

TOWN OF JOHNSTON
RHODE ISLAND

**Land Development & Subdivision
Review Regulations**

Adopted December 19, 1995
As amended through June 4th, 2019

TOWN OF JOHNSTON
PLANNING BOARD

PLANNING & ECONOMIC DEVELOPMENT
DEPARTMENT OF PUBLIC WORKS
100 Irons Avenue
Johnston, RI 02919

Town of Johnston, Rhode Island
LAND DEVELOPMENT AND SUBDIVISION REVIEW REGULATIONS

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SECTION I.

General

ARTICLE A. PURPOSE

The Johnston Land Development and Subdivision Review Regulations have been developed pursuant to and in accordance with Sections 45-23-25 through 45-23-74 of Rhode Island General Laws, also known as the Rhode Island Land Development & Subdivision Review Enabling Act, and the Town of Johnston Comprehensive Community Plan. All Regulations and Amendments, or parts of Regulations or Amendments which are inconsistent are hereby repealed.

The following Regulations governing the 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, Sections 25 through 74 (1956, as amended), and in compliance with the Charter of the Town of Johnston, Chapter 24, Section 24-2 (1978, as amended), and are declared effective as of December 19th, 1995.

The Land Development and Subdivision Review Regulations are designed to address the following purposes, each having equal priority and being numbered for reference purposes only:

1. To promote and protect the public health, safety, and general welfare of the citizens of the Town of Johnston and the State of Rhode Island;
2. To provide for a range of uses and intensities of uses appropriate to the character of the Town of Johnston, and reflecting the current and expected future needs;
3. To provide for the orderly growth and development of the Town while recognizing:
 - a. The character of land development and subdivision, and the related public and private services, have changed substantially in recent years;
 - b. The responsibilities of the Town government in regulating land development and subdivision has changed, increased in complexity, and expanded to include additional areas of concern;
 - c. State and federal laws increasingly require the interaction of the Town Planning Board and Officials with those of the federal and state agencies and adjacent municipalities;
 - d. All instances of land development or subdivision must be sufficiently reviewed prior to recording and/or construction, to as best possible avoid unwarranted environmental impacts, financial impacts on private individuals and communities, and inappropriate design;
 - e. The need for fair and consistent procedures for review, approval, recording, and enforcement of land development and subdivision projects;
 - f. The necessity that the regulations and standards for all land development and subdivision projects be sufficiently definite to provide clear direction for project design and construction and to satisfy the requirements for due process for all applicants for project approval;
 - g. The goals and patterns of land use contained in the Town of Johnston Comprehensive Community Plan;

- h. The natural characteristics of the land, including its suitability for use for development or subdivision based on these natural characteristics;
 - i. The availability and capacity of existing and planned public and/or private services and facilities;
 - j. The need to shape and balance the development of urban and rural development within the Town;
- 4. Provide for the orderly, thorough and expeditious review and approval of land development and subdivision projects;
- 5. Promote high quality, appropriate design and construction of land development and subdivision projects;
- 6. Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- 7. Promote design of land development and subdivision projects which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- 8. To establish and promote design and improvement standards which reflect the intent of the Town of Johnston Community Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the Town;
- 9. To establish and promote design and improvement standards which reflect the intent of the Town of Johnston's various infrastructure, engineering, and technical standards and policies which have been or may in the future be adopted;
- 10. Require and provide thorough technical review of all proposed land development and subdivision projects by appropriate local officials and boards;
- 11. Establish requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- 12. Establish consistent procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

ARTICLE B. CONSISTENCY

These regulations are intended to be consistent with the Town of Johnston Community Comprehensive Plan, the Town of Johnston Zoning Ordinance, and all other duly adopted local development regulations.

1. In the instance of uncertainty in the construction or application of any section of the Land Development and Subdivision Review Regulations, the Regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Town Comprehensive Plan. Furthermore, the Town Regulations shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of Sections 45-23-25 through 45-23-74 of the State Enabling Acts;
2. Nothing herein contained and no local ordinance, rule or regulation adopted under the referenced State Statute shall impair the validity of any plat legally recorded prior to the effective date of such ordinance, rule or regulation.

ARTICLE C. REVIEW CONSIDERATIONS

The Planning Board will base its actions on all Subdivision and Land Development projects on the following considerations:

1. **Comprehensive Community Plan** - Conformance with the current approved Comprehensive Community Plan and all subsequent amendments thereto;
2. **Zoning Ordinance** - Conformance with the current approved Zoning Ordinance and all subsequent amendments thereto;
3. **Site Design Standards** - Adherence to accepted engineering standards for site design in such a manner as to provide for the adequate, safe, and free-flowing circulation of pedestrian and vehicular traffic, for the control of surface water run-off, to establish suitable building sites, and for the preservation of natural features which contribute to the attractiveness of the neighborhoods, districts, and the community at large;

Open Space - Provision of sufficient open space to accommodate the projected intensity of use and the resulting neighborhood, as determined by the proposed population density and composition of the project site and its surrounding community;

4. **Landscape Protection** - Preservation of natural terrain, drainage flow, and other such natural assets which reduce flooding and/or soil erosion, as well as the protection of the existing, natural, and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
5. **Economy** - Subdivision and Land Development projects shall be designed in such a manner as to economize on the costs and impacts of roads, utilities, and land usage;
6. **Public Improvements, Services, Utilities, and Facilities** - Sizing, construction, and location of public utilities and facilities within a proposed subdivision shall address:

- a. The need to minimize flood damage and potential thereof, with particular attention to all areas of special flood hazard as identified by the National Flood Insurance Program of the Federal Insurance Administration;
 - b. The adequacy of drainage within and in areas affected by the proposed subdivision;
 - c. The adequacy of existing and proposed public improvements for not only the existing community and the proposed project, but for the developable potential of the surrounding area; such improvements include, but are not limited to, potable water, sanitary sewer, storm drainage, roads, rights-of-way, and utility easements;
 - d. The adequacy of existing and proposed public services for not only the existing community and the proposed project, but also for the developable potential of the surrounding area; such services include, but are not limited to, schools, fire protection, police protection, department of public works services, and recreational services and facilities;
7. **Environmental/Wetlands** - Protection of environmental resources and mitigation of alteration or damage to the natural and built environment upon and surrounding the subject parcel. Conformance with State and Federal Laws designed to protect wetlands;
 8. **Streets** - Conformance of the design of the street system as it relates to the major street plan of the community with regard to the subdivision, the existing street pattern of adjoining subdivisions and the terrain;
 9. **Neighborhood Integration** - Promoting design of Land Development and Subdivision projects which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
 10. **Water Resources** - Protection of surface waters, subsurface aquifers, and other water resources;
 11. **Subjective Aesthetic Criteria** - The consideration of the surrounding built and unbuilt area, taking into account the probable impact of the proposed project upon both existing conditions and conditions as foreseen by the Comprehensive Community Plan.

ARTICLE D. DEFINITIONS

Words or phrases used in this Regulation are as defined in this Article. The words and phrases herein defined shall be controlling in all local ordinances, regulations, and rules created hereunder. In the event of disagreement or disparity concerning the meaning or interpretation of a word, the definitions section of the "Rhode Island Land Development and Subdivision Review Enabling Act of 1992" (Section 45-23-32) shall prevail. Reference may also be made to the Rhode Island Comprehensive Planning and Land Use Regulation Act," Section 45-22.2-4, or the "Zoning Enabling Act of 1991," Section 45-24-31. In the event that a word or phrase is not

defined herein, an acknowledged industry reference shall be consulted.

ABUTTER. One whose property abuts, or adjoins, at a border, boundary, or point with no intervening land. For the purposes of these Regulations, roads or road rights of way owned by the Town of Johnston shall not be considered abutting property; a property located across from a Town owned road from a subject parcel shall be considered an abutter as shall Town property which abuts or adjoins a subject parcel at a border, boundary, or point with no intervening land.

ACCEPTED ENGINEERING PRACTICE. That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ADMINISTRATIVE OFFICER. The Municipal Official designated by these Regulations to administer the Land Development and Subdivision Regulations and to coordinate with local boards and commissions, municipal staff, and state agencies. The Town Planner shall serve as the Administrative Officer. The Planner may delegate the duties of the position in the event of said Planner's absence or in the case of a potential conflict of interest situation. Pursuant to state statute Section 45-23-55, the delegate may be a member of, or the chair, of the Planning Board, or an appointed official of the Town.

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

AGRICULTURAL LAND. Land suitable for agriculture by reason of suitability of soil or other natural characteristics, or of past use for agricultural purposes. Agricultural land includes that defined as "prime farmlands" or "additional farmland of statewide importance" for Rhode Island by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

AGGRIEVED PARTY. For the purposes of these Regulations, an Aggrieved Party shall be:

- a. Any persons or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering these Regulations; or
- b. Anyone requiring notice pursuant to these Regulations.

APPLICANT. An owner or authorized agent of the owner making application for a Subdivision or Land Development project to the Town.

APPLICATION. The complete form or forms, and all accompanying plans, documents, and fees required of an Applicant for the particular type of approval sought.

AQUIFER. A body of rock or soil that contains sufficient saturated, permeable material to conduct groundwater and to yield economically sufficient quantities of groundwater to wells or

springs. Aquifers may be further defined as "confined" that is to mean bound by materials distinctly less permeable than the aquifer itself, or as "unconfined" that is to mean an aquifer which possesses a water table.

ARCHITECT. A person licensed by the State of Rhode Island and possessing a valid Certificate of Authorization to practice Architecture. Also referred to as "Registered Architect".

AS-BUILT DRAWINGS. Drawings specifying the dimensions, locations, and specifications of all roadways, utilities, services, curb cuts, telephone poles, guys, structures, and facilities as they have been constructed and any deviation from the Approved Final Plans shall be noted. As-built drawings shall be drawn on mylar, and certified by the Professional Land Surveyor or Engineer responsible for the production of the drawings.

BOARD. The Planning Board of the Town of Johnston.

BOARD OF APPEAL. The local review authority for appeals of actions of the administrative officer and the planning board on matters of land development or subdivision. The Johnston Zoning Board of Review shall be constituted as the Board of Appeal.

BOND. *See Improvement Guarantee.*

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.

BUFFER. Land which is left natural, landscaped, or hosts a permitted Buffer Zone use, and serves to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

BUILDING. Any structure occupied or intended for supporting or sheltering any occupancy. For application of these Regulations, each portion of a building which is completely separated from other portions by fire walls complying with Section 707.0 of the State Building Code shall be considered as a separate building.

BUILDABLE LOT. A lot where construction for the use(s) permitted on the site under the Zoning Ordinance is considered practicable by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and Town regulations.

CERTIFICATE OF COMPLETENESS. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of the Town's regulations, and that the applicant may proceed with the approval process.

CLUSTER. A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of

environmental, historical, cultural, or otherwise sensitive topographic or natural features and/or structures. The specific techniques and limitations are addressed in this Regulation and the Town of Johnston Zoning Ordinance.

COMPREHENSIVE COMMUNITY PLAN. The Comprehensive Community Plan, prepared by the Planning Board pursuant to State and Town law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

CONCEPT PLAN. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.

Compare *Sketch Plan*.

CONDITIONAL APPROVAL. The approval of a final plat, subject to conditions set forth by the Planning Board in its resolution conditionally approving the plat. Conditional approval does not qualify the final plat for recording. At the time of the resolution conditionally approving the plat, the Planning Board must empower a duly authorized officer of the Planning Board to sign the plat subject to completion of the requirements stated in the resolution. Upon completion of these requirements, the plat must be signed by the officer so designated. The developer has 180 days in which to satisfy the requirements upon which the approval has been conditioned and obtain the certification of the officer of the Planning Board. This period may be extended by the Planning Board, if in its opinion the circumstances warrant, for up to two 90-day periods beyond the initial 180 days.

CONSERVATION DEVELOPMENT. A residential development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment, and to protect the character-defining features of the property. Conservation development allows subdivision into the same number of smaller lots as a conventional development but on smaller lots while preserving 50 percent of the site as open space.

CONSERVATION EASEMENT. All land dedicated for open space or recreational uses shall be covered by a conservation easement prohibiting its future development for residential use as well as ensuring its perpetual maintenance as conservation, recreation, or park land for the enjoyment of present and future residents.

CONSISTENCY WITH THE COMPREHENSIVE PLAN. A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the Town as the Comprehensive Community Plan as specified in Section 45-22.2-3 of the State Enabling Acts.

CONSTRUCTION DETAILS PLAN. The working drawings and specifications for public improvements and utilities involved in the plan of the Subdivision or Land Development project.

CONVENTIONAL SUBDIVISION. A residential subdivision in which all land to be subdivided is dedicated to either development lots or street rights-of-way. Not a conservation development.

CONVENTIONAL YIELD PLAN. A plan for a *conventional subdivision* or land development project (as opposed to a *conservation development*) that depicts the maximum number of single-family building lots or dwelling units that could reasonably be built on a parcel of land under conventional zoning ordinance, taking into account the presence of physical constraints to development such as wetlands or other land unsuitable for development.

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

DECISION. The time periods by which the BOARD must approve or deny applications for variances and special-use permits under UNIFIED DEVELOPMENT REVIEW provisions of the REGULATIONS shall be the same as the time periods by which the board must make a decision on the applicable review stage of the subdivision or land-development project under review.

DEDICATION, FEE IN-LIEU-OF. Payments of cash which are authorized in the Town regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount shall be as specified in Section II .D.7 and Section III.G.1.

DEPARTMENT OF PUBLIC WORKS DIRECTOR. The duly appointed and empowered official of the Town of Johnston, or his designee, appointed to oversee the construction, maintenance, and repair of roads and highways within the Town.

DESIGN PROFESSIONAL. Architect, Landscape Architect, Professional Engineer, Professional Land Surveyor, or other person licensed by the State of Rhode Island to practice site planning and/or engineering. The design professional's responsibility shall be as defined by State Law.

DESIGN FLOOD. The magnitude of flood used for design and operation of flood control structures or other protective measures. It shall be used to denote the magnitude of flood use in floodplain regulations.

DEVELOPER. The owner or owners, group of individuals, builder, real estate agent, or developer having a financial interest in the development, sale, or lease of a Subdivision or Land Development project, in whole or in part.

DEVELOPMENT. The act of building structures and/or installing improvements as well as the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; any change in use, or alteration or extension of the use of land.

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

DISCHARGE, STREAM. Rate of flow of a stream as expressed as volume per unit of time.

DISCHARGE AREA, GROUNDWATER. An area in which subsurface water is released to the land surface.

DIVISION OF LAND. A subdivision.

DRAINAGE SYSTEM. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether intermittent or continuous in nature, and the human-made elements which include drains, culverts, grading, ditches, channels, retention and detention ponds or facilities, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwater, and the prevention and/or alleviation of flooding.

DUPLEX DWELLING UNIT. Two dwelling units in one structure that share a common wall, each with primary living areas (living room, kitchen) on the ground level. May include single-family attached dwelling units with separate entries and garages or a structure with two units and one common entry with the exterior design of a single-unit dwelling.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

ENGINEER. A person licensed by the State of Rhode Island and possessing a valid Certificate of Authorization to practice Engineering. Also referred to as a "Professional Engineer".

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

See also *Physical Constraints to Development*.

FINAL PLAN. The final stage of land development and subdivision review.

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

FINAL PLAT APPROVAL. Final approval of a plat in final form is the signing of a final plat by a duly authorized officer of the Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of Town Clerk of the Town of Johnston.

FLOOD PLAIN. The low lands adjoining the channel of a river, stream, or watercourse, lake, or other body of standing or moving water which may have been or may be inundated by flood water. The channel of a stream or watercourse is part of the floodplain.

FLOOD FREQUENCY. A statistical expression pertaining to the average time periods of a flood equaling or exceeding a given magnitude. For example, a 100-year Flood has a magnitude expected to be equaled or exceeded on the average of once every 100 years. Such a flood has a one percent (1%) chance of occurring in any given year. This term is often used interchangeably with "recurrence interval".

FLOODPROOFING. A combination of structural or topographic changes and/or adjustments to new or existing structures and facilities, their contents, and/or sites for the purpose of reducing or eliminating flood damage by protecting against structural failure, reducing the effect of water entry, or keeping water out completely.

FLOODWAY. The channel of a watercourse and those portions of the adjoining floodplain required to provide for the passage of the selected design flood (normally a 100-year flood) with an insignificant increase in the water levels above that occurring in normal conditions. As used in the National Flood Insurance Program, floodways must be large enough to pass the 100-year flood without causing an increase in elevation of more than a specified amount (one foot [1'] in most areas).

FLOOR AREA, GROSS. See *Rhode Island State Building Code*.

FRESH WATER WETLANDS. Land areas which include one or more of the following physical features: marshes, swamps, bogs, ponds, rivers, river and stream flood plains and banks, areas subject to flooding or storm flowage, emergent and submergent plant communities in any body of fresh water, including rivers and streams and that area of land within 50' (fifty feet) of the edge of any bog, marsh, swamp, or pond, or as otherwise defined by the Rhode Island Department of Environmental Management or the U.S. Army Corps of Engineers.

GOVERNING BODY. The Town Council of the Town of Johnston who has the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect

fees.

HYDROLOGY. The properties of water, including circulation or distribution, on or below the ground surface.

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

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

LAND DEVELOPMENT PROJECT. A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Town of Johnston Zoning Ordinance.

LAND DEVELOPMENT AND SUBDIVISION REVIEW REGULATIONS. Regulations developed and adopted by the Planning Board of the Town of Johnston, governing and controlling land development and subdivision projects with the Town of Johnston pursuant to Section 45-23-51 of the General Laws of the State of Rhode Island (1956 as amended).

LAND SUITABLE FOR DEVELOPMENT. Any land area other than land unsuitable for development.

LAND UNSUITABLE FOR DEVELOPMENT. Land which has environmental constraints or physical constraints to development as defined in Johnston Zoning Ordinance § 340–145.

LANDSCAPE ARCHITECT. A person licensed by the State of Rhode Island and possessing a valid Certificate of Authorization to practice Landscape Architecture. Also referred to as "Registered Landscape Architect".

LANDSCAPED OR LANDSCAPING. Open space development which includes, but is not necessarily limited to, the following existing and cultivated elements arranged to produce an artful or otherwise desired effect: turf, meadow, rocks, water courses or bodies, trees, shrubs, flowers, walls, berms, swales, lanes, paths, and other similar natural and man-made elements or forms.

LANDSCAPED AREA. Land fully developed and maintained to present a pleasant appearance and to stabilize the soil using primarily vegetation and natural features of the site, although these may be supplemented by paving.

LIMITED ACCESS HIGHWAY. A highway facility where preference is given to through traffic by providing access connections by means of ramps with only selected public roads and by prohibiting crossings at grade and direct driveway connections.

LOCAL REGULATIONS. The Land Development and Subdivision Review Regulations of the Town of Johnston. For purposes of clarification, throughout these Regulations, where reference is made to "local regulations", it shall be understood as the Land Development and Subdivision Review Regulations and all related ordinances and rules properly adopted pursuant to the State Land Development and Subdivision Review Enabling Act of 1992.

LOT. A Lot may be either:

- a. A parcel or portion of land separated from other parcels or portions, for purpose of sale, lease or separate use by means of a description as indicated by a subdivision plat, a recorded map or deed or by metes and bounds or separated by a public street or railroad right-of-way; or
- b. The basic development unit for determination of lot area, depth, and other dimensional regulations; or
- c. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purpose of transfer of title; or
- d. A portion of land into which a lot, tract, or parcel of land is subdivided or redivided.

LOT, CORNER. A lot at the junction of and having frontage on two (2) or more intersecting streets.

LOT, THROUGH. A lot having frontage on two (2) or more parallel or approximately parallel streets or which fronts on two (2) streets which do not intersect at the boundaries of the lot.

LOT AREA. The total area within the boundaries of a lot, excluding any street rights-of-way, usually reported in acres or square feet.

LOT DEPTH. The distance measured from the front lot line to the rear lot line, perpendicular to the centerline of a straight roadway, and radially or approximately radially to the centerline of a curved roadway. Where the front and rear lot lines are not parallel, the lot depth is an average. The depth measured at the front corners and a point midway between the front corners on the front lot line.

LOT FRONTAGE. That portion of a lot abutting a street. The Town of Johnston Zoning Ordinance specifies how noncontiguous frontage will be considered with regard to minimum frontage requirements. For the purposes of these Regulations, limited access highway abutting property cannot be considered as frontage for any development proposal.

LOT LINE. In general, a line of record or deed, described by metes and bounds, which divides one lot from another, or from a public or private street or any other public or private space, and shall be further defined as:

- a. Front: The lot line separating a lot from a street right-of-way. The Town of Johnston Zoning Ordinance specifies the method used to determine the front lot line on lots fronting on more than one street, such as corner or through lots.
- b. Rear: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length, entirely within the lot, parallel to and at a maximum distance from the front lot line.
- c. Side: Any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

LOT WIDTH. The horizontal distance between the side lines of a lot, measured at right angles to the lot depth, along a straight line parallel to the front lot line at the minimum front setback line.

MAINTENANCE GUARANTEE. Any security instrument which may be required and accepted by the Town to ensure that necessary improvements will function as required for a specific period of time.

See Improvement Guarantee.

MAJOR CHANGE (to a filed map). The changing of a map on file with the Town Clerk of the Town of Johnston, if said change involves the moving, erasure, or addition of a lot line, the changing of ownership, the changing of any dimensional characteristic of a lot shown on the map, the creation of a new lot, or the elimination of an existing lot. Such changes may be made only after approval has been granted by the Planning Board.

MAJOR LAND DEVELOPMENT PLAN. Any land development plan not classified as a minor land development plan.

MAJOR SUBDIVISION. Any subdivision not classified as either an administrative subdivision or a minor subdivision.

MASTER PLAN. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review.

MINOR CHANGE (to a filed map). The changing of a map on file with the Town Clerk of the Town of Johnston, 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 Planning Department.

MINOR LAND DEVELOPMENT PLAN. A development plan for a residential project as defined in Town regulations, provided that such development does not require waivers or

modifications.

MINOR SUBDIVISION. A plan for a subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications.

MODIFICATION OF REQUIREMENTS. A relaxation or change of the rules and guidelines for planning and development of a project pursuant to Section 45-23-62 of the General Laws of Rhode Island (1956 as amended) and Section V, Article D.4 of these Regulations.

OFFICIAL MAP. The map adopted by the Town Council, showing streets, highways, parks, drainage, and other natural and man-made features, both existing and proposed.

OFFICIAL SUBMITTAL DATE. The date on which a development project or subdivision plat is considered officially submitted to the Planning Board and hereby defined as the date the Planning Board receives the formal development plan or subdivision plat in proper form as provided for in Article III of these regulations.

ONSITE WASTEWATER TREATMENT SYSTEM (OWTS). Any system of piping, tanks, dispersal areas, alternative toilets, or other facilities designed to function as a unit to convey, store, treat, or disperse wastewater by means other than discharge into a public sewer system.

OUTLOT. Land reserved to connect isolated parcels to a street system. Outlots shall have sufficient frontage to an existing street to permit the extension of new streets to the isolated parcel.

PARCEL. A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

PARENT PARCEL. Any parcel of land owned individually and separately, and separated in ownership from any adjoining tracts of land on the effective date of these Regulations, which has a total area that exceeds the minimum requirements of the Zoning Ordinance and for which there exists the legal possibility of subdivision or re-subdivision.

PARKING AREA OR LOT. All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

PERMITTING AUTHORITY. The Town of Johnston Planning Board who has been empowered by the Town to hear and decide on specific matters pertaining to local land use.

PHASED DEVELOPMENT. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site. See Section II, Article D.8 of these Regulations and Section 45-23-48 of the General Laws of the State of Rhode Island (1956 as amended).

PHYSICAL CONSTRAINTS TO DEVELOPMENT. Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods.

See also *Environmental Constraints*.

PLANNED DEVELOPMENT. A "land development project", as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

PLANNING BOARD. The Town of Johnston Planning Board.

PLAT. A drawing or drawings of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in the Town regulations.

PRE-APPLICATION CONFERENCE. An initial meeting, requisite in the Town of Johnston, between developers and Town representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

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

PRELIMINARY PLAT OR LAND DEVELOPMENT PROPOSAL. A drawing prepared in a manner prescribed by these regulations, showing the salient features of the layout of a proposed development project or subdivision, submitted to the Planning Board for purposes of consideration prior to submission of the plans in final form; including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as these Regulations or the Planning Board may require. See also "Preliminary Plan".

PRELIMINARY PLAN APPROVAL. Approval of the layout of proposed subdivision or land development project as set forth in a preliminary plan, but subject to approval of the plan in final form in accordance with the provisions of these Regulations.

PROPERTY. Physical evidence of possession which for the purposes of these regulations includes the land, buildings, all improvements and structures thereon, all easements, rights-of-way, rights, and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith.

PUBLIC IMPROVEMENT. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the Town government or other governmental entity either is presently responsible, or will ultimately assume the

responsibility, for maintenance and operation upon Town acceptance.

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

RECHARGE AREA. An area in which water is absorbed and added to the groundwater reservoir.

REGULATIONS. As used in this ordinance shall mean the Town of Johnston “Land Development and Subdivision Review Regulations” as adopted by the Johnston Planning Board and amended from time to time.

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.

RE-SUBDIVISION. (Re-Plat) Any change of an approved or recorded subdivision plat or in a lot recorded in the Town land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of the Town land development and subdivision regulations. For the purposes of this act any such action shall constitute a subdivision thereby requiring Planning Board approval.

ROAD SPECIFICATIONS. The minimal acceptable standards of street construction for proposed roads within the Town, either within subdivisions or not, as specified in the Technical Specifications of the Town of Johnston, and adopted as part of these Regulations.

RUNOFF. That portion of precipitation that flows off the land without filtering into the soil.

RUNOFF, STORMWATER. Water that results from precipitation which is not absorbed by the soil of plant material.

SEDIMENTATION. The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

SEDIMENT LOAD. The quantity of solid material that is transported by a natural agent, such as a stream, and is expressed as a dry weight passing a given point in a given period of time.

SEDIMENT TRANSPORT. The movement of sediment by natural agents such as runoff.

SETBACK LINE OR LINES. A line or lines parallel to a lot line, at the minimum distance of the required setback for the Zoning District in which the lot is located, which establishes the area within which the principal structure must be erected or placed.

SITE. The total land of any owner whether part or all of such owner's land is submitted for plat

approval.

SKETCH PLAN. A first draft of a proposed land development project or subdivision showing the information specified in these Regulations to enable the developer to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Compare *Concept Plan*.

SOIL EROSION. The detachment and movement of soil and/or rock fragments; the wearing away of the land surface by water, wind, ice, and/or gravity.

SOIL EROSION AND SEDIMENT CONTROL PLAN. A plan 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. The plan must be presented to and approved by the Administrative Officer.

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*).

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

STORM WATER RETENTION. A provision for storage of storm water runoff, and the recharge into the ground water without release.

STREET. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

See *Street Classification*.

STREET, ACCESS TO. An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

STREET, ALLEY. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

STREET, CUL-DE-SAC. A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

STREET, LIMITED ACCESS HIGHWAY. A freeway or expressway providing for through traffic. Owners or occupants of abutting property or lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

STREET, PRIVATE. A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific Town improvement standards. This definition shall not apply to driveways.

STREET, PUBLIC. All public property reserved or dedicated for street traffic.

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

STREET CLASSIFICATION. A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. These Regulations shall use the following as major categories:

- a. Arterial. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
- b. Collector. A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- c. Local. Streets whose primary function is to provide access to abutting properties.

STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.

STREET RIGHT-OF-WAY. The full width of a publicly-maintained land parcel used, or intended to be used, for passage by the public. This land may be acquired through dedication or by use. It may include pavement, shoulders, ditches or gutters, culverts or sluice ways. It may be defined in metes and bounds and be filed with the proper authorities, or it may have been used and maintained by the public for a period of ten (10) years or more.

STREET WIDTH. The width of right-of-way, measured at right angles to the center line of the street on straight sections and on a radial line to the center line of curved sections.

STRUCTURE.

That which is built, whether requiring location on the ground or attachment having location on the ground. Among other things, structures shall include buildings, walls, fences, poster panels, satellite receiving dishes, and solar panels.

SUBDIVIDER. Any person or persons, corporation, limited partnership, or other legal entity who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

SUBDIVISION. The division or re-division, of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

SUBDIVISION, OPEN DEVELOPMENT AREA. A subdivision containing not more than four lots, without frontage on an existing street, and not requiring any new municipal street, street extension or extension of municipal facilities.

SUBDIVISION, PLAT OR FINAL PLAT. A drawing in final form, prepared in a manner prescribed by these regulations, showing a proposed subdivision, containing in such additional detail as shall be provided by other Town regulations or any other applicable state or local law, ordinance, rule, regulation or resolution all information required to appear on a preliminary plat and the modifications if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved.

SURVEYOR. A person licensed by the State of Rhode Island and possessing a valid Certificate of Authorization to practice land surveying. Also known as a "Professional Land Surveyor".

TECHNICAL REVIEW COMMITTEE. A committee appointed by the Planning Board for the purpose of reviewing, commenting, and making recommendations to the Planning Board with respect to approval of land development and subdivision applications.

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

TOPOGRAPHY. A general term, to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, slopes, degree or steepness of slope, and other physiographic features.

TOWN. The Town of Johnston, Rhode Island.

TOWN COUNCIL. The Town Council of the Town of Johnston.

TOWN ENGINEER. The Town Engineer of the Town of Johnston or such other person designated and empowered to perform the duties and functions of the Town Engineer.

TOWN PLANNER. The Town Planner of the Town of Johnston or such other person designated and empowered to perform the duties and functions of the Town Planner.

TOWN SURVEYOR. The Professional Land Surveyor of the Town of Johnston or such other person designated and empowered to perform the duties and functions of the Town Surveyor.

TRAVELED WAY. The paved area of a road or street, measured from edge to edge, or curb to curb, at right angles to the centerline on straight sections, and radially to the centerline on curved sections.

UNIFIED DEVELOPMENT REVIEW. As authorized by the Johnston Zoning and Ordinance and pursuant to R.I. Gen. Laws §45-24-46.4 as may be amended from time to time, Unified Development Review is conducted by the BOARD and may be employed to review and approve of dimensional variances, use variances, and/or special-use permits for properties undergoing review by the BOARD as land-development or subdivision projects.

UNIT. A parcel of land or a structure divided into two or more distinct portions that will not be owned in fee simple.

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

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

WAIVER OF REQUIREMENTS. A foregoing or forgivance of portions of these regulations as applicable to a project on a case by case basis pursuant to Section 45-23-62 of the General Laws of Rhode Island (1956 as amended) and Section V, Article D.4 of these Regulations.

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.

WELLHEAD WATERSHED. The surface area that provides recharge to a public well.

WETLANDS. See *Fresh Water Wetlands*.

YARD. A space on the same lot with a main building with said space being open, unoccupied,

and unobstructed by buildings or structures from the ground to the sky, except as otherwise permitted by the Town of Johnston Zoning Ordinance.

YARD, FRONT. The area between the street line and a line as closely parallel as possible thereto, drawn through the frontmost point of the main structure, said line extending between the side lot lines. Refer to the Town of Johnston Zoning Ordinance.

YARD, REAR. The area between the rear lot line and a line as closely parallel as possible thereto, drawn through the rearmost point of the main structure, said line extending between the side lot lines. Refer to the Town of Johnston Zoning Ordinance.

YARD, SIDE. The area between the side lot line and a line as closely parallel as possible thereto, drawn through the furthest extended face of the main structure, and extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest point of the building.

ZONING CERTIFICATE. A document signed by the Zoning Official, as required in the Zoning Ordinance, which acknowledges that a use, structure, building, or lot either complies with or is legally nonconforming to the provisions of the Town of Johnston Zoning Ordinance, or is an authorized variance or modification therefrom.

ZONING BOARD OF REVIEW. The Town of Johnston Zoning Board of Review, which for the purposes of this Regulation, also sits as the Board of Appeals for the Planning Board.

ZONING MAP. The map or maps which are a part of the Zoning Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Town of Johnston.

ZONING ORDINANCE. The Zoning Ordinance of the Town of Johnston.

ZONING USE DISTRICTS. The basic units in zoning, whether mapped or unmapped, to which uniform regulations apply. Refer to the Town of Johnston Zoning Ordinance.

END OF SECTION

History of Section

1. December 19, 1995 – Adoption of this Section and Regulations pursuant to §45-23 of the General Laws of the State of Rhode Island, 1956 as amended.
2. February 6, 2000 – Amendments.
Section I, Article D. – Definitions modified.
3. August 6, 2002 – Amendments.
 - Section I, global modification of terminology to provide for language relative to the land development process, developer, development, and land development project as well as modified title of Regulations to Land Development and Subdivision Review Regulations and technical compliance with statute.
 - Section I, Article C. - review Consideration modified.
 - Section I, Article D. – definitions modified.
4. November 1, 2011 — Amendments.
 - Section I, Article D — Definitions modified to incorporate Conservation Development.
5. July 9, 2013 – Editorial correction.
 - Section I, Article D – Superintendent of Highways replaced by Department of Public Works Director
6. June 4, 2019 – Amendments.
 - Section I – Add definitions - Board, Decision, Regulations and Unified Development Review

SECTION II.

PROCEDURE FOR FILING LAND DEVELOPMENT AND SUBDIVISION APPLICATIONS

Brief: *This section details procedures and requirements for filing of subdivision and land development applications but does not include checklists for individual requirements; filing checklists are included in Section IV and Appendix "E".*

PURPOSE:

The procedures for filing of land development and subdivision applications have been established within these regulations to provide the applicant and the BOARD with finite parameters for submittal and review.

Full compliance with the provisions of Chapter 24 of the Town Charter, applicable provisions of Rhode Island General Laws, the Public Health Law, and with the Land Development and Subdivision Review Regulations governing the preparation of a developer's sketch plan, preliminary plan, vicinity map and development plan, except where variations of these regulations may be expressly authorized by the BOARD, is necessary for the information of the BOARD and of the public at public hearing(s) as provided in this Section. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the BOARD's decision concerning the formal land development plan or subdivision plat.

When any land development project or subdivision of land is proposed to be made and to avoid violation of applicable sections of Rhode Island General Law, before any contract for the sale of land or any offer to sell such subdivision or any part thereof is made, or any grading, clearing, construction or other improvement is undertaken therein, the developer, or the developer's duly authorized agent, shall apply in writing for approval of such proposed development in accordance with the following procedures.

ARTICLE A. PRE-APPLICATION MEETINGS & CONCEPT REVIEW

Brief: *Prior to the filing for approval of an Administrative Subdivision or for approval of the Preliminary Plan of a Minor or Major Subdivision or Land Development Plan, the developer shall file an application for a Pre-Application Meeting. The review is intended to allow the applicant and the Town representative to discuss the project in broad terms and to provide direction to the project.*

PURPOSE:

The conceptual layout and the supporting documents for a proposed subdivision or land development plan constitutes the origins of the material which will be officially submitted to the BOARD, and later to be presented for filing and recording with the Town Clerk. The materials presented should show the general design of the land development or subdivision and its public improvements, so that the Administrative Officer and/or the BOARD may make meaningful, constructive comments regarding the development proposal.

1. Meetings

- a. One or more pre-application meetings shall be held for all Land Development or Subdivision Applications. Additional pre-application meetings may be held upon request of either the Town or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, BOARDS and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approval process, the pertinent Town plans, ordinances, regulations, rules procedures and standards which may bear upon the proposed development project.
- b. At the pre-application stage the applicant may request the BOARD, the Administrative Officer, or the Technical Review Committee for an informal concept plan review for the subdivision or development project. The purpose of the concept plan review is also to provide for BOARD or Technical Review Committee input in the formative stages of major subdivision and land development concept design.
- c. Applicants seeking an additional pre-application meeting or informal concept review shall submit materials in advance of the meeting(s) as requested by Town officials.
- d. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

ARTICLE B. APPLICATION FOR DEVELOPMENT & CERTIFICATION OF COMPLETENESS

Brief: *Allows the applicant to know what is required for submission, the BOARD to know what has been provided, the Administrative Officer to track the project and receive comment and allows the commencement of applicable time limitations.*

PURPOSE:

The applicant should know what is required of him when he/she approaches the BOARD for review, and the BOARD must have a knowledge of all the information that has been offered. The application for development allows this exchange of information to commence. The Certificate of Completeness allows the BOARD to be notified that the Administrative Officer considers the application complete for purposes of review and commencement of review timelines.

1. Submission of Plans & Information, Certification of Completeness

- a. Any owner of land shall, prior to subdividing, re-subdividing land, or developing a land development project, submit to the Administrative Officer at least three (3) copies of plans and information of the proposal, which shall comply with the requirements of Section IV, as well as the applicable fee(s).
- b. The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate BOARD for hearing an application for a land development or

subdivision project. The following types of applications, as defined by the Town of Johnston Land Development and Subdivision Review Regulations, may be filed:

- .1 **Administrative Subdivision:** Re-subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, or adjustments of boundaries of existing lots;
- .2 **Minor Subdivision or Minor Land Development Plan:** A plan for a subdivision of land or residential land development consisting of five (5) or fewer units or lots, with or without street construction, provided that such subdivision or development plan does not require waivers or modifications as specified in this Regulation.
- .3 **Major Subdivision or Major Land Development Plan:** Any Subdivision or Land Development Plan not classified as either an Administrative Subdivision or a Minor Subdivision or Land Development Plan.

- c. **Certification of a Complete Application.** An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification of the Application is not made within the time specified in this Regulation for each type of project (see applicable Sections of this Regulation), the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in these or other regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the Application.
- d. **Request for Additional Information for Review.** Notwithstanding subsection (c), the BOARD may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, necessary to make a decision.
- e. **Postponement of Review**
 - .1 Where the review is postponed with the consent of the applicant, pending further information, or pending revision of information, the time period for review shall be stayed and shall resume when the BOARD determines that the required application information is complete.
 - .2 No postponement of review may exceed ninety (90) days unless extenuating circumstances prevail.

ARTICLE C. SUBMITTALS & REVIEW REQUIRED BY LAND DEVELOPMENT PROJECT AND/OR SUBDIVISION TYPE

1. Administrative Subdivision

Brief: *Re-subdivision of existing lots which yields no additional lots for development and involves no creation or extension of streets.*

a. Steps of Review

- .1 **Pre-Application Conference:** The initial Concept Review takes place at the requisite Pre-Application meeting. It is designed to encourage an interchange of information and ideas between the subdivider and the Town.
- .2 **Final Plan Review:** The Final Plan Review is designed to enable the subdivider to finalize the particular aspects of the plan for the subdivision. The construction details of the plat, utilities, drainage and other infrastructure, etc. will be finalized at this stage. The actual metes and bounds of lots, roads and easements, delineation of open space, buildable areas and built improvements shall be addressed. A more detailed listing of submittal requirements is contained in Section IV.

b. Submittals

- .1 **Pre-Application Conference:** Prior to filing for approval of a plat, the subdivider shall have a Pre-Application Conference with the administrative officer. The information for this Concept Review of the subdivision shall comply, in all respects, with the requirements of Section IV. The applicable filing fee must be paid upon the application for a Pre-Application meeting.
- .2 **Final Plan Review:** Prior to the filing of an approved plat, the subdivider shall file an application for consideration of the Final Plan of the Administrative Subdivision plan. The information for Final review of the subdivision shall comply, in all respects, with the requirements of this Regulation, except where a waiver has been specifically authorized by the BOARD. The applicable filing fee shall be paid upon the filing for Final Approval Filing, Permits.

Subsequent to the Final Approval of a plat and related documents by the BOARD, the Subdivider may secure the required permits for construction and commence construction of the subdivision according to the approved Final Plan.

- c. **Certification of Completeness.** The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of this Regulation.

d. Review Process

- .1 Within fifteen (15) days of certification of completeness, the Administrative Officer, or the technical review committee, shall review the application and approve, deny or refer it to the BOARD with recommendations. The Officer or committee shall report its actions to the BOARD at its next regular meeting, to be made part of the record.
- .2 If no action is taken by the Administrative Officer or the Technical Review Committee within the fifteen (15) days, the application shall be placed on the agenda of the next regular BOARD meeting.

e. Reference to BOARD

- .1 If referred to the BOARD, the BOARD shall consider the application and the recommendations of the Administrative Officer and/or the Technical Review Committee and shall hear and approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness.

- .2 Failure of the BOARD to act within the period prescribed shall constitute approval of the Administrative Subdivision plan and a certificate of the Administrative Officer as to the failure of the BOARD or Committee to act within the required time and the resulting approval shall be issued on request of the applicant.
- f. **Denial.** Denial of an application by the Administrative Officer and/or the Technical Review Committee shall not be appealable and shall require the plan to be submitted as a Minor Subdivision application.
- g. **Approval**
 - .1 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.
 - .2 Approval of an Administrative Subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording.

2. Minor Subdivision and Land Development Plans

Brief: *A plan for a residential subdivision of land or minor land development consisting of five (5) or fewer units or lots, that does not require waivers or modifications as specified in this regulation. Unless classified as an Administrative or Major Subdivision or Major Land Development Project Plan, all applications for land development and subdivision approval subject to this Regulation shall be reviewed under this Section.*

a. Steps of Review

- .1 Minor plan review shall consist of three stages, Pre-Application, Preliminary and Final, provided, that if a street creation or extension is involved, a public hearing is required.
- .2 The BOARD may combine the Preliminary and Final approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the planning officials.

b. Review Meetings

- .1 **Pre-Application Conference:** The initial Concept Review takes place at the requisite Pre-Application Conference. It is designed to encourage an interchange of information and ideas between the applicant and the Town.
- .2 **Preliminary Plan Review:** The Preliminary Plan Review, which takes place at this stage, is designed to enable the developer to develop the particular aspects of the plan for the subdivision or land development. The utility locations, roadways, etc. will be refined at this stage. The actual layout of lots, delineation of open space, recreational areas, easements, and built improvements shall be addressed.
- .3 **Public Hearing:** At least one Public Hearing is required of all Minor Subdivision and Minor Land Development projects which involve the creation or extension of a road. Public Hearings are held to allow the BOARD to hear public comment on the application under consideration, and to allow the public and the developer to exchange concerns and ideas relating to the project.

- .4 **Final Plan Review:** The Final Plan Review is designed to enable the developer to finalize the particular aspects of the plan for the subdivision or land development. The construction details of the plat, utilities, roadways, drainage and other infrastructure, etc. will have been finalized by this stage. The actual metes and bounds of lots, roads, and easements, delineation of open space and buildable areas, the make up of recreational areas and built improvements shall be finalized.

c. **Submission Requirements**

- .1 **Pre-Application Conference:** Prior to the filing for Preliminary review and approval of a Minor Subdivision or Land Development Plan, the developer shall meet with the Administrative Official at a Pre-Application meeting. The information for Concept Review of the land development project or subdivision shall comply, in all respects, with the requirements of Section IV. The applicable filing fee shall be paid upon the filing for Preliminary Approval.
- .2 **Preliminary Plan Review:** Prior to the filing for final approval for a Minor Subdivision or Land Development Plan, the developer shall file an application for the consideration of a Preliminary Plat of the proposed land development project or subdivision. The information for Preliminary review of the land development project or subdivision shall comply, in all respects, with the requirements of Section IV, except where a waiver has been specifically authorized by the BOARD. The applicable filing fee shall be paid upon the filing for Preliminary Approval.
- .3 **Public Hearing:** If required by these Regulations or by the BOARD, a public hearing shall be conducted. Submittals for the public hearing shall be as directed by the BOARD.
- .4 **Final Plan Review:** Prior to the filing of an approved plat, the developer shall file an application for consideration of the Final Plan of the subdivision or land development plan. The information for Final Review of the land development project or subdivision shall comply, in all respects, with the requirements of Section IV, except where a waiver has been specifically authorized by the BOARD. The applicable fee shall be paid upon the filing for Final Approval.

d. **Certification**

- .1 The application for Preliminary Review shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required.
- .2 The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its submission.
- .3 If such certification is not given within the time periods established in .1 and .2, above, the application shall be deemed complete for purposes of commencing the review period, unless the application lacks information required by Section IV, and the Administrative Officer has notified the applicant, in writing, of the deficiencies.

e. **Technical Review Committee**

- .1 The Technical Review Committee, if established and so directed, shall review the application and make comment and recommendations to the BOARD.
- .2 When reviewed by the Technical Review Committee, the following parameters shall apply:
 - .a If the land development or subdivision plan is approved by a majority of the Committee members, the application shall be forwarded to the BOARD with recommendation for Preliminary Plan approval without further review;
 - .b If the plan is not approved by a majority vote of the Committee members, the Minor Land Development and/or Minor Subdivision Application shall be referred to the BOARD for a full review, with no recommendation from the Committee.

f. **Re-assignment to Major Review.** The BOARD may re-assign a proposed Minor Project to Major Review only when the BOARD is unable to make the positive findings as required.

g. **Acceptance of Public Improvements**

- .1 Signature and recording as specified in Section IV, shall constitute the acceptance by the Town of Johnston of any street or other public improvement or other land intended for dedication.
- .2 The Chairman of the BOARD shall cause a letter to be sent to the Town Council notifying the Council of this action. This letter shall be copied to the Police Chief, Fire Chief, Building Official, Department of Building Operations, Water and Sewer Departments, and Department of Public Works.
- .3 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.

h. **Failure to Act.** Failure of the BOARD to act within the period prescribed shall constitute approval of the Preliminary Plan and a certificate of the Administrative Officer as to the failure of the BOARD to act within the required time and the resulting approval shall be issued on request of the applicant.

i. **Delegation.** The BOARD may delegate Final Plan review and approval to either the Administrative Officer or the Technical Review Committee. The officer or Committee shall report its actions to the BOARD at its next regular meeting, to be made part of the record.

j. **Vesting.** Approval of a Minor Land Development or Minor Subdivision Plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval, and as defined in this act, is submitted for signature and recording as specified.

Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the BOARD.

2a. Residential Compound Minor Subdivision

Brief: *A Residential Compound Minor Subdivision is developed in accordance with the provisions of Section II. Article C. 2. and is regulated by the rules established in this section. Residential Compound development is permitted on private roads as a result of the Zoning Ordinance definition of STREET which allows development on private rights of way open for public use.*

- a. **Definition and Purpose.** 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.
- b. **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.
- c. **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.
- d. **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.

e. 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 following standards and as detailed in Appendix A, Figures 3, 4 and 5. The BOARD may, on a case-by-case basis, impose specific design criteria that exceeds these standards.
 - Right of Way width – 40 feet
 - Pavement Type - Gravel or Paved (as determined by BOARD)
 - 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 A, Figure 5
 - ROW Diameter – 100
 - Pavement Diameter – 80
 - Hammerhead – See Appendix A, 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 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.
- f. 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."

2b. Minor Subdivisions Involving Creation or Extension of a Private Street

Brief: *A Minor Subdivision involving creation or extension of a Private Street is developed in accordance with the provisions of Section II. Article C. 2. and is regulated by the rules established in this section. Development is permitted on private roads as a result of the Zoning Ordinance definition of STREET which allows development on private rights of way open for public use.*

- a. Any 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 shall be considered a minor subdivision and shall be reviewed by the BOARD in accordance with the procedures set forth in Section II Article C. Standards for the design and required improvements of such minor subdivisions shall be as follows:
- b. Land being subdivided pursuant to this subsection (2b.) 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.
- c. Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of the zoning ordinance. The area of the private street shall not be included in the calculation of the minimum required area of any lot.
- d. As a condition of final approval, the sub divider shall be required to 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 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.

- e. Street design and improvement standards shall conform to the Private Way Standards as detailed in 2a. Residential Compound Minor Subdivision of this Section II. Where common driveways are permitted by the BOARD, there are no minimum improvement standards for the driveway established in these Regulations. Provided, however, that the BOARD may prohibit individual driveway access on to the public street and require that a 20-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.

3. Major Subdivision and Major Land Development Plan

Brief: *Any Subdivision or Land Development Plan not classified as either an Administrative Subdivision or a Minor Subdivision or Land Development Plan shall be classified as a Major Subdivision. Unless classified as an Administrative or Minor Subdivision or Land Development plan, all applications for land development and subdivision approval subject to these Regulations shall be reviewed under this Section.*

a. Steps of Review

- .1 Major Plan review shall consist of four stages of review, the Pre-application meeting(s), Master Plan, Preliminary Plan, and Final Plan. Also required is at least one public informational meeting/public hearing.
- .2 The BOARD may vote to combine review stages and to modify and/or waive requirements specified. Review stages may be combined only after the BOARD determines that all necessary requirements have been met by the applicant.

b. Review Meetings

- .1 **Pre-Application Conference:** The initial Concept Review takes place at the requisite Pre-Application Conference. It is designed to encourage an interchange of information and ideas between the developer and the Town.
- .2 **Master Plan / Public Informational Meeting:** The Master Plan Review, which takes place at this stage, is designed to enable the developer to develop the broad aspects of the overall plan for the subdivision or land development project. The utility locations, roadways, etc. will be investigated at this stage. The phasing of lots, delineation of open space, recreational areas, easements, and built improvements shall be addressed. If deemed appropriate, the BOARD may conduct one or more Public Informational Meetings.
- .3 **Preliminary Plan Review:** The Preliminary Plan Review, which takes place at this stage, is designed to enable the developer to develop the particular aspects of the plan for the subdivision or land development project. The utility locations, roadways, etc.

- will be refined at this stage. The actual layout of lots, delineation of open space, recreational areas, easements, and built improvements shall be addressed.
- .4 **Public Hearing:** At least one Public Hearing is required of all Major Subdivision and Land Development Projects which involve the creation or extension of a road. Public Hearings are held to allow the BOARD to hear public comment on the application under consideration, and to allow the public and the developer to exchange concerns and ideas relating to the project. The BOARD may, at its discretion, conduct more than one Public Hearing.
 - .5 **Final Plan Review:** The Final Plan Review is designed to enable the developer to finalize the particular aspects of the plan for the subdivision or land development project. The construction details of the plat, utilities, roadways, drainage and other infrastructure, etc. will have been finalized by this stage. The actual metes and bounds of lots, roads, and easements, delineation of open space and buildable areas, the make up of recreational areas and built improvements shall be finalized.

c. **Submission Requirements**

- .1 **Pre-Application Conference:** Prior to the filing for Preliminary review and approval of a subdivision or land development project, the developer shall meet with the Administrative Official at a Pre-Application meeting. The information for Concept Review of the subdivision or land development project shall comply, in all respects, with the requirements of Section IV. The applicable filing fee shall be paid upon the filing for Preliminary Approval.
- .2 **Master Plan Review:** Prior to the application for Preliminary Plan approval of a Major Subdivision or Land Development project, the applicant shall apply for the approval of the Master Plan of the project. The information for Master Plan Review shall comply, in all respects, with the requirements of Section IV. The applicable fee shall be paid upon application for Master Plan Approval. If deemed appropriate, a Public Informational meeting may be held, submittals for this meeting shall be deemed necessary by the BOARD.
- .3 **Preliminary Plan Review:** Prior to the filing for final approval for a Major Subdivision or Land Development Plan, the developer shall file an application for the consideration of a Preliminary Plat of the proposed land development or subdivision. The information for Preliminary review of the land development project or subdivision shall comply, in all respects, with the requirements of Section IV, except where a waiver has been specifically authorized by the BOARD. The applicable filing fee shall be paid upon the filing for Preliminary Approval.
- .4 **Public Hearing:** As required by these Regulations, a public hearing shall be conducted. Submittals for the public hearing shall be as required by these Regulations unless otherwise directed by the BOARD.
- .5 **Final Plan Review:** Prior to the filing of an approved plan or plat, the developer shall file an application for consideration of the Final Plan of the subdivision or land development plan. The information for Final review of the land development or subdivision shall comply, in all respects, with the requirements of this Regulation, except where a waiver has been specifically authorized by the BOARD. The applicable fee shall be paid upon the filing for Final Approval.

- d. **Technical Review Committee.** The Technical Review Committee, if established, shall review the application and shall comment and make recommendations to the BOARD.
- e. **Informational Meeting for Master Plan.** A public informational meeting shall be held prior to the BOARD decision on the Master Plan, unless the Master Plan and Preliminary Plan approvals are being combined, in which case the public informational meeting shall be optional, based upon BOARD determination.
 - .1 Public notice for the Informational Meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the Town. Postcard notice shall be mailed to the applicant and to all property owners within the notice area, as specified by local regulations.
 - .2 At the public Informational Meeting the applicant shall present the proposed development project. The BOARD shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.
- f. **Decision on Master Plan.** The BOARD shall, within one hundred and twenty (120) days of Certification of Completeness, or within such further time as may be consented to by the applicant, approve the Master Plan as submitted, approve with changes and/or conditions or deny the application.
- g. **Failure to Act on Master Plan.** Failure of the BOARD to act within the period prescribed shall constitute approval of the Master Plan and a certificate of the Administrative Officer as to the failure of the BOARD to act within the required time and the resulting approval shall be issued on request of the applicant.
- h. **Vesting of Master Plan**
 - .1 The approved Master Plan shall be vested for a period of one (1) year, with a one (1) year extension upon written request by the applicant, who must appear before the BOARD for the annual review.
 - .2 Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the BOARD.
 - .3 Master Plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved Master Plan drawings and supporting materials.
- i. This initial two-year vesting (one year plus, one-year extension) for the approved Master Plan shall constitute the vested rights for the development as provided for in this regulation.

4. Certifications of Completeness

- a. The Master and Preliminary Plan applications shall be certified as complete or incomplete by the Administrative Officer within (60) days, in accordance with the applicable provisions of this Regulation.

- b. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.
5. **Technical Review Committee.** The Technical Review Committee, if established, shall review the application and shall comment and make recommendations to the BOARD.
6. **Public Hearing**
- a. Prior to a BOARD decision on the Preliminary Plan, a public hearing, which adheres to the requirements for notice described in Section V, must be held.
 - 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 general circulation within the Town following the Town's usual and customary practices for such advertising. Notice shall be sent to the applicant and to each owner within the notice area, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.
 - c. There shall also be posted and maintained for a period of fourteen (14) days prior to the hearing, at the location in question, notice that an application for development approval is under consideration. Such posting shall be for informational purposes only and shall not constitute required notice of a public hearing.
 - d. A list of abutting landowners shall be presented to the Clerk of the BOARD by the applicant. The list shall be derived based on the following guidelines:
 - .1 The list shall contain the names of all abutting landowners. Town owned property shall be considered an abutter. Landowners located across a Town owned street from the project site shall be considered abutters. Road or road rights-of-way owned by the Town of Johnston shall not be considered abutting property.
 - .2 State owned property shall be considered an abutter;
 - .3 Abutting landowners must be different to, and with no familial or business relation to, the project owner(s);
 - .4 Every landowner within a two hundred (200) foot radius of the property lines of the project site, and all contiguous land within the ownership of the project owner, shall be listed on the abutters list;
 - .5 If there are less than eight (8) different land owners within the two hundred (200) foot radius, then every land owner within a five hundred (500) foot radius of the project site, and all contiguous land within the ownership of the project owner, shall be listed on the abutters list;

- .6 The abutters list shall contain any other entity, person, or municipality the BOARD deems appropriate.
 - f. Notice of the public hearing shall be sent by first class mail to the city or town 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 (2,000) feet of the Town boundaries.
 - g. Notice of the public hearing shall be sent by the Administrative Officer to the administrative officer of an adjacent municipality if:
 - .1 The notice area extends into the adjacent municipality or
 - .2 The development site extends into the adjacent municipality; or
 - .3 There is a potential for significant negative impact on the adjacent municipality.
 - h. The cost of all such notice shall be borne by the applicant by payment of the application fee as described in the Fee Schedule of the BOARD.
7. **Public Improvement Guarantees.** Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be in conformance with Section II, and shall be reviewed and approved by the BOARD at the time of Preliminary Plan approval.
8. **Decision.** The complete application for Preliminary Approval of a Major Subdivision or Land Development shall be approved, approved with conditions or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further time as may be consented to by the developer.
9. **Failure to Act.** Failure of the BOARD to act within the period prescribed shall constitute approval of the Preliminary Plan and a certificate of the Administrative Officer as to the failure of the BOARD to act within the required time and the resulting approval shall be issued on request of the applicant.
- 10. Vesting**
- a. The approved Preliminary Plan shall be vested for a period of one (1) year and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant, and approved by the BOARD.
 - b. The vesting for the Preliminary Plan approval shall include all general and specific conditions as shown on the approved Preliminary Plan drawings and supporting material.
- 11. Certification of Final Plan**
- a. The application for Final Plan approval shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days. This time period may be extended to forty-five (45) days by written notice from the Administrative Officer to the applicant where the final plans contain changes to or elements not included in the Preliminary Plan

Approval. The running time of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission. If the Administrative Officer certifies the application as complete and does not require submission to the BOARD, the Final Plan shall be considered approved.

- b. For phased projects, the final plan for phases following the first phase shall be accompanied by copies of any as-built drawings not previously submitted of all existing public improvements for prior phases.

12. Referral to the BOARD

- a. If the Administrative Officer determines that an application for Final Approval does not meet the requirements set by these Regulations or by the BOARD at Preliminary Approval, the Administrative Officer shall refer the Final Plans to the BOARD for review.
- b. The BOARD shall, within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the Final Plan as submitted.

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

14. Recording. The Final Approval of a Major Subdivision or Land Development project shall expire one (1) year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Section V of these Regulations. The BOARD may, for good cause shown, extend the period for recording for an additional time period not to exceed 90 days.

15. Acceptance of Public Improvements

- a. Signature and recording as specified in Section V, shall constitute the acceptance by the Town of Johnston of any street right of way or other land intended for dedication.
- b. The Chair of the BOARD shall cause a letter to be sent to the Town Council notifying the Council of this action. This letter shall be copied to the Police Chief, Fire Chief, Building Official, Director of the Department of Building Operations, Town Engineer, Water and Sewer Departments, and Department of Public Works.

- c. 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.

16. **Validity of Recorded Plans.** The approved Final Plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in Section V or a new plan is approved by the BOARD.

17. **Unified Development Review.** When permitted by the ZONING ORDINANCE an applicant may seek a dimensional variance, use variance and/or a special use permit as part of the land development or subdivision application in accordance with these procedures.

a. In General.

- .1 Time Periods. The time periods by which the BOARD must approve or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the BOARD must make a decision on the applicable review stage of the subdivision or land development project under review.
- .2 Approval. Any and all decisions, including but not limited to any and all requests for relief, require a favorable motion supported by a simple majority of the BOARD.
- .3 Appeals. Requests for the variance(s) and/or special use permits that are denied by the BOARD may be appealed pursuant to § 45-23-66.
- .4 Process. An applicant seeking a variance and/or a special use permit through Unified Development Review shall submit the appropriate application to the BOARD along with all other required material for the applicable review stage. Said application must be submitted for each land development or subdivision review stage.

b. Variances. The BOARD may grant a variance in accordance with the provisions of the Zoning Ordinance and shall make its decision and may set special conditions in accordance with Sections 340-74 and Section 340-76 of the Zoning Ordinance.

c. Special Use Permits. The BOARD may grant a special use permit in accordance with the provisions of the Zoning Ordinance and shall be bound to the conditions and procedures under which a special-use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance.

d. Minor Subdivisions and Land-Development Projects. The following requirements are specific to Minor Subdivisions and Land-Development Project reviews.

- .1 Certification. When reviewing an application for completeness which includes a request for unified development review, the Administrative Officer must certify, in accordance with these regulations, that the application for a variance(s) and/or special use permit is complete.
- .2 Requests for Relief. All applications that include requests for variances and/or special use permits submitted under the development review provisions of the regulations shall require a singular public hearing. Review of variances and special-use permits shall adhere to the following procedures:

- .a Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review.
 - .b A public hearing on the application shall be held prior to consideration of the preliminary plan by the BOARD or commission.
 - .c The BOARD or commission shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project.
 - .d Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
- e. Major Subdivisions and Land-Development Projects, Master Plan. The following requirements are specific to the Master Plan phase of Major Subdivisions and Land-Development Projects.
 - .1 Certification. When reviewing an application for completeness which includes a request for unified development review, the Administrative Officer must certify, in accordance with these regulations, that the application for a variance(s) and/or special use permit is complete.
 - .2 Requests for Relief. All applications that include requests for variances and/or special use permits submitted under the development review provisions of the regulations shall require a singular public hearing. Review of variances and special-use permits shall adhere to the following procedures:
 - .a Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review.
 - .b A public hearing on the application, including any variance and special use permit requests that meets the requirements of § 45-23-50.1(c), shall be held prior to consideration of the master plan by the BOARD or commission.
 - .c The BOARD shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project.
 - .d Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
- f. Major Subdivisions and Land-Development Projects, Preliminary Plan. The following requirements are specific to the Preliminary Plan phase of Major Subdivisions and Land-Development Projects.
 - .1 Certification. When reviewing an application for completeness which includes a request for unified development review, the Administrative Officer must certify, in accordance with these regulations, that the application for a variance(s) and/or special use permit is complete.
 - .2 Alterations of Requests for Relief. Applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the BOARD

during the master plan stage of review, and/or to 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. If alterations or new requests for relief are necessary, the applicant shall adhere to the following procedure:

- .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, including any alterations and new requests, that meets the requirements of R.I. Gen. Laws § 45-23-50.1(c), shall be held prior to consideration of the preliminary plan by the BOARD or commission.
- .c The BOARD shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project.
- .d Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - i. If the BOARD denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the BOARD shall have the option of remanding the application back to the master plan stage of review;
 - ii. Alternatively, if the BOARD denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by R.I. Gen. Laws §45-23-41(f) so that additional information can be provided and reviewed by the BOARD or commission.

ARTICLE D. PERMITTING, IMPROVEMENT GUARANTEES, INSPECTION, & ACCEPTANCE

1. Construction and/or Improvement Guarantees

Brief: *Accepted by the Town to assure the completion and overall acceptability and permanence of required public improvements, construction and improvement guarantees may take the form of a number of different insurance or negotiable certificates.*

PURPOSE: In order to assure that public improvements which are made an integral part of final approval of a plan are constructed to plan and will perform as designed. Construction and/or Improvement Guarantees are required of all developers who propose to construct such improvements.

- a. BOARD approval of agreements for the completion of all required public improvements shall be obtained, prior to Final Plan approval, in one of the following forms:
 - .1 Completion of actual construction of all improvements; or
 - .2 Improvement Guarantees; or,
 - .3 A combination thereof.

- b. Where improvements are constructed without a financial guarantee, the work is to be completed prior to Final Approval. All construction shall be inspected and approved under the direction of the Administrative Officer and according to Town regulations. The undertaking of any improvements prior to the granting of Final Approval shall not be construed as a guarantee or assurance of BOARD approval.

Improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town the actual construction and complete installation of all the required improvements, within the period specified by the BOARD. The proposed amount of the guarantee shall be prepared by the Town Engineer in consultation with the Public Works Director, Director of Building Operations, and Building Official and be based upon actual cost estimates for all required public improvements and these estimates shall be reviewed and approved by the BOARD. The BOARD may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.

Improvement guarantees shall be reviewed on an annual basis. Changes to the scope of the project shall be reflected in the amount of the guarantee.

If the scope of a project has changed so that an increase in the amount of the guarantee is required, the developer shall submit an amended bond, or additional bond, to the Administrative Officer, who shall notify the BOARD. Failure to post the additional amount within a period of thirty (30) days after the review shall be reason for the Administrative Officer to stay construction on the project until such time that the correct guarantee amount has been posted. If the scope of the project has changed so that a decrease in the amount of the guarantee is possible, the developer may follow the steps outlined in Subsection 2, Item 6(a) of this Section.

- c. Improvement guarantees shall be in one of the following forms:
- .1 Cash or a certified check, made payable to the Town of Johnston. Checks shall be drawn on a national or regional bank, and be deemed acceptable as to form, sufficiency, manner of execution, and surety by the Town Solicitor, Finance Director, and Administrative Officer;
 - .2 An irrevocable letter of credit, made to the Town of Johnston, drawn on a national or regional bank, and deemed acceptable as to form, sufficiency, manner of execution, and surety by the Town Solicitor, Finance Director, and Administrative Officer; if this type of improvement guarantee is used, said guarantee shall not have an automatic expiry date;
 - .3 A certificate of deposit, entered in the name of both the Town of Johnston and the developer, drawn on a national or regional bank, and deemed acceptable to form, sufficiency, manner of execution, and surety by the Town Solicitor, Finance Director, and Administrative Officer;
 - .4 A performance bond, drawn on AIA form 311, latest edition, et. seq., in a form and from a company deemed acceptable as to form, sufficiency, manner of execution, and surety by the Town Solicitor, Finance Director, and Administrative Officer.

- d. The Improvement Guarantee shall be offered to the Administrative Officer, who shall ascertain compliance with the sufficiency and the time schedule for coverage. The Administrative Officer shall then transfer the guarantee offering to the Finance Director, who shall review the form and sufficiency, and then transfer the offering to the Town Solicitor, who shall ascertain the surety and manner of execution.
- e. The Improvement Guarantee amount shall be proposed by the Town Engineer in consultation with the Public Works Director, Director of Building Operations, Administrative Officer, and Building Official, who shall solicit opinion from any department deemed relevant, and shall base the overall proposed guarantee amount on either:
 - .1 An accepted industry estimating guide such as Means Cost Analysis; or
 - .2 A survey of the construction industry within the regional area of the land development project or subdivision; or
 - .3 A combination of the foregoing.
- f. A listing of costs for specific improvements shall be maintained and updated at least annually by the Department of Building Operations.

2. Permitting, Inspection, Acceptance, Return of Guarantee

PURPOSE: Permitting, inspection, and acceptance of the infrastructure and improvements of the subdivision is vital to assure the Town and the developer that all of the built environment is acceptable to all parties involved. A Pre-Construction Conference shall be held between the developer, the Administrative Officer, and other appropriate municipal officials prior to the construction of any improvements. Failure on the part of the developer to schedule the Pre-Construction Conference in advance of construction may stop any work in progress and delay the project.

a. Permitting

- .1 Prior to the commencement of construction of any kind within the development, including but not limited to infrastructure, land clearing, drainage, utilities, or roads, proper permits must be obtained from the permitting agency of the Town of Johnston or other jurisdictional entity.
- .2 Permit fees assessed by the Town of Johnston shall be predicated upon the type of construction for which the permit is being obtained, and the type of inspection program the BOARD has warranted for the project.
- .3 Permit fees are hereby made a part of this Regulation and shall also be available separately.

b. Inspection

- .1 Inspection of the improvements shall be undertaken by one of the following methods, the method used shall be agreed to by the Administrative Officer, the BOARD, and the developer:
 - .a The Administrative Officer shall conduct or cause to be conducted under his/her direction, both scheduled and un-scheduled inspections of the construction at

intervals appropriate to the complexity and nature of the construction. Such inspections shall be to reasonably assure the Town that the construction meets the intent and desire of the approved plans and specifications, and that applicable construction standards and codes are being met.

- .b Inspections conducted by the Town shall be at the expense of the developer as outlined in this regulation. Inspections conducted under this subsection shall not relieve the developer or the developer's contractors of their obligations to construct the improvements to the approved plans and specifications, in conformance with accepted industry standards;
- .2 The developer shall retain the services of a professional inspection service or professional registered engineer to conduct inspections. Said engineer or inspection service shall be deemed acceptable to the Town by the Town Solicitor and Administrative Officer. The inspections shall be to a schedule established by the Administrative Officer. Provision shall be made for random or additional inspections to be conducted at the will of the Administrative Officer. Inspection reports, on a time basis set by the Administrative Officer, shall be given to the Administrative Officer. Said inspection reports shall carry the signature and professional seal of the engineer or surveyor responsible for the inspections and certification of the report. All costs for this type of inspection reporting shall be borne by the developer as provided for in this regulation.
- .3 A combination of 2(a)(1) & 2(a)(2) may be used, with appropriate inspection and reporting schedules established and agreed to by the Administrative Officer, the BOARD, and the developer. Payment for services shall be borne by the developer in a manner agreeable to all parties.

3. Acceptance

Brief: *Dedication to the Town of Public Improvements and roadways does not constitute acceptance by the Town. Improvements must be offered for acceptance after completion of construction and approval by Town Inspectors.*

PURPOSE. Prior to the Town undertaking the liability for maintenance, service, and upkeep, the infrastructure and public improvements must be accepted by the Town Council. The following steps are intended to help avoid confusion over whether an improvement that has been dedicated has also been accepted.

- a. The developer shall complete all required improvements to the satisfaction of the Administrative Officer, who shall solicit verification of completeness and acceptability of improvements from the Town Engineer, Building Official, the Director of the Department of Building Operations, the Sewer and Water Commissioners, the Highway Superintendent, the Public Works Director, and others, as the Administrative Officer sees fit and applicable.
- b. The Administrative Officer shall file with the BOARD a letter signifying the satisfactory completion of all improvements required by the BOARD.
 - .1 For any required improvements not so completed, the developer shall file with the Town Finance Director a bond, certified check, or other approved type of

- improvement guarantee covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Administrative Officer.
- .2 Any such bond amount shall be set under the same criteria and in the same manner as set forth for the initial bond, and shall be satisfactory to the Town Solicitor, Finance Director, and Administrative Officer as to form, sufficiency, manner of execution, and surety.
- c. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Administrative Officer, all inspection reports have been submitted, and a map, satisfactory to the Administrative Officer, has been submitted indicating the location of monuments marking all underground utilities as actually installed as well as all survey monuments and lot corners which have been installed in the field.
 - .1 If the developer elects to provide cash, letter of credit, certified check, bond, or other approved type of improvement guarantee for any required improvements as specified in subparagraph (1) above, such improvement guarantee shall not be released until such inspection reports and map is submitted.
 - .2 If the developer completes all required improvements according to subparagraph (2), then said inspection reports and map shall be submitted prior to endorsement of the plan by the appropriate BOARD officer.
 - d. The Town Council shall release the bond upon certification of the Administrative Officer, the BOARD, and the Town Solicitor that all requirements of the bond have been satisfied.
 - e. The developer shall complete all required improvements, post the required performance bond, or both, to the satisfaction of the Administrative Officer before any building permits shall be issued.
 - .1 In no case shall any building permits be issued for any non-infrastructure construction prior to the completion of roads to binder course, complete with curbing and drainage, so as to allow access by police, emergency, and fire apparatus.
 - .2 In cases of staged or phased developments, roads and other improvements may be finished in stages or phases that match those proposed for development of building lots, provided that access into and within each phase is provided to the satisfaction of the Administrative Officer and Fire Chief.
 - f. The amount and duration of an Improvement Guarantee may be reduced under the following conditions:
 - .1 If the Administrative Officer shall decide at any time during the term of the Improvement Guarantee that the extent of building development that has taken place in the land development project or subdivision is not sufficient to warrant all the improvements covered by such guarantee, and that the project can be reduced in scope without harm to the overall project integrity; or

- .2 That required improvements have been installed as required by Town Codes and by the BOARD in sufficient amount to warrant reduction in the face amount of said Improvement Guarantee; or
 - .3 That the character and extent of such development requires additional improvements previously unforeseen or waived for a period stated at the time of fixing the original terms of such Improvement Guarantee.
- g. If any of the above situations is present, and the developer desires to reduce the Improvement Guarantee amount, a set of as-built drawings, or a set of drawings must first be submitted showing and identifying all changes to the project that are in deviation from the final approved plan.
 - h. The BOARD may modify its requirements for any or all such improvements, and the face value of such Improvement Guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the BOARD and any security deposited with the guarantee and time allotted for completion may be reduced or increased proportionately.
 - i. In the case of land developments and subdivisions which are being approved and/or constructed in phases the BOARD shall specify improvement guarantee requirements related to each particular phase. 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.
- 4. Maintenance Guarantees**
- a. Maintenance guarantees shall be provided by the applicant, in an amount set by the same process as an improvement guarantee and shall have a value of at least 10% of the value of the improvement guarantee.
 - b. Maintenance guarantees must be provided to the Town to cover a one (1) year period subsequent to completion, inspection and acceptance of the improvement(s), unless there are extenuating circumstances.
 - c. Street trees and plantings must be covered by a two (2) year maintenance guarantee.
- 5. Acceptance by Town Council**
- a. Once all of the requirements for inspection and acceptance of required improvements have been satisfied, all such improvements shall be presented to the Town Council for acceptance via a letter from the BOARD.
 - b. Such acceptance by the Council shall obligate the appropriate Town agency for maintenance and shall incorporate the improvement as part of the Town system.
- 6. Legal Remedies.** The Town Council, through its Solicitor, shall enforce the guarantees by all appropriate legal and equitable remedies.

- 7. Requirements for Dedication of Public Land, Public Improvements, and Fees.** Where the BOARD requires, as a condition of approval of a proposed land development or subdivision project, dedication of land to the public, public improvements, payment-in-lieu of dedication, or construction, or payment to mitigate the impacts of a proposed project, the following regulations must be followed:
- a. All required public improvements must reflect the character defined for that neighborhood or district by the Town's Comprehensive plan.
 - b. The need for all dedications of land to the public and for payments-in-lieu of such dedications must be clearly documented in the adopted plans of the community, such as, the comprehensive community plan and the capital improvement plan.
 - c. No dedications of land to the public or payments-in-lieu of dedications may be required until the need for such are identified and documented by the BOARD, the land proposed for dedication is determined to be appropriate for the proposed use, and the payment-in-lieu of dedication has been established via the formulas in these local regulations.
 - d. All dedications, improvements, or payments-in-lieu thereof, for mitigation of identified negative impacts of proposed projects must meet the above 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.
 - e. 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.
- 8. Phasing of Projects**
- a. Phasing of projects may be considered for the preliminary and final review stages, and for the construction of major land developments and subdivisions, provided the project is divided into reasonable phases.
 - b. When the BOARD allows development phasing, the BOARD requires the approval of the entire site design first as a Master Plan. Thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phase(s).
 - c. At the time the BOARD grants phasing approval, it may permit the plan to be divided into two (2) or more sections subject to any conditions the BOARD deems necessary in order to insure the orderly development of the plan. In accordance with this Section, the applicant may file a section of the approved plan with the Town Clerk if:
 - .1 Said section constitutes 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.

- .2 In no case shall any phase contain less than five (5) lots. In these circumstances, plan approval on the remaining section(s) of the plan shall remain in effect as per Section II.
- .3 When a plan is filed by section with the Town Clerk, the applicant shall, within thirty (30) days, file with the Town Clerk the entire approved Final Plan for the Section with an overlay sheet showing all phases of the project in relation to the specific phase presently being recorded.
- .4 The owner shall not be permitted to begin construction of buildings in any other section until at least fifty percent (50%) of the buildings in the section immediately preceding such section have been built. The owner shall not be permitted to begin construction of infrastructure in any subsequent section until one of the following provisions has been addressed:
 - .a Such section has been filed in the office of the Town Clerk and the required improvements have been installed in such section
or
 - .b An Improvement Guarantee has been put in place as per Section II of these Regulations.

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.

This provision shall not be construed 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.

- .5 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. Generally, 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.
- .6 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 Town of Johnston. 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 municipal Street Specifications.
- .7 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.
- .8 Improvement Guarantees shall be placed for each of the phases immediately prior to the commencement of construction of that phase. Improvement Guarantees for phases shall be established and placed as per Section II of these Regulations.

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.

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.

- d. 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.
9. **Vesting.** The master plan shall remain vested for phased projects 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 shall extend to all information shown on the approved master plan documents.

10. Plat Void if Revised After Approval

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

11. **Land Development Projects.** In accordance with the Zoning Ordinance of the Town of Johnston, Land Development Projects which shall comply with the provisions of these Regulations include developments and/or proposals involving B-3 Zones, Planned Development Zones, Multi-Family Housing proposals, and Industrial Development Proposals as well as any other development project and/or proposals that may be added to this listing by the provisions of said Zoning Ordinance and any amendment thereto. Said development projects shall incorporate the submittal and review procedures and requirements identified in these Regulations. Individual industrial properties less than one (1) acre in size shall be reviewed under the provisions of these Regulations in accordance with the Site Plan Requirements identified in the Zoning Ordinance. Industrial properties one (1) acre or more in size shall incorporate the Site Plan Requirements identified in the Zoning Ordinance as well as the other submittal and review procedures and requirements further detailed in these Regulations.

ARTICLE E. PUBLIC STREETS & RECREATION AREAS

1. **Roads.** The Town of Johnston shall accept roads, infrastructure and other public improvements for dedication to the Town once the final plan has been approved by the BOARD. Such acceptance does not obligate the Town to maintain, repair, or provide services to or for such areas. The Town is obliged to provide such services only after said improvements have been certified to the BOARD and Town Council as to acceptability and completeness of construction. Provision of such services prior to acceptance shall not be deemed nor construed as acceptance of all or part of the improvements.
 - a. Roads must be constructed in conformance with the approved plans and the Town of Johnston Street Specifications, under a permit issued by the Town, and with full inspections conducted and complete records kept.
 - b. See Town of Johnston Road Specifications, attached as Appendix "A", and also available separately.
2. **Ownership and Maintenance of Recreation Areas.** When a park, playground, natural or historic feature, or other recreation or open space area shall have been shown on a Plan, the approval of said Plan shall not constitute an acceptance by the Town of such area. The BOARD shall require the Plan to be endorsed with appropriate notes to this effect.
 - a. The BOARD may require the filing of a written agreement between the applicant and the Town Council covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.
 - b. If the BOARD recommends the acceptance of ownership of a park, playground, natural or historic feature, or other recreation or open space, such acceptance shall be subject to final approval by the Town Council.

ARTICLE F. SUMMARY OF FEES

1. Fees are required for each of the steps in the review process. These fees must be paid at the time of submittal of the application materials to the Administrative Officer. Failure to render such fees shall result in the application being declared incomplete, and no review shall be conducted until such application is made complete.
2. Permits are required for all infrastructure and built construction within the Town of Johnston. Fees for individual permits must be paid, and permits secured, prior to the commencement of any approved work.
3. See the Town of Johnston Fee Schedule, available separately.

END OF SECTION

History of Section

1. December 19, 1995 – Adoption of this Section and Regulations pursuant to §45-23 of the General Laws of the State of Rhode Island, 1956 as amended.
2. February 6, 2000 – Amendments.
 - Section II, Article C.1.g, - “Administrative Subdivision” provisions - Modification pertaining to written decisions.
 - Section II, Article C.2.d. - “Minor Subdivision” provisions - Add new sub-paragraph “.2”. Modifications pertaining to review period subsequent to issuance of Certificate of Incompleteness.
 - Revise 1st sentence of sub-paragraph “.1”. Modifies time for review period.
 - Delete 2nd sentence of sub-paragraph “.1” and create new sub-paragraph “.3” with language.
 - Section II, Article C.4. – “Major Subdivision” provisions. Revise wording of existing sentence to include time frames for Master Plan and Preliminary Plan reviews and add sentence pertaining to review period subsequent to issuance of Certificate of Incompleteness.
 - Section II, Article C.11. – “Major Subdivision” provisions. Replace 1st sentence of sub-paragraph with sentences pertaining to revised time frame for Final Plan review and review period subsequent to issuance of Certificate of Incompleteness.
3. August 6, 2002 – Amendments.
 - Section II, Global modification of terminology to provide for language relative to the land development process, developer, development, and land development project as well as modified title of Regulations to Land Development and Subdivision Review Regulations and technical compliance with statute.
 - Section II, Article B. Application for Development and Certification of Completeness. - modifications.
 - Section II, Article C.6. Public Hearing – clarification of requirements pertaining to property owners to be notified.
 - Section II, Article C.14. Recording – modification to required time frames for recording subsequent to approval.
 - Section II, Article C.15. Acceptance of Public Improvements – modification to parties involved in process.
 - Section II, Article D. Permitting, Improvement Guarantees, Inspection, and Acceptance. - modification to process and requirements.
4. June 4th, 2019 – Amendments.
 - Section II Article C by adding “17. Unified Development Review.”
 - Section II Article C by adding “2a. Residential Compound Minor Subdivision.”

- Section II Article C by adding “2b. Minor Subdivision Involving Creation or Extension of a Private Street.”

SECTION III.

GENERAL REQUIREMENTS AND DESIGN STANDARDS

Brief: *The General Requirements and Design Standards are intended to help the applicant and the Board understand what is required within the design of a project. This Article is not intended to delineate all of the particular engineering or surveying details; for detail information, consult the appropriate Technical Specification or Standard.*

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 A. GENERAL REQUIREMENTS

1. **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. See Water Standards.

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 or Basin Systems	Public Storm System or Basin Systems	Public Storm System or 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; See Water Standards.

**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 or Basin Systems	Public Storm System or Basin Systems	Public Storm System or 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; See Water Standards.

2. Character of Land

- a. 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. *See Table III, B-1 for establishment of lot area giving consideration to slope and soil conditions.*
- b. Lands with Slopes - The following restrictions are placed upon lands with slopes in order to protect existing land contours and drainage patterns which currently exist within any area within the community. To further define the intent of this portion of the regulations, an example is provided to translate this requirement onto paper. All applicants shall provide the Planning Board with a calculation which depicts the average slope of the land area being petitioned for development. With this slope, a useable land percentage can be obtained from the table. This useable land percentage will then be translated into a net land area available for development. For example, if a parcel of land has a slope of 6%, then 80% of the total acreage becomes the net useable area for development purposes. If this same parcel of land is 5 acres in size, then 80%, or 4 acres is the net land area from which a development can be proposed. This net land area may include, but not be limited to, all rights-of-way, easements, and proposed lots. *See Table III, B-1 for establishment of lot area giving consideration to slope.* Land with Wetlands.

In order to protect the existing environment to the maximum extent possible, the Planning Board requires that any development proposal include a plan depicting all approved and verified federal and state regulated wetland area and wetland buffer areas including, but not limited to, ponds, streams, rivers, areas subject to storm flow as associated with the land parcel in question. All of these federal and state regulated wetland areas and wetland buffer areas may not be included in the calculation of useable land area of a parcel of land proposed for development. All proposed subdivision lots shall be further restricted to be comprised of an area of contiguous upland area equivalent to the applicable zoning category within which the development is located. Wetland areas and wetland buffer areas may be included within the calculation of the proposed lot square footage after the contiguous upland requirement has been met. All proposed rights-of-way for proposed and future roadways must also be comprised of contiguous upland. No construction activities may be proposed within any wetland or wetland buffer area. Utility easements may be within wetland buffer areas only if approved by the federal or state reviewing agency responsible for wetlands and the Planning Board. *See Table III, B-1 for establishment of lot area giving consideration to slope.*

TABLE III – B-1
LAND AREA LIMITATIONS

Land with Slopes

Angle of Slope	Useable Land Percentage
0 – 5.00% Slope	100% of Mapped Land Area
5.01 – 10.00% Slope	80% of Mapped Land Area
10.01 – 15.00% Slope	60% of Mapped Land Area
15.01 – 25.00% Slope	40% of Mapped Land Area
25.01% and Higher	25% of Mapped Land Area

- c. **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.
- d. **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 B. STREET LAYOUT

1. Width, Location, and Construction

- a. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Community Plan of the Town of Johnston and all applicable specifications.
- b. Streets shall be designed and arranged to accommodate the 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

- a. The arrangement of streets in the development shall 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.

- b. Where, in the opinion of the Planning Board, 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 shall 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 Planning 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**
 - a. The creation of dead-end or loop residential streets will be encouraged wherever the Planning Board finds that such type development will not interfere with normal traffic circulation in the area. 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.
 - b. 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 shall 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.

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.

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.

- b. Each normal block shall be planned to provide two (2) rows of lots, but irregular shaped blocks, oversized 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

- a. 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.
- b. 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.** In general, all 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 or contains a railroad right-of-way or limited access highway right-of-way, the Planning 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 railroad right-of-way or 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.

C. STREET DESIGN

1. Standards

- a. Unless specifically allowed by the Planning Board, all streets shall be designed following accepted engineering practices, in conformance with these Regulations and the Town of Johnston Road Specifications, contained as Appendix "A", and also available separately.
- b. If no Town standard has been established, RIDOT standards shall be substituted, barring a directive from the Board.
- c. If no suitable standard exists, the developer shall undertake the design of the particular detail to the satisfaction of the Board and shall bear all costs to do so. The Board may require "oversized" improvement standards for development projects and/or subdivisions designed for business, commercial, multi-unit, and/or industrial use in accordance with commonly accepted standards for the proposed and/or intended use.

2. Improvements

- a. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers have been requested and granted. The Planning Board

may waive such improvements only under extenuating circumstances and with submission of further proof by the applicant that the omission of same can be accomplished without jeopardy to the public health, safety, and general welfare.

- b. Curbs, gutters, sidewalks, street pavements, fire hydrants, street lights, shade trees, monuments, water mains, storm sewers, sanitary sewers and any other improvements that may be required by these Regulations shall be designed and constructed to conform to the specifications as established by these Regulations. Pedestrian easements shall be improved as required by the Town Planner.
- c. 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 may be required to be planted within the required planting strips. Such grading and improvements shall be approved as to design and specifications by the Town Planner.
- d. 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 or for a distance determined by the planning department, with the ends of the pavement being infra-red welded;
 - .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 of Johnston, who shall have final discretion concerning location of fire hydrants. In no case shall there be more than five hundred (500) feet between hydrants.
- b. Installation of hydrants and appurtenant valving shall conform with the Specifications of the Water District the development is located within. Refer to the Town of Johnston Water Specifications or applicable NFPA provisions for specific standards. Where no standards exist, the Board shall render the requisite determinations relative to design criteria with input from the Johnston Fire Department.
- 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. Refer to the Town of Johnston Water Specifications or applicable NFPA provisions for specific standards.

- 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. Refer to the Town of Johnston Water Specifications or applicable NFPA provisions for specific standards.
- 4. **Street Lighting Facilities.** Street lighting standards in conformance with the lighting system of the Town and of a design approved by the Town Engineer in consultation with the Public Works Director, Building Official, Building Operations Director, and Mayor's Office shall 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, as approved by the Board.
- 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 Planning Board and Town Planner prior to planting and of the Town Planner after planting.
 - c. Trees shall be 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, willows and elms shall 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. There shall be presented to the Town a written guarantee for two (2) years relating to the replacement of any tree or planting which fails to flourish.
 - f. See the Town of Johnston Technical Specifications for details relating to tree planting presented in the Zoning Ordinance §340-27.2.

7. Utilities in Street Rights-of-Way

- a. The Planning Board shall require the underground installation of all utility systems.
- b. To simplify location and repair of lines when they require attention, the Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line or in perpetually unobstructed easements of a width adequate for servicing.
- c. The developer shall install underground service connections to the property line of each lot within the development for such required utilities before the street is paved.

8. Utility Easements

- a. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual, unobstructed easements at least twenty (20) feet in width for such utilities or drainage facilities shall be provided centered on rear or side lot lines or across property outside the road lines and with satisfactory access to the road.
- b. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. In large scale developments, easements along rear property lines or elsewhere for utility installation may be required by the Planning Board. 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. Such easements shall be cleared and graded where required by the Board or Administrative Officer.
- d. Easements shall be indicated on the plan by metes and bounds.

9. Assurance by Utilities

- a. As to utilities required by the Planning Board, the Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be given in a letter addressed to the Board and stating that such public utility company has adequate capability to supply the proposed development and will make the installations necessary for the furnishing of its services within the time therein specified and in a manner satisfactory to the Board.
- b. Prior to the recording of any subdivision or land development proposal, the developer shall 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 shall be the reasonable minimum, but shall be 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 Planning Board may approve a grade 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

- a. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer in consultation with the Public Works Director so that a smooth transition is provided as well as clear visibility for a safe distance.
- b. In general, 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 shall 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. A combination of steep grades and curves shall be avoided.
- b. 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 shall not exceed six (6) times the required minimum lot width and shall 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 unless the Planning Board approves an equally safe and convenient form of turning space;
- .2 The center of the turn-around area may be left un-paved, if a proper planting plan is presented to the Board, 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 shall not, in general, exceed six (6) times the required minimum lot width and shall be equipped with a turn-around which conforms to the standards for permanent dead-end streets;
- .2 A temporary dead-end street shall 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 shall be looped or shortened to conform with the provisions pertaining to "Permanent Dead-End Streets" stipulated in these Regulations.
- .3 A temporary turn-around shall 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, shall be paved. Any temporary turnaround or cul-de-sac which remains for more than six (6) months after construction shall 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 Johnston 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 approved by the Town Engineer in consultation with the Public Works Director.

16. Curve Radii.

- a. In general, 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.

- b. 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.

- a. 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.
- b. All required loading or service spaces shall conform with the Johnston 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 by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such non-residential and/or multi-unit uses and developments.

19. Undersized Existing Streets

- a. Where a development borders or includes existing narrow roads that do not conform to street widths as shown on the Comprehensive Community Plan, Official Map, or Town Records or that do not conform to the street width requirements of these Regulations, 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

- a. Development designs shall indicate consideration for suitable protection of different types of land uses and the segregation of vehicular and pedestrian traffic where desirable.
- b. The pedestrian walk network, whether independent or combined with the vehicular road network, shall 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.
- c. Such walks shall be so designed and constructed so as to encourage their use by their proximity to generators of traffic, convenient arrangement, evenness and durability of surface, pleasant appearance, and exposure to scenic areas and views. (See Town of Johnston Road Specifications for construction details).

21. Monuments

- a. 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").
- b. 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. Roads.** The requirements contained in "Road Specifications of the Town of Johnston", and as hereafter may be amended, shall apply, and all road construction or design shall conform thereto; said minimum standards being attached hereto and made a part hereof. In the absence of a specific municipal road or street design specification, RIDOT standards shall be incorporated.

- 23. Improvement of Existing Roads Bordering or Contained Within a Development.** At the discretion of the Planning Board and notwithstanding §III-D19, "Undersized Existing Streets" above, the developer may be required to improve existing roads bordering a development to meet current road standards

ARTICLE D. 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 E. 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

¹ As rated by the Soil Survey of the State of Rhode Island; latest edition.

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**

- a. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and while maintaining a desirable building site.
- b. Lot size shall be such that the building setback complies with the Town of Johnston Zoning Code, which stipulates that front yard setback requirements pertain to both street frontages of corner lots.

4. **Driveway Access**

- a. Every lot designed or planned within a development and any lot adjacent to a planned subdivision or land development plan, must be provided with access to a public roadway.
- b. Driveway access and grades shall conform to the Town of Johnston Road Specifications.

5. **Access from Public Streets**

- a. The development of land shall be such as to provide, by means of a public street, each lot with 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. Lots of less than 200 feet frontage each, fronting on a county, collector, arterial or state road, must be so designed as to share a double width common curb-cut with an adjacent lot, if either adjacent lot has not been previously granted a curb-cut permit.
- d. 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. Lots which may be developed later shall be assigned a number for each potential lot which may be divided from the larger lot in the future. In general, a street number shall be assigned for every 75 feet of lot frontage in R-7, 10, & 15 zones, and for every 100 feet of frontage in R-20, 40, & 80 zones. The Board may, with the approval of the Town Planner, number the lots to correspond to the development of the lots.
 - c. 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 such block corners, angle points, points of curves in streets and other points as the Town Planner may require and their location shall be shown on the development plan.
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.**
 - a. Lots shall be of such depth as to discourage the later creation of a second building lot at the front or rear.
 - b. Excessive depth in relation to the width shall be avoided. A proportion of 2½:1 will normally be considered maximum.
11. **Buildings to be of Different Design**
 - a. In any subdivision or land development project of greater than two (2) lots or buildings, the buildings shall be of substantially differing design and aesthetics. The ratio of building design shall be such that no more than 25% of the buildings are of the same design. In the instance of building designs which are mirror imaged, or with a floor plan which is the reverse of another building within the same plat, the total number of buildings of both floor plans shall amount to no more than 35% of the total number of buildings within the development.
 - b. In any subdivision or land development plan where the construction of apartments,

condominiums, town houses, or similar buildings are proposed, the building design shall be such that no more than four (4) dwelling units shall occupy any building. There shall be no more than one (1) three-bedroom unit for every eight (8) dwelling units proposed.

The floor plans of the proposed units shall provide for jogs and changes in the building elevations so that continuous front and rear walls are prevented. The offsets of the floor plan shall be at least two feet. Alcoves may be utilized to provide entrance-ways, porches, and other similar architectural elements.

12. **Land Reserved for Future Development.** Land reserved in the development for future improvement shall be of a useful dimension for permissible forms of development.
13. **Topsoil.** 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.
14. **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.
15. **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 F. 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. See Appendix "D", for information regarding design criteria of detention basins.

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.
11. **School Site.** Upon receipt of a letter from the School Committee declaring its interest in a school site of a specific size and location within a proposed development, the Planning Board may ask a developer to set aside such area in the design of the development.

ARTICLE G. PARKS, OPEN SPACES, & NATURAL FEATURES

PURPOSE:

The purpose of this section is to provide an equitable and effective development standard for securing adequate land for parks, playgrounds, and recreation purposes in new developments throughout the Town.

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 H. SOILS GROUPS & SITE ENGINEERING

PURPOSE:

For the purpose of promoting the public health, safety and general welfare; determining, establishing and defining soil groups; and to adopt such regulations for each group, the entire area of the Town of Johnston is divided into many soils groups as defined and mapped by the United States Department of Agriculture/Soil Conservation Service (USDA/SCS).

1. Map

- a. 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.
- b. 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 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.

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

- .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 I. CENTRAL SEWER AND WATER SYSTEMS

PURPOSE:

It is the policy of the Town of Johnston that all central sewer and water systems be owned and operated by the Town or other appropriate authority. It is required as a condition to final approval of the development that where central sewer and/or water systems are to be installed, that an improvement district be legally formed or extended. Such systems with appurtenances shall be offered for dedication to such districts without cost to the district.

1. Water and Sewage Facilities

- a. The proposed development shall be properly endorsed and approved by the appropriate water or sewer provider, as well as RIDEM, if applicable. Such endorsement and approval shall be secured by the developer prior to approval of the Preliminary Plan by the Planning Board.
- b. Approval by the appropriate authorities shall constitute only the minimum requirement necessary and where considered essential by the Board, a public sanitary and/or water system may be required for any development.
- c. The requirements contained in the Town of Johnston Code and any other applicable ordinance or law approved by the Town Council of the Town of Johnston and as hereafter may be amended shall apply and all sewage disposal and water systems shall be constructed in conformance thereto.
- d. Water and sewer mains and systems are to be offered for dedication to the Town or duly constituted improvement district upon completion and acceptance.
 - .1 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.
 - .2 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.
- e. 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.
 - f. 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.

2. Standards for Water Systems

PURPOSE:

To facilitate and insure that a uniform system for the conveyance and delivery of water is developed throughout the Town, the Town has adopted a Standard Specification for the Town of Johnston Water District. This specification is hereby made a part of these Regulations, and is included as Appendix "B", as well as being available separately.

- a. All water systems which will serve the public must be designed by a Professional Engineer. All drawings relating to or showing the design, layout, or details of the proposed system must bear the original seal and signature of the Engineer responsible for its design.
- b. All aspects of the water system must conform with the provisions and requirements of the water district within which the system is located. In the event that a particular detail is not addressed in the design standards of the district, the applicant shall undertake the design of the detail to the satisfaction of the appropriate official. The applicant shall bear all costs of such design.
- c. All water system designs shall be reviewed and approved in the following order:
 - .1 The design shall first be submitted to the Planning Board for conceptual approval;
 - .2 The design shall then be presented to the appropriate agency within the water district in which the proposed system is to be located. This agency shall review the proposed system through to acceptance. The applicant shall apprise the Board of any major changes to the proposed system during this review step;
 - .3 The proposed system, complete with all required approvals from the appropriate agency shall be presented to the Board for inclusion in the Preliminary Approval.
 - .4 No development shall be permitted to record plans for same in the Office of the Town Clerk until the Town has received the approval letter and corresponding plans from the appropriate water authorities relative to the approval of the proposed system design.

3. Standards for Sewage Systems

PURPOSE:

To facilitate and insure that a uniform system for the collection and conveyance of sanitary sewerage is developed throughout the Town, the Town has adopted a Standard Specification for the Town of Johnston Sewer District. This specification is hereby made a part of these Regulations and is included as Appendix "C", as well as being available separately.

- a. All sanitary sewer systems must be designed by a Professional Engineer. All drawings relating to or showing the design, layout, or details of the proposed system must bear the original seal and signature of the Engineer responsible for its design.
- b. All aspects of the sanitary sewer system must conform with the provisions and requirements of the sewer district within which the system is located. In the event that a particular detail is not addressed in the design standards of the district, the applicant shall undertake the design of the detail to the satisfaction of the appropriate official. The applicant shall bear all costs of such design.
- c. All sanitary sewer system designs shall be reviewed and approved in the following order:
 - .1 The design shall first be submitted to the Planning Board for conceptual approval;
 - .2 The design shall then be presented to the appropriate agency within the sewer district in which the proposed system is to be located. This agency shall review the proposed system through to acceptance. The applicant shall apprise the Board of any major changes to the proposed system during this review step;
 - .3 The proposed system, complete with all required approvals from the appropriate agency shall be presented to the Board for inclusion in the Preliminary Approval.
 - .4 No development shall be permitted to record plans for same in the Office of the Town Clerk until the Town has received the approval letter and corresponding plans from the appropriate sewer authorities relative to the approval of the proposed system design.

Article J. Conservation Developments

PURPOSE

- To conserve open land by setting aside from development those areas containing unique and sensitive natural features, including woodlands, steep slopes, streams, floodplains, wetlands, reservoirs and their drainage areas, and agricultural lands;
- To preserve historical, agricultural and archaeological resources;
- To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce street length, utility runs and paving areas required for residential development;
- To provide diverse lot sizes and layouts;
- To provide housing choices for various age and income groups and residential preferences to maintain population diversity in the community;

- To implement municipal policies to conserve various irreplaceable and environmentally important resources as set forth in Johnston's Comprehensive Plan;
- To provide reasonable incentives to create greenways within the Town as set forth in the Comprehensive Plan;
- To implement land-use, housing, environmental, and open-space policies as set forth in the Comprehensive Plan;
- To protect areas with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow efficient farm operations;
- To create neighborhoods with direct visual and/or physical access to open land, amenities in the form of neighborhood open space, and strong neighborhood identities;
- To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage and/or conservation;
- To conserve and create scenic views and preserve the semi-rural, small-town character of the Town;
- To provide buffers between new developments and existing neighborhoods, and for delicate natural features and habitats; and
- To encourage low impact development (LID) techniques to control and reduce storm water impacts.

1. **Applicability.** The Planning Board may approve a proposed land development project or subdivision in the form of a conservation development only in accordance with the provisions of Zoning Ordinance Article XXII.
2. **Procedures.** Applications for conservation development approval shall be made in accordance with established approval procedures for minor and major subdivisions and land development projects, and shall be based on the number of lots or dwellings in the development as provided in Section II herein.
3. **Uses, Lot Area, and Dimensional Regulations.** The permitted uses, maximum number of units, minimum lot areas, and dimensional regulations applicable to conservation development shall be those provided in Zoning Ordinance § 340–150.
4. **Design Review Process.** Conservation development design shall follow a specific ten-step design process. Applicants are advised to review graphic examples and illustrated maps in RIDEM's *Conservation Development Manual* (June 2003, as amended) in the preparation of plans. Submissions for preliminary plan review for minor or master review for major subdivisions or development projects shall demonstrate to the Planning Board that this design process was followed in determining proposed street layout, building locations and open space. Information required for review is specified in corresponding checklists.
 - a. **Site analysis.** Existing site features shall be inventoried; sensitive and noteworthy natural, scenic, and cultural resources identified; and connections between these features and strategies for protection determined. Pre-application/concept review submissions shall provide this information in accordance with the corresponding checklists, and

preliminary/minor and master/major submissions in the form of an *existing resources and site analysis map* (§ III.J.12).

- b. **Evaluation of site context.** The site shall be evaluated within the larger context of 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* (§ III.J.7).
- c. **Designation of potential conservation areas.** Areas to be preserved as open space shall be identified, to include—at a minimum—those portions of the site that are unsuitable for development, and that constitute the most sensitive and noteworthy natural, cultural and recreational resources. Areas that serve to extend neighborhood open-space networks to/from surrounding property shall be identified where appropriate. The designation of open space shall reflect consistency with the Comprehensive Plan.
- d. **Determination of maximum number of units.** The maximum number of dwelling units permitted in a conservation development shall not exceed the number of single-family lots (or dwellings) which reasonably could be expected to be developed on the conservation development site under a conventional yield plan. At the pre-application stage for both minor and major conservation developments or subdivisions, the applicant and Planning Board shall agree on an initial number of dwelling units to be permitted using the *yield plan* approach (§ III.J.8). The number of units may be changed by the Board as more information is provided during subsequent stages of review, until a final *basic maximum number of dwelling units* is determined.
- e. **Location of development areas and exploration of conceptual alternatives.** During pre-application review, the applicant shall propose at least two development layouts in the form of *sketch plans* or *sketch plan overlay sheets* (§ III.J.6), each substantially different from the other. The Administrative Officer and Planning staff shall review the impacts on the viability of the development plan and the benefits to the Town of each alternative. These plans shall be refined and resubmitted for further discussion with the Board during subsequent review stages as overlays to the *existing resources and site analysis map* (§ III.J.12).
- f. **Location of house sites.** Building sites shall be based around proposed open space and other relevant data on the *existing resources and site analysis map*. Locations shall take potential negative impacts of residential development on nearby conservation areas into account, as well as potential benefits such as desirable views and visual settings for residences, with emphasis on consistency with Johnston's rural character.
- g. **Layout of streets, trails and other infrastructure.** Streets shall provide vehicular access to each building in compliance with Town standards and in logical relation to

topographic conditions. Detailed information on stormwater drainage, water supply, sewage disposal, trails, sidewalks, and other infrastructure also shall be provided.

- h. **Design and programming of open space.** The use, design, ownership, and management of proposed open spaces shall be developed throughout the review process. Concepts and details shall be refined as clearly as they are for developed areas.
- i. **Drawing in of lot lines.** Upon completion of the preceding steps, lot lines shall be drawn to delineate the boundaries of individual residential lots (as applicable).
- j. **Establishment of ownership and management of open space and other community elements.** A more detailed open-space use and management plan (§ III.J.9) shall be submitted at preliminary/minor or at master/major stage.

5. Sketch Plan Overlay Sheet

- a. The design process (§ III.J.5) shall be documented and presented to the Planning Board as a conceptual *sketch plan* superimposed on detailed, same-scale site surveys and environmental data.
- b. The *sketch plan* shall be provided at the pre-application stage for all conservation developments, and may be presented as an overlay to the *existing resources and site analysis map* (§ III.J.12). Separate diagrammatic sketch plans may be presented as alternatives.
- c. The *sketch plan* also shall be presented as an overlay to the *existing resources and site analysis map* at the master plan stage for major conservation developments.

6. 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 ½-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 (from USGS maps).
- 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 (§ I–D) and very poorly drained soils if applicable.

7. Basic Maximum Number of Dwelling Units

- a. The basic maximum number of dwelling units allowed on a parcel of land proposed as a conservation development is defined as the maximum number of single-family building lots or dwelling units that reasonably could be expected to be developed as a conventional subdivision on that parcel under a conventional yield plan (below). The

applicant shall provide proof of the reasonableness and feasibility of the design and engineering specifications for the yield plan, provided that the Planning Board's determination of the basic maximum number shall be conclusive.

- b. The yield plan shall be prepared as a conceptual layout according to the pre-application checklist, showing proposed streets, lots, rights-of-way, land unsuitable for development, and other pertinent features. The scaled plan shall lay out a realistic development pattern that could reasonably be expected to be implemented, taking into account the presence of land unsuitable for development (Zoning Ordinance § 340–149), existing easements or encumbrances, and the suitability of soils for subsurface sewage disposal.
 - c. The yield plan also shall reflect the dimensional standards for proposed uses (Zoning Ordinance § 340–9 District Dimensional Regulations), and identify how conventional lots or uses could be developed with the required area, frontage and other dimensions, without requiring waivers. Although lots may contain land unsuitable for development, this area shall not be counted towards the minimum lot area as provided in the Zoning Ordinance.
 - d. Density shall be further determined for sites served by onsite wastewater treatment system (OWTS) by evaluating the number of dwellings or other uses that could be supported by OWTS on lots in a conventional subdivision. Lots or dwelling units on the yield plan shall not include those proposed to be serviced by an OWTS that requires a RIDEM or Town variance. The Planning Board shall determine the suitability of the parcel to be developed as a conventional subdivision based on soils information provided by the applicant, observations made during a site visit to the property, and/or on other evidence available to the Board at any time during the development review process.
 - e. The Planning Board shall determine an initial basic maximum number of lots/dwelling units permitted in the development at the conceptual stage of review. 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 final stage.
 - f. The initial basic maximum number may be made contingent on confirmation by RIDEM that such alterations are permitted under the provisions of the Freshwater Wetlands Act, if applicable.
- 8. Open Space.** Every conservation development shall provide protected open-space lot or lots in accordance with the Zoning Ordinance §340–151, and with the following standards.
- a. The Planning Board shall authorize specific plans for the use, ownership, management, and maintenance of all open-space areas within any conservation development. 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.

- b. A separate open-space use plan shall be submitted at preliminary/minor or master/major review containing:
 - .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; and
 - .9 Areas to be left in existing natural states without any disturbance.
- c. At final/minor or preliminary/major review, applicants 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 Planning 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. The perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The Planning Board or Administrative Officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision in accordance with § 340–146.
- f. 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.

- g. Where feasible, the use of low impact development (LID) techniques shall be used to control and reduce stormwater impacts in accordance with applicable state and federal regulations.
- h. Commercial earth removal, even if permitted in a given district by Zoning Ordinance, shall not be permitted within open-space areas. The Planning 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 final/minor or preliminary/major approval.

9. Open-Space Design Review Standards

- a. **Resources to be conserved.** The design of open-space lands in any conservation development shall reflect the standards set forth herein, and, to the fullest extent possible, incorporate any of the resource listed below if they occur on the parcel (not listed in order of significance). The applicant is advised to consult the natural, cultural and recreational resources identified in the Comprehensive Plan, including Greenspace Maps.
 - .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; and
- .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 in a conservation development shall be:

- .1 Free of all structures except historic buildings or structures, stone walls, 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-adjoining 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; and
- .11 Consistent with the Comprehensive Plan.

10. Streets. Streets within a conservation development may be publicly or privately owned as approved by the Planning Board, and shall be maintained accordingly (§ III.C). All buildable lots shall front on an improved public road or street. Streets shall be designed to conform to Town standards and shall be subject to review by the Fire Department, and ultimately shall

be intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners.

11. Existing Resources and Site Analysis Map

- a. Applicants for all major subdivisions and land development projects, and minor if involving the creation or extension of a street, shall prepare an existing resources and site analysis map. Subdivisions that create lots not intended for development, and administrative subdivisions, shall not be required to provide such maps. 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.
- b. The existing resources and site analysis map shall be prepared for review at the following stages:
 - .1 Pre-application meeting for all conservation developments (minor or major); and
 - .2 Master plan review for major conservation developments.
- c. The corresponding checklists provide guidance to the applicant on preparing and using the map and its components.
- d. The Planning Board shall review the map to assess its accuracy, conformance with municipal ordinance, and likely impact on the natural and cultural resources on the property. Unless otherwise specified by the Board, such plans generally shall be prepared on a scale of 1" = 100' or 200' (whichever best fits on a single standard-sized, 24" x 36" sheet). Where necessary for clarity, the map may be submitted as a series of more than one map. The following information shall be included thereon:
 - .1 Topography, the contour lines of which generally shall be at 10-foot intervals, interpolated from USGS published maps. More detailed topographic mapping with contour intervals of 2' as determined by photogrammetry or on-site survey shall be required in areas proposed for development. The determination of appropriate contour intervals shall be made by the Administrative Officer; greater or lesser intervals on exceptionally steep or flat sites may be required.
 - .2 Slopes between 0–5%*, 5–15%, 15–25% and exceeding 25% shall be clearly indicated by shading on the map, and the area thereof shall be indicated in acres (* = unshaded; area not required). Steeper slopes shall be shown in progressively darker colors, shading or patterns. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography; and shall be coordinated with official USGS benchmarks.
 - .3 Natural resources inventory
 - a The location and delineation of ponds, streams, ditches, drains, special aquatic

sites, vernal pools, natural drainage swales, and freshwater wetlands as defined in the Zoning Ordinance. These areas may be located generally for concept review; all wetlands in or immediately adjacent to areas proposed for development shall be flagged by a wetland biologist, and located by survey in the field at preliminary/minor and master/major stages.

- .b Flood hazard areas from most recent FEMA mapping. Additional areas of wetlands also shall be indicated as evidenced by testing, visual inspection or the presence of wetland vegetation.
 - .c Vegetative cover conditions according to general cover type, including cultivated land, agricultural land, permanent grassland, meadow, pasture, old field, hedgerow, woodland, and wetland. Trees located within an area proposed for disturbance or alteration with a caliper in excess of eighteen inches diameter at breast height (DBH) also shall be indicated. Vegetative types shall be described by plant community, relative age and condition. Specimen vegetation (§ I.D) also shall be identified.
 - .d Geologic formations including rock outcroppings, cliffs, kettle holes, eskers, etc., based on available published information or more detailed data obtained by the applicant.
 - .e Ridgelines of existing hills and watershed boundaries, and the boundary of the Scituate Reservoir Watershed where applicable.
- .4 Cultural resources inventory
- .a All existing man-made features including, but not limited to, streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers.
 - .b Location of all historically significant sites or structures, including, but not limited to, cemeteries, stonewalls, cellar holes and foundations, and known archaeological resources.
 - .c A viewshed analysis showing the location and extent of views both from and within the proposed development parcel, as well as views into the property from adjacent public or private streets and properties (§ I.D).
- .5 Recreational Resources Inventory
- .a Location of trails that have been used by the public (pedestrian, equestrian, bicycle, etc.).
 - .b Boat launches, stream access locations and water trails.
 - .c Existing playing fields and recreation areas.
- .6 Utilities and Infrastructure
- .a Location of all easements and other property encumbrances on record or filed with Town land evidence records.
 - .b Location of all streets on or adjacent to the site.
 - .c Utilities and drainage structures including water, storm sewer, sanitary sewer, and detention basins, existing or proposed, within 200' by approximate location and size.

12. Decision. The Planning Board may approve, approve with conditions, or deny an application for a conservation development. In making this decision, the Board shall make findings on

the record as to whether the conservation development better promotes the objectives of these Subdivision Regulations than would a conventional development, after consideration of the general purposes of these Regulations as set forth in § I.A herein and of the purposes of conservation developments as set forth in § III.J.1 herein.

END OF SECTION

History of Section

1. December 19, 1995 – Adoption of this Section and Regulations pursuant to §45-23 of the General Laws of the State of Rhode Island, 1956 as amended.
2. February 6, 2000 – Amendments.
 - Section III, Article C.3.e.
 - Delete text pertaining to Specifications.
 - Section III, Article C.6.f.
 - Revise reference from Appendix E to F.
 - Section III, Article C.22
 - Change “Street” to “Road”.
3. August 6, 2002 - Amendments
 - Section III
 - global modification of terminology to provide for language relative to the land development process, developer, development, and land development project as well as modified title of Regulations to Land Development and Subdivision Review Regulations and technical compliance with statute.
 - Section III, Table III, A-1, A-2, A-3, B-1, B-2
 - modifications to A-1, A-2, A-3, B-1; Deletion of B-2
 - Section III, A. – modifications to select general requirements.
 - Section III, B.- modifications to select criteria for street layout.
 - Section III, C - modifications to select criteria for street design specifications.

Section III, D - modifications street name provisions.

Section III, E - modifications to select lot design criteria and specifications.

Section III, F - modifications to specific drainage improvement requirements.

Section III, G- modifications to design and requirements for parks, open spaces,
and natural features

Section III, H - modifications to soils groups and site engineering requirements.

Section III, I - modifications to central sewer and water system requirements.

4. November 1, 2011 — Amendments

Section III, Article J — Modifications incorporating Conservation Development.

5. July 9, 2013 — Amendment

Section III, Article F – new number 8 (with subsequent renumbering)
Maintenance of Stormwater Facilities

6. July 9, 2013 – Addition

Section III, Article C 6. Street Trees – cross reference to Zoning Ordinance §340-
27.2 Landscape Design

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SECTION IV. MATERIALS REQUIRED FOR FILING

ARTICLE A. GENERAL INFORMATION

All of the submittals and accompanying materials made to the Planning Board at the beginning and during the ongoing review of a subdivision or land development project must be received by and certified as “COMPLETE” by the Administrative Officer at least thirty-two (32) days prior to the meeting date. This submission deadline has been established to allow adequate time for solicitation of outside comment, review by staff, compilation and drafting of comments, and distribution to Board members. Materials received after the close of the agenda schedule shall be placed on the next month’s agenda, regulation restrictions permitting.

ARTICLE B. REQUIRED REVIEWS

1. Concept Review

Brief: This review is required for all subdivision and land development project applications. It is the first step in the approval process, and plays an important step in the successful application to the Board.

The initial Concept Review, which takes place at the requisite Pre-Application meeting(s), is designed to encourage an interchange of information and ideas between the developer and the Town. The materials required for submittal for these meetings should pertain to the land development project and/or subdivision plan and serve to stimulate an exchange of ideas regarding the proposed development.

2. Master Plan

Brief: This review is required as the second step, after the Conceptual Review meeting, for all Major Subdivision and/or Land Development projects.

The Master Plan Review is designed to enable the developer to develop the overall plan for the subdivision or land development project. The probable phasing of the plat, utility locations, major roadways, and other required improvements will be developed at this time. The materials required for submittal for these meetings should pertain to the overall land development project and/or subdivision plan and serve to define, delineate, and quantify the development as a whole.

3. Preliminary Review

Brief: This review is required of all Minor and Major Subdivision and Land Development projects.

The Preliminary Plan Review is designed to enable the developer to develop the particular

aspects of the plan for the subdivision and/or land development project. The phasing of the plat, utility locations, major roadways, and other required improvements will be refined at this stage. The actual layout of lots, delineation of open space, recreational areas, easements, and built improvements shall be addressed. The materials required for submittal for these meetings should address the actual details of the development as a whole or the particular phase of the development plan, as applicable, and serve to define, delineate, and quantify the subdivision or land development project as a logical assemblage of engineering aspects.

4. Public Hearing

Brief: At least one (1) Public Hearing is required of all Major Subdivision and Land Development projects and of all Minor Subdivision and Land Development projects that involve the creation or extension of a road.

Public Hearings are held to allow the Board to hear public comment on the application under consideration, and to allow the public and the developer to exchange concerns and ideas relating to the project.

5. Final Review

Brief: This review is required for all Subdivision and Land Development projects.

The Final Plan Review is designed to enable the developer to finalize the particular aspects of the plan for the subdivision or land development project. The phasing and construction details of the plan, utilities, roadways, drainage and other infrastructure, and other required improvements will be finalized at this stage. The actual metes and bounds of lots, roads and easements, delineation of open space and buildable areas, the makeup of recreational areas and built improvements shall be addressed. The materials required for submittal for these meetings should address the actual details of the development as a whole as well as the specific details of the particular phase of the development plan, as applicable, and serve to develop into the actual engineered plans for all of the aspects of the subdivision and/or land development project.

ARTICLE C. ADMINISTRATIVE SUBDIVISION SUBMITTAL REQUIREMENTS

1. Concept Review

Brief: This review is required for all Administrative Subdivisions. It is the first step in the approval process and plays an important step in the subsequent application to the Board. By law, the Administrative Officer cannot approve the recording of any proposed Administrative Subdivision if said project requires modification of any provision of these Regulations or variances from the Johnston Zoning Ordinance. If any project necessitates modifications and/or variances according to the foregoing sentence, the application shall be denied and pursuant to §45-23-37(E) of the General Laws of Rhode Island must be resubmitted by the

applicant as a Minor Subdivision for review as such by the Planning Board.

The initial Concept Review takes place at the requisite Pre-Application meeting. It is designed to encourage an interchange of information and ideas between the developer and the Town. The materials required for submittal for this meeting should pertain to the administrative subdivision plan and serve to stimulate an interchange of ideas regarding the subdivision.

The following items are required for the review at the Pre-Application stage. All of the items listed below must be brought to or addressed at the Pre-Application meeting. Additional Pre-Application meetings may require additional materials or information to be submitted to allow continued discussion of the application. A separate checklist of the items required for the Concept Review of an Administrative subdivision is contained in Appendix "E".

- a. Planning Board Application, completely filled in, signed, and dated. All of the information requested on the Application serves a purpose; if, during the course of the review and approval process some of this information should change, for example, a change of address or telephone number, it is important that the Administrative Officer be advised of the change.
- b. Conceptual Plan. Three (3) copies of the plan, marked "CONCEPTUAL", which shall address all of the following:
 - .1 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .2 Name of administrative subdivision and location plan;
 - .3 Assessor's Plat and Lot Number of all the properties involved in the Administrative Subdivision;
 - .4 Zoning district of administrative subdivision, dimensional requirements, total number of lots, and total acreage of project;
 - .5 Identification of number of lots prior to the Administrative Subdivision and the number of lots after the Administrative Subdivision.
 - .6 Graphic scale (Approximately 1"= 100'),
 - .7 North Arrow and date (date if Magnetic North is provided);
 - .8 Date of original and any and all revisions;
 - .9 Property owner's name, address, zip code, and telephone number;
 - .10 Plat and Lot Numbers and the name of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .11 Name, address, telephone number, fax number, and E-Mail address of registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the

- proposed design;
 - .12 Numbering of all lots within the administrative subdivision in a clockwise rotation from the bottom of the plan;
 - .13 Approximate location of boundary lines, easements, and rights-of-way;
 - .14 Approximate location of extraordinary or unusual natural features;
 - .15 Approximate location of historic areas, cemeteries, foundations, etc.;
 - .16 Approximate location and elevation of the 100-year flood plain and floodways, if applicable;
 - .17 Approximate location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site;
 - .18 Approximate location 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;
 - .19 Location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns;
 - .20 Identification of any existing structures or buildings on the proposed site;
 - .21 The proposed phasing of the project, if applicable;
 - .22 Any foreseeable potential impacts to the existing community; i.e. traffic, school enrollment, police or fire requirements, etc.
- c. Copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed as well as the two hundred feet radius of the perimeter of the property;
 - d. List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property.
 - e. Applicable fees, payment in the form of a check made payable to the Town of Johnston.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may cause delay or frustration with the review process.

An application is considered complete by these Regulations when all of the foregoing items have been provided or otherwise addressed.

2. Final Review

Brief: This review is required for all administrative subdivision projects. By law, the Administrative Officer cannot approve the recording of any proposed Administrative Subdivision if said project requires modification of any provision of these Regulations or variances from the Johnston Zoning Ordinance. If any project necessitates modifications and/or variances according to the foregoing sentence, the application shall be denied and pursuant to §45-23-37(E) of the General Laws of Rhode Island must be resubmitted by the

applicant as a Minor Subdivision for review as such by the Planning Board.

The Final Plan Review is designed to enable the subdivider to finalize the particular aspects of the plan for the administrative subdivision. The actual metes and bounds of lots, roads and easements, delineation of open space and buildable areas, the makeup of recreational areas and built improvements shall be addressed.

The materials required for submittal for this review should address the actual details of the administrative subdivision as a whole. A summary checklist of the materials required for Final Review of an Administrative Subdivision is provided in Appendix "E".

- a. Final Plan. Three (3) copies of the plan, marked "FINAL", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) copies of the plan, marked "FINAL" shall be submitted, which shall address all of the following shall be submitted for the recording of the plan:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Location Map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .3 Name of administrative subdivision and location plan;
 - .4 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the Administrative Subdivision;
 - .5 Zoning district of administrative subdivision, dimensional requirements, setbacks, total number of lots, and total acreage of project;
 - .6 Identification of number of lots prior to the Administrative Subdivision and the number of lots after the Administrative Subdivision.
 - .7 Graphic scale (Approximately 1"= 100');
 - .8 North Arrow and date (date if Magnetic North is provided);
 - .9 Date of original plan and any and all revisions;
 - .10 Property owner's name, address, zip code, and telephone number;
 - .11 Plat and Lot Numbers and the name of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .12 Name, address, zip code, telephone number, fax number, E-Mail address, and original stamp and original signature(s) of the registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the proposed design. The survey must be certified as a Class I survey as defined by the State Board of Registration for registered Professional Land Surveyors.
 - .13 Numbering of all lots within the administrative subdivision in a clockwise rotation from the bottom of the plan;

- .14 Surveyed location of boundary lines, angles, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so notated on the plan.
- .15 Surveyed location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so notated on the plan.
- .16 Surveyed location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so notated on the plan.
- .17 Surveyed location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so notated on the plan.
- .18 Engineered location, widths, and names of all existing and proposed streets or public ways within or adjacent to the site; the existing right-of-way, pavement, sidewalk, and curbing areas and pavement edge, shall be shown on the plan and labeled.
- .19 Engineered location and sizes of all existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures and other underground structures as well as any other proposed or existing utilities within and adjacent to the site; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so notated on the plan.
- .20 Identification of any existing structures or buildings on the proposed site and their surveyed distances from the property boundary lines; if there are no existing structures or buildings on the proposed site, a notation stating such shall be so noted on the plan.
- .21 Location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns; if there are no existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns, a notation stating such shall be so notated on the plan.
- .22 Approximate topography at ten (10) feet intervals must be shown;
- .23 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
- .24 Legend for any symbols or line types shown on the plan.
- .25 Surveyed location of any existing structures or buildings on the proposed site; distances of each structure from lot boundaries shall be identified and so notated on the plan.
- .26 Proposed and/or existing monument locations;
- .27 The proposed phasing of the project, if applicable;
- .28 Identification of any foreseeable potential impacts to the existing community; such as, traffic, school enrollment, police or fire requirements, and other municipal resources.

- b. Copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed and the 200' perimeter radius surrounding the property.
- c. Property Conveyance Instruments with metes and bounds descriptions for each piece of land to be transferred as well as the final perimeter descriptions of the newly reconfigured lots and any new easements or rights-of-way.
- d. List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property.
- e. Applicable fees, payment in the form of a check made payable to the Town of Johnston.
- f. Copy of final plans in an electronic format as acceptable to the Town.

It is very important that the plans and documents that are submitted be as complete and accurate as possible. Missing or unclear information may cause delay or frustration with the review process. Any and all comments made on the record of the project, by any reviewing officer or board must be addressed in the final submittal. An application is considered complete by these Regulations when all of the foregoing items have been provided or otherwise addressed.

ARTICLE D. MINOR LAND DEVELOPMENT AND SUBDIVISION PLANS – SUBMITTAL REQUIREMENTS

1. Concept Review

Brief: This review is required for all Minor Subdivisions and Land Development Project Plans. It is the first step in the approval process and plays an important step in the subsequent application to the Board. The CONCEPTUAL PLANS FOR THE MINOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer and definitively showing any proposed phasing.

The initial Concept Review takes place at the requisite Pre-Application meeting. It is designed to encourage an interchange of information and ideas between the developer and the Town. The materials required for submittal for this meeting should pertain to the land development project or subdivision plan, and serve to stimulate an exchange of ideas regarding the land development project or subdivision.

The following items are required for the review at the Pre-Application stage. All of the items listed below must be brought to or addressed at the Pre-Application meeting. Additional Pre-Application meetings may require additional materials or information to be submitted to

allow continued discussion of the application. A summary checklist of the items required for Concept review of a Minor Subdivision or Land Development plan is contained in Appendix "E".

All of the information requested on the Application serves a purpose; if, during the course of the review and approval process some of this information should change, for example, a change of address or telephone number, it is important that the Administrative Officer be advised of the change.

- a. Conceptual Plan. Three (3) copies of the plan, marked "CONCEPTUAL", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) copies of the plan, marked " CONCEPTUAL ", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), which shall address all of the following shall be submitted:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;
 - .3 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed project to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .4 Name of land development project or subdivision;
 - .5 Graphic scale (Approximately 1"= 100');
 - .6 Location Plan with Graphic scale (Approximately 1"= 1,000');
 - .7 Zoning district of land development project or subdivision, dimensional requirements, setbacks, total number of proposed lots, and total acreage of project;
 - .8 North Arrow, with date identified (date if Magnetic North is used).
 - .9 Graphic scale (Approximately 1"= 100');
 - .10 Identification of number of lots prior to the development and the number of lots after the development;
 - .11 Date of original plan and any and all revisions;
 - .12 Property owner's name, address, zip code and telephone number;
 - .13 Plat and Lot Numbers and the name of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .14 Name, address, zip code, telephone number, fax number, E-Mail address, and original stamp and original signature(s) of the registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the proposed design.
 - .15 Numbering of all lots within the proposal, where applicable, in a clockwise rotation from the bottom of the plan;
 - .16 Approximate location of boundary lines, easements, and rights-of-way; if no

- easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .17 Approximate location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
 - .18 Approximate location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
 - .19 Approximate location and elevation of the 100-year flood plain, if applicable; if no flood plains or flood ways are located on the subject property, a notation stating such shall be so noted on the plan.
 - .20 Approximate location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site; Approximate location 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; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so noted on the plan.
 - .21 Identification of any existing structures or buildings on the proposed site; if there are no existing structures or buildings on the proposed site, a notation stating such shall be so noted on the plan.
 - .22 Location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns; if there are no existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns, a notation stating such shall be so noted on the plan.
 - .23 Identification of any existing structures or buildings on the proposed site; if there are no existing structures or buildings on the proposed site, a notation stating such shall be so noted on the plan.
 - .24 The proposed phasing of the project if applicable; if there will be no proposed phasing of the project, a notation stating such shall be so noted on the plan.
 - .25 Legend for any symbols or line types shown on the plan.
 - .26 Any foreseeable potential impacts to the existing community; such as, traffic increases, school enrollment, police and fire safety; if there will be no foreseeable potential impacts of the project to the existing community, a notation stating such shall be so noted on the plan.
 - .27 A Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
 - .28 Legend for any symbols or line types shown on the plan.
- b. A copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed and the 200' perimeter radius surrounding the property.

- c. A list of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property.
- d. The applicable fee, in the form of a check made payable to the Town of Johnston.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may cause delay or frustration with the review process. An application is considered complete by these regulations when all of the foregoing items have been provided or otherwise addressed.

2. Preliminary Review

Brief: This review is required of all Minor Land Development and Subdivision Projects. The PRELIMINARY PLANS FOR THE MINOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer and definitively showing proposed phasing.

The Preliminary Plan Review, which takes place at this stage, is designed to enable the developer to prepare the particular aspects of the plan for the subdivision or land development project. The utility locations, roadways, and other required improvements will be refined at this stage. The actual layout of lots, delineation of open space, recreational areas, easements, and built improvements shall be addressed. The materials required for submittal for these meetings should address the actual details of the development as a whole and serves to define, delineate, and quantify the subdivision or land development project as a logical assemblage of engineering aspects.

The following items are required for the review at the Preliminary Plan Review stage. All of the items listed below must be submitted totally complete at least thirty-two (32) days in advance of the Preliminary Plan Review meeting(s). Additional meetings may require the submission of additional materials or information to allow continued discussion of the application. A summary checklist of the items required for Preliminary Review of a Minor Subdivision or Land Development plan is contained in Appendix "E".

- a. Preliminary Plan. Three (3) copies of the plan, marked "PRELIMINARY", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) copies of the plan, marked "PRELIMINARY", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), which shall address all of the following shall be submitted:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Name of land development project or subdivision
 - .3 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;

- .4 Graphic scale (Approximately 1"= 100');
- .5 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed project to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
- .6 Location Plan with Graphic scale (Approximately 1"= 1,000');
- .7 Identification of number of lots prior to the development and the number of lots after the development;
- .8 Zoning district of land development project or subdivision, total acreage of project, total number of lots, total acreage of project, dimensional requirements of district, setbacks, and use of all proposed or existing lots within the entire site;
- .9 North Arrow, with date identified (date if Magnetic North used);
- .10 Date of original plan and any and all revisions; Date(s) of Concept Review Meeting(s) with the Planning Board, if applicable.
- .11 Property owner's name, address, zip code and telephone number;
- .12 Name, address, zip code, telephone number, fax number, E-Mail address, and original stamp and original signature of Professional Engineer and/or Professional Licensed Land Surveyor responsible for the proposed design;
- .13 Numbering of all lots within the proposal, where applicable, in a clockwise rotation from the bottom of the plan;
- .14 Surveyed location of existing boundary lines, angles, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .15 Surveyed location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
- .16 Surveyed topography of two (2) feet contours (maximum), if required. If surveyed topography is not required, approximate topography at ten (10) feet intervals must be shown; the Administrative Officer shall make the determination relative to accuracy level needed for topography.
- .17 Surveyed location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
- .18 Approximate location, delineation, and description of soils on the site as defined by the United States Department of Agriculture (USDA) Soils Conservation Service, or as required by the Board;
- .19 Location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or flood ways are located on the subject property, a notation stating such shall be so notated on the plan.
- .20 Surveyed location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site. Identification of existing and proposed

- elevations at intersections within 200' of the site.
- .21 Profiles for proposed engineered and surveyed location and sizes of all existing and proposed streets or public ways as well as sizes of all proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures as well as any other proposed or existing utilities integral and within 200' of the site. Existing and proposed elevations of drainage structures; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so noted on the plan. Horizontal portion of profile sheet shall be above and directly relate to vertical portion of the profile sheet. Horizontal scale shall be 1" = 40'; vertical scale shall be 1" = 4' with cross-sections every 100'.
 - .22 Bench mark locations - Established from Base Sea Level;
 - .23 Proposed and/or existing monument locations;
 - .24 Proposed location of street rights-of-way, and names of proposed streets;
 - .25 Engineered location, widths, and names of all existing and proposed streets or public ways within or adjacent to the site; the existing right-of-way, pavement, sidewalk, and curbing areas and pavement edge, shall be shown on the plan and labeled.
 - .26 Proposed location of easements, lot lines, curb lines, setback lines, sidewalks;
 - .27 Percolation test holes, if applicable;
 - .28 Ground water determination test holes, if applicable;
 - .29 Proposed linear footage of streets and total amount of cut and fill;
 - .30 .30 Surveyed location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns; if there are no existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns, a notation stating such shall be so noted on the plan.
 - .31 Identification of any existing structures or buildings on the proposed site and their surveyed distances from the property boundary lines; if there are no existing structures or buildings on the proposed site, a notation stating such shall be so noted on the plan.
 - .32 Proposed metes and bounds showing all lengths, angles, lot areas, curve data (including radii), length of arcs, etc.;
 - .33 Proposed erosion control measures and details for construction of same;
 - .34 Existing street ties;
 - .35 Proposed water lines, including engineered pipe sizes and locations;
 - .36 Proposed storm sewer lines, including engineered pipe sizes and locations;
 - .37 Proposed sanitary sewer lines, including engineered pipe sizes and locations;
 - .38 Proposed public utility (gas, electric, etc.) line locations, including ground mounted transformers;
 - .39 Proposed street and regulatory signs;
 - .40 All applicable construction details;
 - .41 Detention basin details, including wall and floor elevations, capacity, fences, plantings, etc.;

- .42 Details of all proposed special structures;
- .43 Details for all proposed landscaping;
- .44 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
- .45 Legend for any symbols or line types shown on the plan.

b. Fifteen (15) copies of each of the following documents shall be provided:

- .1 A copy of the Tax Assessor's plat map marked to indicate the boundary of the land to be developed and the 200' perimeter radius surrounding the property, and the relative location of prominent or substantial municipal or recreational facilities;
- .2 List of all property owners within 200' feet of the perimeter of the subject property and their addresses from the latest real estate tax rolls on file with the Tax Assessor;
- .3 RIDEM soil suitability determination, if applicable;
- .4 RIDEM Wetlands Approvals, if applicable;
- .5 Letter of approval from the Fire Department regarding placement of fire hydrants, holding cisterns, dry piping, and cul-de-sac design acceptability, etc., if applicable;
- .6 Letter of approval of proposed street names from the Fire Department and the Planning Department, if applicable;
- .7 Traffic study, stamped and signed by the Traffic Engineer responsible for the study, if applicable;
- .8 Study Report of the impacts of the development, in phases and as fully developed, upon the school system and other municipal resources of the Town;
- .9 Proposed agreement for maintenance of all bounds and monuments for a period of five (5) years;
- .10 Letter of approval of street and traffic control sign locations from the Police Department and Public Works Director;
- .11 Any approval from any other jurisdiction; such as Rhode Island Department of Transportation (RIDOT), Rhode Island Department of Environmental Management (RIDEM), Narragansett Bay Commission (NBC), Providence Water Supply Board (PWSB), and the like.
- .12 Engineering analysis of water system to establish that there will be no decrease in water pressure or supply to surrounding property owners and that there will be an adequate water supply and pressure to each new house in accordance with building code and NFPA requirements, if applicable;
- .13 Letter from appropriate water district stating availability of water for connection and sufficient capacity for the intended use of the proposed development (such as, residential, business, industrial, commercial) and certification of the amount of water flow/pressure as designed by the applicant. Water pressure shall be sufficient enough to comply with NFPA fire safety standards, if applicable;
- .14 Letter from appropriate sewer district stating availability for connection and sufficient capacity for public sewers, if applicable;

- .15 Tax Collector's Certificate for five (5) year payment of taxes;
 - .16 Drainage calculations for the development relative to downstream and an engineering analysis of drainage system;
 - .17 Proposed Easements and Quit-Claim Deeds for streets and other rights-of-way which shall be filed with the development at the time of recording;
 - .18 Proposal for perpetual care of cemeteries on the site;
 - .19 Proposed schedule or timetable for completion of the proposed infrastructure and road improvements, construction of site improvements, structures, houses, and any other proposed development of the property.
 - .20 Proposed Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
 - .21 Any other information the Board may have deemed necessary for the adequate review and construction of the project;
- c. Payment in the form of a check for the applicable fees, made out to the Town of Johnston.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may cause delay or frustration with the review process. Any and all comments made on the record of the project during the course of Preliminary Review, by any reviewing officer, board, or other entity, must be addressed in the Preliminary submittal.

An application is considered complete by these regulations when all of the foregoing items have been provided or otherwise addressed.

3. Public Hearings and Informational Meetings

Brief: At least one Public Hearing is required of all Minor Subdivision and Land Development Projects which involve the creation or extension of a road. An Informational Meeting open to the public shall be held if the proposed development does not involve the creation or extension of a road.

PURPOSE:

Public Hearings and Informational Meetings are held to allow the Board to hear comments from the public on the application under consideration and to allow the public and the developer to exchange concerns and ideas relating to the project and to discuss the potential benefits and impacts of a proposed project.

An Informational Meeting shall be held when no street construction or extension has been proposed. This meeting shall be preceded by a public notice, but not necessarily by a mailing.

The purpose of the Public Hearing is to officially inform the public of the intentions of the developer and of the potential impacts of the project when the project involves the construction of a street; the information presented should address these intentions. The developer shall present a complete set of maps and information in a format that is suitable for public presentation. The developer shall also present any information which the Board or Administrative Officer may have previously requested for the Public Hearing. Public Hearings require public notice in the newspaper and certified mail notice pursuant to these Regulations.

4. Final Plan Review

Brief: This review is required for all Minor Subdivision and Land Development Projects. It is the final review before recording the project in the Office of the Town Clerk. The FINAL PLANS FOR THE MINOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer, definitively showing proposed phasing, and shall consist of the following for the phase(s) currently under review:

The Final Plan Review, which takes place at this stage, is designed to enable the developer to finalize the particular aspects of the plan for the subdivision or land development project. The construction details of the plan, utilities, roadways, drainage and other infrastructure, and other required improvements will have been finalized by this stage. The actual metes and bounds of lots, roads, and easements, delineation of open space and buildable areas, the makeup of recreational areas and built improvements shall be finalized.

The materials required for submittal for these meetings should address the actual details of the subdivision and/or land development project as a whole and serve to bring into actual engineered plans all of the aspects of the development.

The following items are required for the review at the Final Plan Review stage. All of the items listed below must be submitted totally complete at least thirty-two (32) days in advance of the Final Plan Review meeting(s). Additional meetings may require the submission of additional materials or information to allow continued discussion of the application. A separate summary checklist of the items required for Final Review of a Minor Subdivision or Land Development plan is contained in Appendix "E".

- a. Final Plan. Three (3) copies of the plan, marked "FINAL", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) of the plan marked "FINAL", plus fifteen plan reductions (sized 11" x 17" or smaller), shall be submitted which shall address all of the following:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Name of land development project or subdivision;

- .3 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;
- .4 Graphic scale (Approximately 1"= 100');
- .5 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed project to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
- .6 Location plan with Graphic scale (Approximately 1"=1,000');
- .7 Zoning district of land development or subdivision, dimensional requirements of zoning district, total number of lots, and total acreage of project, and use of all proposed and/or existing lots within the entire site;
- .8 North Arrow with date identified (date if Magnetic North used);
- .9 Graphic Scale:
- .10 Date of original plan and any and all revisions; Dates of Concept Review Meetings with the Planning Board and Preliminary Plan Approval;
- .11 Property owner's name, address, zip code, and telephone number;
- .12 Name, address, zip code, telephone number, fax number, E-Mail address, and original stamp and original signature of registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the proposed design;
- .13 Numbering of all lots within the development, as appropriate. This numbering shall include the Assessor's plat number in the lower right-hand corner of the plan sheet.
- .14 Surveyed location of existing boundary lines, angles, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .15 Surveyed location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
- .16 Surveyed topography of two (2) feet contours (maximum), if required. If surveyed topography is not required, approximate topography at ten (10) feet intervals must be shown; the Administrative Officer shall make the determination relative to accuracy level needed for topography.
- .17 Surveyed location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
- .18 Approximate location, delineation, and description of soils on the site as defined by the USDA Soils Conservation Service, or as required by the Board;
- .19 Surveyed location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so notated on the plan.
- .20 Identification of any existing structures or buildings on the proposed site and their surveyed distances from the property boundary lines; if there are no existing

- structures or buildings on the proposed site, a notation stating such shall be so noted on the plan.
- .21 Surveyed location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site. Identification of existing and proposed elevations at intersections within 200' of the site.
 - .22 Profiles and Grading and Utility Plans for proposed engineered and surveyed location and sizes of all existing and proposed streets or public ways as well as engineered sizes of all existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures as well as any other proposed or existing utilities integral and within 200' of the site. Existing and proposed elevations of drainage structures; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so noted on the plan. Horizontal portion of profile sheet shall appear above (at the top of the profile sheet) and directly relate to the vertical portion of the profile sheet (bottom half of the profile sheet). Horizontal scale shall be 1" = 40'; vertical scale shall be 1" = 4' with cross-sections every 100'.
 - .23 Location, dimensions, area, zoning district area designations, setbacks, and use of all proposed or existing lots within the entire site;
 - .24 Bench mark locations - Established from Base Sea Level;
 - .25 Proposed and/or existing monument locations;
 - .26 Proposed location of street rights-of-way, pavement area, and names of proposed streets as approved by both the Fire Department and the Planning Department;
 - .27 Proposed location of easements, lot lines, curb lines, setback lines, sidewalks;
 - .28 Location of Percolation Test Holes, if applicable;
 - .29 Location of Ground Water Determination Test Holes, if applicable;
 - .30 Proposed linear footage of streets and total amount of cut and fill;
 - .31 Surveyed location of any existing or proposed lakes, ponds, watercourses, or wetlands, wetland flagging, and any proposed or existing drainage patterns;
 - .32 Surveyed location of any existing structures or buildings on the proposed site and their distances from the property boundary lines; if there are no existing structures or buildings on the proposed site and/or an existing structure will be demolished so as to permit the construction of the development, a notation stating such shall be so noted on the plan.
 - .33 Proposed metes and bounds showing all lengths, angles, lot areas, curve data (including radii), length of arcs, etc.;
 - .34 Proposed erosion control measures and details for construction of same;
 - .35 Existing street ties;
 - .36 Proposed water lines, including engineered pipe sizes and locations
 - .37 Proposed storm sewer lines, including engineered pipe sizes and locations;
 - .38 Proposed sanitary sewer lines, including engineered pipe sizes and locations;
 - .39 Proposed public utility (gas, electric, etc.) line locations, including ground mounted

- transformers and ancillary structures;
 - .40 Fire Department Approved location of proposed fire hydrants, water cisterns, dry lines, etc.;
 - .41 Profile Grade Sheets identifying proposed finished grades showing centerline, left and right curb elevations, and indicating source of base elevation; Horizontal portion of profile sheet shall be appear above (at the top of the profile sheet) and directly relate to the vertical portion of the profile sheet (bottom half of the profile sheet). Horizontal scale shall be 1" = 40'; vertical scale shall be 1" = 4' with cross-sections every 100'. Cross-sections shall be provided every fifty (50) feet where cut or fill exceeds two (2) feet;
 - .42 Proposed street and regulatory signs as approved by the Police Department and Public Works Department;
 - .43 All applicable construction details;
 - .44 Detention basin details, including wall and floor elevations, capacity, etc.
 - .45 Details of all special structures;
 - .46 Location and details of street trees, site plantings, buffer vegetation, ground cover, etc. as required by the Board;
 - .47 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
- b. A specification covering the planting and maintenance for a period of two (2) years for all street trees, site plantings, buffer vegetation, ground cover, etc.;
- c. Original plus 15 Copies of each of the following documents shall also be submitted:
- .1 List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property.
 - .2 A copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed as well as the 200' radius surrounding the perimeter of the property
 - .3 Letter of approval from the Fire Department regarding placement of fire hydrants, holding cisterns, dry piping, and cul-de-sac design acceptability, etc.;
 - .4 Letter of approval of proposed street names from the Fire Department and the Planning Department;
 - .5 Letter of approval of street and traffic control sign locations from the Police Department and Public Works Director;
 - .6 Any approval from any other jurisdiction; such as. Rhode Island Department of Transportation (RIDOT), Rhode Island Department of Environmental Management (RIDEM), Narragansett Bay Commission (NBC), Providence Water Supply Board (PWSB), and the like.
 - .7 Tax Collectors Certificate to cover five year period for taxes;
 - .8 Drainage calculations for the development and the areas downstream of development and an engineering analysis of the drainage system as existing and proposed;

- .9 Engineering analysis of water system to establish: that there will be no decrease in water pressure or supply to surrounding property owners and that there will be an adequate water supply and pressure to each new house in accordance with building code and NFPA requirements;
 - .10 Final Version of Proposed Deed Restrictions and/or Covenants (if any) which shall be filed with the development at the time of recording;
 - .11 Final Version of Proposed Easements and Quit-Claim Deeds for streets and other rights-of-way which shall be filed with the development at the time of recording;
 - .12 Proposal for perpetual care of cemeteries on the site;
 - .13 Any other information the Board may have deemed necessary for the adequate review and construction of the project;
- d. A check for the applicable fee, made payable to the Town of Johnston.
- e. Copy of all final plans in an electronic format as acceptable to the Town.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may serve to delay or frustrate the filing process. An application is considered complete by these Regulations when all of the foregoing items have provided or otherwise addressed.

ARTICLE E. MAJOR SUBDIVISION AND LAND DEVELOPMENT PLANS

1. Concept Review

Brief: This review is required for all Major Subdivisions and Land Development Project Plans. It is the first step in the approval process and plays an important step in the subsequent application to the Board. The CONCEPTUAL PLANS FOR THE MAJOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer and definitively showing any proposed phasing.

The initial Concept Review takes place at the requisite Pre-Application meeting(s). It is designed to encourage an exchange of information and ideas between the developer and the Town. The materials required for submittal for this meeting should pertain to the subdivision plan and/or land development project plan and serves to stimulate an exchange of ideas regarding the proposed development. Additional meetings may be requested by either the applicant or the Town to ascertain details of the project prior to application for approval.

The following items are required for the review at the Pre-Application stage. All of the items listed below must be submitted totally complete at least thirty-two (32) days prior to the Concept Review meeting with the Planning Board. Additional Pre-Application meetings

may require the submission of additional materials or information to allow continued discussion of the application. A separate summary checklist of the items required for Concept Review of a Major Subdivision or Land Development plan is contained in Appendix "F".

- a. Planning Board Application, completely filled in, signed, and dated; All of the information requested on the Application serves a purpose; if during the course of the review and approval process some of this information should change, such as, a change of address or phone number, it is important that the Administrative Officer be advised of the change.
- b. Conceptual Plan. Three (3) copies of the plan, marked "CONCEPTUAL", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) copies of the plan marked "CONCEPTUAL", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), shall be submitted which shall address all of the following:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed subdivision and/or land development project to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .3 Name of land development project and/or subdivision;
 - .4 Graphic scale (Approximately 1"= 100'),
 - .5 Assessor's Plat and Lot Number of all the properties involved in the Subdivision and/or Land Development Project;
 - .6 Location Plan with Graphic scale (Approximately 1"=1,000'),
 - .7 Zoning district of land development project and/or subdivision, dimensional requirements, setbacks, total number of lots, and total acreage of project;
 - .8 North Arrow with date identified (date if Magnetic North is used);
 - .9 Date of original plan and any and all revisions;
 - .10 Property owner's name, address, zip code, and telephone number;
 - .11 Plat and Lot Numbers and the names of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .12 Name, address, zip code, telephone number fax number, E-Mail address, and original stamp and original signature of registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the proposed design;
 - .13 Numbering of all lots within the proposal, where applicable, in a clockwise rotation from the bottom of the plan;
 - .14 Approximate location of boundary lines, easements, and rights-of-way; if no

- easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .15 Approximate location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
 - .16 Approximate location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
 - .17 Approximate location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so noted on the plan.
 - .18 Approximate location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site;
 - .19 Approximate location 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; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so noted on the plan.
 - .20 Approximate location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns; if there are no existing or proposed lakes, ponds, watercourses, or wetlands, or existing drainage patterns, a notation stating such shall be so noted on the plan.
 - .21 Identification of any existing structures or buildings on the proposed site; if there are no existing structures or buildings on the proposed site and/or an existing structure will be demolished so as to permit the construction of the development, a notation stating such shall be so noted on the plan.
 - .22 The proposed phasing of the project if applicable; if there will be no proposed phasing of the project, a notation stating such shall be so noted on the plan.
 - .23 Legend for any symbols or line types shown on the plan.
 - .24 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
 - .25 Any foreseeable potential impacts to the existing community;
- c. Copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed as well as the 200' radius surrounding the perimeter of the property
 - d. List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property.
 - e. Payment of the applicable fees, in the form of a check made payable to the Town of Johnston.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may serve to delay or frustrate the filing process. An application is considered complete by these Regulations when all of the foregoing items have been provided or otherwise addressed.

2. Master Plan

Brief: This review is required as the second step, after the Pre-Application review, for all Major Subdivision and/or Land Development Projects. It may be combined with Pre-Preliminary review at the discretion of the Administrative Officer or the Board when circumstances warrant such a review and only if the required notice has been given.

Whenever waivers have been or must be requested for consideration for the development, this stage shall not be combined with the concept review stage. The MASTER PLANS FOR THE MAJOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer and definitively showing proposed phasing:

The Master Plan Review, which takes place at this stage, is designed to enable the developer to develop the overall plan for the subdivision or land development project. The probable phasing of the plat, utility locations, major roadways, and other required improvements will be developed at this time. The materials required for submittal for these meetings should pertain to the overall development plan, and serve to define, delineate, and quantify the subdivision or land development project as a whole.

The following items are required for the review at the Master Plan Review stage. All of the items listed below must be submitted totally complete at least thirty-two (32) days in advance of the Master Plan Review meeting(s). Additional meetings may require the submission of additional materials or information to allow continued discussion of the application. A separate summary checklist of the items required for Master Plan Review of a Major Subdivision or Land Development plan is contained in Appendix "E".

- a. Master Plan. Three (3) copies of the plan, marked "MASTER PLAN", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) of the plan marked "MASTER PLAN", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), shall be submitted which shall address all of the following:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;
 - .3 Graphic scale (Approximately 1"= 100');
 - .4 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed subdivision and/or land development project to

- significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
- .5 Name of land development project and/or subdivision;
 - .6 Location Plan with Graphic scale (Approximately 1"=1,000'),
 - .7 Zoning district of land development project and/or subdivision, dimensional requirements, setbacks, total number of lots, and total acreage of project;
 - .8 North Arrow with date identified (date if Magnetic North is used);
 - .9 Date of original plan and any and all revisions;
 - .10 Property owner's name, address, zip code, and telephone number;
 - .11 Plat and Lot Numbers and the names of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .12 Name, address, zip code, telephone number fax number, E-Mail address, and original stamp and original signature of registered Professional Engineer and/or licensed Professional Land Surveyor responsible for the proposed design;
 - .13 Numbering of all lots within the subdivision and/or land development project in a clockwise rotation from the bottom of the plan;
 - .14 Approximate location of boundary lines, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so noted on the plan.
 - .15 Approximate location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
 - .16 Approximate location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
 - .17 Approximate location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so notated on the plan.
 - .18 Approximate location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site;
 - .19 Approximate location 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; if there are no existing and proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures within and adjacent to the site, a notation stating such shall be so noted on the plan.
 - .20 Location of any existing or proposed lakes, ponds, watercourses, or wetlands, and proposed or existing drainage patterns; if there are not existing or proposed lakes, ponds, watercourses, or wetlands, or existing drainage patterns, a notation stating such shall be so notated on the plan.
 - .21 Identification of any existing structures or buildings on the proposed site and their

- distances from property boundary lines; if there are no existing structures or buildings on the proposed site and/or an existing structure will be demolished so as to permit the construction of the development a notation stating such shall be so noted on the plan. if there will be no proposed phasing of the project, a notation stating such shall be so noted on the plan.
- .22 Identification of any proposed phasing of the project if applicable; if there will be no proposed phasing of the project, a notation stating such shall be so noted on the plan.
 - .23 Legend for any symbols or line types shown on the plan.
 - .24 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
 - .25 Any foreseeable potential impacts to the existing community, such as, traffic increases, school enrollment, police and fire safety; if there will be no foreseeable potential impacts of the project to the existing community, a notation stating such shall be so noted on the plan.
- b. Copy of the Tax Assessors Plat marked to indicate the boundary of the land to be developed as well as the 200' radius surrounding the perimeter of the property.
 - c. List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property. *Note: this list may be expanded to five hundred (500) feet if the list does not include at least eight (8) notices.*
 - d. Payment of the applicable fee, in the form of a check made payable to the Town of Johnston
 - e. Initial comments shall be solicited by the Administrative Officer from the following entities. Any comments received will be made a part of the permanent record of the project:
 - .1 Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the recreation department;
 - .2 Adjacent communities;
 - .3 State agencies, as appropriate, including the State Departments of Environmental Management and Transportation, and the Coastal Resources Management Council;
 - .4 Federal agencies, as appropriate.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may serve to delay or frustrate the filing process. An application is considered complete by these Regulations when all of the foregoing items have provided or otherwise addressed.

3. Public Hearings and Informational Meetings

Brief: At least one Public Hearing is required of all Major Subdivision and Land Development projects that involve the creation or extension of a road. An Informational Meeting open to the public shall be held if the proposed development does not involve the creation or extension of a road.

Public Hearings and Informational Meetings are held to allow the Board to hear comments from the public on the application under consideration and to allow the public and the developer to exchange concerns and ideas relating to the project and to discuss the potential benefits and impacts of a proposed project.

An Informational Meeting shall be held when no street construction or extension has been proposed. This meeting shall be preceded by a public notice, but not necessarily by a mailing.

The purpose of the Public Hearing is to officially inform the public of the intentions of the developer and of the potential impacts of the project when the project involves the construction of a street; the information presented should address these intentions. The developer shall present a complete set of maps and information in a format that is suitable for public presentation. The developer shall also present any information which the Board or Administrative Officer may have previously requested for the Public Hearing. Public Hearings require public notice in the newspaper and certified mail notice pursuant to these Regulations.

4. Preliminary Review

Brief: This review is required of all Major Subdivisions and Land Development Projects. The PRELIMINARY PLANS FOR THE MAJOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer, definitively showing proposed phasing, and shall consist of the following for the phase(s) currently under review.

The Preliminary Plan Review, which takes place at this stage, is designed to enable the developer to design and prepare the particular aspects of the plan for the subdivision or land development project. The proposed phasing, utility locations, roadways, and other required improvements will be refined at this stage. The actual layout of lots, delineation of open space, recreational areas, easements, and built improvements for the entire subdivision and/or land development project or phase proposed for approval shall be addressed. The materials required for submittal for these meetings should address the actual details of the development as a whole or the phase proposed for approval and serve to define, delineate, and quantify the phase, entire, subdivision or land development project as a logical assemblage of engineering aspects.

The following items are required for the review at the Preliminary Plan Review stage. All of

the items listed below must be submitted totally complete at least thirty-two (32) days in advance of the Preliminary Plan Review meeting(s). Additional meetings may require the submission of additional materials or information required to allow continued discussion of the application. A separate summary checklist of the items required for Preliminary Review of a Major Subdivision or Land Development plan is contained in Appendix "E".

- a. A map, showing all of the lands in contiguous ownership of the applicant, the limits of the project, and any proposed phasing for the project.
- b. Preliminary Plan. Three (3) copies of the plan, marked "PRELIMINARY", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) of the plan marked "PRELIMINARY", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), shall be submitted which shall address all of the following:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;
 - .3 Graphic scale (Approximately 1"= 100');
 - .4 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .5 Name of land development project and/or subdivision;
 - .6 Location Plan with Graphic scale (Approximately 1"=1,000'),
 - .7 Zoning district of land development project and/or subdivision, dimensional requirements, setbacks, total number of lots, and total acreage of project;
 - .8 Graphic scale (Approximately 1"=1,000'), North Arrow;
 - .9 North Arrow with date identified (date if Magnetic North is used);
 - .10 Date of original plan and any and all revisions; Dates of Concept Review Meeting(s) with the Planning Board, and Master Plan Approval.
 - .11 Property owner's name, address, zip code, and telephone number;
 - .12 Plat and Lot Numbers and the names of all adjoining property owners as contained on the latest municipal tax rolls shall be identified on the plan;
 - .13 Name, address, zip code, telephone number fax number, E-Mail address, and original stamp and original signature of registered Professional Engineer and/or Professional Licensed Land Surveyor responsible for the proposed design;
 - .14 Numbering of all lots within the subdivision and/or land development project in a clockwise rotation from the bottom of the plan;
 - .15 Depiction of proposed phasing of the entire tract;
 - .16 Match lines to allow proper orientation between plan sheets;

- .17 Surveyed location of existing boundary lines, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .18 Surveyed location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
- .19 Surveyed topography of two (2) feet contours (maximum), if required. If surveyed topography is not required, approximate topography at ten (10) feet intervals must be shown; the Administrative Officer and/or the Planning Board shall make the determination relative to accuracy level needed for topography.
- .20 Surveyed location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
- .21 Approximate location, delineation, and description of soils on the site as defined by the USDA Soils Conservation Service, or as required by the Board;
- .22 Approximate location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so notated on the plan.
- .23 Surveyed location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site. Identification of existing and proposed elevations at intersections within 200' of the site.
- .24 Surveyed location, labeling, size, and engineering details of temporary cul-de-sacs as required on roads which will be developed in subsequent phases;
- .25 Surveyed location and sizes of all existing and engineered sizes of all proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures integral and within 200' of the site. Existing and proposed elevations of drainage structures; if there are no proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures integral and within 200' of the site, a notation stating such shall be so notated on the plan.
- .26 Surveyed location, dimensions, area, zoning district, setbacks, and use of all proposed or existing lots within the entire site;
- .27 Bench mark locations - Established from Base Sea Level;
- .28 Proposed location of street rights-of-way, pavement area, and names of proposed streets as approved by both the Fire Department and the Planning Department;
- .29 Proposed and/or existing permanent monument locations;
- .30 Proposed location of street rights-of-way and names of proposed streets as approved by the Fire Department and Town Planner;
- .31 Proposed linear footage of streets and total amount of cut and fill;
- .32 Proposed location of easements, utilities, lot lines, curb lines, setback lines, sidewalks;
- .33 Location of Percolation Test Holes, if applicable;
- .34 Location of Ground Water Determination Test Holes, if applicable;

- .35 Surveyed location of any existing or proposed lakes, ponds, watercourses, or wetlands, wetland flagging, and proposed or existing drainage patterns;
 - .36 Surveyed location of any existing structures or buildings on the proposed site and their distances from property lines; if there are no existing structures or buildings on the proposed site and/or an existing structure will be demolished so as to permit the construction of the development, a notation stating such shall be so noted on the plan;
 - .37 Proposed metes and bounds showing all lengths, angles, lot areas, curve data (including radii), length of arcs, etc.;
 - .38 Proposed erosion control measures and details for construction of same;
 - .39 Existing street ties;
 - .40 Proposed water lines; including engineered pipe sizes and locations;
 - .41 Proposed storm sewer lines, including engineered pipe sizes and locations;
 - .42 Proposed sanitary sewer lines, including engineered pipe sizes and locations;
 - .43 Proposed public utility (gas, electric, etc.) line locations, including ground mounted transformers and ancillary structures;
 - .44 Fire Department Approved location of proposed fire hydrants, water cisterns, dry lines, etc.;
 - .45 Profile Grade Sheets identifying proposed finished grades showing centerline, left and right curb elevations, and indicating source of base elevation; Horizontal portion of profile sheet shall be appear above (at the top of the profile sheet) and directly relate to the vertical portion of the profile sheet (bottom half of the profile sheet). Horizontal scale shall be 1" = 40'; vertical scale shall be 1" = 4' with cross-sections every 100' Cross-sections shall be provided every fifty (50) feet where cut or fill exceeds two (2) feet;
 - .46 Proposed street and regulatory signs as approved by the Police Department and Public Works Director;
 - .47 All applicable construction details;
 - .48 Detention basin details, including wall and floor elevations, capacity, etc.;
 - .49 Details of all special structures;
 - .50 Location and details of street trees, site plantings, buffer vegetation, ground cover, etc. as required by the Board;
 - .51 Street Index Note Block shall be placed left of title block in lower right-hand corner. Said notation shall read, "This Plan is to be indexed under the following streets:" and the names of all pertinent streets on the plan shall be identified.
- c. A specification covering the planting and maintenance for a period of two (2) years for all street trees, site plantings, buffer vegetation, ground cover, etc.;
- d. Original plus 15 Copies of each of the following documents shall also be submitted:
- .1 List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property. *Note: this list may be expanded to five hundred (500) feet if the list does not include at least eight (8) notices.*

- .2 A copy of the Tax Assessor's plat map marked to indicate the boundary of the land to be developed, as well as the 200' radius surrounding the perimeter of the property and the relative location of prominent or substantial municipal or recreational facilities;
- .3 An aerial photograph marked to indicate the boundary of the proposed subdivision and/or land development project and the entire tract;
- .4 RIDEM soil suitability determination;
- .5 RIDEM Wetlands Approvals, if applicable;
- .6 Letter of approval from the Fire Department regarding placement of fire hydrants, holding cisterns, dry piping, and cul-de-sac design acceptability, etc., if applicable;
- .7 Letter of approval of proposed street names from the Fire Department and the Planning Department;
- .8 Traffic study, stamped and signed by the Traffic Engineer responsible for the study;
- .9 Study Report of the impacts of the development, in phases and as fully developed, upon the school system and other municipal resources of the Town;
- .10 Proposed agreement for maintenance of all bounds and monuments for a period of five (5) years;
- .11 Letter of approval of street and traffic control sign locations from the Police Department and Public Works Director;
- .12 Any approvals required from any other jurisdiction, such as, Rhode Island Department of Transportation (RIDOT), Rhode Island Department of Environmental Management (RIDEM), Narragansett Bay Commission (NBC), Providence Water Supply Board (PWSB), and the like.
- .13 Letter from appropriate water district stating availability of water for connection and sufficient capacity for the intended use of the proposed development (such as, residential, business, industrial, commercial) and certification relative to the amount of water flow/pressure as designed by the applicant. Water pressure shall be sufficient enough to comply with NFPA fire safety standards, if applicable;
- .14 Letter from appropriate sewer district stating availability for connection and sufficient capacity for public sewers, if applicable;
- .15 Engineering analysis of water system to establish: that there will be no decrease in water pressure or supply to surrounding property owners and that there will be an adequate water supply and pressure to each new house in accordance with building code and NFPA requirements;
- .16 Tax Collector's Certificate for payment of taxes for last five years;
- .17 RIDOT approval for access to State highways, if applicable;
- .18 Drainage calculations and narrative report for the development and the areas downstream of development and an engineering analysis of the drainage system as existing and proposed (15 copies);
- .19 Final written comments and/or approvals of the Department of Public Works, the Town Engineer, the Town Planner, the Town Solicitor, other local government departments, commissions, or authorities as appropriate.
- .20 Proposed Easements and Quit-Claim Deeds for streets and other rights-of-way and

- Restrictions and Covenants which shall be filed with the development at the time of recording;
- .21 Proposal for perpetual care of cemeteries on the site;
 - .22 Proposed schedule or time table for completion of the proposed infrastructure and road improvements, construction of site improvements, structures, houses, and any other proposed development of the property.
 - .23 Proposed Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
 - .24 Proposed Arrangements for dedication of land and/or fees in-lieu-of land dedication.
 - .25 Any other information the Board may have deemed necessary for the adequate review and construction of the project;
- e. Payment in the form of a check for the applicable fees, made payable to the Town of Johnston.

5. Public Hearings and Informational Meetings

Brief: At least one Public Hearing is required of all Major Subdivision and Land Development projects which involve the creation or extension of a road. An Informational Meeting open to the public shall be held if the proposed development does not involve the creation or extension of a road.

Public Hearings and Informational Meetings are held to allow the Board to hear comments from the public on the application under consideration and to allow the public and the developer to exchange concerns and ideas relating to the project and to discuss the potential benefits and impacts of a proposed project.

An Informational Meeting shall be held when no street construction or extension has been proposed. This meeting shall be preceded by a public notice, but not necessarily by a mailing.

The purpose of the Public Hearing is to officially inform the public of the intentions of the developer and of the potential impacts of the project when the project involves the construction of a street; the information presented should address these intentions. The developer shall present a complete set of maps and information in a format that is suitable for public presentation. The developer shall also present any information which the Board or Administrative Officer may have previously requested for the Public Hearing. Public Hearings require public notice in the newspaper and certified mail notice pursuant to these Regulations.

6. Final Plan Review

Brief: This review is required for all Major Subdivision and Land Development Projects. It is the final review before recording the project in the Office of the Town Clerk. The FINAL

PLANS FOR THE MAJOR SUBDIVISION and/or LAND DEVELOPMENT PROJECT shall encompass the entire tract of land in contiguous ownership of the developer, definitively showing proposed phasing, and shall consist of the following for the phase(s) currently under review.

The Final Plan Review, which takes place at this stage, is designed to enable the developer to finalize the particular aspects of the plan for the subdivision or land development project. The phasing and construction details of the plat, utilities, roadways, drainage and other infrastructure, and other required improvements will be finalized at this stage. The actual metes and bounds of lots, roads, and easements, delineation of open space and buildable areas, the makeup of recreational areas and built improvements shall be finalized. The materials required for submittal for these meetings should address the actual details of the subdivision and/or land development project as a whole and serve to bring into actual engineered plans all of the aspects of the development.

The following items are required for the review at the Final Plan Review stage. All of the items listed below must be submitted totally complete at least thirty-two (32) days in advance of the Final Plan Review meeting(s). Additional meetings may require the submission of additional materials or information required to allow continued discussion of, and a decision upon, the application. A separate summary checklist of the items required for the Final Review of a Major Subdivision or Land Development plan are contained in Appendix "E".

- a. Final Plan. Three (3) copies of the plan, marked "FINAL", which address all of the following shall be initially submitted to the Administrative Officer for review relative to completeness. Subsequent to the issuance of a "Certificate of Completeness", fifteen (15) of the plan marked "FINAL", plus fifteen (15) plan reductions (sized 11" x 17" or smaller), shall be submitted which shall address all of the following:
 - .1 Planning Board Application, completely filled in, signed, and dated;
 - .2 Tax Assessor Plat(s) and Lot Number(s) of all the properties involved in the development;
 - .3 Graphic scale (Approximately 1"= 100');
 - .4 A location map at a minimum scale of 1" = 2000' (1:24,000) to indicate the relationship of the proposed project to significant existing community facilities which will serve or influence the layout, such as major traffic arteries, shopping areas, schools, parks, employment centers, churches, etc. This map shall be drawn to a scale suitable to indicate the above features as well as the north point, scale and date.
 - .5 Name of land development project or subdivision;
 - .6 Location plan with Graphic scale (Approximately 1"=1,000');
 - .7 Zoning district of land development or subdivision, dimensional requirements of zoning district, total number of lots, and total acreage of project, and use of all proposed and/or existing lots within the entire site;
 - .8 North Arrow with date identified (date if Magnetic North used);

- .9 Date of original plan and any and all revisions; Dates of Concept Review Meeting(s) with the Planning Board, Master Plan Approval, and Preliminary Plan Approval.
- .10 Property owner's name, address, zip code, telephone number;
- .11 Name, address, zip code, telephone number, and original stamp and original signature of registered Professional Engineer and licensed Professional Land Surveyor responsible for the proposed design;
- .12 Numbering of all lots within the subdivision and/or land development project in a clockwise rotation from the bottom of the plan;
- .13 Dimensional requirements, total number of lots, and total acreage of the phase(s) under review;
- .14 Delineation of proposed phasing of the entire tract;
- .15 Match lines to allow proper orientation between plan sheets;
- .16 Surveyed location of existing boundary lines, easements, and rights-of-way; if no easements are located on the subject property, a notation stating such shall be so noted on the plan.
- .17 Surveyed location of extraordinary or unusual natural features; if no extraordinary or unusual natural features are located on the subject property, a notation stating such shall be so noted on the plan.
- .18 Surveyed topography of two (2) feet contours (maximum), if required. If surveyed topography is not required, approximate topography at ten (10) feet intervals must be shown; the Administrative Officer and/or the Planning Board shall make the determination relative to accuracy level needed for topography.
- .19 Surveyed location of historic areas, cemeteries, foundations, etc.; if no historic areas, cemeteries, foundations are located on the subject property, a notation stating such shall be so noted on the plan.
- .20 Approximate location, delineation, and description of soils on the site as defined by the USDA Soils Conservation Service, or as required by the Board;
- .21 Approximate location and elevation of the 100-year flood plain and floodways, if applicable; if no flood plains or floodways are located on the subject property, a notation stating such shall be so notated on the plan.
- .22 Surveyed location, widths, and names of all existing and proposed streets or public ways integral and within 200' of the site. Identification of existing and proposed elevations at intersections within 200' of the site.
- .23 Surveyed location, labeling, size, and engineering details of temporary cul-de-sacs as required on roads which will be developed in subsequent phases;
- .24 Surveyed location and sizes of all existing and engineered sizes of all proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures integral and within 200' of the site. Existing and proposed elevations of drainage structures; if there are no proposed sewers, water mains, culverts, leach fields, septic systems, and other underground structures integral and within 200' of the site, a notation stating such shall be so notated on the plan.
- .25 Surveyed location, dimensions, area, zoning district, setbacks, and use of all

- proposed or existing lots within the entire site;
- .26 Bench mark locations - Established from Base Sea Level;
 - .27 Surveyed location of proposed and/or existing permanent monument locations;
 - .28 Proposed location of street rights-of-way, and names of proposed streets as approved by the Fire Department and Town Planner;
 - .29 Surveyed location of proposed easements, utilities, lot lines, curb lines, setback lines, sidewalks;
 - .30 Surveyed location of Percolation Test Holes, if applicable;
 - .31 Surveyed location of Ground Water Determination Test Holes, if applicable;
 - .32 Proposed linear footage of streets and total amount of cut and fill;
 - .33 Surveyed location of any existing or proposed lakes, ponds, watercourses, or wetlands, wetland flagging, and proposed or existing drainage patterns;
 - .34 Surveyed location of any existing structures or buildings on the proposed site and their distances from property lines; if there are no existing structures or buildings on the proposed site and/or an existing structure will be demolished so as to permit the construction of the development, a notation stating such shall be so noted on the plan.
 - .35 Proposed metes and bounds showing all lengths, angles, lot areas, curve data (including radii), length of arcs, etc.;
 - .36 Proposed erosion control measures and details for construction of same;
 - .37 Existing street ties;
 - .38 Proposed water lines, including engineered pipe sizes and locations.
 - .39 Proposed storm sewer lines, including engineered pipe sizes and locations;
 - .40 Proposed sanitary sewer lines, including engineered pipe sizes and locations;
 - .41 Proposed public utility (gas, electric, etc.) line locations, including ground mounted transformers and ancillary structures;
 - .42 Fire Department Approved location of proposed fire hydrants, water cisterns, dry lines, etc.;
 - .43 Profile Grade Sheets identifying proposed finished grades showing centerline, left and right curb elevations, and indicating source of base elevation; Horizontal portion of profile sheet shall be appear above (at the top of the profile sheet) and directly relate to the vertical portion of the profile sheet (bottom half of the profile sheet). Horizontal scale shall be 1" = 40'; vertical scale shall be 1" = 4' with cross-sections every 100' Cross-sections shall be provided every fifty (50) feet where cut or fill exceeds two (2) feet;
 - .44 Proposed street and regulatory signs as approved by the Police Department and Public Works Director;
 - .45 All applicable construction details;
 - .46 Detention basin details, including wall and floor elevations, capacity, etc.
 - .47 Details of all special structures;
 - .48 Location and details of street trees, site plantings, buffer vegetation, ground cover, etc. as required by the Board;

- b. A specification covering the planting and maintenance for a period of two (2) years for all street trees, site plantings, buffer vegetation, ground cover, etc.;
- c. Original plus 15 Copies of each of the following documents shall also be submitted:
 - .1 List of all names and addresses of all property owners within two hundred (200) feet of the perimeter of the project property. *Note: this list may be expanded to five hundred (500) feet if the list does not include at least eight (8) notices.*
 - .2 A copy of the Tax Assessor's plat map marked to indicate the boundary of the land to be developed, as well as the 200' radius surrounding the perimeter of the property and the relative location of prominent or substantial municipal or recreational facilities;
 - .3 An aerial photograph marked to indicate the boundary of the proposed subdivision and/or land development project and the entire tract;
 - .4 Letter of final approval from the Fire Department regarding placement of fire hydrants, holding cisterns, dry piping, and cul-de-sac design acceptability, etc.;
 - .5 Letter of final approval of proposed street names from the Fire Department and the Planning Department;
 - .6 Letter of final approval of street and traffic control sign locations from the Police Department and Public Works Director;
 - .7 Letter of design approval from the electrical utility supplying the development with regards to placement of utility poles, transformers, street lighting, guy wires, easements, and related structures.;
 - .8 Any remaining final approvals required from any other jurisdiction; such as, RIDOT, RIDEM, NEC, PWSB, etc.
 - .9 Tax collectors' certificate to cover five (5) year period for taxes;
 - .10 Final Drainage calculations and narrative report pertaining to the development and the areas downstream of development and an engineering analysis of the drainage system as existing and proposed (15 copies);
 - .11 Final Engineering analysis of water system to establish that there will be no decrease in water pressure or supply to surrounding property owners and that there will be an adequate water supply and pressure to each new house in accordance with Building Code, Health Code, and NFPA requirements;
 - .12 Letter of Final Approval from appropriate water district indicating the water design plans have been approved and stating availability of water for connection and sufficient capacity for the intended use of the proposed development (such as, residential, business, industrial, commercial) and certification relative to the amount of water flow/pressure as designed by the applicant. Water pressure shall be sufficient enough to comply with NFPA fire safety standards, if applicable;
 - .13 Letter of Final Approval from appropriate sewer district indicating the sewer design plans have been approved and stating availability for connection and sufficient capacity for public sewers, if applicable;
 - .14 Revised traffic study, finalized, stamped and signed by the Traffic Engineer responsible for the study (15 copies);

- .15 The final revised study of the impacts of the development, in phases and as fully developed, upon the school system and other municipal resources of the Town;
 - .16 Final executed instruments for Easements and Quit-Claim Deeds for streets and other rights-of-way as well as all deed restrictions and covenants which shall be filed with the development at the time of recording;
 - .17 Final agreements for perpetual care of cemeteries on the site;
 - .18 Final executed agreement for recording purposes relative to maintenance of all bounds and monuments for a period of five (5) years;
 - .19 Final schedule or time table for completion of the proposed infrastructure and road improvements, construction of site improvements, structures, houses, and any other proposed development of the property;
 - .20 Final Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
 - .21 Final Arrangements for dedication of land and/or fees in-lieu-of land dedication.
 - .22 Any other information the Board may have deemed necessary for the adequate review and construction of the project.
 - .23 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;
- d. Payment in the form of a check for the applicable fees, made payable to the Town of Johnston.
- e. Copy of final plans in an electronic format as acceptable to the Town.

It is very important that the plans and documents which are submitted be as complete and accurate as possible. Missing or unclear information may serve to delay or frustrate the filing process.

An application is considered complete by these regulations when all of the foregoing items have provided or otherwise addressed.

END OF SECTION

History of Section

1. December 19, 1995 – Adoption of this Section and Regulations pursuant to §45-23 of the General Laws of the State of Rhode Island, 1956 as amended.
2. August 6, 2002 - Amendments
 - Section IV
global modification of terminology to provide for language relative to the land development process, developer, development, and land development project as well as modified title of Regulations to Land Development and Subdivision Review Regulations and technical compliance with statute.
 - Section IV, A - clarification of submission requirements.
 - Section IV, C - clarification of submission requirements for administrative subdivision submissions.
 - Section IV, D - clarification of submission requirements for minor subdivision submissions.
 - Section IV, E - clarification of submission requirements for major subdivision submissions.

SECTION V ADMINISTRATION AND ENFORCEMENT

ARTICLE A. AUTHORITY TO CREATE AND ADMINISTER REGULATIONS

Pursuant to §24-2 of Code of the Town of Johnston, the Town Council empowers the Planning Board to compile and write, as well as the continual review and adjust of the Land Development and Subdivision Review Regulations, formerly known as Subdivision Regulations. The title of these Regulations was changed in accordance with the Land Development and Subdivision Review Enabling Act of 1992 (§45-23 of the General Laws of the State of Rhode Island, 1956 as amended).

1. **Power to Adopt and Amend.** Pursuant to §24-2 of Code of the Town of Johnston, the Town Council empowers the Planning Board of the Town of Johnston to adopt, modify and amend regulations and rules governing land development and subdivision projects within that Town and to control land development and subdivision projects pursuant to those regulations and rules.
2. **Procedure for Adoption and Amendment.**
 - a. The Town of Johnston Planning Board, as duly authorized and in compliance with the State Land Development and Subdivision Review Enabling Act of 1992, shall adopt or repeal and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.
 - b. Provisions of the Town regulations and appendices shall be set forth in text and may incorporate maps, and other technical and graphic material. The Town regulations, and all the amendments thereto, shall be consistent with all provisions of the Town of Johnston Comprehensive Community Plan, the Town of Johnston Zoning Ordinance, and the State of Rhode Island Land Use Enabling Acts.
 - c. The Council does hereby grant to the Town Planner, Administrative Officer, or their assign, the power to make editorial corrections and additions to this Regulation, such corrections and additions to be noted in subsequent printings of this Regulation.
3. **Public Hearing and Notice Requirements**
 - a. No Town Land Development and/or Subdivision Regulation, except for editorial corrections or additions, shall be adopted, repealed, or amended until after a Public Hearing has been held upon the question before the Town Planning Board.
 - b. The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held.

- c. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:
 - .1 Specify the place of said hearing and the date and time of its commencement;
 - .2 Indicate that adoption, amendment or repeal of local regulations is under consideration;
 - .3 Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
 - .4 Advise those interested where and when a copy of the matter under consideration may be obtained, examined, and/or copied; and
 - .5 State that the proposals shown thereon may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any such alteration or amendment must be presented for comment in the course of said Hearing.
- d. At this Hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.
- e. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the Hearing.
- f. Notice of the Public Hearing shall be sent by first class mail to the city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the Town of Johnston boundaries.
- g. Notice of a Public Hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the Town of Johnston or two thousand feet (2,000') of the Town's boundaries, provided, however, that a map survey has been filed with the building inspector as specified in §45-24-53(E) of the General Laws of the State of Rhode Island, 1956 as amended.
- h. No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.
- i. The above requirements are to be construed as minimum requirements.

4. Publication and Availability

- a. Printed copies of the Town regulations, including all amendments, are available to the general public. All appendices are also available either separately or as part of the

Subdivision Regulations of the Town of Johnston. A fee is charged for copies of these documents.

- b. Upon publication of any amendments to the Town Regulations, the Town Planner shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library.

ARTICLE B. ADMINISTRATION

To allow for the uniform application and enforcement of these Regulations upon all persons who may be affected, guidelines have been adopted for the administration of the Regulations.

1. The Administrative Officer

- a. Local administration of the Town Land Development and Subdivision Review Regulations shall be under the direction of the Town Planner, who shall work with the Planning Board in all matters pertaining to the administration of these Regulations. The Planner may delegate the duties of the position in the event of said Planner's absence or in the case of a potential conflict of interest situation. Pursuant to state statute §45-23-55, the delegate may be a member of, or the chair, of the Planning Board, or an appointed official of the Town.
- b. The Town Planner shall possess the following experience, both educational and practical:
 - .1 At least two (2) years of education at an institute of higher learning, with a degree having been earned in a discipline closely related to land use and planning;
 - .2 At least five (5) years of practical experience either in the public or private sector, working in a position directly related to land use and planning;
 - .3 A demonstrated ability to oversee and coordinate the review, approval, recording, and enforcement of municipal documents and regulations;
 - .4 A demonstrated understanding of and ability to oversee the functioning of the Planning Board of a township;
 - .5 A demonstrated understanding of and ability to work with all facets of town and state government;
 - .6 Any combination of the above that will allow the selected individual to fulfill all of the duties of the Town Planner of the Town of Johnston.
- c. The Town Planner shall have such powers and responsibilities as follows:
 - .1 Provide for the long range, short range, and immediate land use planning needs of the Town of Johnston;
 - .2 Work with and advise the Mayor and his staff on land use issues, including but not limited to comprehensive planning, land use planning and regulation, land use zoning, subdivision and development, writing, editing, and amendment of land use and zoning regulations;
 - .3 Oversee and coordinate the review, approval, recording, and enforcement provisions of the Town of Johnston Land Development and Subdivision Review Regulations.
 - .4 Work with and advise the Town of Johnston Planning Board, providing review of all

- projects before the Board, administration of the Board's records, and coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities and the State of Rhode Island as is necessary to be consistent with applicable federal, state and local laws and as directed by the planning board.
- .5 Serve as the chair of the technical review committee, where established.
- d. Enforcement of the local regulations shall be under the direction of the Town Planner. The Planner shall be responsible for coordinating the enforcement efforts of the zoning enforcement officer, the building official, the building inspector, planning department staff, town engineer, the department of public works and other local officials responsible for the enforcement or carrying out of discrete elements of the regulations.
2. **Technical Review Committee.** To facilitate the review of projects that may be too complex, too involved, too simple, or simply to expedite the review and approval functions of the Planning Board, the Board may, at its discretion, appoint a Technical Review Committee to assist in certain operations of the Board.
- a. Composition
- .1 The Planning Board may establish a technical review committee of not fewer than three (3) members, to conduct technical reviews of applications subject to their jurisdiction.
- .2 The Town Planner shall serve as chair.
- .3 Membership of this subcommittee, to be known as the Technical Review Committee, may include, but shall not be limited to, members of the Planning Board, planning department staff, other municipal staff representing departments with responsibility for review or enforcement, conservation commissioners or other duly appointed local public commission members.
- b. Operation
- .1 If the Planning Board establishes a Technical Review Committee, they shall adopt written procedures establishing the Committee's responsibilities.
- .2 Reports of the Technical Review Committee to the Planning Board shall be in writing and shall be kept as part of the permanent documentation on the development application. In no case shall the recommendations of the Technical Review Committee be binding on the Planning Board in its activities or decisions.
3. **The Board of Appeal.** The purpose is to allow any member of the public who may be aggrieved by a decision or action of the Planning Board or Administrative Officer, there shall be a Board of Appeals to hear any aggrieved person. The Town Council of the Town of Johnston does hereby establish the Zoning Board of Review of the Town of Johnston as the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects.
4. **Administrative Fees.** In compliance with the laws of the State of Rhode Island, the Town of

Johnston has adopted a schedule for fees, to be paid by the applicant for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon. This fee schedule, and any amendments thereto, is hereby adopted into and as part of these Regulations.

ARTICLE C. ENFORCEMENT

The Land Development and Subdivision Review Regulations of the Town of Johnston have been promulgated so as protect the health, safety, and welfare of the citizens of the Town. To enable the Planning Board and the Administrative Officer to administer these Regulations effectively, enforcement and penalty provisions have been incorporated herein.

1. Violations and Penalties

- a. The Land Development and Subdivision Review Regulations of the Town of Johnston provide for a penalty for any violation of the said regulations, as well as for a violation of any terms or conditions of any action imposed by the Planning Board or of any other agency or officer charged in the regulations with enforcement of any of the provisions.
- b. Violation of the regulations shall 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, or by other use, of a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Town Land Evidence Records, shall be in violation of the these regulations and subject to the penalties described in this section.
- c. The penalty for violation 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.
- d. The Town may also cause suit to be brought in the supreme or superior court, or any municipal court, including a municipal housing court having jurisdiction in the name of the Town, 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.

2. **Required Findings.** To allow for the fair and equitable application of these Regulations, and to provide the developer with a reasonable knowledge of what is required for approval, the Town Council has enacted provisions of these Regulations which delineate the required findings the Planning Board must make before approval can be given to a project.

For all administrative, minor, and major development applications, the approving authorities responsible for land development and subdivision review and approval shall address each of

the general purposes stated in Article I of these regulations and shall 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 Town of Johnston 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 Town of Johnston 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. Development of the land, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of *Buildable Lot*).

Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans, such as a drainage basin or the like; and

- e. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

3. Precedence of Approvals; Planning Board and Other Local Permitting Authorities

To assure that all reviews which may be required of a project are conducted, and that the project is presented to each reviewing agency in the proper order, the following organizational listing has been created.

a. Zoning Board

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

No recording of any plan receiving a Planning Board conditional approval pertaining to required approvals from another authority, such as the Zoning Board of Review, may occur until all conditions of the Planning Board's approval have been met. Likewise, no construction of improvements within the purview of the Planning Board's jurisdiction may proceed until all Planning Board conditions for required

approvals from other authorities, such as the Zoning Board of Review, may occur until all such Planning Board conditions have been met.

- .2 **Special Use Permit.** Where an applicant requires both a Special Use Permit under the Town of Johnston Zoning Ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a Conditional Special Use Permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).

No recording of any plan receiving a Planning Board conditional approval pertaining to required approvals from another authority, such as the Zoning Board of Review, may occur until all conditions of the Planning Board's approval have been met. Likewise, no construction of improvements within the purview of the Planning Board's jurisdiction may proceed until all Planning Board conditions for required approvals from other authorities, such as the Zoning Board of Review, may occur until all such Planning Board conditions have been met.

- b. **Town Council.** Where an applicant requires both Planning Board approval and 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 from the Planning Board 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 Planning Board for subsequent required approval(s).
4. **Waivers, Modifications, and Reinstatement of Plans.** As not all of the provisions of these Regulations may always be practicable in the development of land within the Town, the following provisions have been made to provide the Planning Board the authority to review each proposal on a case by case basis to determine if a waiver to certain requirements of these Regulations may be warranted.
 - a. **Waiver of development plan approval**
 - .1 The Planning Board may waive requirements for Development Plan Approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Planning Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
 - .2 The application for a waiver of Development Plan Approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.

b. Waiver and/or modification of requirements

- .1 The Planning Board shall have the power to grant such 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 Town of Johnston Land Development and Subdivision Review Regulations.
- .2 The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Town's Comprehensive Plan and Zoning Ordinance.

- c. Reinstatement.** The Planning Board may, for sufficient cause and merit shown, reinstate a project for which review and/or filing deadlines have expired. If, in the opinion of the Board, extenuating circumstances have prevented the applicant from following through on the presentation of a project, the Board may vote to resume hearings on said project. The Hearings will recommence from the approval prior to the last approval granted the project; 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.

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.

- d. 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) above, according to the requirements of these Regulations.

ARTICLE D. Meetings, Votes, Decisions, and Records

In order to allow the public, developers, Administrative Officer, and Board members to have a common understanding of procedures of the Planning Board, this section provides details pertaining the principals and rules of operation of the Planning Board in relation to the implementation of the Land Development and Subdivision Review Regulations of the Town of Johnston.

1. **Meetings, Votes & Decisions.** Pursuant to Article XVII of the Johnston Town Charter, the Planning Board shall meet, vote and render decisions pertaining to the development of property under the jurisdiction of these Regulations and in accordance with time constraints for such voting or decisions as specified in these Regulations.

2. Records

- a. All records of the Planning Board proceedings and decisions shall be written and kept

permanently available for public review.

- b. Completed applications for proposed land development and subdivision projects under review by the Planning Board, shall be available for public review.
 - c. All final written comments to the Planning Board from the Administrative Officer, the Town Planner, municipal departments, the technical review committee, state and federal agencies, and local commissions shall be part of the permanent record of the development application.
 - d. All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership.
3. **Liability.** Participation in a Planning Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

4. Signing and Recording of Plats and Plans

- a. All approved final plans and plats for land development and subdivision projects shall be signed by the appropriate Planning Board official with the date of approval.
 - .1 Plans and plats for major land developments and subdivisions shall be signed by the Planning Board Chairperson or the Secretary of the Planning Board attesting to the approval by the Planning Board.
 - .2 All minor land development or subdivision plans and plats and administrative plats shall be signed by the Planning Board Chairperson or Secretary or the Board's designated agent.
- b. Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the appropriate Town departments. The material to be recorded for all plans and plats shall include:
 - .1 All pertinent plans with notes thereon concerning all the essential aspects of the approved project design;
 - .2 The implementation schedule;
 - .3 Special conditions placed on the development by the Town;
 - .4 Permits and agreements with state and federal reviewing agencies; and
 - .5 Other information as required by the Planning Board.
- c. Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the Public Hearing, and the entire final approval set of drawings shall be kept permanently by the Town departments responsible

for implementation and enforcement.

- d. The Administrative Officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new development with the information required by each of the authorities.

5. **Changes to Recorded Plats and Plans.** For all changes to the approved plans of land development projects or subdivisions subject to these regulations, an amendment of the final development plans is required prior to the issuance of any building permits. 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 Section IV in these Regulations.

- a. **Minor Changes to Approved Plat.** *Minor changes*, to a land development or subdivision plan may be approved administratively, by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical Review Committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.
- b. **Major Changes to Approved Plat.** *Major changes*, as defined in these Regulations, to a land development or subdivision plan may be approved only by the Planning Board and must follow the same review and Public Hearing process required for approval of preliminary plans as described in Section IV in these Regulations.
- c. **Rescission Procedure.** The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the Town of Johnston Comprehensive Community 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 in these Regulations. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of Section V in these Regulations. If it is necessary to abandon any publicly owned street, the Planning Board shall submit to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in Section V in these Regulations.
- d. **Plat and/or Plan Void if Revised After Approval**
 - .1 No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat and/or Land Development Plan after approval has been given by the Planning Board and endorsed in writing on the Plat and/or Plan, unless the said Plat and/or Plan

- is first resubmitted to the Planning Board and such Board approves any modifications.
- .2 In the event that any such Subdivision Plat and/or Land Development Plan is recorded without complying with this requirement, the Town Solicitor shall institute proceedings to have the Subdivision Plat and/or Land Development Plan stricken from the records of the Town Clerk.
 - .3 All permits issued for a Subdivision Plat and/or Land Development Plan that has been modified pursuant to the provisions of this Section shall be deemed null and void, and all work underway on any building or improvement within the Subdivision Plat and/or Land Development Plan shall be halted.

6. Appeals

a. Right of Appeal.

- .1 Any person who feels aggrieved by an approval or action of the Planning Board and/or any administrative officer charged in the regulations with enforcement of any provisions of same, except as provided herein, may file an appeal.
- .2 Any person who feels aggrieved by an action or decision of the Board of Appeals may file an appeal the Superior Court of the State of Rhode Island.

b. Process of Appeal.

- .1 An appeal to the Board of Appeal from a decision or action of the Planning Board or Administrative Officer may be taken by an aggrieved party to the extent provided by law. Such appeal must be taken within twenty (20) days after the decision has been filed and posted in the Office of the Town Clerk.
- .2 The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeal. The Zoning Official or the Clerk of the Zoning Board of Review, which shall sit as the Board of Appeal, shall accept delivery of an appeal on behalf of the Board of Appeal.
- .3 Upon receipt of an appeal, the Board of Appeal shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

c. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action being appealed.

d. Public Hearing.

- .1 The Board of Appeal shall hold a public hearing on the appeal within forty-five (45) days of the receipt of the appeal, give proper public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The Board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for

the hearing shall be borne by the appellant.

- .2 The Board of Appeal shall only hear appeals of the actions of a Planning Board or an administrative officer charged in the regulations with enforcement of any provisions of these Regulations, except as provided herein, at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.
- .3 The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes as required by §45-23-70(C) of the General Laws of the State of Rhode Island shall be maintained by the Board of Appeal.

e. Standards of review.

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

f. Appeals to the Superior Court.

- .1 An aggrieved party may appeal a decision of the Board of Appeal, to the Superior Court of the County of Providence filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Office of the Town Clerk. The Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Planning Board shall be

- made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the Court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.
- .2 The review shall be conducted by the Superior Court without a jury. The Court shall consider the record of the hearing before the Planning Board and, if it shall appear to the Court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the Court shall be made.
 - .3 The Court shall not substitute its judgment for that of the Planning Board as to the weight of the evidence on questions of fact. The Court may affirm the decision of the Board of Appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions, or decisions which are:
 - .a In violation of constitutional, statutory, ordinance, or Planning Board regulation provisions;
 - .b In excess of the authority granted to the Planning Board by statute or ordinance;
 - .c Made upon unlawful procedure;
 - .d Affected by error of law;
 - .e Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
 - .f Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
- g. Appeals to the Superior Court - Enactment of or Amendment of Local Regulations**
- .1 An appeal of an enactment of or an amendment of the Town of Johnston Land Development and Subdivision Review Regulations may be taken to the Superior Court of the County of Providence by filing a complaint, as set forth herein, within thirty (30) days after such enactment or amendment has become effective. The appeal may be taken by any legal resident or landowner of the Town of Johnston, or by any association of residents or landowners of the Town of Johnston. The appeal shall not stay enforcement of the Town Regulations, as enacted or amended, but the Court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.
 - .2 The complaint shall set forth with specificity the area or areas in which the enactment or amendment is consistent with the Comprehensive Planning Act, Chapter 22.2 of the General Laws of the State of Rhode Island (1956 as amended); the Rhode Island Zoning Enabling Act of 1991, §45-24-27, et seq. of the General Laws of the State of Rhode Island (1956 as amended); the Town of Johnston Comprehensive Community Plan; or, the Town of Johnston Zoning Ordinance.
 - .3 The review shall be conducted by the Court without a jury. The Court shall consider whether the enactment or amendment of the Town Land Development and

Subdivision Review Regulations is consistent with the State Comprehensive Planning Act, (Chapter 22.2); the State Zoning Enabling Act of 1991, (§45-24-27 et seq.); the Town of Johnston Comprehensive Community Plan; or, the Town of Johnston Zoning Ordinance. If the enactment or amendment is not consistent, then the Court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The Court shall not revise the Town Regulations to be consistent, but may suggest appropriate language as part of the court decision.

- .4 The Court may, in its discretion, upon motion of the parties or on its own motion, award a reasonable attorney's fees to any party to an appeal, as set forth herein, including the Town of Johnston.
- h. **Appeals to the Superior Court Priority in Judicial Proceedings.** Upon the entry of any case or proceeding brought under the provisions of this section. including pending appeals and appeals hereinafter taken to the Court, the Court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.
7. **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

History of Section

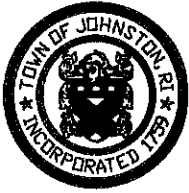
1. December 19, 1995 – Adoption of this Section and Regulations pursuant to §45-23 of the General Laws of the State of Rhode Island, 1956 as amended.
2. February 6, 2000 – Amendments.
Section V, Article E.6.B.1.
 Modify text pertaining to appeal process and filing decision in Town Clerk's Office
3. August 6, 2002 – Amendments
Section V
 - global modification of terminology to provide for language relative to the land development process, developer, development, and land development project as well as modified title of Regulations to Land Development and Subdivision Review Regulations and technical compliance with statute.
Section V, A – Elimination of previous Article A and re-sequencing of Articles.
Section V, B – modification of administration process.
Section V, C – modification of enforcement process.

Town of Johnston, Rhode Island

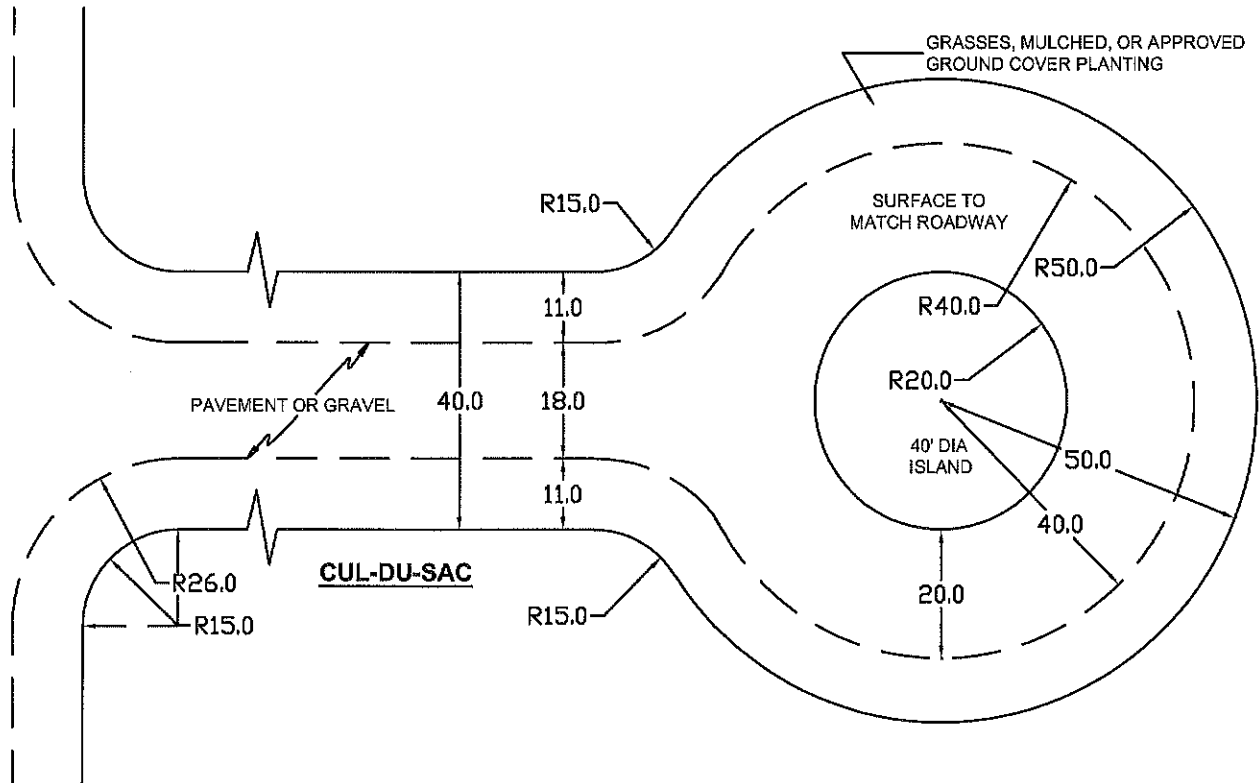
LAND DEVELOPMENT AND SUBDIVISION REVIEW
REGULATIONS

Appendices

Appendix A Road Specifications



Town of Johnston Planning Department RESIDENTIAL COMPOUND / PRIVATE STREETS IN MINOR SUBDIVISIONS

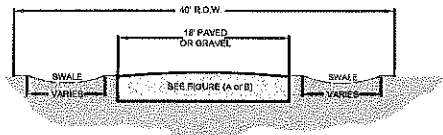


**TYPICAL CROSS SECTION OF A PRIVATE STREET
WITHIN A RESIDENTIAL COMPOUND**

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

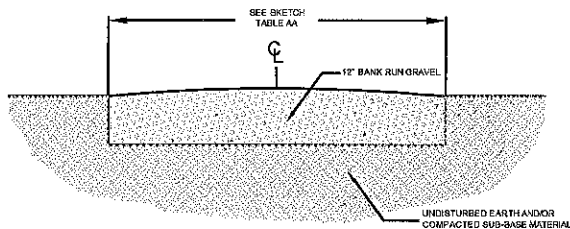
**HAMMERHEAD TURNAROUND TYPICAL MINOR
SUBDIVISION RESIDENTIAL COMPOUND (PRIVATE)**

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



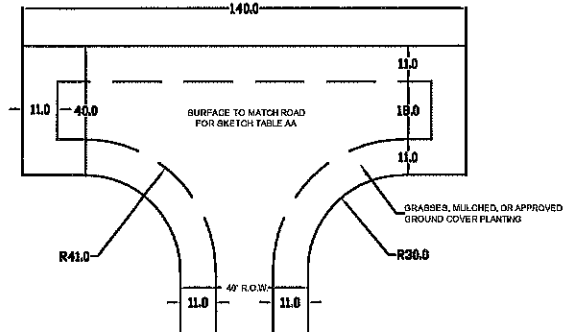
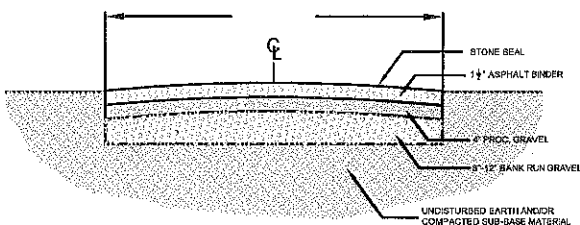
GRAVEL ROAD DETAIL FIGURE (A)

SCALE: N.T.S.



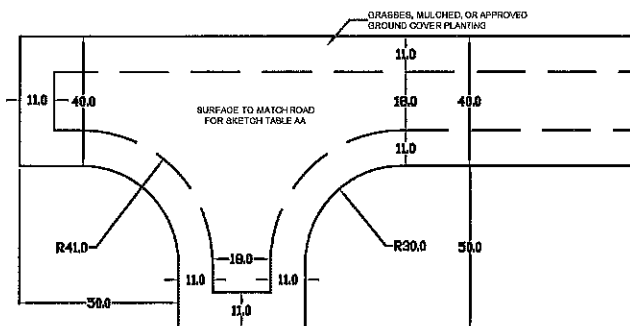
PAVEMENT DETAIL FIGURE (B)

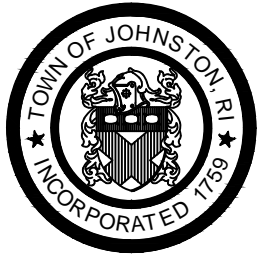
SCALE: N.T.S.



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

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





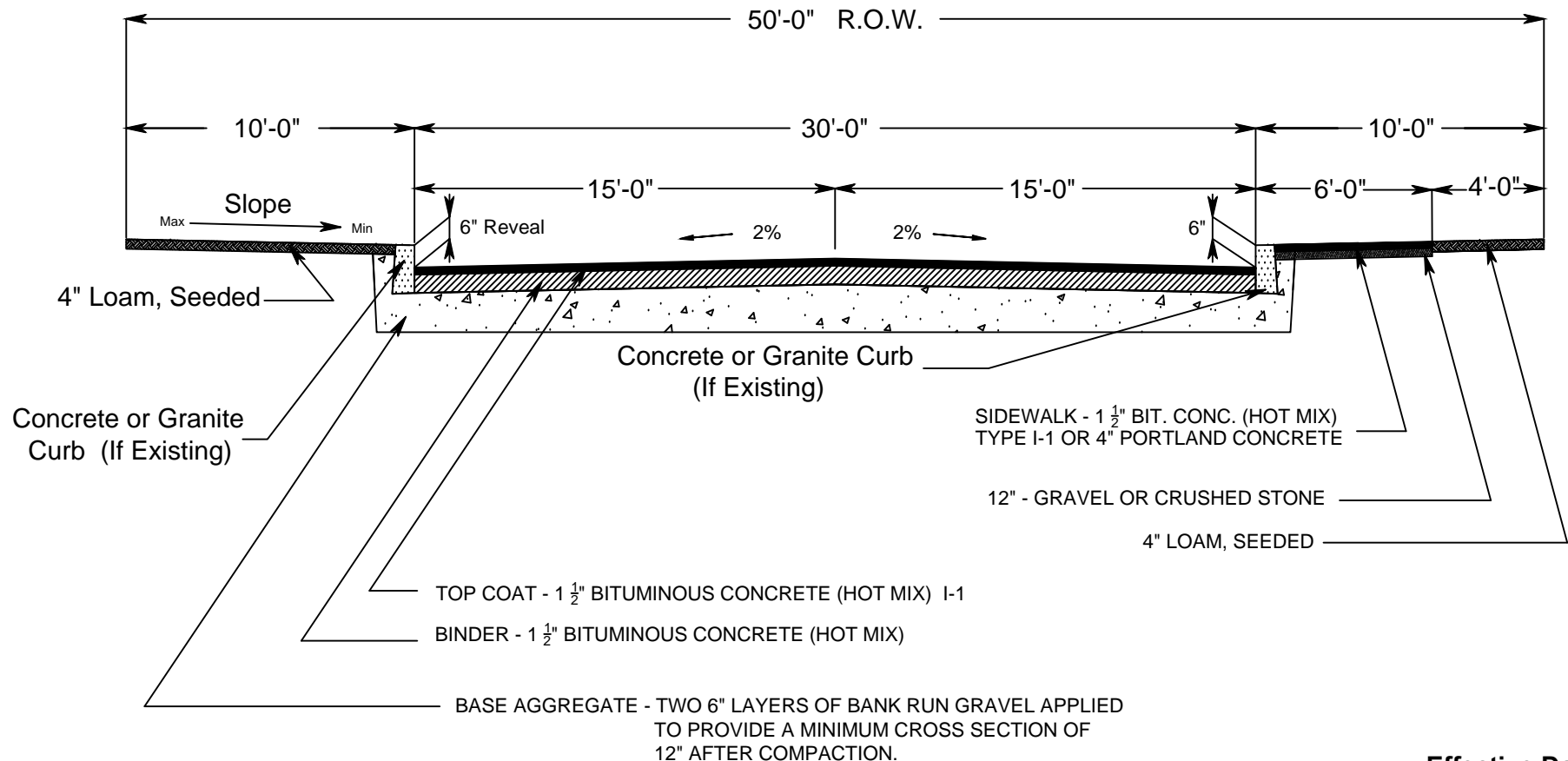
TYPICAL STREET CROSS - SECTION

MINIMUM REQUIREMENTS

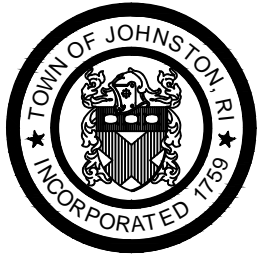
BUSINESS/INDUSTRIAL DISTRICTS

Without Sidewalks

With Sidewalks



Effective Date: 2
SCALE: NTS



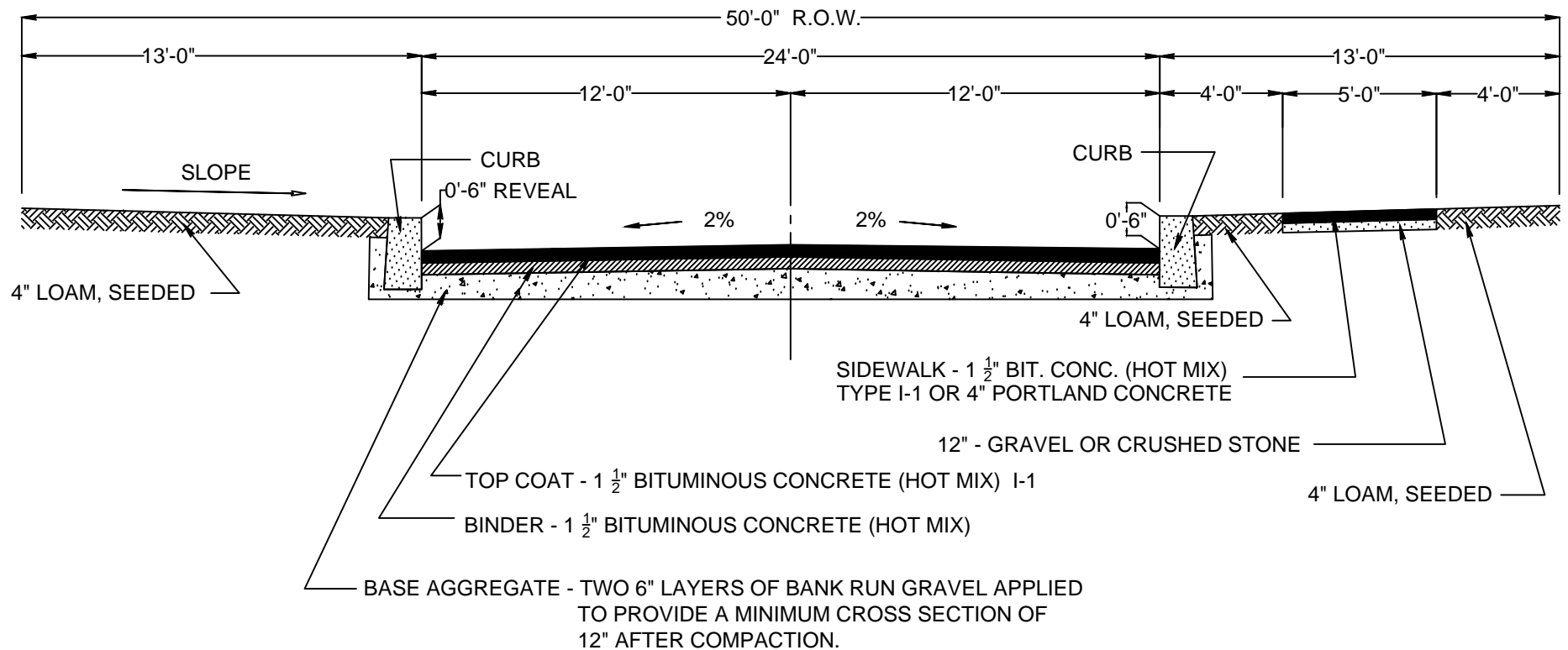
TYPICAL STREET CROSS - SECTION

MINIMUM REQUIREMENTS

RESIDENTIAL DISTRICTS

WITHOUT SIDEWALKS

WITH SIDEWALKS



Effective Date: 2
SCALE: NTS

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
REGULATIONS

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Appendix B Water District Specifications

Refer to Water Department

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
REGULATIONS

Appendices

Appendix C Sanitary District Specifications

Refer to Sewer Department

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
REGULATIONS

Appendices

Appendix D Storm Water Facilities Specifications

*Refer to Rhode Island Stormwater Design and
Installation Standards Manual, December 2010 (as
amended)*

Subject to review and approval by Town Engineer

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
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Appendix E Application and Checklists

*Refer to <http://townofjohnstonri.com/> link to Planning
and Economic Development*

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
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Appendix F Landscaping Requirements

Refer to Zoning Ordinance §340-27.2

Town of Johnston, Rhode Island

LAND DEVELOPMENT AND SUBDIVISION REVIEW
REGULATIONS

Appendices

Appendix G Fee Schedule - *Ordinance 2004-13*



TOWN OF JOHNSTON
STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

ORIGINAL

ADOPTED 1/12/04
represental

Ordinance 2004-13

**An Ordinance to Establish a Fee Schedule for Submissions and Reviews by
Planning Board. Said Ordinance Shall Repeal Ordinance 2003-7**

The Town Council of the Town of Johnston hereby ordains:

Section 1. Purpose.

The purpose of this ordinance is to establish an updated schedule of fees to be paid to the Town of Johnston for submissions and reviews by the Planning Board.

Section 2. Planning Board Fee Schedule

The following fee schedule for Planning Board Fees is hereby adopted as follows:

<u>Advisory Opinion</u> from Planning Board's Administrative Officer		\$100
<u>Advisory Opinion</u> before Planning Board		\$150
<u>Pre-Application Conference</u> with Administrative Officer		\$ 50 /project
<u>Administrative Subdivision</u>		
Application Fee		\$ 80
		+ \$ 75 /lot *
Review Fee - 5 Hour Minimum**		\$ 50 /hour, 5-hour minimum**

Continued.

* "number of lots" based on highest number of lots before or after the Administrative Subdivision.

** Actual Hourly Review Costs (\$50/hour minimum fee) at 5 hour minimum will be charged and collected at time of application submission; hours spent in excess of 5 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.

*** Acres refers to number of acres to be disturbed (rounded up); Fee cost is the greater cost based on the per unit or per acre formula cost.

Concept Review Stage		
Subdivisions	Application Fee	\$ 80
		+ \$ 50 /lot
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Land Development Projects	Application Fee	\$ 80
		+ \$ 50 /unit or acre***
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Master Plan Stage		
Subdivisions	Application Fee	\$ 80
		+ \$ 75 /lot
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Land Development Projects	Application Fee	\$ 80
		+ \$ 75 /unit or acre***
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Decision – Master Plan Stage	Preparation Fee	\$ 150 /decision
Preliminary Plan Stage		
Subdivisions	Application Fee	\$ 80
		+ \$125 /lot
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Land Development Projects	Application Fee	\$ 80
		+ \$125 /unit or acre***
	Review Fee – 5 Hour Minimum**	\$ 50 /hour, 5-hour minimum**
Decision – Preliminary Stage	Preparation Fee	\$ 150 /decision

** Actual Hourly Review Costs (\$50/hour minimum fee) at 5 hour minimum will be charged and collected at time of application submission; hours spent in excess of 5 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.

*** Acres refers to number of acres to be disturbed (rounded up); Fee cost is the greater cost based on the per unit or per acre formula cost.

<u>Informational Meeting Preparation Fees</u>			
	Subdivisions	\$ 50	
		+ \$2	/each required notice to each addressee on notification list
	Multi-Family and/or Residential Unit Planned Development Projects	\$ 50	
		+ \$2	/each required notice to each addressee on notification list
	Land Development Projects	\$ 50	
		+ \$2	/each required notice to each addressee on notification list
	Any Other Project	\$ 50	
	(requiring an Informational Meeting not otherwise listed)	+ \$2	/each required notice to each addressee on notification list
<u>Public Hearing Preparation Fees</u>			
	Subdivisions	\$ 50	
		+ \$5	/each required notice to each addressee on notification list
	Multi-Family and/or Residential Unit Planned Development Projects	\$ 50	
		+ \$5	/each required notice to each addressee on notification list
	Land Development Projects	\$ 50	
		+ \$5	/each required notice to each addressee on notification list
	Any Other Project	\$ 50	
	(requiring Public Hearing not otherwise listed)	+ \$5	/each required notice to each addressee on notification list

** Actual Hourly Review Costs (\$50/hour minimum fee) at 5 hour minimum will be charged and collected at time of application submission; hours spent in excess of 5 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.

*** Acres refers to number of acres to be disturbed (rounded up); Fee cost is the greater cost based on the per unit or per acre formula cost.

Final Stage		
	Subdivisions	Application Fee
		\$ 80
		+ \$ 105 /lot
		Review Fee - 5 Hour Minimum**
		\$ 50 /hour, 5-hour minimum**
Land Development Projects		Application Fee
		\$ 80
		+ \$ 105 /unit or acre***
		Review Fee - 5 Hour Minimum**
		\$ 50 /hour, 5-hour minimum**
Decision - Final Stage	Preparation Fee	\$ 150 /decision
Review for Recording for Subdivisions		
		\$ 80
<i>Note: Town Clerk Recording Fees are not included</i>		+ \$ 75 /lot
Review for Final Filing for Land Development Projects and any other Non-Subdivision Projects not otherwise addressed		
		\$ 80
		+ \$ 75 /unit or acre***
Review of Buildable Lot Applications		
		\$ 300 /application
Review of Town Council Referred Projects		
		\$ 100 /acre ***
		(\$100 minimum)
Review of Zoning Board of Review Referred Projects		
		\$ 100 /acre ***
		(\$100 minimum)
Review of Comprehensive Plan Proposed Land Use Map Amendment Proposals		
		\$ 700 /acre ***
		(\$700 minimum)
Review of Comprehensive Plan Proposed Text Amendment Proposals		
		\$1,000
Review of Town Council Zoning Map Amendment Petitions		
		\$ 700 /acre ***
		(\$700 minimum)
Review of Town Council Zoning Text Amendment Petitions		
		\$1,000

** Actual Hourly Review Costs (\$50/hour minimum fee) at 5 hour minimum will be charged and collected at time of application submission; hours spent in excess of 5 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.

*** Acres refers to number of acres to be disturbed (rounded up); Fee cost is the greater cost based on the per unit or per acre formula cost.

6/14/04

Site Plan Review	
Application for Industrial Projects	\$ 700 /acre ***
Application for Commercial and Business Projects	\$ 700 /acre ***
Application for Planned Development (PD) Projects	\$300 + \$ 50 /acre *** + \$25 /unit
Application for Non-Residential Projects requiring Landscaping Review (< 1 acre)	\$ 250 /acre ***
Application for Non-Residential Projects not otherwise addressed	\$ 700 /acre ***
Application for Multi-Family Development and other Residential (non-PD) Projects not otherwise addressed	\$300 + \$ 50 /acre *** + \$25 /unit
Review Fee all Site Plan Review Projects- 5 Hour Minimum**	\$ 50 /hour, minimum**
Appeal to the Johnston Board of Appeals to a Decision of the Planning Board and/or Administrative Officer	\$ 2,000

Recording Fee for all Decisions

Actual Costs

Mailing Costs for Required Notifications

(Actual Mailing Costs plus notice preparation cost and 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**Advertising Costs** for required notices for Public Hearings, including Newspaper Advertisement

Actual Costs

Advertising Costs for required monthly meeting notices

\$50.00 /agenda item

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.

** Actual Hourly Review Costs (\$50/hour minimum fee) at 5 hour minimum will be charged and collected at time of application submission; hours spent in excess of 5 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.

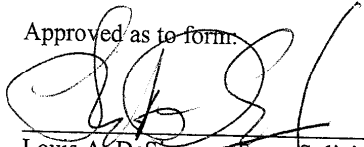
*** Acres refers to number of acres to be disturbed (rounded up); Fee cost is the greater cost based on the per unit or per acre formula cost.

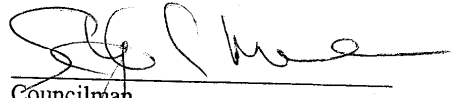
6/14/04

Section 3. Effective Date.

This Ordinance shall take effect upon passage. Ordinance 2003-7, entitled, "An Ordinance Amending Planning Board Fees in the Town of Johnston," is hereby repealed in its entirety.

Approved as to form:


Louis A. DeSimone, Town Solicitor


Councilman

6/14/04

Ordinance 2004-13

Date of Passage July 12, 2004

aye

Robert V. Russo – President
District 4

aye

Stephen A. Macchioni – Vice President
District 5

nay

William F. Santilli
District 1

aye

Ernest F. Pitochelli
District 2

aye

Joseph A. Wells
District 3

William R. Macera
Mayor

Approve / Veto

Robin D. Pimental
Town Clerk

Date 7/12/04