period for action when certified in writing by the Administrative Officer. In the event the certification is not made within the time specified, the application is deemed complete for purposes of commencing the review period unless the application lacks information required in the local regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.

- b. *Certificate of incompleteness.* The running of the time period set forth in this section will stop upon the issuance of a certificate of incompleteness by the administrative officer and will recommence upon the resubmission of a corrected application. 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.
- c. *Postponement of Review.* Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review is stayed and resumes when the administrative officer or the planning board determines that the required information is complete.
- d. *Modifications to Submissions.* The Board may subsequently require correction of any information found to be in error and/or submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as necessary to make an informed decision.
- e. When issuing a certificate of completeness, the administrative officer must restate the approvals that are required.

ARTICLE C. ADMINISTRATIVE SUBDIVISION

- 1. **Application.** Applications shall be submitted to the administrative officer with the items required by Appendix A.
- 2. **Certification of Completeness.** The administrative officer must certify the application as complete or incomplete within fifteen (15) days of its submission in accordance with Article B of this Section.
- 3. **Review process.**
 - h. Within fifteen (15) days of certification of completeness, the administrative officer shall review the application and approve, deny or refer it to the planning board with recommendations. The officer shall report 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 within fifteen (15) days, the application shall be placed on the agenda of the next regular planning board meeting.
 - i. If referred to the planning board, the board shall consider the application and the recommendations of the administrative officer and either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Failure of the planning board to act within the prescribed period constitutes approval of the administrative subdivision plan. At the request of the applicant the administrative officer must issue a certificate of approval.
 - j. Denial of an application by the administrative officer is not eligible for appeal and requires the plan to be submitted as a minor subdivision application.

- k. Any approval of an administrative subdivision shall be evidenced by a written decision which shall be filed and posted in the office of the town clerk.
- l. *Expiration of Approval.* The approved Administrative Subdivision shall expire ninety (90) days from the date of approval unless within that period a plan in conformity with that approval is submitted for signature and recording along with other information as required by Appendix A.

ARTICLE D. MINOR SUBDIVISION AND LAND DEVELOPMENT PLANS

1. Application types and review stages.

a. *Application types.*

- .1 **Minor Plan with Modifications.** Applications seeking a modification in accordance with the provisions of the Johnston Zoning Ordinance shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in the Johnston Zoning Ordinance, such application shall proceed under unified development plan review pursuant to Section III. Article D. of these Regulations.
- .2 **Minor Plan with Unified Development Plan Review.** Applications that require relief from the literal provisions of the zoning ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant to Section III. Article D. of these Regulations, and a request for review shall accompany the preliminary plan application.
- .3 **Minor Plan with the creation of a street.** Any application involving creation or extension of a public or a private street shall be reviewed by the planning board and require a public hearing.
- .4 **Minor Plan – Flexible Design Residential.** Any application requesting flexible design residential development shall be reviewed by the planning board and require a public hearing.

b. *Other applications.* The Administrative Officer shall review and grant, grant with conditions, or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officer may utilize the technical review committee for initial review and recommendation. The local regulations shall specifically list what limited waivers an administrative officer is authorized to grant as part of their review.

c. *Review stages.* Minor plan review consists of two (2) stages, preliminary and final. If a street creation or extension is involved, or a request for variances and/or special-use permits is submitted, pursuant to unified development review provisions, a public hearing is required before the planning board. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

2. **Submission requirements.** Applications shall be submitted to the administrative officer with the items required by Appendix A.

3. Certification.

- a. For each applicable stage of review, the application shall be certified, in writing, as complete or incomplete in accordance with Article B. 2. of this Section by the administrative officer as follows:
 - .1 Minor Plan or Minor Plan with Modifications, within fifteen (15) days of submission; and,
 - .2 Minor Plan with unified development plan review or the creation or extension of a street within twenty-five (25) days of the submission.A completed checklist of the requirements for the submission must be provided as part of the submission.

- b. The running of the time period set forth in this section will stop upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon resubmission of a corrected application. In no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after resubmission.

4. Decision on preliminary plan.

- a. *Minor Plan or Minor Plan with Modifications.* The Board or the Administrative Officer will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the board, according to the requirements of this Regulation.
- b. *Minor Plan with unified development plan review or the creation or extension of a street.* The planning board must hold a public hearing prior to approval in accordance to the requirements of Article F of this Section and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board, according to the requirements of this Regulation.
- c. **Failure to act.** Failure of the planning board to act within the period prescribed constitutes approval of the preliminary plan. At the request of the applicant the administrative officer must issue a certificate of approval.

5. 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 this Regulation.

6. Final plan. Final plans shall be reviewed and approved by the administrative officer who will report its actions in writing to the planning board at its next regular meeting, to be made part of the record. The administrative officer shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.

7. Modifications and changes to plans.

- a. Minor changes to the approved plans at any stage may be approved by the administrative officer without additional public hearings. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative

officer from requesting recommendation from either the technical review committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.

- b. Major changes to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of the preliminary plans including a public hearing if originally required as part of the application.
- c. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change.

9. Appeal. Decisions under this section are appealable pursuant to Section VI. Article D. of these Regulations.

10. Expiration of approval. Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording along with other information as required by the Minor Subdivision Final Plan Checklist in Appendix A. 2. 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 SUBDIVISION AND LAND DEVELOPMENT PLANS

1. Stages of review.

- a. Following the pre-application meeting(s) specified in Article A of this Section, review consists of three stages; master plan, which includes a public hearing, preliminary plan and final plan.
- b. The administrative officer may combine review stages if it is determined that all necessary requirements have been met by the applicant or the planning board has waived any submission requirements not included by the applicant.
- c. The planning board may waive requirements as specified in Section IV Article F. of this Regulation.

2. Master plan review.

- a. *Submission requirements.*
 - .1 Applications shall be submitted to the administrative officer with the items required by Appendix A.
 - .2 Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts.
 - .3 Initial comments will be solicited from:

- i. Local agencies including, but not limited to, the planning department, the engineering division, fire and police departments;
- ii. Adjacent communities;
- iii. State agencies, as appropriate, including the departments of environmental management and transportation; and
- iv. Federal agencies, as appropriate.

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

.4 Applications requesting relief from the zoning ordinance.

- i. Applications seeking a modification in accordance with the provisions of the Zoning Ordinance must file a master plan application and a request for modification to the zoning enforcement officer. If the modification is granted, the application shall be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development review.
- ii. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit shall be reviewed by the planning board under unified development review pursuant to Section III Article D. of this Regulation.

b. Certification.

- .1 The application must be certified in writing as complete or incomplete by the administrative officer within twenty-five (25) days of the submission in accordance with Article B. 2. An application is considered complete if all requirements of the checklist are provided with the submission.
- .2 The running of the time period will stop upon the issuance of a certificate of incompleteness by the administrative officer and will recommence upon submission of a corrected application. In no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after resubmission.

c. Technical review committee. The Technical Review Committee, if established, shall review the application prior to the first planning board meeting and shall provide comment and make recommendations to the planning board.

d. Public hearing.

- .1 A public hearing will be held prior to the planning board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.
- .2 Notice for the public hearing must be given in accordance with this Section Article F.
- .3 At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.

e. Decision. Within ninety (90) days of certification of completeness, or further amount of time that may be consented to by the applicant through the submission of a written waiver, the planning board shall, approve the master plan as submitted, approve with changes

and/or conditions, or deny the application in accordance with the requirements of Section IV Article A. and Article C.

- f. *Failure to act.* Failure of the board to act within the period prescribed constitutes approval of the master plan. At the request of the applicant the administrative officer must issue a certificate of approval.
- g. *Vesting.*
 - .1 The approved master 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 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 includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.
 - .2 The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.

3. Preliminary plan review.

- a. *Submission requirements.*
 - .1 The applicant shall first submit to the administrative officer an application, which at the minimum must include engineering plans depicting the existing site conditions, the proposed development project, a perimeter survey and the items identified in the Major Development Checklist found in Appendix A. 2.
 - .2 The administrative officer shall solicit final, written comments and/or approvals of the public works and engineering divisions, the Board's legal counsel, the fire department and other departments, commissions, or authorities as appropriate.
 - .3 Evidence that all permits required by state or federal agencies, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads have been filed.
 - .4 If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board at the master plan, 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 Section III. Article D.
- b. *Submission requirements prior to approval.*
 - .1 Copies of all legal documents describing the property, proposed easements, and rights-of-way.
 - .2 **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 prior to approval. For more information on the requirements for guarantees see Section IV. Article E.
- c. *Certification.*
 - .1 The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission in accordance with

Article B. 2. An application must be deemed complete if all requirements of the checklist are provided with the submission.

- .2 The running of the time period will stop upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the submission of a corrected application. 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.

- d. *Technical review committee.* The Technical Review Committee, if established, shall review the application prior to the first planning board meeting and shall provide comment and recommendations to the planning board.

- e. *Public notice.* Prior to the first planning board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.

- 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 Section IV Article A. and Article C., 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.

- m. *Failure to act.* Failure of the board to act within the period prescribed constitutes approval of the preliminary plan. At the request of the applicant the administrative officer must issue a certificate of approval.

- 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.

4. Final plan.

- a. *Submission requirements.*
 - .1 The applicant shall submit to the administrative officer an application and the items identified in the Major Development Checklist found in Appendix A. 2., as well as all material required by the planning board when the application was given preliminary approval.
 - .2 All permits required by state or federal agencies, including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

- .3 Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- .4 Certification by the tax collector that all property taxes are current.
- .5 For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

b. Certification.

- .1 The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, according to the provisions of Article B. 2. so long as a completed checklist of requirements are provided with the submission.
- .2 This time period may be extended to twenty-five (25) 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 The running of the time period shall stop upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the submission of a corrected application. 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.
- .4 If the administrative officer certifies the application as complete and does not require submission to the planning board as per subsection (c) of this section, the final plan shall be considered approved.

c. Decision. The administrative officer, or, if referred to it, the planning board, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant.

d. Failure to act. Failure of the planning board to act within the period prescribed constitutes approval of the final plan. At the request of the applicant the administrative officer must issue a certificate of approval.

e. Expiration of approval. The final approval of a project expires one year from the date of approval unless, within that period, a plan, in conformity with approval, and as defined in this act, is submitted for signature and recording along with other information as required by the Major Development Final Plan Checklist in Appendix A. Validity may be extended for one year upon written request by the applicant, who must appear before the planning board for the annual review. Thereafter, the planning board may, for good cause shown, extend the period for recording.

f. Acceptance of public improvements. Signature and recording as specified in Section IV. Article D. constitute the acceptance by the municipality 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.

- g. *Validity of recorded plans.* The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure stated in Section IV. Article D. or a new plan is approved by the planning board.

5. Modifications and changes to plans.

- a. *Minor changes.* Minor changes at any stage to an approved plan may be approved by the administrative officer without an additional planning board meeting, to the extent applicable, at their discretion. All changes shall be made part of the permanent record. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.
- b. *Major changes.* Major changes at any stage to an approved plan may be approved only by the applicable permitting authority and must include a public hearing.
- c. *Applicant Notification.* The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.

- 6. **Appeal.** Decisions under this section shall be considered an appealable decision pursuant to Section VI. Article D.

ARTICLE F. PUBLIC HEARING AND NOTICE REQUIREMENTS FOR MAJOR SUBDIVISION AND MAJOR LAND DEVELOPMENT PLAN. Where a public hearing is required pursuant to this chapter, the following requirements shall apply:

1. Notice requirements.

- a. The cost of all notice shall be borne by the applicant who shall also mail the required notice.
- b. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation within the municipality following the municipality’s usual and customary practices for this kind of advertising.
- c. The same notice shall be posted in the town clerk’s office, the planning office and the home page of the town’s website at least fourteen (14) days prior to the hearing.
- d. Notice shall be sent to the applicant and to each property owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing.
- e. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing.
- f. The notice must include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10’s) of a mile.
- g. The applicant must post on the property that is the subject of the application a supplemental notice at least 24” by 24” and state that an application for development has been filed and plans may be reviewed at the planning office and give a web address where the plans can be viewed. This notice is for informational purposes only and does not constitute required notice of a public hearing.

- h. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
- 2. **Notice area.**
 - a. All property owners within two hundred (200) feet of the perimeter of the project property must receive notice. This area is expanded to five hundred feet (500) if the number of property owners does not constitute at least 8 notices.
 - b. Notice of the public hearing must be sent by first-class mail to the city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, located within two thousand feet (2,000') of the municipal boundaries.
 - c. Notice of a public hearing must be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source, located within either the municipality or two thousand feet (2,000') of the municipal boundaries.
 - d. ***Adjacent municipalities.*** Notice of the public hearing must be sent to the administrative officer of an adjacent municipality if: (1) The notice area extends into the adjacent municipality; or (2) The development site extends into the adjacent municipality; or (3) There is a potential for significant negative impact on the adjacent municipality.

END SECTION

SECTION III. SPECIAL PROVISIONS

ARTICLE A. REQUIREMENTS FOR DEDICATION OF PUBLIC LAND, PUBLIC IMPROVEMENTS AND/OR FEES. The Board may require, as a condition of approval of a proposed land development or subdivision project, the dedication of land, public improvements, payment-in-lieu of dedication or construction, or payment to mitigate the impacts of a proposed project. In order for the Board to require such dedication, the Board and/or the Town must address the following:

1. All required public improvements must reflect the character defined for that neighborhood or district by the comprehensive plan.
2. The need for all dedications of land to the public and for payments-in-lieu of dedications must be clearly documented in the Town’s adopted plans, i.e., the comprehensive plan and the capital improvement plan.
3. No dedication of land to the public or payments-in-lieu of dedication may be required until the need for the dedication has been identified and documented by the Town, the land proposed for dedication is determined to be appropriate for the proposed use, and the formulas for calculating a payment-in-lieu of dedication has been established by the Board and adopted as part of these Regulations.
4. All dedications, improvements, or payments-in-lieu of dedication or construction, for mitigation of identified negative impacts of proposed projects must meet the previously stated standards. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. The mitigation required as a condition of approval must be related to the significance of the identified impact.
5. All payment-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required.

ARTICLE B. PHASING OF PROJECTS.

1. **Phasing of Projects.** A project may be divided into reasonable phases for the preliminary and final review stages, and for the construction of major land developments and subdivisions.
2. **Phasing Requirements.** When the Board approves the phasing of a project, the following is required:
 - a. The entire site design must be approved as a master plan. Thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phase(s).
 - b. A phase consists of at least five (5) lots or ten percent (10%) of the total number of lots contained in the approved plan, whichever is greater, but no more than sixty percent (60%) of the total number of lots contained in the approved plan.
 - b. Construction of buildings in any other phase may not begin until at least fifty percent (50%) of the buildings in the phase immediately preceding have been built.
 - c. Construction of infrastructure may not begin in any subsequent phase until the Final Plan is recorded for the subsequent phase. This provision is not intended to prevent construction of infrastructure common or necessary to several phases if its construction takes place

- outside of the permitted phase. Such infrastructure shall be considered as contained within the permitted phase.
- d. When a land development project or subdivision is to be built in phases, roadways through and within the development shall be constructed so that any Arterial, Marginal, or Collector streets are completed in their entirety and Local, Stub, and cul-de-sac streets are finished only as directed by the Board. The Board shall approve construction of local, stub, and cul-de-sac streets so that a minimal amount of paved road is constructed within the development, but so that construction of streets within future phases shall not unduly impact upon property owners within the completed phases.
 - e. Any local roads which are ultimately planned to be extended or connected through the development shall be furnished with paved cul-de-sacs or turn-arounds that comply with the Street Specifications of the Regulations. Any cul-de-sac or turn around which is to be utilized for more than six (6) months or through the winter months must be paved as per the Street Specifications in the Appendix.
 - f. Phases shall be so sized, and construction shall proceed at a pace, so that no one phase shall take more than two (2) years to build out, barring extenuating circumstances.
 - g. Improvement Guarantees shall be placed for each of the phases immediately prior to the commencement of construction of that phase.
 - h. The Improvement Guarantee for the first phase shall be set as the established amount of the Guarantee, plus ten percent (10%) of the estimated cost of the entire project.
 - i. Upon establishing the Improvement Guarantee for the subsequent phases, this 10% shall be adjusted for market factors relating strictly to construction and material costs, held in abeyance, and ultimately added as part of the Guarantee for the last phase of the project.
 - j. This provision shall not preclude the owner from conducting work on two (2) or more phases if such a working arrangement is agreed to by the Board.
3. The master plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.
 4. **Vesting.** The master plan remains vested as long as it can be proved, to the satisfaction of the 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 extends to all information shown on the approved master plan documents.

ARTICLE C. DEVELOPMENT PLAN REVIEW.

1. **Authorization of Development Plan Review.** As authorized by the Johnston Zoning Ordinance, all Development Plan Review projects will be reviewed and approved in accordance with the process set out in this Article.
2. **Waivers.** The authorized permitting authority may waive requirements for development plan approval as specified in Section IV Article F.
3. **Application types and review stages.**
 - a. *Application types.* Administrative development plan review consists of one stage of review, while formal development plan review consists of two (2) stages of review, preliminary and

- final. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.
- b. *Application requesting relief from the zoning ordinance.*
- .1 **Development Plan with Modifications.** Applications seeking a modification in accordance with the provisions of the Johnston Zoning Ordinance must file an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in the Johnston Zoning Ordinance, such application shall proceed under unified development plan review pursuant to Section III. Article D. of these Regulations.
 - .2 **Plan with Unified development plan review.** Applications that require relief from the literal provisions of the zoning ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant to Section III. Article D. of these Regulations, and a request for review shall accompany the preliminary plan application.
4. **Submission requirements.** Applications shall be submitted to the administrative officer with the items required by Appendix A.
5. **Certification.**
- a. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete in accordance with Section II. Article B. 2. by the administrative officer as follows:
 - .1 Development Plan with or without Modifications, within fifteen (15) days of submission; and,
 - .2 Development Plan with unified development plan review or the creation or extension of a street within twenty-five (25) days of the submission.A completed checklist of the requirements for the submission must be provided as part of the submission.
 - b. The running of the time period set forth above will stop upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the submission of a corrected application. 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.
6. **Timeframes for decision.**
- a. *Administrative development plan approval.* An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.
 - b. *Formal development plan approval.*
 - .1 **Preliminary plan.** Unless the application is reviewed under unified development review, the permitting authority will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
 - .2 **Final plan.** Final plan review and approval shall be delegated to the administrative officer. The officer will report its actions in writing to the Planning Board at its next

regular meeting, to be made part of the record. The final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.

7. **Failure to act.** Failure of the planning board to act within the prescribed period constitutes approval of the administrative subdivision plan. At the request of the applicant the administrative officer must issue a certificate of approval.
8. **Expiration of Approval.** The approved Development Review Plan shall expire two (2) years from the date of approval unless within that period, a plan in conformity with that approval is submitted for signature and recording along with other information as required by Appendix A. The approval may be extended for an additional period of up to one year upon application to the permitting authority upon a showing of good cause.
9. **Modifications and changes to plans.**
 - a. *Minor changes.* Minor changes to the plans approved at any stage may be approved by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without an additional planning board meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.
 - b. *Major changes.* Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing.
 - c. *Determination of changes.* The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.
10. **Appeal.** A decision under this section shall be considered an appealable decision pursuant to Section VI Article D.

ARTICLE D. UNIFIED DEVELOPMENT REVIEW.

1. **Procedures for Considering Unified Development Review.** All applications for Subdivision, land development or development plan review which seek a unified development review shall adhere to the procedures, timeframes, and standards of the underlying category of the project as listed in Section II., but shall also include the following procedures:
 - a. Requests for any variance and/or special-use permit requests shall be submitted as part of the application materials for the first stage of review.
 - b. A public hearing on the application shall be held prior to consideration of the first stage of review by the planning board.
 - c. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the first stage of review.
 - d. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan.

2. **Public Hearing.** A public hearing in accordance with the provisions of Section II. Article F. shall be held for any unified development review application. The public hearing for each type of project shall be held as follows:
 - a. *Minor subdivisions and land development projects.* prior to consideration of the preliminary plan.
 - b. *Development plan review.* prior to consideration of the preliminary plan.
 - c. *Major subdivisions and land development projects — Master plan.* prior to consideration of the master plan.

3. **Major subdivisions and land development projects - alteration of any variance(s) and/or special-use permit(s) granted.** At the preliminary plan stage of review, applicants may request alteration of any variance(s) and/or special-use permit(s) granted by the planning board during the master plan stage of review, and/or request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan.
 - a. The applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials.
 - b. A public hearing on the application in accordance with the provisions of Section II. Article F. shall be held prior to consideration of the preliminary plan by the planning board.
 - c. The planning board shall conditionally approve, amend, or deny the request(s) before considering the preliminary plan application for the major subdivision or land development project.
 - d. Approval of the request(s) shall be conditioned on approval of the final plan of the major subdivision or land development project.
 - e. If the planning board denies the request(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, the applicant may consent to an extension of the decision period mandated by Section II. Article F. 3. f. so that additional information can be provided and reviewed by the board.

4. **Decision.** The time periods by which the planning board must approve or deny applications for variances and special-use permits shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.

5. **Notice.** The required public hearing must be noticed in accordance with the requirements of Section II Article F.

6. **Vesting.** The expiration periods of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.

7. **Appeals.** Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the permitting authority, may be appealed pursuant to Section VII. Article D.

ARTICLE E. FLEXIBLE DESIGN RESIDENTIAL DEVELOPMENT

1. **Residential Compound Minor Subdivision.** A residential compound is a parcel of land containing lots for single-family dwellings accessed by a private way and having an average density of no greater than one dwelling unit per one hundred thousand (100,000) square feet of

land. Residential compounds are intended to preserve the rural character of the town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to other subdivisions.

- a. ***Lot Area and Dimensional Regulations.*** At a minimum, all lots in a Residential Compound shall conform to the minimum lot size and dimensional regulations applicable to the R Zone in which the Residential Compound is located. Each lot must have frontage on the private way that is at least equal to the frontage requirement for the applicable R-zone.
- b. ***Density Calculation.*** The maximum number of dwelling units in a residential compound shall be determined by dividing 100,000 into the area of the applicable parcel. The resulting figure is the maximum number of residential building lots permitted. Fractions shall be rounded downward to the next lower whole number. A Residential Compound may contain up to ten (10) lots.
- c. ***General Requirements.***
 - .1 A parcel proposed for development as a residential compound shall have frontage on a public street or shall have access to a public street by a private right-of-way. If access from the residential compound to the public street is by a private right-of-way, the private right-of-way shall be shown in its entirety on the Final Plan.
 - .2 No parcel that has been developed as a residential compound shall be further subdivided or reduced in size or acreage.
 - .3 Administrative subdivisions may be permitted among residential lots within the Residential Compound in accord with these regulations, provided, however, that such transfers or lot line amendments maintain conformity with the minimum dimensional standards contained in the Zoning Ordinance for each lot or lots so affected and the average density within the approved compound remains at one dwelling unit per one hundred thousand (100,000) square feet of land.
 - .4 Administrative subdivisions that propose the transfer of excess land or open space to a parcel or parcels situated outside the Residential Compound shall not be permitted.
- d. ***Private Way Standards***
 - .1 Ownership. Private way and drainage improvements shall be owned and maintained in common by the residents. At the time of Final Approval, the Board shall approve the form and content of the following legal documents to be recorded contemporaneously with the Final Plat;
 - a. A covenant by the owner of the parcel, binding on his successors and assigns that the Town shall not be asked or required to accept or maintain the private streets within the parcel that do not meet the engineering and design requirements for town-accepted streets, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years.
 - b. A document or documents establishing the method of ownership, and providing for maintenance of the streets and drainage improvements.
 - c. Deeds for each lot with language incorporated that clearly states that the road is private, that the Town is not responsible for maintenance; that other than emergency services, no town services will be supplied off of the private way.

- .2 **Standards for improvements.** Private ways, as a minimum, must conform to the private road standards and as detailed in Appendix B. The BOARD may, on a case-by-case basis, impose specific design criteria that exceeds these standards.
 - Right of Way width – 40 feet, the Board may adjust this requirement
 - Pavement Type - Paved
 - Road Pavement Width - 18'
 - Maximum Grade centerline - 10%
 - Minimum Grade centerline - .05%
 - Minimum Length for Vertical Curves - As determined by Town Engineer
 - Minimum Radius of Centerline Curve - 100'
 - Minimum Sight Distance – 100'
 - Cul-de-sac – See Appendix B, Figure 5
 - ROW Diameter – 100
 - Pavement Diameter – 80
 - Hammerhead – See Appendix B, Figure 5
 - Intersection Fillet Curve
 - Minimum ROW Radius – 10'/15'
 - Minimum Pavement Radius - 25'
 - Pavement Crown – 4"
 - .3 Private way and drainage improvements within a compound may be bonded pursuant to these regulations.
 - .4 Each street within a residential compound shall be designated as a "Way" in order to distinguish it from a public street.
 - .5 The street sign shall conform to the Federal Highway Administration's Manual on Uniform Traffic Control Devices; the sign must be a black sign with white letters and must say at the top of the sign "Private Road".
 - .6 If the Board determines that an existing private right-of-way which is proposed to be used as access from the compound to a public street is not adequate for public health, safety and welfare purposes, the Board shall have the authority to require improvements to the private right-of-way. Such improvements may include improved pavement surface, increased pavement width, increase in depth below finished grade for removal of boulders or ledge, improvements in the grade of ascent or descent, surface water run-off control, natural water flow protection, or drainage improvements. Any such improvements required shall be shown on a plan certified by a professional engineer, and such plan shall be included in the submission requirements for Final Plan approval and recorded with the endorsed plat. No approved plat shall be endorsed or recorded until such required improvements are completed.
- e. **Statement on Final Plat.** The Final Plat approved by the Board and recorded in the Land Evidence Records of the Town shall contain the following statement: "These premises are subject to restrictions and conditions that are contained in instruments recorded contemporaneously with this Plat and are incorporated herein by reference."
2. **Minor Subdivisions Involving Creation or Extension of a Private Street.** A subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of

development and which requires the creation or extension of a private street. Standards for the design and required improvements of such minor subdivisions shall be as follows:

- a. *Street access and frontage.* Land being subdivided must have frontage on a street which has been officially accepted for ownership and maintenance by the Town or the State of Rhode Island. The minimum required frontage shall be equal to fifty percent (50%) of the minimum required lot width (frontage) required for single household dwellings in the zoning ordinance for the zoning district in which the subdivision is located. All lots in the subdivision shall be served by a private street connecting directly to the public street as herein defined at the point where said frontage is located.
- b. *Dimensional requirements.* Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of the zoning ordinance. While the private street shall be part of each lot, the area of the private street shall not be included in the calculation of the minimum required area of any lot.
- c. *Waiver of lot and yard requirements.* The Board may waive lot and yard requirements to allow one lot that is smaller than the minimum lot size for the zoning district under the following conditions:
 - .1 The area of all of the lots created minus the area of the private right of way is equal to or greater than the amount of area required for the number of lots being developed in the applicable zoning district.
 - .2 The applicant can demonstrate the existence of circumstances that would not permit the full use of flexible design development if all lots were required to meet the minimum lot requirement for the underlying district.
- d. *Restrictive covenants.* As a condition of final approval, the applicant shall record a covenant, binding on his successors and assigns, that the Town shall not be asked or required to accept or maintain the private streets within the parcel for town-accepted streets, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years.
- e. *Street design and improvement.* The private way shall conform to the Private Way Standards as detailed in this section Article E. 1.. Where common driveways are permitted by the Board, there are no minimum improvement standards for the driveway established in these Regulations; however, the Board may prohibit individual driveway access on to the public street and require that an 18-foot-wide right-of-way or access easement for a common driveway be created.
- f. In minor subdivisions of 3 to 5 lots, the Board may require a street right-of-way width of 40 feet if it is determined by the Board that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

ARTICLE F. CONSERVATION DEVELOPMENT

1. **Applicability.** An applicant may propose a land development project or subdivision in the form of a conservation development in accordance with the provisions of this Article and the Johnston Zoning Ordinance.
2. **Procedures.** An application for conservation development shall be handled as a major subdivision or land development project in accordance with Section II. Article E.
3. **Design Review Process.** Conservation development design 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 in the preparation of plans. This manual is available in the planning office or on the Town's web page (<https://townofjohnstonri.com/planning>). The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the master plan is submitted, 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.
 - a. *Step 1 - Analyze the site.* 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 master plan meetings, this information shall be submitted in the form of an existing resources and site analysis map.
 - b. *Step 2 - Evaluate site context.* 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 this article.
 - c. *Step 3 - Designate potential conservation areas.* Identify the areas on the site to be preserved on the site as open space. The open space shall at a minimum include portions of the site that are unsuitable for development, and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the town comprehensive plan.
 - d. *Step 4 - Determine maximum number of units.* At the master plan stage, the applicant and planning board shall agree upon an initial number of dwelling units that will be permitted in the conservation development, using the yield plan approach as described in this article. 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.
 - e. *Step 5 - Locate development areas and explore conceptual alternatives.* At the master plan stage, the applicant shall show a minimum of two alternative proposed development layouts in the form of a sketch plan(s). 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.

- f. *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 the town's rural character.
 - g. *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 storm water drainage, water supply and sewage disposal, trails, sidewalks and other infrastructure are also provided during this step.
 - h. *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.
 - i. *Step 9 - Draw in the lot lines.* Simply draw the lot lines to delineate the boundaries of individual residential lots.
 - j. *Step 10 - Establish ownership and management of open space and other community elements.* At the preliminary review a more detailed open space use and management plan shall be submitted.
4. **Sketch Plan Overlay Sheet.** The design process described above shall be documented by the applicant and presented to the planning board at the master plan stage. A conceptual sketch plan(s) for development shall be presented as overlays on top of more detailed site surveys and environmental data. If detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.
5. **Site Context Maps**
- a. A *site context map* locating the proposed development within its neighborhood context shall be submitted on a scale of 1"= 400' or as necessary to show a 1/2-mile radius, and may be superimposed on an aerial photograph. The map shall locate major streets and zoning district boundaries, major features surrounding the site and topography at 10-foot contour intervals.
 - b. A separate *soils map* of the site and surrounding area shall be submitted with a general analysis of soil types and their suitability for the proposed development, to include agricultural land and very poorly drained soils if applicable.
6. **Basic Maximum Number of Dwelling Units.** The maximum number of dwelling units allowed is established by the zoning ordinance. The Board shall review the yield plan and determine an initial basic maximum number of lots/dwelling units permitted in the development at the master plan stage. The applicant shall base all subsequent submissions of more detailed information on this initial number. The Board may increase or reduce this initial number after further investigation and on receipt of more detailed soils and environmental information; a final basic maximum number shall be established at the preliminary stage.

7. **Open Space.** The Board must authorize specific plans for the use, ownership, management, and maintenance of all open-space areas. Areas proposed to fulfill minimum open-space requirements shall not be excavated or re-graded except as permitted by the Board. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and significant natural or man-made features shall be preserved, except as permitted by the Board to create or enhance landscaping, parks, recreation, conservation, forestry, or wildlife habitat areas. These disturbances specifically shall be shown on the open-space use plan.
- a. A separate open-space use plan shall be submitted as part of the master plan which must contain:
 - .1 General location and area of all proposed open space.
 - .2 General proposed use(s) of open space.
 - .3 Proposed ownership of open space.
 - .4 Existing topography and existing ground cover of open space areas.
 - .5 Location and nature of existing buildings, structures, stonewalls, or other unique natural and/or historic features.
 - .6 Open-space areas from which existing vegetation is to be removed or altered, and/or areas that are to be graded, excavated, altered, or otherwise disturbed.
 - .7 General proposals for the re-grading, re-vegetating and/or landscaping of areas to be disturbed.
 - .8 Location and nature of proposed buildings, structures, parking areas, streets or roadways, impervious areas, and/or recreation areas.
 - b. Areas to be left in existing natural states without any disturbance.
 - c. At preliminary plan stage the applicant shall submit a more detailed open-space use and management plan specifying use of open space that may be combined with required grading, landscaping, soil erosion, or drainage plans. Legal documents describing ownership, maintenance and management responsibility also shall be provided. Permanent monuments shall be installed by the developer to mark open space and/or conservation areas that are a condition of approval.
 - d. As a condition of final approval, the Board shall require final construction plans to show proposed open-space use(s) and alterations. A final open-space use and management plan shall be recorded along with the final plan as required by these Regulations. The Open Space Management Plan shall adhere to the requirements outlined in the *Rhode Island Conservation Easement Guidance Manual* (2009).
 - e. Clearing and excavating 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. Drainage structures such as stormwater detention or retention facilities shall be avoided.
 - f. Low impact development (LID) or green infrastructure techniques shall be used to control and reduce stormwater impacts.
 - g. Commercial earth removal is not be permitted within open-space areas. The Board may permit grading that includes the removal of earth materials. The approximate quantities of material, the general areas from which earth is to be removed, and the least amount of earth required to grade the land for the intended purpose, however, shall be indicated clearly as a condition of preliminary plan approval.

8. Open-Space Design Review Standards

- a. *Resources to be conserved.* The design of open-space lands shall reflect the standards set forth herein, and incorporate any of the resource listed below if they occur on the parcel (not listed in order of significance).
 - .1 Stream channels, floodplains, hydric soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection.
 - .2 Wellhead protection areas and areas within the Scituate Reservoir Watershed.
 - .3 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.
 - .4 Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - .5 Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 - .6 Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - .7 Areas where open space will mitigate the effects of stormwater runoff; and avoid or reduce non-point sources of watershed pollution; and buffer surface watersheds or groundwater resources.
 - .8 Hedgerows, groups of trees, location and species of large individual trees of botanic significance, and specimen vegetation and other vegetation features representing the site's rural past.
 - .9 Active agricultural uses, pastures, croplands, prime farmland soils, and farmland soils of statewide importance.
 - .10 Historic structures and archaeological sites as recorded by the RI Historical Preservation and Heritage Commission or the Johnston Historical Society.
 - .11 Visually prominent topographic features such as knolls, hilltops and ridges.
 - .12 Geologic features such as eskers or kettle holes.
 - .13 Scenic viewsheds as seen from public streets, particularly those with historic features.
 - .14 Existing or potential trails connecting the parcel to other locations in the Town.
 - .15 Any other natural, cultural or recreational resources determined by the Planning Board.
- b. *Other design considerations.* Proposed open-space lands set aside for common use shall be:
 - .1 Free of all structures except historic buildings or structures, stonewalls, and structures related to approved open space uses. The Planning Board may approve structures and improvements required for stormwater drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
 - .2 Free of onsite wastewater treatment systems (OWTS) and water supply wells.
 - .3 Directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open-space land.

- .4 Suitable for active or passive recreational uses to the extent deemed necessary by the Planning Board without interfering with adjacent dwelling units, parking, driveways, streets, and/or roads.
 - .5 Interconnected wherever possible to provide a continuous network of greenway systems within and adjoining the proposed development.
 - .6 Joined by buffers to adjoining parks, preserves and/or other protected lands.
 - .7 Interspersed by pedestrian pathways for use by residents of the development, with consideration given to providing public access on such trails if linked to other publicly accessible pathway systems within the Town or region. Other provisions shall be made for access as required for land-management and emergency purposes.
 - .8 Undivided by public or private streets whenever possible, except where necessary for proper traffic circulation.
 - .9 Suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open-space resources.
 - .10 Preserved for agricultural use where farms and/or agricultural lands exist.
 - .11 Consistent with the Comprehensive Plan.
9. **Streets.** The streets may be publicly or privately owned as approved by approved by the Planning Board. All buildable lots shall front on an improved street. Streets shall conform to the Design Standards in Appendix B.
10. **Cultural Resources and Site Analysis Map.** At the master plan stage the applicant shall submit an existing resources and site analysis map in accordance with the requirements of Appendix B. The map shall provide a comprehensive analysis of existing conditions, both on and within 500 feet of the proposed development site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs.

ARTICLE G. COMPREHENSIVE PERMIT

1. **Procedure for approval of construction of low- or moderate-income housing.** When the Town does not comply with the "Consistent with local needs" provisions of RIGL 45-53-3 (5), an applicant may propose a comprehensive permit application to build low or moderate income housing in accordance RIGL 45-53 the Rhode Island Low and Moderate Income Housing Act. This procedure is only available for proposals in which at least twenty-five percent (25%) of the housing is low or moderate income housing.
2. **Mandated Zoning Incentives.** The following incentives shall be allowed for projects submitted under this chapter:
- a. *Density bonus.*
 - .1 Developments connected to public sewer and water, or eligible to be connected:
 - i. Five (5) units per acre provided at least twenty five percent (25%) of the total units are set aside for low and moderate income housing.
 - ii. Nine (9) units per acre provided at least fifty percent (50%) of the total units are set aside for low and moderate income housing.
 - iii. Twelve (12) units per acre provided one hundred percent (100%) of the total units are set aside for low and moderate income housing.

- .2 Developments not connected to either public water or sewer or both, but which provides competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment facilities to service the dwelling units from the applicable state agency:
 - i. Three (3) units per acre provided at least twenty-five percent (25%) of the units are set aside for low and moderate income housing.
 - ii. Five (5) units per acre provided at least fifty percent (50%) of the units are set aside for low and moderate income housing.
 - iii. Eight (8) units per acre provided one hundred percent (100%) of the units are set aside for low and moderate income housing.
 - .3 Calculation of density bonus. The total land utilized in the density calculation shall exclude wetlands; wetland buffers; and easements or rights of way of record.
 - b. *Parking*. One off-street parking space is required per dwelling unit for units up to and including two (2) bedrooms.
 - c. *Bedrooms*. A development of single-family dwelling units or a development of all owner-occupied dwelling units may have up to three (3) bedrooms per dwelling unit.
 - d. *Floor area*. Floor area requirements shall not be used to limit any application, except as provided by § 45-24.3-11.
3. **Pre-application conference.** A pre-application meeting in accordance with Section II Article A of these regulations is required. The applicant must submit general, conceptual materials in advance of the meeting which contains the items listed in the Pre-application Checklist in Appendix A. 2. The pre-application meeting must be held within thirty (30) days of the certificate of completeness. If no pre-application conference has taken place within thirty (30) days, the applicant may file preliminary plan and proceed with the application.
4. **Preliminary plan review.**
- a. *Submission requirements.*
 - .1 All the material required by Section II Article E. 3. Preliminary Plan a. and b.
 - .2 A letter of eligibility issued by the Rhode Island housing and mortgage finance corporation, or an award letter from the U.S. Department of Housing and Urban Development or other state or federal agency, or proof of a subsidy from the Town.
 - .3 A letter signed by the applicant, setting forth the specific sections and provisions of the local ordinances and regulations from which the applicant is seeking adjustments.
 - .4 A proposed timetable for the commencement of construction and completion of the project.
 - .5 Notwithstanding the submission requirements set forth above, the local review board may request additional, reasonable documentation throughout the public hearing, including, but not limited to, opinions of experts, statements and advice from other local boards and officials.
 - b. *Certification of completeness.* As required by Section II. Article E. 3. Preliminary Plan c.
 - c. *Public hearing.*
 - .1 A public hearing will be held prior to the planning board decision on the preliminary plan.
 - .2 Notice for the public hearing must be given in accordance with Section II Article F.

- .3 At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.
- d. *Decision.* A complete application for a comprehensive permit shall be approved, approved with conditions, or denied, in accordance with the requirements of Section IV Article A. and Article C., 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.
- e. *Failure to act.* Failure of the planning board to act within the prescribed period constitutes approval of the subdivision plan. At the request of the applicant the administrative officer must issue a certificate of approval.
- f. *Required findings for approval.* In approving an application, the planning board shall make positive findings, supported by legally competent evidence on the record that discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:
 - .1 The proposed development is consistent with local needs as identified in the comprehensive plan with particular emphasis on the affordable housing 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 zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.
 - .3 All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.
 - .4 There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
 - .5 All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street.
 - .6 The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.
- g. *Required findings for denial.* In reviewing the comprehensive permit request, the planning board may deny the request for any of the following reasons:
 - .1 If the town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the planning board finds that the town has made significant progress in implementing that housing plan;

- .2 The proposal is not consistent with local needs, including, but not limited to, the needs identified in the comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
 - .3 The proposal is not in conformance with the comprehensive plan;
 - .4 The town has met or has plans to meet the goal of ten percent (10%) of the year-round units; provided that, the planning board also finds that the town has achieved or has made significant progress towards meeting the goals required by this section; or
 - .5 Concerns for the environment and the health and safety of current residents have not been adequately addressed.
- 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 local review board. The vesting for the preliminary plan approval includes all ordinance provisions and regulations at the time of the approval, general and specific conditions shown on the approved preliminary plan drawings and supporting material.
5. **Final plan review.** The final plan review is completed administratively. If the applicant has requested and been granted any waivers from the submission of checklist items for preliminary plan review, the planning board may vote to require the applicant to return for final plan review and approval.
- a. *Submission requirements .*
 - .1 All the material required by Section II. Article E. 4. Final Plan a.
 - .2 A draft monitoring agreement which identifies an approved entity that will monitor the long-term affordability of the low- and moderate-income units pursuant to § 45-53-3.2.
 - .3 A sample land lease or deed restriction with affordability liens that will restrict use as low- and moderate-income housing in conformance with the guidelines of the agency providing the subsidy for the low- and moderate-income housing, but for a period of not less than thirty (30) years.
 - b. *Certification of completeness.* As required by Section II. Article E. 4. Final Plan b.
 - c. *Timeframe for review.* The reviewing authority shall render a decision on the final plan application within forty-five (45) days of the date the application is certified complete.
 - d. *Modifications and changes to plans:*
 - .1 **Minor changes** to the preliminary plans may be approved by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change.
 - .2 **Major changes** to the preliminary plans may be approved only by the planning board and must follow the same review and public hearing process required for approval of preliminary plans.
 - .3 The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer is referring the application to the planning board under this subsection.

- e. *Decision on final plan.* A complete application for a comprehensive permit shall be approved by the administrative officer unless such application does not satisfy conditions set forth in the preliminary plan approval decision or such application does not have the requisite state and/or federal approvals or other required submissions, does not post the required improvement bonds, or such application is a major modification of the plans approved at preliminary plan.
- f. *Failure to act.* Failure of the planning board to act within the prescribed period constitutes approval of the subdivision plan. At the request of the applicant the administrative officer must issue a certificate of approval.
- g. *Vesting.* The approved final plan is vested for a period of two (2) years with the right to extend for one one-year extension upon written request by the applicant, who must appear before the planning board for the extension request. 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.
- h. *Infeasibility of conditions of approval.* The burden is on the applicant to show, by competent evidence before the planning board, that proposed conditions of approval are infeasible, as defined in § 45-53-3. Upon request, the applicant shall be provided a reasonable opportunity to respond to such proposed conditions prior to a final vote on the application.
- i. *Fees.* A comprehensive permit application shall pay the same fees per stage of development as all major land development. The Planning Board may waive the fees if the applicant can demonstrate that the fees make the project financially infeasible.
- j. *Recording of written decisions.* All written decisions shall be recorded in the land evidence records within twenty (20) days after the planning board's vote or the administrative officer's decision, as applicable. 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.

END SECTION

SECTION IV. PROCEDURES FOR THE REVIEW AND APPROVAL OF PLATS AND PLANS

ARTICLE A. REQUIRED FINDINGS.

1. The Administrative Officer and the Planning Board shall address each of the general purposes stated in RIGL 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:
 - a. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
 - b. The proposed development is in compliance with the standards and provisions of the zoning ordinance.
 - c. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
 - d. The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. Lots with 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.
 - e. The proposed development and/or all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.
2. 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.

ARTICLE B. PRECEDENCE OF APPROVALS. Where an applicant requires both 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 approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the board for subsequent required approval(s).

ARTICLE C. 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 subdivisions projects under review by the board shall be available for public review.
2. **Participation.** Participation in a planning board meeting or other proceedings by any party is not 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, state and federal agencies, and local commissions are part of the permanent record of the development application.

4. **Votes.** All votes of the board shall be made part of the permanent record and show the members present and their votes. A decision by the planning board to approve any land development or subdivision application requires a vote for approval by a majority of the current planning board membership. A decision by the planning board to approve a variance or special-use permit pursuant to any adopted unified development review regulations requires a vote for approval by a majority of the members that were present at the public hearing at which the request was heard.
5. **Decisions.** All written decisions of the 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.

ARTICLE D. SIGNING AND RECORDING OF PLANS.

1. **Signing of Final Plan.** All approved final plans shall be signed by the appropriate Planning Board official with the date of approval.
 - a. **Major Land Development and Subdivision Plans.** Signed by the board chairperson, secretary or administrative officer attesting to the approval by the Board.
 - b. **Minor Land Development and Subdivision and Administrative Subdivision Plans.** Signed by the Administrative Officer.
2. **Recording of Final Plans:** Upon signature, all plans are submitted to the Administrative Officer for recording and the filing of copies with the appropriate Town departments. The material to be recorded shall include:
 - a. All pertinent plans with notes thereon concerning all the essential aspects of the approved project design. At minimum the subdivision and/or site plan, the road plan and profile and the landscape plan;
 - b. The implementation schedule;
 - c. Special conditions placed on the development by the Town;
 - d. Permits and agreements with state and federal reviewing agencies; and
 - e. Other information as required by the Planning Board.No plan may be recorded until the 20 day appeal period has expired or if appealed, until the courts have rendered a decision.
3. **Record of application.** Other parts of the applications record 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 are permanently kept by the municipal departments responsible for implementation and enforcement.
4. **E 911.** The administrative officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.
5. **Changes to Recorded Plats and Plans.** For all changes to an approved plan subject to these regulations, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments

to the final plan in accordance with the procedure established for recording of plats in this Section, Article D. of these Regulations.

- a. **Minor Changes.** Minor changes to a land development or subdivision plan may be approved by the Administrative Officer without additional public hearings, at their discretion. 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 Board. Denial of the proposed change(s) shall be referred to the Board for review as a major change.
- b. **Major Changes.** Major changes to a land development or subdivision plan may be approved only by the Board and must follow the same review process required for approval of preliminary plans as described in Section II in these Regulations.
- c. **Rescission Procedure.** The 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 Plan and is not in compliance with the standards and provisions of the Town's 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 II Article F of these Regulations. The Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of Section IV. Article C. of these Regulations. If it is necessary to abandon any publicly owned street, the 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 IV. Article D. of these Regulations.

6. Plat Void if Revised After Approval

- a. No changes, erasures, modifications, or revisions shall be made in any Subdivision or Land Development Plan after the plan has been approved and endorsed in writing by the Board unless the Plan is first resubmitted to the Board which approved the changes, erasures, modifications, or revisions.
- b. In the event that any such Subdivision or Land Development Plan is recorded without complying with this requirement, the Town Solicitor shall institute proceedings to have the Plan stricken from the records of the Town Clerk.
- c. All permits issued for a plan that has been modified shall be deemed null and void, and all work underway on any building or improvement within the Plan shall be halted.

ARTICLE E. CONSTRUCTION AND/OR IMPROVEMENT GUARANTEES.

- 1. **Approval.** The planning board must approve the method to guarantee the completion of all required public improvements prior to final plan approval. The applicant may:
 - a. Complete the construction of all improvements;
 - b. Post an improvement guarantee; or,
 - c. A combination thereof.
- 2. Where improvements are constructed without a financial guarantee, the work is to be completed in its entirety prior to final approval. All construction shall be inspected and approved under the direction of the administrative officer and according to local regulations.

3. Improvement guarantees shall be in an amount and with all necessary conditions to secure for the municipality the actual construction and complete installation of all the required improvements, within the period specified by the planning board. The amount shall be based on actual cost estimates for all required public improvements and these estimates shall be reviewed and approved by the planning board. The board will require that the guarantee is 20% greater than the estimated costs to anticipate for economic or construction conditions. The Board reserves the right to review and revise the guarantee upward at least yearly until the development is accepted.
4. The security shall be in the form of a financial instrument acceptable to the Board and shall enable the municipality to gain timely access to the secured funds, for cause.
5. Setting the guarantee. The applicant shall submit, prior to the Final Plan submittal, agreements that detail the cost to construct and complete installation of all the required improvements. The Board will review these agreements and if found acceptable, set a bond fee of the total cost of the agreements plus 20%.
6. Partial release of guarantee. Upon completion of stages of the improvements, the applicant may request partial releases of the guarantees. The Board may approve a partial release, if after inspection of the work completed, the administrative officer recommends a release. In requesting a release, the applicant must submit a letter that details the work completed, gives evidence that the work has been paid for and the contractor has accepted said payment as being the full payment for the work completed and details the amount of the guarantee that is requested to be released. In no case will the Board release more than 90% of the requested release. The Board will retain at least 10% of the guarantee until the full development is built and accepted by the Town Council.
7. Where a development is being approved and constructed in phases, the board shall specify improvement guarantee requirements related to each particular phase.
8. A maintenance guarantees of 10% shall be required for a one-year period subsequent to completion, inspection and acceptance of the improvement(s). A two year guarantee will be required for all trees and landscaping in the public realm.
9. Acceptance of required improvements. When all improvements are complete, the applicant shall petition the Board for acceptance of the improvements. This petition shall include a maintenance bond, a bound guarantee and as built plan of all improvements. The administrative officer shall arrange for an inspection of the improvements by appropriate town departments and shall review the bond, guarantee and as built plans. The administrative officer shall recommend acceptance, acceptance with conditions or advise the Board that additional work needs to be completed. The Board's action to accept the improvements is a recommendation to the town council to accept the improvements and to release the final guarantee. Once the council accepts the improvements the Town will be responsible for maintenance system.
10. If the developer fails to complete the improvement, the town has the power to enforce the guarantees by all appropriate legal and equitable remedies.

ARTICLE F. WAIVERS, MODIFICATIONS, AND REINSTATEMENT OF PLANS.

1. Waiver and/or modification of requirements.

- a. *Land development and subdivision.* The board may grant waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of the provisions. The only grounds for waivers and/or modifications are where the literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the comprehensive plan and zoning ordinance.
- b. *Development plan review.* The permitting authority may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
 - .1 The application for a waiver approval review shall include documentation, as a minimum, on prior use of the site, the proposed use, and its impact, traffic impacts of the proposed new use in comparison to prior use and demonstration that the proposed new use conforms to all landscape requirements.
 - .2 The authorized permitting authority may grant waivers of design standards as set forth in these regulations and the zoning ordinance.

2. Reinstatement.

- a. *Resumption of application review.*
 - .1 The Board may vote to resume hearings for a project for which review and/or filing deadlines have expired when the applicant can demonstrate sufficient cause and merit. The process will recommence from the approval prior to the last approval granted; i.e., if the project were allowed to lapse after Preliminary Approval, the applicant would be required to present the project from the Master Plan phase.
 - .2 If the approval process has been delayed through fault of the Board, the project will be allowed to recommence from the point of last presentation; i.e., if the project were last presented for Preliminary Approval, the project will recommence at the point of Preliminary Approval.
 - .3 At the Board’s discretion, a Final Plan that has not been recorded in the allowed time period may be reinstated and Final Plan recording may be authorized by the Board.

- 3. **Decision.** The planning board shall approve, approve with conditions, or deny the request for either a waiver or modification as described in subsection (a) or (b) in this section, according to the requirements of Article C. of this Section.

END SECTION

SECTION V. DESIGN AND PUBLIC IMPROVEMENT STANDARDS.

ARTICLE A. PURPOSE. The purpose of the following section is to insure that appropriately high standards of site, building, and landscape design are conscientiously met through the use of qualified technical and aesthetic judgment, as well as assuring compatibility with the Comprehensive Community Plan of the Town. In acting upon plans and land development proposals, the Planning Board shall require, among other conditions, in the public interest, that the tract shall be adequately drained, and the streets shall be of sufficient width, suitable grade, and suitably located to accommodate the prospective traffic and to provide access for fire-fighting and emergency equipment to buildings. The Planning Board shall further require that all lots shown on the plats or land development plans shall be in conformance with the Zoning Ordinance and adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace.

In considering applications for land development proposals and/or subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Required improvements shall be designed and constructed to conform to the specifications as established by the Town. In instances where Town standards have not been established, Rhode Island Department of Transportation (RIDOT) standards shall apply. Where no RIDOT standard is applicable, the developer shall undertake the design of appropriate details for Board approval, and shall absorb all costs connected with the independent review of said details.

The said standards shall be considered to be minimum requirements and may be waived by the Board only under extenuating circumstances, providing such waiver does not conflict with the intent of these Regulations, the Zoning Ordinance, or the Comprehensive Plan.

ARTICLE B. GENERAL REQUIREMENTS

- Requirements by Lot Size.** Each particular Zoning District of the Town of Johnston has distinct requirements for subdivision or land development projects. Such requirements, which are shown in Table III, A-1 for Residential projects, Table III, A-2 for Commercial projects, and Table III, A-3 for Industrial projects are not intended to override particular aspects of the Zoning Ordinance, but are intended to provide the framework for the project.

TABLE III – A-1. REQUIREMENTS BY LOT SIZE – RESIDENTIAL

LOT SIZE	R-7 ZONE 7,000 SF LOTS	R-10 ZONE 10,000 SF LOTS	R-15 ZONE 15,000 SF LOTS	R-20 ZONE 20,000 SF LOTS	R-40 ZONE 40,000 SF LOTS
Required Improvements					
Right-of-Way Width	Fifty (50) Feet	Fifty (50) Feet	Fifty (50) Feet	Fifty (50) Feet	Fifty (50) Feet
Traveled Way Width	Forty (40) Feet with On-Street Parking; Thirty (30) feet without On-Street Parking	Forty (40) Feet with On-Street Parking; Thirty (30) feet without On-Street Parking	Forty (40) Feet with On-Street Parking; Thirty (30) feet without On-Street Parking	Thirty (30) Feet	Thirty (30) Feet

Off-Street Parking	Two (2) Spaces per Dwelling	Two (2) Spaces per Dwelling	Two (2) Spaces per Dwelling	Two (2) Spaces per Dwelling	Two (2) Spaces per Dwelling
Curbing	6” Concrete or Granite	6” Concrete or Granite	6” Concrete or Granite	6” Concrete or Granite	6” Concrete or Granite
Sidewalks	5’ Concrete at Curb Both Sides of Road	5’ Concrete at Curb Both Sides of Road	5’ Concrete at Curb, Both Sides of Road	5’ Concrete, One Side 4 Feet from Road	5’ Concrete, One Side 4 Feet from Road
Public Water	Required	Required	Required	Either Public Water or Public Sewer Required	Either Public Water or Public Sewer Required
Public Sewer	Required	Required	Required		
Public Gas	Required	Required	Not Required	Not Required	Not Required
Fire Fighting Capacity	Hydrants Required	Hydrants Required	Hydrants Required	Hydrants Required See Note #1 Below	Hydrants Required See Note #1 Below
Storm Drainage	Public Storm System; No Basin Systems	Public Storm System; No Basin Systems	Public Storm System or Basin Systems	Public Storm System or Basin Systems	Public Storm System or Basin Systems
Power and Communication Pole Locations	Behind Sidewalk	Behind Sidewalk	Behind Sidewalk	Behind Sidewalk	Behind Sidewalk
Mail Delivery	Community Mail Boxes	Community Mail Boxes	Community Mail Boxes	Curbside Mail Boxes	Curbside Mail Boxes

NOTES: 1. Areas not served by public water must have cisterns installed for firefighting water supply.

TABLE III – A-2. REQUIREMENTS BY LOT SIZE – COMMERCIAL

LOT SIZE	B-1 ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>	B-2 ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>	B-3 ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>
Required Improvements			
Right-of-Way Width	Fifty (50) Feet	Entry Road: 50 – 80 Feet (min/max) Secondary Road: 40-60 Feet (min/max)	Entry Road: 50 – 80 Feet (min/max) Secondary Road: 40-60 Feet (min/max)

Traveled Way Width	34 Feet with On-Street Parking on one side	Entry Lane: 12 Feet (Min) Secondary Lane: 10 Feet (Min)	Entry Lane: 14 Feet (Min) Secondary Lane: 12 Feet (Min)
Off-Street Parking	No closer than 10 feet to property line	No closer than 10 feet to property line	No closer than 10 feet to property line
Curbing	Concrete or Granite	Concrete or Granite	Concrete or Granite
Sidewalks	Concrete 5' Minimum Both Sides of Road	Concrete, 6 feet minimum width	As required by Planning Board
Public Water	Public Water Required	Required	Required
Public Sewer	Public Sewer Preferred	Required	Required
Public Gas	Not Required	Desired	Desired
Fire Fighting Capacity	Hydrants Required See Note #1 Below	Hydrants Required See Note #1 Below	Hydrants Required See Note #1 Below
Storm Drainage	Public Storm System <u>or</u> Basin Systems	Public Storm System <u>or</u> Basin Systems	Public Storm System <u>or</u> Basin Systems
Power and Communication Pole Locations	Underground	Underground	Underground
Mail Delivery	Community Mail Boxes	Individual Mail Boxes	Individual Mail Boxes

NOTES: 1. Areas not served by public water must have cisterns installed for firefighting water supply.

TABLE III – A-3. REQUIREMENTS BY LOT SIZE – INDUSTRIAL

LOT SIZE	I ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>	IL ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>	IS ZONE <i>See Zoning Ordinance for Minimum Lot Size</i>
Required Improvements			
Right-of-Way Width	Entry Road: 60 – 100 Feet (min/max) Secondary Road: 40-60 Feet (min/max)	Entry Road: 50 – 80 Feet (min/max) Secondary Road: 40-60 Feet (min/max)	Entry Road: 50 – 80 Feet (min/max) Secondary Road: As Required
Traveled Way Width	Entry Lane: 14 Feet (Min) Secondary Lane: 12 Feet (Min)	Entry Lane: 12 Feet (Min) Secondary Lane: 10 Feet (Min)	Entry Lane: 14 Feet (Min) Secondary Lane: As Required

Off-Street Parking	No closer than 10 feet to property line	No closer than 10 feet to property line	No closer than 10 feet to property line.
Curbing	Concrete or Granite	Concrete or Granite	As Required by Board
Sidewalks	As Required by Planning Board	Concrete, 6 feet minimum width	As Required by Board
Public Water	Both Required	Public Water Required	Both as Required By Board
Public Sewer		Public Sewer Preferred	
Public Gas	Not Required	Desired	As Required by Board
Fire Fighting Capacity	Hydrants Required See Note #1 Below	Hydrants Required See Note #1 Below	Hydrants Required See Note #1 Below
Storm Drainage	Public Storm System <u>or</u> Basin Systems	Public Storm System <u>or</u> Basin Systems	Public Storm System <u>or</u> Basin Systems
Power and Communication Pole Locations	Underground	Underground	Underground
Mail Delivery	Individual Mail Boxes	Individual Mail Boxes	As per USPS

NOTES: 1. Areas not served by public water must have cisterns installed for firefighting water supply.

2. **Character of Land.** Land to be developed and/or subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
 - a. **Conformity to Official Zoning Map and Master Plan.** Land Development Proposals and Subdivisions shall conform to the Official Zoning Map and the Zoning Ordinance of the Town and shall be in harmony with the Comprehensive Community Plan for the Town of Johnston.
 - b. **Specifications for Required Improvements.** All required improvements shall be constructed or installed to conform to the Town Specifications as contained within these Regulations, referenced by these Regulations, amended or adopted pursuant to these Regulations.

ARTICLE C. STREET LAYOUT

1. **Width, Location, and Construction.** Streets must conform to these Regulations and be designed and arranged to accommodate prospective traffic and afford access for firefighting, snow removal, and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
2. **Arrangement.** The arrangement of streets must provide for the continuation of principal

streets of adjoining developments and for proper projection of principal streets into adjoining properties which are not yet developed, particularly those adjoining properties which are landlocked, by use of stub streets or cul-de-sacs, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water, and drainage facilities. Where topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The development's street traffic network shall provide an orderly local access progression from marginal streets to collector streets to main highways, and shall include a continuous network of public pedestrian walks, either independent or incorporated within vehicular rights-of-way, to connect all properties and public areas.

3. **Minor Streets.** Minor streets must be so laid out that their use by through traffic will be discouraged.
4. **Special Treatment Along Major Arterial Streets.** When a development abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. **Provision for Future Re-Subdivision or Re-Development.** Where a tract is developed and/or subdivided into lots substantially larger than the minimum size required in the zoning district in which a development is located, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision or re-development in accordance with the requirements contained in these Regulations.
6. **Loop and Dead-End Streets.** The creation of dead-end or loop residential streets is encouraged where such type of development will not interfere with normal traffic circulation. In the case of dead-end streets, where needed or desirable, the Board may provide for continuation of pedestrian traffic or utilities to the next street. Loop streets shall be required over dead-end streets wherever practicable to facilitate the interior traffic flow and to further public safety for fire, police, and emergency protection.
7. **Block Size.**
 - a. The length, width, and shape of blocks or acreage bound by roads must be determined with due regard to:
 - .1 Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - .2 Zoning requirements as to lot sizes and dimensions;
 - .3 The need for convenient access, circulation, control, and safety of street traffic;
 - .4 Limitations and opportunities of topography.
 - b. Blocks generally shall not be less than four hundred (400) feet nor exceed twelve (12) times the required minimum lot widths. In general, no interior block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800) feet in length, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or

- desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included.
- c. Blocks with lengths meeting the maximum length permitted shall be open to other public ways at both ends and shall not be a dead-end at the end of each block end.
 - d. Each normal block shall be planned to provide two (2) rows of lots, but irregular shaped blocks, oversize blocks or "superblocks" indented by cul-de-sacs, parking courts, or loop streets and containing interior block-parks or playgrounds will be acceptable when properly designed, as determined by the Town Planner. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines, and satisfactory provision for maintenance of park and open space, where included.
8. **Intersections with Collector or Major Arterial Roads.** Intersections of minor streets with arterial or collector streets shall be held to a minimum to avoid hazard and delay. Such intersections shall be at least eight hundred (800) feet apart if possible. A distance of at least one hundred and fifty (150) feet shall be maintained between center lines of offset intersecting streets. Grades shall be limited to no more than two (2) percent positive or negative within fifty (50) feet of any intersection.
9. **Street Jogs.** The centerline of a street shall cross an intersecting street as a straight line. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. A distance of one hundred fifty (150) feet shall be considered to be the desirable minimum separation of street centerlines.
10. **Angle of Intersection.** Streets shall join each other so that for a distance of at least one hundred (100) feet, the street is approximately at right angles to the street it joins and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, an oblique street shall be curved approaching an intersection, if practicable. Where three (3) or more streets intersect, a traffic circle or other special treatment may be required by the Board. At block corners, the traveled way shall be rounded with a curve having a radius of not less than thirty-five (35) feet.
11. **Relation to Topography.** The street plan of a proposed development shall bear a logical relationship to the topography of the property and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
12. **Other Required Streets and/or Buffer Areas.**
- a. Where a development borders on a limited access highway right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - b. The Planning Board shall require a two hundred (200) foot buffer and/or buffer easement

between the proposed lots of the development and the limited access highway right-of-way. In addition, the Board may require that said buffer area remain in its natural state and/or require the planting of a natural buffer and/or require the installation of screening in the form of fencing or other man-made material as may be determined appropriate by the Board.

ARTICLE D. STREET DESIGN.

1. **Standards.** Streets and improvements must be designed according to accepted engineering practices and be in conformance with these Regulations and the Road Specifications contained in the Appendix . If no Town standard has been established, RIDOT standards shall be substituted.

2. **Improvements.** Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees, and fire hydrants. The Board may waive such improvements only under extenuating circumstances and with submission of proof by the applicant that the omission of same can be accomplished without jeopardy to the public health, safety, and general welfare.
 - a. All rights-of-way shall be provided with paved, seeded, or sodded areas, and properly prepared, graded and sloped in conformance with proper landscaping standards. Where sidewalks and walkways are included with street rights-of-way, suitable trees or shrubs are required to be planted within the required planting strips.

 - b. A street or road which has been improved as a part of a subdivision or land development project, whether that street is contained within the project or is appurtenant to the project, may only be re-opened for utility or other work, excepting emergency circumstances, with the following conditions:
 - .1 If the road was improved within the previous five (5) years, the road must be repaved from curb-to-curb over the length of the disturbance plus 10 feet on both ends.
 - .2 If the road was improved prior to five (5) years previous, the planning department will determine the extent of repaving required to protect the integrity of the travel lane and road surface.

3. **Fire Hydrants.**
 - a. Fire hydrants shall be set as per the applicable provisions of NFPA. Locations of hydrants shall be approved by the Fire Marshal of the Town, who shall have final discretion concerning location of fire hydrants, and should be no more than five hundred (500) feet between hydrants.

 - b. Installation of hydrants and appurtenant valving shall conform to the requirements of the Providence Water Supply Board or other Water District the development is located within.

 - c. In areas not served by a water system or district or where individual wells are being considered or where water supply or pressure is inadequate, the applicable provisions of NFPA 1231, Et. Seq., shall apply.

 - d. In areas of the Town where public water service is planned for construction or can be reasonably assumed to be provided within five (5) years from the date of construction of the

subdivision or land development project, the Board may require the applicant to install all of the appurtenant water piping, including provisions for fire hydrants, and provide for the cost of the hydrants, as a condition of approval of the plat.

4. **Street Lighting Facilities.** Street lighting must be installed by the developer in a manner and location approved by the Administrative Officer and the appropriate power company. In the case of a development involving a County or State Highway, approval shall be obtained from the appropriate agencies.
5. **Street Signs.** Street and traffic control signs of a type approved by the Police Chief and Public Works Director shall be provided and installed by the developer at all locations as required by the Chief and Director.
6. **Street Trees.**
 - a. It is required that shade trees be furnished and planted outside the street pavement width, and if appropriate, outside the right-of-way width, at the expense of the owner of the development, along both sides of the road within the development. These “Shade Trees” shall be planted at no more than forty (40) feet intervals.
 - b. All tree varieties, placement, condition, and quality are subject to the approval of the Administrative Officer prior to planting.
 - c. Trees shall be a native variety which is hardy and suitable to local soil and climate. All trees must meet the standards of the American Standard for Nursery Stock. Poplars, box elders, catalpas, horse chestnuts, and willows must not be planted.
 - d. New trees shall measure at least two (2) inches in diameter as measured at a point four (4) feet above finished grade level.
 - e. A two (2) year written guarantee relating to the replacement of any tree or planting which fails to flourish must be provided prior to acceptance of the development.
7. **Utilities in Street Rights-of-Way.** Utility systems must be installed underground, and placed in the street right-of-way between the paved roadway and street line. Underground service connections must be installed to the property line of each lot within the development for such required utilities before the street is paved.
8. **Utility Easements.** Where topography or other conditions make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual, unobstructed easements of at least twenty (20) feet in width must be provided centered on rear or side lot lines or across property outside the road lines and with satisfactory access to the road.
 - a. Easements must be continuous from block to block and present as few irregularities as possible.
 - b. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be of the width and location determined by the Board after consultation with the public utilities companies and other agencies

concerned.

- c. All easements must be cleared and graded and no structures may be placed on the easement.
- d. Easements shall be indicated on the plan by metes and bounds.

9. **Assurance by Utilities.** A letter addressed to the Board and stating that such public utility company has adequate capability to supply the proposed development must be filed with the Preliminary Plan submission. With the Final Plan submission the developer must submit an original letter of design approval from each appropriate utility as well as the corresponding approved design plan for same.

10. Grades.

- a. Grades of all streets must be the reasonable minimum but not less than one (1) percent nor more than five (5) percent for arterial or major streets, nor more than eight percent (8%) for secondary, collector streets, or minor streets.
- b. The Board may approve grades of no more than eight (8%) and no less than one percent (1%) for minor streets where topographic conditions make a lesser or greater grade impracticable.
- c. In no case will there be a slope of more than two (2) percent nor less than one (1) percent within fifty (50) feet of any intersection.
- d. Line and grade shall always give a minimum sight distance of two hundred (200) feet, with ten (10) feet of sight distance being provided for every one (1) mile per hour of design speed for the road being intersected.

11. **Changes in Grade.** All changes in grade must be connected by vertical curves of such length and radius so that a smooth transition is provided as well as clear visibility for a safe distance. A distance of ten (10) feet of travel shall be required for each one percent (1%) change in grade in either a positive or negative slope.

12. **Curve Radii at Street Intersections.** All street right-of-way lines at intersections must be rounded by curves of at least twenty-five (25) feet radius and curbs shall be adjusted accordingly.

13. **Steep Grades and Curves; Visibility at Intersections.** A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the development or of a new street with an existing street) shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility. This cleared area shall generally be from a point thirty (30) feet back from the stop line or in cases where there is no stop line from the intersection of the street right of way lines and be the area contained within the centerlines of the streets and a line connecting these points.

14. Dead-End Streets (Cul-de-sacs).

- a. *Permanent*

- .1 The length of permanent dead-end or cul-de-sac streets must not exceed six (6) times the required minimum lot width and must be equipped with a turn-around roadway with a minimum diameter of right-of-way of one hundred twenty (120) feet and a minimum outside diameter of traveled way of one hundred twenty (100) feet.
- .2 The center of the turn-around area may be left un-paved, if a proper planting plan is presented along with a two (2) year maintenance bond to insure successful growth of the plantings. In no case shall the traveled lane width be reduced to less than twenty-five (25) feet;
- .3 The Board may approve a longer permanent dead-end street where topographic conditions, land ownership patterns, or other variables so suggest.

b. Temporary

- .1 Temporary dead-end streets must not, in general, exceed six (6) times the required minimum lot width and must be equipped with a turn-around which conforms to the standards for permanent dead-end streets;
- .2 A temporary dead-end street must not be allowed if the developer does not provide, to the satisfaction of the Board, proof that within two (2) years of construction of the turn-around, the developer will continue the roadway(s) into the next phase of the construction. If such proof is not provided to the Board's satisfaction, the roadways must be looped or shortened to conform with the provisions pertaining to "Permanent Dead-End Streets".
- .3 A temporary turn-around must be provided with a notation on the plan that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued.
- .4 Temporary turnarounds or cul-de-sacs which will remain for more than six (6) months, or through the winter months, must be paved. Any temporary turnaround or cul-de-sac which remains for more than six (6) months after construction must be paved.

- c. **Frontage Requirements.** Property frontage on a cul-de-sac in any proposed subdivision and/or land development project shall not be less than sixty (60) feet at the street line and not be decreased to less than sixty (60) feet throughout the front yard. The lot width for property located on a cul-de-sac shall be in accordance with the requirements of the Zoning Ordinance.

15. **Watercourses.** Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design.

16. **Curve Radii.** Street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than four hundred (400) feet on major streets, two hundred (200) feet on collector streets and one hundred (100) feet on minor streets. The outer street line in each case shall be parallel to such inner street line. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

17. **Service Streets or Loading Space in Non-Residential and/or Multi-Unit Developments.** Paved rear service streets of not less than twenty (20) feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for

non-residential and/or multi-unit use. All required loading or service spaces shall conform with the Zoning Ordinance as a minimum. The Board may require additional loading or service spaces as it deems appropriate.

18. Free Flow of Vehicular Traffic Abutting Non-Residential and/or Multi-Unit

Developments. In front of areas zoned and designed for non-residential and/or multi-unit use or where a change of zoning to a zone which permits non-residential and/or multi-unit use is contemplated, the street width shall be increased in accordance with the provisions of Article B. of this Section.

19. Undersized Existing Streets.

- a. Where a development borders or includes existing narrow roads that do not conform to required street widths as indicated in Article B. of this Section, or when the Master Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the developer shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes" along either one or both sides of such streets of sub-standard width.
- b. If the development is along one side only, one hundred percent (100%) of the required width shall be dedicated. It shall be mandatory to indicate such reservation on the plan when a proposed widening or realignment is shown on the Town, County, or State Official Maps.
- c. It shall be incumbent upon the applicant, when an approved plan contains an undersized existing road, to improve that road to the applicable Town standard. The Board may require an applicant to improve a road adjacent or appurtenant to the project. The Board may also modify the Town standards so as to allow for the sensitive improvement of historically or scenically important roads contained within or appurtenant to a project site.
- d. Land reserved for such purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance; said reservations may be required to be dedicated to the Town.

20. Walkways and Sidewalks. Pedestrian walk network, independent or combined with the vehicular road network, is required. It must be designed to conveniently link dwellings to all possible generators of pedestrian traffic both within and without the subdivision, including, but not necessarily limited to, parking areas, recreation areas, schools, stores, bus stops and other walks.

21. Monuments. Monuments shall be granite or reinforced concrete, at least thirty (30) inches long and five (5) inches square at the top with a ½" (one-half inch) drill hole ¾" (three-quarter inches) deep in the center of the top face. A map prepared and certified by a Professional Land Surveyor showing all monuments and a list of coordinates of all centerline points, field traverses, and monuments set shall be furnished to the Town. Monuments shall be set as described in these Regulations ("Placement of Monuments"). No final bond release shall be considered prior to the presentation of this certified map and confirmation through a field inspection of the monuments and the placement of a five (5) year monument maintenance agreement.

22. **Improvement of Existing Roads Bordering or Contained Within a Development.** At the discretion of the Board and notwithstanding 19. “Undersized Existing Streets” above, the developer may be required to improve existing roads bordering a development to meet current road standards

ARTICLE E. STREET NAMES

1. **Type of Name.** All street names shown on a land development and/or subdivision proposal shall be approved by both the Fire Chief and the Town Planner. In general, streets shall have names and not numbers or letters. Proposed street names shall be shown on all plans submitted to the Town, commencing with the earliest submission of same.
2. **Names to be Substantially Different.** Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than ninety (90) degrees without a change in street name. The spelling of street names as proposed shall be common spellings and not contain unusual letter formations.

ARTICLE F. LOTS

1. Lots to be Buildable

- a. A lot intended for use for single-family residential purposes must contain a dwelling and septic system site of not less than 5,000 square feet (with a minimum dimension of 30 feet) of land, meeting all zoning district requirements relative to set-backs, land area, etc. A lot serviced by public sewer must contain a dwelling site of not less than 3,500 square feet (with a minimum dimension of 30 feet) of land, meeting all zoning district requirements relative to set-backs, land area, etc. A lot intended for a use other than residential must contain a building site of at least 3,500 square feet if served by public sewer, and 5,000 square feet if served by an individual sewage disposal system. This required area must be buildable land, and any lot created must comply with applicable Zoning Requirements.
- b. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties, for reasons of topography or other natural conditions, in meeting the following criteria:
- .1 average slope of less than 10%;
 - .2 a rating of the soil with respect to permeability of 'slight' or 'moderate'¹ (unless served by public sewage);
 - .3 a rating of the soil with respect to depth to seasonal or prolonged high water table of 'slight' or 'moderate' (unless served by public sewage);
 - .4 a rating of the site with respect to flood hazard (stream overflow) or ponding of 'slight'.
- c. Each lot shall front on an improved public street with sufficient improved linear street frontage, public or Planning Board approved private, at least equal to the minimum front width requirements of the zoning district in which the property is located.

2. **Side Lines.** All side lines of lots shall be substantially at right angles to straight street lines and

radial or approximately radial to curved street lines, unless a variance from this rule will give a better street or lot plan. Any such variance must be approved by the Board.

3. **Corner Lots.** Corner lots should be larger than interior lots to provide for proper building setback from each street and while maintaining a desirable building site. Lot size shall be such that the building setback complies with the Zoning Code, which stipulates that front yard setback requirements pertain to both street frontages of corner lots.
4. **Driveway Access.** Every lot designed must be provided with access to a public roadway which must conform to the Road Specifications.
5. **Access from Public Streets**
 - a. Each lot must have satisfactory access to an existing improved public street and sufficient improved street frontage to meet the minimum lot width designation for the zoning district in which the property is located;
 - b. Double frontage and reverse frontage lots shall be avoided. Reverse frontage lots which have their rear yard abutting a collector or major street shall be provided with effective shrubs or screening along the full width of the rear property line to screen the rear yard from adjacent traffic;
 - c. When more than eight (8) lots are proposed to be subdivided from a parcel with frontage on a county or state road (or there is the possibility of creating nine (9) or more lots equal in size to the average area of the lots proposed for subdivision), frontage for all must be on internal streets (not on the county or state highway). Each lot permitted to front on a state road must provide for an on-site turn-around so as to obviate the necessity of any vehicle from backing onto such roadway. The Board may, at its discretion, require that the applicant provide turnaround areas for lots which front on Town roads as well.
6. **Access from Private Streets.** Access from private streets may be deemed acceptable only if such streets are designed and improved in accordance with these Regulations.
7. **Numbering of Lots**
 - a. Streets numbers, in conformance with 911 requirements, shall be assigned and approved by the Town Planner.
 - b. The Town Planner shall have final discretion in the numbering of lots. Developments which do not have lots with assigned and approved street numbers shall not be accepted for filing.
8. **Placement of Monuments.** Permanent monuments (as described in this section) shall be set at block corners, angle points, points of curves in streets and other points. Iron pins must be installed at all lot corners not marked with Monuments.
9. **Lot Line Set Back.** Where extra width has been dedicated or set aside for widening of existing streets, lots shall begin at such extra width line and all setbacks shall be measured from such line.
10. **Minimum Lot Size.** Lots shall be of such depth as to discourage the later creation of a second

building lot at the front or rear. Excessive depth in relation to the width shall be avoided. A proportion of 2½:1 will normally be considered maximum.

11. **Land Reserved for Future Development.** Land reserved in the development for future improvement shall be of a useful dimension for permissible forms of development.

12. **Topsoil.** No soil of any type may be removed from site. If any topsoil is removed from its natural position in the process of grading the development site, such topsoil shall be replaced with material of a similar or better top soil quality and to a depth at least approximately equivalent to that existing prior to such grading, except in streets, driveways, and foundation areas.

13. Lot Clearing

- a. On a lot intended for single family residential purposes, no more than 5,000 square feet of land shall be cleared for development purposes by the developer.
- b. On a lot intended for development for other than residential purposes, an area no more than 130% of the size of the footprint of the proposed building shall be cleared by the developer.
- c. No clearing of any lot may be undertaken without the filing of an appropriate soil and erosion control plan, the placement of applicable bonds, the securing of applicable permits, and approval by the Town Planner of the installation of soil erosion and sedimentation control measures.

14. **Additional Standards.** Where the property to be developed is next to, or includes, a railroad right-of-way, suitable provisions shall be made for such things as road crossings, screening, and freight access as recognition of the relationship between the railroad and the development.

ARTICLE G. DRAINAGE IMPROVEMENTS

1. Removal of Spring and Surface Water

- a. All developments shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. The developer shall be required by the Planning Board to accommodate by pipe, open ditch, or other acceptable method approved by the Board, any spring or surface water that may exist either previous to or as a result of the development.
- b. Such drainage facilities shall be located in the street rights-of-way where feasible, or in perpetual, unobstructed easements of appropriate width (minimum twenty (20) feet).
- c. A culvert or other drainage facility shall, in each case, be of adequate size to accommodate the potential run-off from the entire upstream drainage area, whether inside or outside the subdivision area. In general, culverts under streets shall be sized to accommodate the following storms:

Minor Road	25-Year storm
Collector & Arterial Roads	50-Year storm
100-year flood plain & remote areas	100-Year storm

- d. In the situation where a detention or retention basin is required due to design conditions, the following general criteria shall be followed:
 - .1 The basin shall be sized in accordance with the requirements of the Town of Johnston Technical Specifications;
 - .2 The basin shall be located on its own separate parcel; said parcel may be dedicated to the Town;
 - .3 The parcel containing the basin shall not be included in the area required for a buildable lot;
 - .4 The parcel containing the basin must be assessable via a permanent right-of-way/easement granted to the Town. This right-of-way/easement may lie on a privately owned lot but shall not be blocked;
 - .5 The applicant must maintain the basin for a period of five (5) years after acceptance by the Town;
 - .6 The applicant must post a bond for maintenance for a period of five (5) years after acceptance by the Town to guarantee the required five (5) year maintenance;
 - .7 The Board may require that suitable fencing or other methods, acceptable to the Board and the Town Planner, be erected to protect the general public from access to the basin;
 - .8 Suitable screening, such as evergreens or topographic features, may be required to screen the basin from the view of the general public. This is not meant to prohibit the inclusion of a basin into a designed scenic landscape where screening may be inappropriate or unnecessary.

- e. The design and size of this facility shall be subject to the approval of the Planning Board with input from the Town Engineer and Public Works Director.

2. Drainage Structure to Accommodate Potential Development Upstream.

- a. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, not only the anticipated discharge from the property being developed but also the anticipated off-site run-off.

- b. The Planning Board with input from the Town Engineer and Public Works Director shall approve the design and size of the facility based on anticipated run-off from the following storm frequencies under conditions of total potential development in the watershed as permitted by the Zoning Ordinances:
 - .1 Generally, for watersheds with drainage areas less than 320 acres all structures should be designed to carry the peak runoff for a 25-year storm.
 - .2 Generally, for watersheds with drainage areas between 320 and 640 acres, the structures should be designed to carry peak runoff for a 50-year storm.
 - .3 Generally, for watersheds with drainage areas larger than one square mile, all structures should be designed to carry peak runoff for a 100-year storm.
 - .4 Notwithstanding the above, the developer must certify that the first-floor elevation will not flood with a 100-year storm event.

- c. The developer's engineer shall prepare and submit a written report on every aspect of the proposed drainage facilities, runoff calculations, and methods of remediation, containment, and control; this study shall be submitted for review and approval by the Town Engineer and Public Works Director.

3. **Responsibility for Drainage Downstream.**
 - a. The developer's engineer shall prepare and submit a written report of the effect of each development on the existing downstream drainage facilities outside the area of the development; this study shall be submitted for review and approval by the Town Engineer and Public Works Director.
 - b. Where it is anticipated that the additional run-off incidental to the development of the development will overload an existing downstream drainage facility during a twenty-five-year storm, provision for the storage of the increased run-off must be made by the developer.
4. **Land Subject to Flooding.** Land subject to periodic or occasional flooding or land deemed by the Planning Board to be uninhabitable shall not be developed for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or which may aggravate the flood hazard, but such land within the development may be set aside for park purposes in addition to that area which is required in these Regulations.
5. **Easements**
 - a. Where a development is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as the Town Planner may deem adequate for the purpose.
 - b. This easement or right-of-way shall be of such width as to encompass the one-hundred-year flood plain plus three feet in elevation. In no case shall this easement or right-of-way be less than 20 feet in width on each side of the water course, drainageway, channel or stream.
 - c. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.
 - d. When a proposed drainage system will carry water across private land outside the development, appropriate rights must be secured, indicated on the plan, and filed in the Land Evidence Records of the Town.
6. **House and Lot Drainage.**
 - a. Drainage of individual lots and dwellings, including footing drains, designed to a free-flowing outlet to assure proper run-off from roofs, driveways and paved surfaces shall be required for Planning Board approval.
 - b. Such facilities may outfall to the stormwater drainage system only if the stormwater drainage system has been designed to accommodate such additional flows.
 - c. The installation of such facilities shall be required prior to the issuance of a Certificate of Use and Occupancy.
7. **Design of Storm Drainage.** All storm drainage shall be designed in accordance with the provisions of these Regulations, the Town Technical Specifications, RIDOT, & RIDEM

Standards, and sound engineering principles.

8. Maintenance of Stormwater Facilities.

- a. Maintenance of stormwater management facilities shall be in accordance with DEM's 2010 *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.
- b. The town cannot accept maintenance responsibilities for stormwater management facilities that are located on private property. The town will not accept lots with surface or subsurface stormwater maintenance facilities such as detention basins, sediment forebays, or galleys. Applicants are highly encouraged to meet with the DPW Director and Town Engineer prior to submission of any plans to the DEM for approval to assure that the town has the ability to maintain proposed stormwater features located within the public right of way.
- c. Developers shall demonstrate to the Planning Board how they meet DEM regulations for both engineering design and maintenance. Maintenance compliance through a homeowner's association, as referenced in Appendix E of the 2010 *Rhode Island Stormwater Design and Installation Standards Manual*, or other method, is subject to legal and technical review and approval.

9. Reserve Strips Prohibited. Reserve strips of land, which might be used to control access from the proposed development to any neighboring property or to any land within the development itself, shall be prohibited.

10. Preservation of Natural Features. The Planning Board shall, wherever possible, establish the preservation of all-natural features which add value to all developments and to the community, such as large trees or groves of trees, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

- a. **Natural Terrain.** Development design shall preserve, in so far as is possible, the natural terrain and natural water courses, improvements, and drainage areas.
- b. **Trees existing on the development site.** Such features may well be suggested for park or playground areas; enhance the landscape treatment of the development. No tree with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final development plan. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall trees with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk be removed without prior approval by the Planning Board.
- c. **Soil.** Natural fertility of the soil shall be preserved by disturbing it as little as is possible; no topsoil shall be removed from the site.
- d. **Water Courses.** Open water courses shall be recognized as community assets. Development design may well be enhanced by featuring streams and brooks.
- e. **Flood plain land,** areas bordering on water courses, drainage ways and other lands which

cannot be used safely for building purposes without danger to health or peril from flood may be offered to the Town as a gift to be used as public open space or for recreational purposes, but shall be in addition to that required in this Regulation.

- f. Offering of such lands to the Town neither guarantees nor obligates acceptance of same by the Town; the Planning Board may require that such lands be placed into common ownership amongst all of the lots within the development.

ARTICLE H. PARKS, OPEN SPACES, & NATURAL FEATURES

- 1. **Park, Playground and Recreational Sites.** Except as hereinafter provided, lands comprising at least ten percent (10%) of the total area or three (3) acres total, whichever is greater, of the land included in the overall development shall be reserved for parks, playgrounds or recreational purposes in a location with suitable public access within the developed, as selected and determined by the Planning Board.

- 2. **Standards and Requirements.**
 - a. Before the approval by the Planning Board of a plan showing lots, block or sites, with or without streets or highways, or the approval of a plan already filed in the Office of the Town Clerk, if such plan is entirely or partially undeveloped, such plan shall also show in proper cases and when required by the Planning Board, a public park or parks suitably located for a public playground or other public recreational purposes.

 - b. Where a proposed park, playground or other permanent recreation area is shown on the Comprehensive Master Plan to be located in whole or part in a proposed development, the Planning Board shall require that such area or areas be shown on said plan and be offered for development as provided herein.

 - c. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such development or is otherwise not practical, the Board may require, as a condition to approval of any such development project, a payment to the Town of an amount equal to the amount determined in the formula provided in this Article, which amount shall be available for use by the Town for a neighborhood park, playground or other recreation purposes, including acquisition of property for active or passive recreation.

 - d. When said permanent recreational areas are required to be so shown, the developer shall submit to the Planning Board a suitable plan, at a scale of not less than thirty (30) feet to an inch, indicating:
 - .1 The boundaries of said recreation area;
 - .2 Existing physical features such as brooks, ponds, trees, rock outcrops, structures, etc.;
 - .3 Existing and, if applicable, proposed changes in grades of said area and the land immediately adjacent;
 - .4 Improvements to be made to the recreation site.

 - e. The minimum area of contiguous open space acceptable in fulfillment of this requirement shall be at least three (3) acres and meet or exceed ten (10) percent of the overall property in the proposed development, whichever amount is greater. In the case of developments of less than ten (10) acres, smaller recreation areas may be approved by the Planning Board

whenever it deems that the difference between the area shown and the three (3) acre minimum may be made up in connection with the development of adjacent land.

- f. In applicable cases, the Planning Board shall require the execution and filing of a written agreement between the applicant and the Town Board regarding costs of grading, development, equipment, and maintenance of said recreation areas, as well as the conveyance of whatever rights and title deemed necessary to insure that said premises will remain open for use by the residents of the Town of Johnston.
- g. No monies received by the Town in lieu of land, nor any rights or title in land conveyed to the Town as aforesaid, shall be affected or returned to any subdivider or developer by reason of the nullification of his building permits for his failure to comply with applicable sections of the Town Charter, Town Zoning Ordinance, the State Building Codes, or any other applicable codes or ordinances, including but not limited to RIDEM, RIDOT, or EPA
- h. Requirements for Computing Recreational Land Money In-Lieu-Of Land
 - .1 In the event that the Planning Board sees fit to provide for a payment in-lieu-of recreational lands, the following formulas shall be utilized to establish the amount:
 - For every 50 people in a development, one acre of land or its equivalent in money must be provided for by the developer.
 - For the purposes of computation, townhouses and single-family units are considered to have four (4) people per dwelling unit.
 - Garden apartments and condominiums are considered to have three (3) people per dwelling unit.
 - .2 One hundred percent (100%) of the total amount to be paid in-lieu-of is to be paid when final approval is granted by the Planning Board and the development is recorded in the Office of the Town Clerk; In the case where the Planning Board deems it in the best interest of the Town to require land instead of money, the Town will enter into a contract agreement with the developer. This contract will be executed before final approval is granted by the Planning Board and title to the property conveyed at the time recording of the development in the Office of the Town Clerk.
 - .3 The value of area of the land being offered will be determined by the Tax Assessor of the Town of Johnston.

ARTICLE I. SOILS GROUPS & SITE ENGINEERING

- 1. **Map.** The groups are comprised of several soil types as identified by the USDA/SCS and published in the USDA/SCS Soil Survey of Rhode Island, (January 1981), which is hereby made a part of these Regulations²; The soils are shown on the maps designated as panels #29, 30, 36, 37, 43, 44 of the Soil Survey and are hereby also made a part of these Regulations². All pertinent notations, soil mapping unit designators, and other information shown on said maps and within the document’s corresponding narrative text shall be as much a part of these Regulations as if the matter and things set forth by said maps and text were fully described herein.
- 2. **Preparation.** The soil groups and maps of the Town of Johnston were prepared with the assistance and cooperation of the USDA, Soil Conservation Service, Rhode Island, and issued in

² On file in the Department of Building Operations, Town of Johnston, 100 Irons Avenue, Johnston, RI.

July of 1981.

3. **Applicability.** These regulations shall not repeal, impair, or modify private covenants or other public laws, except that it shall apply whenever it imposes stricter regulations.
4. **Non-Representation.** The granting of a permit due to the designations, grouping, characteristics and special foundation requirements shall not constitute a representation, guarantee, or warranty of the suitability of lands, practicability or safety of any structure, use, or other plan proposed.
5. **Sediment Control**
 - a. The developer shall provide effective sediment control measures for planning and construction of developments. Use of the following technical principles shall be applied as deemed appropriate by the Town Planner of the Town of Johnston. The smallest practical area of land shall be exposed at any one time during the development.
 - .1 When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 - .2 Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.
 - .3 Sediment basins and/or debris basins (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on lands undergoing development.
 - .4 Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.
 - .5 Permanent final vegetation and structures shall be installed as soon as practical in the development.
 - .6 The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.
 - .7 Wherever feasible, natural vegetation shall be retained and protected.
 - b. The Town of Johnston Technical Specifications contain more definitive information pertaining to soil and erosion control and is the controlling document for construction within the Town of Johnston; the foregoing is provided as an outline guide for the applicant.
 - c. A permit is required to grade and/or shape the topography and is subject to restrictions and reviews by the Town Planner. Preparation of agricultural land fitting to seed crops for harvest is not considered grading.
 - d. The applicant is advised to review the Code of the Town of Johnston, Chapter 22b, "Soil Erosion and Sediment Control" for further information. The stricter of the Ordinances shall prevail.
6. **Drainage Channels.** All primary drainage channels which are located within or immediately adjacent to an improvement or a development shall be protected by the developer.
 - a. All channels and waterways must have erosion control implemented in accordance with Section III, Article F of these Regulations.
 - b. Single unit outlets must be provided to take care of necessary drainage.

7. Utilization.

- a. It is recognized that the soil maps and the information found in the Rhode Island Soil Survey do not eliminate the need for further on-site investigations.
 - .1 The delineated areas of a given soil mapping unit may contain small areas of other kinds of soil that have strongly contrasting properties. The small areas (between 10 to 15 percent of the total area) are called inclusions and cannot be separated out on the scale of mapping used in Rhode Island.
 - .2 The Town Planner shall have full authority to impose additional requirements to fit conditions that may be observed in field or as a result of subsequent tests.
- b. A permit applicant whose construction plan does not meet minimum requirements of the regulation may:
 - .1 Incorporate in the construction plans accepted methods of construction and/or accepted materials whose use will meet the added requirements; or,
 - .2 Petition the appropriate Board of Appeal for a variance from the decision of the Building Official.
- c. Said Board of Appeal may:
 - .1 Require the developer to conduct an immediate on-site soil inspection for the purpose of determining the specific soil type and subsequent group; and/or,
 - .2 Require that a subsurface soil investigation be conducted by a registered Professional Engineer knowledgeable in the science of soils to determine the soil bearing capacity, its stability, drainage characteristics, permeability, and other properties that may be in question.

ARTICLE J. CENTRAL SEWER AND WATER SYSTEMS

- 1. Water and Sewage Facilities.** Developments must connect to public water and/or sewer where practicable. Water and sewer infrastructure must be developed in accordance with the requirements of the provider. Proof of authorization to connect and approval of the designed improvements are required.
- a. Water and sewer mains and systems are to be offered for dedication to the Town or duly constituted improvement district upon completion and acceptance.
 - b. Water and Sewer Mains shall be located in the street rights-of-way or in perpetually unobstructed easements of a width adequate for servicing. Minimum accepted easement width shall be twenty (20) feet, except for extenuating circumstances.
 - c. The Town of Johnston shall bear no obligation for maintenance or repair of any infrastructure, including Water and Sewer Mains that a developer may install, if said infrastructure has not been properly inspected by the Town and accepted by the Town of Johnston.
 - d. The applicant shall be responsible, not only for the laterals within the development, but also for any lines or connections that may be necessary to bring the service to the development.
 - e. The Planning Board shall require that prior to final approval by the Board, design approval has been given by the appropriate authority and a responsible individual within the said authority has determined the capacity of each system to adequately supply a development with water or sewerage requirements.

END OF SECTION

SECTION VI. ADMINISTRATION AND ENFORCEMENT

ARTICLE A. Adoption and Administration of Regulations

1. **Adoption.** In accordance with Rhode Island General Laws, Title 45, Chapter 23, as amended, and the Town of Johnston Code of Ordinances Section 303, the Board is authorized to adopt or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations. In February of each year, the Board shall review these regulations to determine if any of the provisions or standards in the Regulations need to be updated or repealed. At any time, the Board will accept proposals for change and updating.
2. **Amendment.** These Regulations may only be amended at a public hearing which is noticed in accordance with RIGL 45-23-53.
3. **Public notice registry.** The Board shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to the local regulations and shall annually provide public notice of the existence of the registry by a publication of notice in a newspaper of general circulation within the town.
4. **Publication and availability.** Printed copies of these regulations are available on the Town's web page. Paper copies may be purchased at the Planning Office. A copy of the Regulations is also available at the state law library.

ARTICLE B. ADMINISTRATION

1. **Administrative Officer.** The Town Planner, appointed by the mayor, is the administrative officer and may delegate these duties to an appointed official of the Town in the event of absence or in the case of a potential conflict of interest. The administrative officer shall:
 - a. oversee and coordinate the review, approval, recording, and enforcement provisions of the local regulations.
 - b. serve as the chair of the technical review committee, where established.
 - c. coordinate reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the planning board.
 - d. have the authority to issue approvals and all other authority where specifically set forth in this chapter.
 - e. be responsible for coordinating the enforcement efforts of the zoning enforcement officer, the building inspector, planning department staff, the town engineer, the division of public works and other local officials responsible for the enforcement or carrying out of discrete elements of the regulations.
2. **Technical Review Committee.** A Technical Review Committee is established to assist in the review of projects when directed by the Board. The committee consist of the administrative officer, town engineer, fire marshal, director of development and public services and police chief. The Board's legal counsel serves as a non-voting member. At the discretion of the Board, two members of the Board may be appointed for specific projects.
 - a. **Operation.** The Board must adopt written procedures for the committee.

- b. Reports. All reports must be in writing, made available to the applicant prior to the Board meeting at which the application will be heard and kept as part of the permanent record for the application.
 - c. Recommendations. The Committee’s recommendation is advisory only.
3. **Board of Appeal.** The zoning board of review will serve as the board of appeals to hear appeals of the decisions of the Board or the administrative officer on matters of review and approval of land development or subdivision projects.
4. **Fees.** Fees, as established by Ordinance and published in the Appendix, are required for each of the step of the development process and must be paid at the time of submittal of the application materials to the Administrative Officer.

ARTICLE C. VIOLATIONS AND PENALTIES.

1. The violation of the Regulations, or any term or condition of any action imposed by the Board or other agency or officer charged with the enforcement of any of the provisions is subject to penalty which shall reasonably relate to the seriousness of the offense, and shall not exceed five hundred dollars (\$500) for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the municipality.
2. Violation of the regulations include any action related to the transfer or sale of land in unapproved land developments and/or subdivisions. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, of a plat of the subdivision before the plat has been approved by the Board and recorded in the Town Land Evidence Records, is in violation of these regulations and subject to the penalties described in this section.
3. The Town may also cause suit to be brought in the supreme or superior court, or municipal court to restrain the violation of, or to compel compliance with, the provisions of the Town regulations. The Town may consolidate an action for injunctive relief and/or fines under these Regulations in the superior court of the county in which the subject property is located.

ARTICLE D. APPEALS.

1. **Decision of the Administrative Officer.** An appeal from any decision of the administrative officer charged in the regulations with enforcement of any provisions, except as provided in this section, may be taken to the board of appeal by an aggrieved party as set forth in this section. Decisions by the administrative officer approving or denying projects under Section II. Article D. or Section III. Article C. shall not be subject to this section and shall proceed directly to superior court as set forth in § 45-23-71.
2. **Decision of the Board.** An appeal of the decision of the Board may be taken by an aggrieved party in accordance with the provisions of RIGL § 45-23-71.
3. **Enactment or Amendment of the Regulations.** An appeal of the enactment or amendment of the Regulations may be taken by an aggrieved party in accordance with the provisions of RIGL § 45-23-72.

ARTICLE E. SEVERABILITY.

If any provision of these Land Development and Subdivision Review Regulations or of any rule, regulation, or determination made hereunder, or the application thereof to any person, agency, or circumstances, is held invalid by a court of competent jurisdiction, the remainder of these Regulations, rules, regulations, or determinations and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

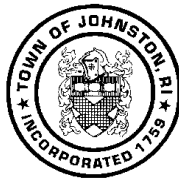
END OF SECTION

APPENDIX A.

1. APPLICATION

2. SUPPLEMENTAL APPLICATION MATERIALS

3. PLAN CHECKLIST



Date Received: _____
 By: _____
 PB _____

JOHNSTON PLANNING BOARD

APPLICATION
Land Development and Subdivision
APPENDIX A. 1.

PROJECT NAME: _____ **A.P.** _____ **LOTS:** _____
Street Address: _____
Zoning District(s): _____ **Total Size of Development Parcel(s):** _____

Project Information

Briefly describe project.	Type			Review Stage					Review Documents						
	Subdivision	Land Development	Private Road/Compound	Pre-Application	Master	Preliminary	Final	Recording	Application	Checklist	Plan	Supplemental Materials			
Development Plan Review															
Administrative															
Minor															
Major															
Planned Development															
Comprehensive Permit															
<i>Review Stage Fee</i>				\$50	\$75	\$125	\$105								

Application Fee. (non-refundable)

Number of lots or acres _____ X Review Stage Fee \$ _____ + \$80 = \$ _____ Total Fee

Applicant.

Name 1: _____ Name 2: _____
 Company: _____ Company: _____
 Primary Contact if applicant is an organization: _____
 Address: _____ Address: _____
 City/State/Zip: Phone: _____ City/State/Zip: Phone: _____
 Phone: _____ Cell: _____ Phone: _____ Cell: _____
 Email: _____ Email: _____

Owner. (if different from Applicant)

Name 1: _____ Name 2: _____
 Company: _____ Company: _____
 Primary Contact if owner is an organization: _____
 Address: _____ Address: _____
 City/State/Zip: Phone: _____ City/State/Zip: Phone: _____
 Phone: _____ Cell: _____ Phone: _____ Cell: _____
 Email: _____ Email: _____



JOHNSTON PLANNING BOARD

APPLICATION

Appendix A. 1.

Waivers And Modifications. Are waivers or modifications to any of the requirements of the Regulations requested? Yes* No

**If yes, a statement describing the specific regulation(s) for which waiver or modification is requested must be included in the application materials.*

Unified Development Review. Is a dimensional variance, use variances, and/or special use permit being requested as part of the application? Yes* No

**If yes, attach a description of the proposed request. Attach a completed zoning board application and all required materials.*

Certification Of Complete Application. The applicant hereby certifies that all materials required by the applicable checklist(s), as determined by Planning Department staff during the initial meeting, have been submitted and that the plan set and other submitted materials conform to the requirements of the current adopted version of the Town of Johnston Subdivision and Land Development Regulations, or, that a written statement has been provided listing all requested waivers and/or modifications of the Regulations.

Applicant Signature

Date

Printed Name

Attachment 1: Owner Authorization Form

Attachment 2: Project Team Form



**Attachment 1. Town of Johnston Planning Board
OWNER AUTHORIZATION FORM**

Submittal Date: _____

Owner Authorization Forms for each owner of the property being considered for subdivision/development is to be submitted with each stage of review. If no changes to the ownership have occurred since the last stage of review, a copy of the previously submitted form may be submitted with an updated Submittal Date.

I, _____ hereby certify that I am an/the owner of property designated as Plat _____, Lot _____, as shown on the Town of Johnston Tax Assessor Maps. I further certify that I am the owner of the development rights for this property.

I hereby authorize and am in agreement with the application, signed by _____ (applicant), for subdivision or development for the subject property. Said application is to be submitted to the Planning Department of the Town of Johnston for review and decision by the Planning Board.

WITNESS its name this _____ day of _____, _____

BY: _____

Signature of Owner

STATE OF RHODE ISLAND

County of _____

In _____ on the _____ day of _____, before me personally appeared _____ (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him/her executed, to be his/her free act and deed, as _____ (individual, corporation, trustee, partnership, non-profit, etc.)

Notary Public

My Commission Expires: _____

Note: Attach a copy of the applicable deed(s).



**Attachment 2 - Town Of Johnston Planning Board
PROJECT TEAM FORM**

Submittal Date: _____

The Project Team Form is to be submitted with each stage of review. If no changes to the Project Team have occurred since the last stage of review, a copy of the previously submitted form may be submitted with an updated Submittal Date.

ATTORNEY *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Address: _____

Phone: _____ Email: _____

ENGINEER *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Address: _____

Phone: _____ Email: _____

SURVEYOR *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Address: _____

Phone: _____ Email: _____

LANDSCAPE ARCHITECT *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Address: _____

Phone: _____ Email: _____

ARCHITECT *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Address: _____

Phone: _____ Email: _____

OTHER *This entity should be copied on all project correspondence* **YES** **NO**

Contact & Firm: _____

Name of Primary Contact (if entity is an organization): _____

Address: _____

Phone: _____



Johnston Planning Board
Land Development and Subdivision Regulations
SUPPLEMENTAL APPLICATION MATERIALS
APPENDIX A. 2.

In determining completeness of an application, staff will use this Checklist to determine which materials have been filed. "X" indicates at which stage the supplemental material must be submitted.

	Administrative		Minor			Major				
	Pre-application	Final	Pre-application	Preliminary	Final	Pre-application	Master	Preliminary	Final	
Project Name: _____										
File No.: PB _____ AP(s) _____ Lot(s) _____										
Address: _____										
Type of Project: Administrative _____ Minor _____ Major/Private Road _____										
Major _____ Development Plan Review _____ Unified Development _____										
Comprehensive Permit _____										
Application to include: Application Form, Owner Authorization Form and Project Team Form	X	X	X	X	X	X	X	X	X	X
Application Fee	X	X	X	X	X	X	X	X	X	X
Concept Plan	X	X	X	X	X	X	X	X	X	X
Proof of Ownership: Copies of deeds, purchase and sales or other proof of authority to file		X		X	X		X	X	X	X
Site Map	X	X	X	X	X	X	X	X	X	X
Project Plans: Submit 1 copy of full-size plans with application; certificate of completeness will identify the number and sheet size of plans that need to be filed for the meeting with the Board.		X		X	X			X		
Radius Map: Applicant is advised to not just resubmit previous radius map but to verify that there have been no subdivisions since previous submittal.				X	X		X	X	X	X
Abutters List: Applicant is advised to not just resubmit previous abutters lists but to verify that there has been no change in ownership.		X		X	X		X	X	X	X
Unified Development - Zoning Application				X	X		X	X	X	X
Aerial photograph marked to indicate the boundary of the proposed subdivision and/or land development project and the entire tract				X	X		X	X	X	X
Traffic study: Staff reserves the right to require a traffic study for Minor Subdivisions and Land Developments.								X		
Report of the impacts of the development, in phases and as fully developed, upon the school system and other municipal resources				X	X			X		
Bounds and monuments maintenance agreement for a period of five (5) years		X			X					X



PLANNING BOARD TOWN OF JOHNSTON PLAN CHECKLIST

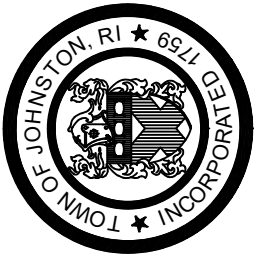
The following checklist is a listing of all information that must be shown on the various plans. "X" indicates at which stage the information must be shown on the plan set. One (1) full sized set of plans must be filed with an application. When the Certificate of Completeness is issued, you be will advised on the number of copies, size of plan set and the date by which the plans must be filed for the Planning Board meeting.

	Pre-application	Master	Preliminary	Final
File No.: PB _____ Date Submitted: _____				
Project Name: _____ Address: _____				
AP(s) _____ Lot(s) _____				
Abutters Map - A 200-foot radius on assessor's map. If less than 8 different abutters, the radius must be 500 feet. The map must indicate the boundary of the land to be developed and the relative location of prominent or substantial municipal or recreational facilities.		X	X	
Aerial photograph marked to indicate the boundary of the proposed subdivision and/or land development project and the entire tract		X	X	
Project Plans: At a minimum the plans must include the following:				
.1 Location map at a minimum scale of 1" = 2000' (1:24,000) showing the proposed subdivision, significant existing community facilities, major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc.		X	X	X
.2 Name of land development and/or subdivision	X	X	X	X
.3 Assessor Plat(s) and Lot Number(s) of lots involved in the development and all adjoining properties additionally labeled with owner's name as contained on the latest municipal tax rolls	X	X	X	X
.4 Zoning district, dimensional requirements, total number of lots and the acreage of the development.		X	X	X
.5 Identification of number of lots prior to the development and after the development is approved.		X	X	X
.6 Graphic scale appropriate to show detail; North Arrow with date identified (date if Magnetic North is used)		X	X	X
.7 Legend for any symbols or line types shown on the plan.	X	X	X	X
.8 Dates of original plan and revisions, Concept Review Meeting(s) and Master Plan Approval.	X	X	X	X
.9 Property owner's name, address, zip code, email and telephone number.		X	X	X
.10 Surveyor/Engineer name, address, zip code, telephone number, E-Mail, and original stamp and original signature	X	X	X	X
.11 Numbering of all lots within the development and any proposed phasing.			X	X
.12 Approximate location of:		X	X	X
.13 boundary lines, easements, and rights-of-way;				
✓ topography at ten (10) foot intervals	X	X		
✓ extraordinary or unusual natural features;	X	X		

✓	historic areas, cemeteries, foundations, etc.;	X	X	
✓	the 100-year flood plain and floodways, if applicable;	X	X	
✓	widths, and names of all existing and proposed streets or public ways integral and within 200' of the site;	X	X	
✓	and sizes of all existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site;	X	X	
✓	any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns;	X	X	
✓	any existing structures or buildings on the proposed site indicating if the building is to remain.	X	X	
✓	Proposed phasing of the project, if applicable.	X	X	
.14	Surveyed location of:	X	X	X
.15	existing boundary lines, easements, and rights-of-way; if none, note on the plan.			
✓	topography at two (2) feet contours (maximum). Benchmark locations and elevation from base sea level. If topography is not required then approximate topography at ten (10) feet intervals must be shown		X	X
✓	extraordinary or unusual natural features; if none, note on the plan.		X	X
✓	historic areas, cemeteries, foundations, etc.; if none note on the plan.		X	X
✓	the 100-year flood plain and floodways and elevations; if none note on plan.		X	X
✓	location, widths, and names of all existing streets or public ways integral and within 200' of the site to include existing street ties		X	X
✓	existing and proposed intersections within 200' of the site and their elevation.		X	X
✓	proposed streets and public ways showing the right-of-way, pavement, sidewalk, and curbing areas and dimensions including proposed street names.		X	X
✓	existing and proposed sewers, water mains, culverts, stormwater systems, leach fields, septic systems, and other underground structures or any existing or proposed utilities within and adjacent to the site (within 200'). Plan shall include pipe size and elevation of the various components. If none, note on the plan.		X	X
✓	any existing structures or buildings and their distances from property lines; if none or the existing structure(s) will be demolished, note on the plan.		X	X
✓	any existing or proposed lakes, ponds, watercourses, or wetlands, wetland flagging, and proposed or existing drainage patterns; if none, note on the plans.		X	X
✓	proposed development with dimensional requirements, setbacks, total number of lots numbered, and total acreage of project; Proposed metes and bounds showing all lengths, angles, lot areas, curve data (including radii), length of arcs, etc.		X	X
✓	proposed location of easements, lot lines, curb lines, setback lines, sidewalks		X	X
✓	percolation and ground water test holes if applicable.		X	X
✓	ground mounted public utility locations such as transformers, hot boxes, pump stations and the like.		X	X
✓	location, dimensions, area, zoning district, setbacks, and use of all proposed or existing lots within the entire site.		X	X
✓	labeling, size, and engineering details of temporary cul-de-sacs as required on roads which will be developed in subsequent phases.		X	X
✓	detention basin and details including wall and floor elevations, capacity, fences, plantings, etc.		X	X
✓	monuments and bounds found or to be installed.		X	X
✓	All applicable construction details		X	X
.16	Approximate location, delineation, and description of soils on the site as defined by the USDA Soils Conservation Service.		X	X
.17	Linear footage of streets and total amount of cut and fill.		X	X
.18	Erosion control measures and details for construction of same. NOTE: when erosion control is not required, a plan will be required as part of the		X	X

APPENDIX B.

1. TYPICAL STREET CROSS SECTION – RESIDENTIAL
2. TYPICAL STREET CROSS SECTION – BUSINESS/INDUSTRIAL
3. RESIDENTIAL COMPOUND/PRIVATE STREETS CROSS SECTION



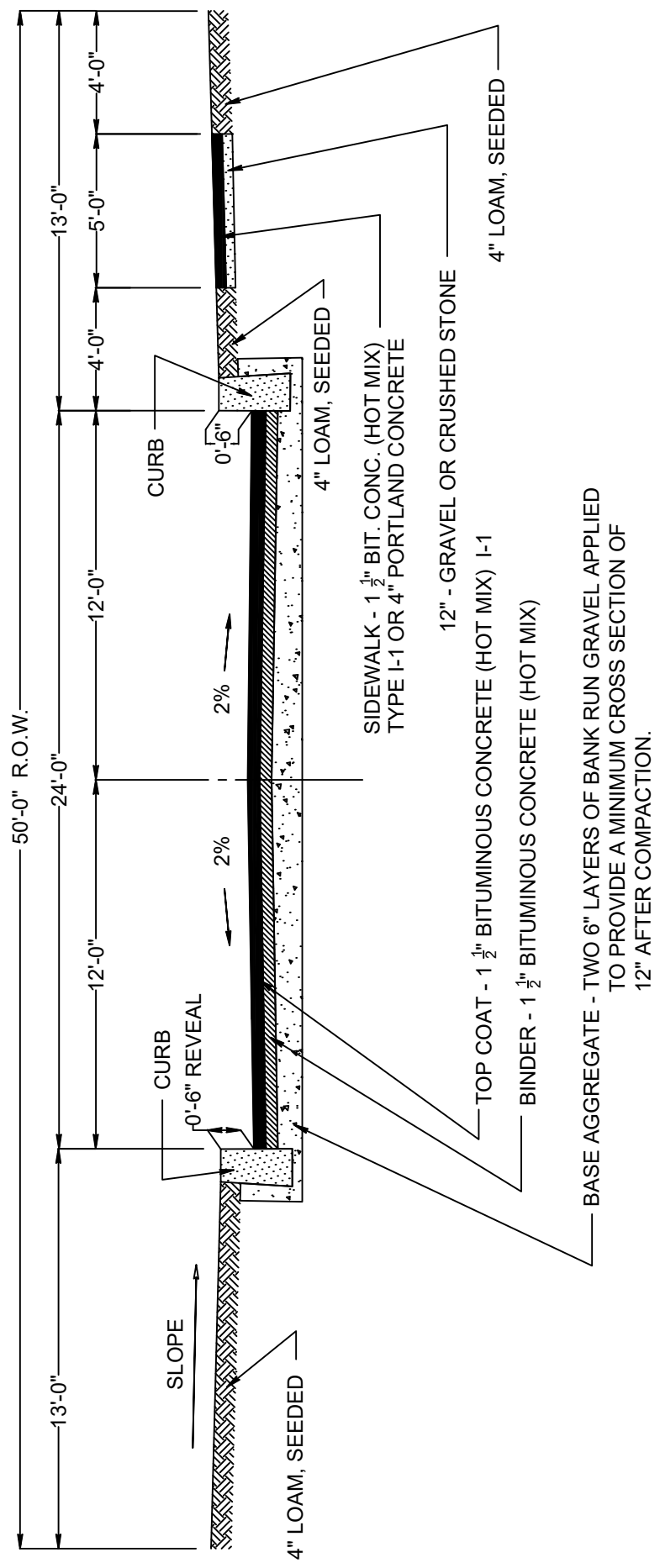
TYPICAL STREET CROSS - SECTION

MINIMUM REQUIREMENTS

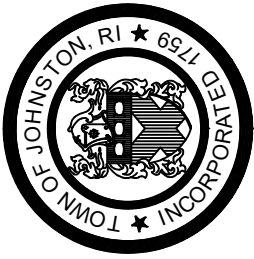
RESIDENTIAL DISTRICTS

WITHOUT SIDEWALKS

WITH SIDEWALKS

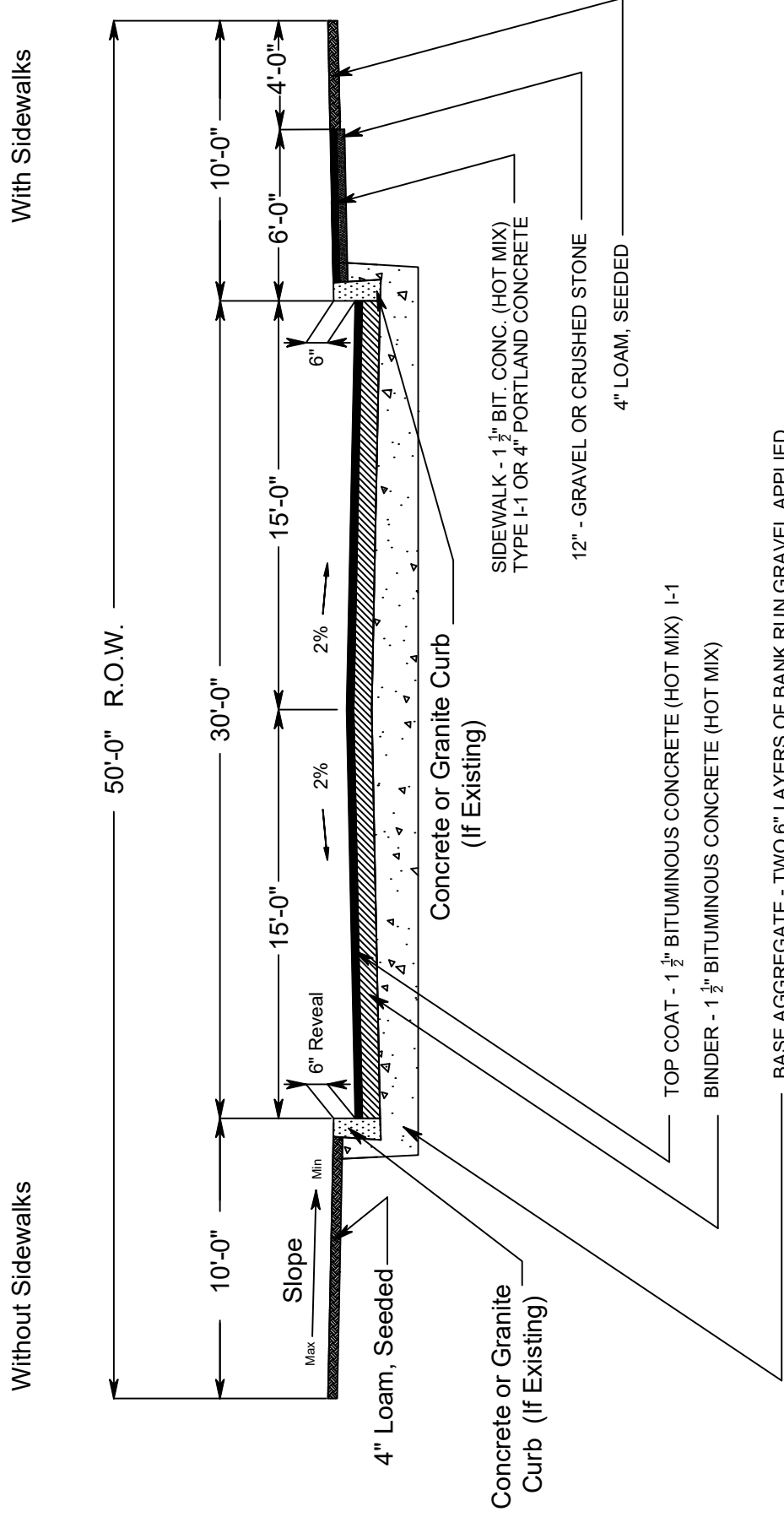


Effective Date: 2
SCALE: NTS

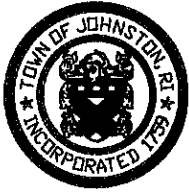


TYPICAL STREET CROSS - SECTION MINIMUM REQUIREMENTS

BUSINESS/INDUSTRIAL DISTRICTS

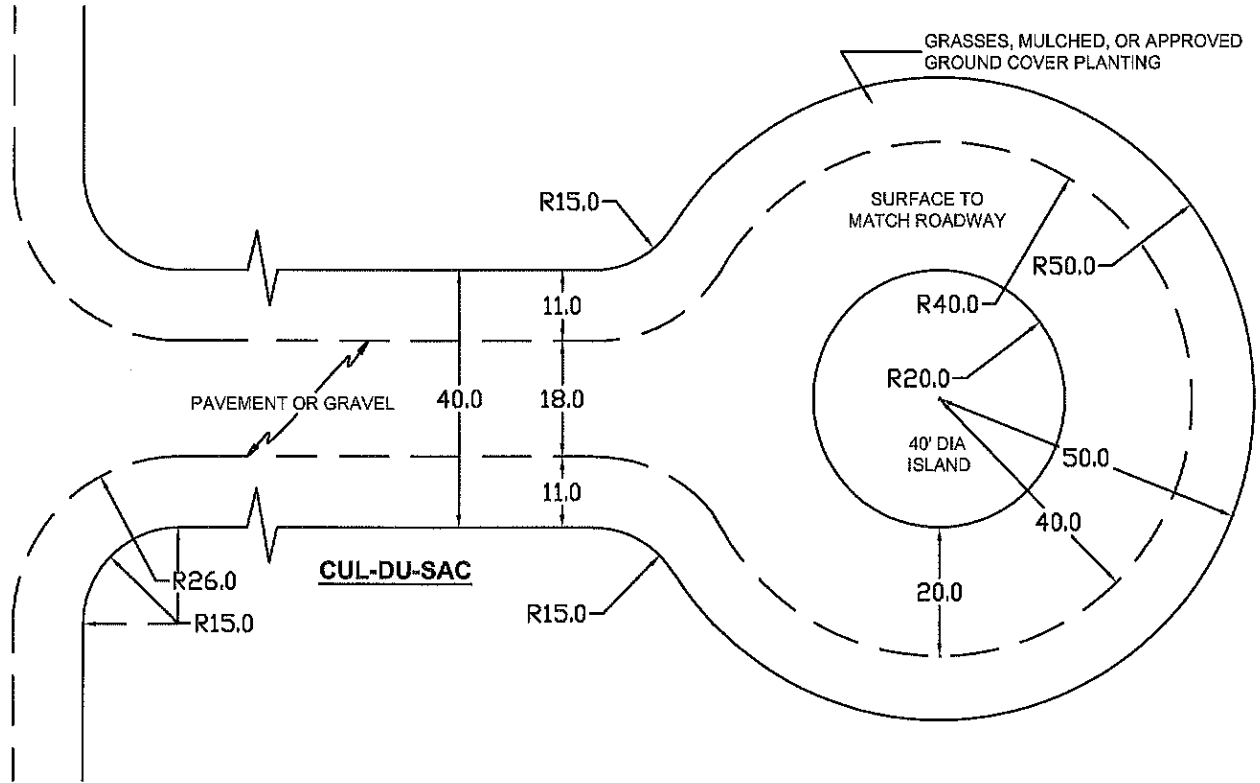


Effective Date: 2
SCALE: NTS



Town of Johnston Planning Department

RESIDENTIAL COMPOUND / PRIVATE STREETS IN MINOR SUBDIVISIONS

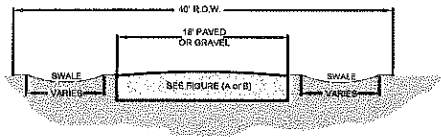


**TYPICAL CROSS SECTION OF A PRIVATE STREET
WITHIN A RESIDENTIAL COMPOUND**

SKETCH TABLE AA - SCALE: 1" = 30'-0"

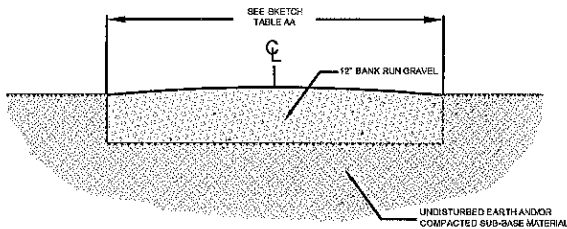
**HAMMERHEAD TURNAROUND TYPICAL MINOR
SUBDIVISION RESIDENTIAL COMPOUND (PRIVATE)**

SKETCH TABLE AA - SCALE: 1" = 60'-0"



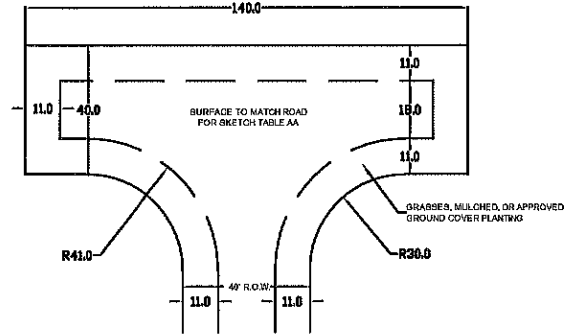
GRAVEL ROAD DETAIL FIGURE (A)

SCALE: N.T.S.



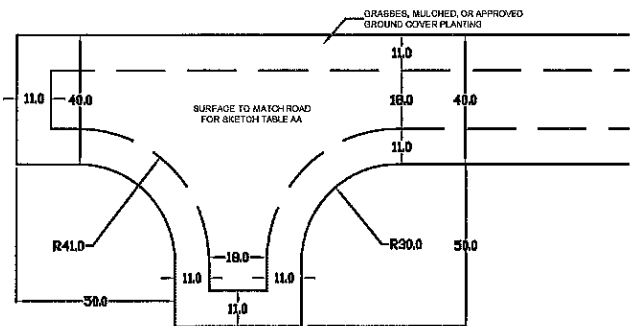
PAVEMENT DETAIL FIGURE (B)

SCALE: N.T.S.



**HAMMERHEAD (ALTERNATE) TURNAROUND FOR MINOR
SUBDIVISION RESIDENTIAL COMPOUND (PRIVATE)**

SKETCH TABLE AA - SCALE: 1" = 60'-0"



APPENDIX C.

1. FEES

APPENDIX C.
Fees.

The following fees are established in accordance with Johnston Code of Ordinances Section 340-124 for items all land development and subdivision projects.

Description	Fee
Advisory opinion from Planning Board's Administrative Officer	\$100
Advisory opinion before Planning Board	\$150
Preapplication conference with Administrative Officer	\$50/project

Administrative subdivision	
Application fee	\$80, plus \$75/lot ¹
Review fee	\$50/hour (5-hour minimum) ²

Preapplication/Concept review stage	
<i>Subdivisions</i>	
Application fee	\$80, plus \$50/lot
Review fee	\$50/hour (five-hour minimum) ²
<i>Land development projects</i>	
Application fee	\$80, plus \$50/unit or acre ³
Review fee	\$50/hour (five-hour minimum) ²

Description	Fee
Master plan stage	
<i>Subdivisions</i>	
Application fee	\$80, plus \$75/lot
Review fee	\$50/hour (five-hour minimum) ²
<i>Land development projects</i>	
Application fee	\$80, plus \$75/unit or acre ³
Review fee	\$50/hour (five-hour minimum) ²
<i>Decision (preparation fee)</i>	\$150/decision

Preliminary plan stage	
<i>Subdivisions</i>	
Application fee	\$80, plus \$125/lot
Review fee	\$50/hour (five-hour minimum) ²
<i>Land development projects</i>	
Application fee	\$80, plus \$125/unit or acre ³
Review fee	\$50/hour (five-hour minimum) ²
<i>Decision (preparation fee)</i>	\$150/decision

Description	Fee
-------------	-----

Informational meeting preparation fees	
Subdivisions	\$50, plus \$2/each required notice to each addressee on notification list
Multifamily and/or residential unit planned development projects	\$50, plus \$2/each required notice to each addressee on notification list
Land development projects	\$50, plus \$2/each required notice to each addressee on notification list
Any other project not otherwise listed (requiring an informational meeting)	\$50, plus \$2/each required notice to each addressee on notification list

Public hearing preparation fees	
Subdivisions	\$50, plus \$5/each required notice to each addressee on notification list
Multifamily and/or residential unit planned development projects	\$50, plus \$5/each required notice to each addressee on notification list
Land development projects	\$50, plus \$5/each required notice to each addressee on notification list
Any other project not otherwise listed (requiring a public hearing)	\$50, plus \$5/each required notice to each addressee on notification list

APPENDIX C.
Fees.

Description	Fee
Final stage	
<i>Subdivisions</i>	
Application fee	\$80, plus \$105/lot
Review fee	\$50/hour (five-hour minimum) ²
<i>Land development projects</i>	
Application fee	\$80, plus \$105/unit or acre ³
Review fee	\$50/hour (five-hour minimum) ²
<i>Decision (preparation fee)</i>	\$150/decision
Review for recording for subdivisions [Note: Town Clerk recording fees are not included.]	\$80, plus \$75/lot
Review for final filing for land development projects and any other non-subdivision projects not otherwise addressed	\$80, plus \$75/unit or acre ³

Review of buildable lot applications	\$300/application
Review of Town Council referred projects	\$100/acre ³ (\$100 minimum)
Review of Zoning Board of Review referred projects	\$100/acre ³ (\$100 minimum)
Review of Comprehensive Plan proposed land use map amendment proposals	\$700/acre ³ (\$700 minimum)
Review of Comprehensive Plan proposed text amendment proposals	\$1,000
Review of Town Council Zoning Map amendment petitions	\$700/acre ³ (\$700 minimum)

Description	Fee
Review of Town Council zoning text amendment petitions	\$1,000

Site plan review	
Application for industrial projects	\$700/acre ³
Application for commercial and business projects	\$700/acre ³
Application for planned development (PD) projects	\$300, plus \$50/acre, ³ plus \$25/unit
Application for nonresidential projects requiring landscaping review (less than one acre)	\$250/acre ³
Application for nonresidential projects not otherwise addressed	\$700/acre ³
Application for multifamily development and other residential (non-PD) projects not otherwise addressed	\$300, plus \$50/acre, ³ plus \$25/unit
Review fee for all site plan review projects	\$50/hour (five-hour minimum) ²

Appeal to the Johnston Board of Appeals to a decision of the Planning Board and/or Administrative Officer	\$250
Recording fee for all decisions	Actual costs
Mailing costs for required notifications (actual mailing costs plus duplication cost of materials and attachments) [Note: Applicants will be charged for each meeting where they do not attend the meeting (no-show) or request to be continued after the notice has been published or are repeatedly incomplete with their presentation thereby requiring a continuance.]	For each meeting, \$50, plus duplication and preparation costs, plus actual mailing costs

APPENDIX C.
Fees.

Description	Fee
Advertising costs for required notices for public hearings, including newspaper advertisement	Actual costs
Advertising costs for required monthly meeting notices [Note: Applicants will be charged for each meeting where they do not attend the meeting (no-show) or request to be continued after the notice has been published or are repeatedly incomplete with their presentation thereby requiring a continuance.]	\$50/agenda item

NOTES:

¹"Number of lots" based on highest number of lots before or after the administrative subdivision.

²Actual hourly review costs at five-hour minimum will be charged and collected at time of application submission; hours spent in excess of five hours will be billed to the applicant at the actual costs (\$50/hour minimum); no final decision or recording will be completed until all fees have been paid.

³"Acres" refers to acres to be disturbed (rounded up); fee cost is the greater cost based on the per-unit or per-acre formula cost.

APPENDIX D.

1. SEWER SPECIFICATIONS

Sewer design is directed by the requirements of the Narraganset Bay Commission and the Town of Johnston Code of Ordinances Chapter 279 Sewers.

2. WATER SPECIFICATIONS

Water service must be designed in accordance with the requirements of the Providence Water Supply Board

3. STORM WATER FACILITIES

All stormwater facilities must be developed in accordance with the Rhode Island Stormwater Management Rules and Guidance