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**ARTICLE I. - AUTHORITY AND INTENT**

**A. Authority**

These Subdivision and Land Development Regulations are adopted pursuant to the authority contained in Title 45, Chapter 23, Sections 25 through 74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and Section 14-51 of the Coventry Code of Ordinances (1991).

**B. Purpose**

The purpose of these regulations is to establish procedural and substantive provisions for the subdivision and development of land that will be consistent with the provisions of the Comprehensive Community Plan and the Zoning Ordinance and accomplish the following:

1. Protect the public health, safety and welfare of the community;
2. Provide for the orderly, thorough and expeditious review and approval of subdivisions and land development projects;
3. Promote high quality and appropriate design and construction of subdivisions and land development projects;
4. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;
5. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure;
6. Provide for design and construction standards that are appropriate to the community;
7. Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
8. Direct the development of land consistent with state of the art practices that promote and foster growth in a manner that protects the Town's distinctive character while at the same time accommodating economic growth;

9. Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features;
10. Insure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting;
11. To secure a well-articulated street and highway system;
12. To secure an appropriate allotment of land area for all the requirements of community life.

**C. Construction and Intent**

1. These regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the Town of Coventry.
2. Sections I-III and V-XIV of these regulations are intended to provide general requirements applicable to all subdivisions. Section IV of these regulations, governing Residential Cluster Developments, Residential Compounds, certain Minor Subdivisions, and Land Development Projects, are intended to provide regulations that are supplementary to the general requirements. In the event of a conflict between a general regulations and a regulation applicable to a specific type of subdivision, the more specific regulation shall be controlling.
3. These regulations are intended to be interpreted so as to be consistent with, and further the implementation of, the Comprehensive Community Plan and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the Comprehensive Plan means in accordance with the goals, policies, procedures, maps and other policy statements in the plan.
4. If any section or subsection of these regulations is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of these regulations.

**D. Effective Date**

These regulations shall take effect on December 13, 1995, and shall supersede all other subdivision regulations in effect at the time of such adoption.

**E. Vested Rights-Continuation of Prior Regulations**

Subdivisions which have been submitted to the Planning Commission for approval under the provisions of the Regulations in effect prior to March 26, 1986 may be continued to be reviewed by the Planning Commission and approved under those Regulations in accordance with the following:

**1. Final Approvals** - Any subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Planning Commission, may initiate or construct any part of the development, or record said plans in accordance with the Subdivision Regulations in effect at the time final approval was granted. The Planning Commission, may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of final approval.

**2. Preliminary Approvals** - Any subdivision which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Planning Commission, may continue to be reviewed by the Planning Commission in accordance with the Subdivision Regulations in effect at the time preliminary approval was granted provided any one of the following conditions have been met:

a. The final plat, including all the material required in the Final Plat Checklist, is filed with the Planning Department within one (1) year from the date of preliminary approval; or,

b. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM) and the preliminary plans as approved by the Planning Commission have been filed with RIDEM for approval as required by the Freshwater Wetlands Act.

**ARTICLE II - DEFINITIONS**

The following words or phrases, when used in these regulations, shall have the following meaning, unless otherwise specifically provided. Where a specified word or term is not defined, the words of these regulations shall have their standard dictionary meaning (please see Coventry Zoning Ordinance for additional definitions).

**Administrative Officer** - The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff, and state agencies. The administrative officer may be a member of, or the chair of the Planning Commission, or an appointed official of the municipality.

**Administrative subdivision** - Re-subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. Such resubdivision 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 past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.

**Applicant** - A person who applies to the Planning Commission for subdivision approval.

**Board of Appeal** - The local authority for appeals actions of the administrative officer and the Planning Commission on matters of land development or subdivision, which shall be the Zoning Board of Review constituted as the Board of Appeal.

**Bond** - A type of improvement guarantee. (Also see improvement guarantee)

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

**Certificate of Completeness** - A notice issued by the Administrative Officer informing the applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the approval process.

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

**Cul-de-sac** - The terminus of a street that has only one outlet, laid out to provide a circular or other type of turn-around for vehicles at the closed end. See Article XIII.

**Dedication, fee in-lieu-of** - Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations.

**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.

**Division of land** - A subdivision.

**Easement** - The right of a party to use all or part of the property of another for a specific purpose.

**Endorsement** - The signature of the Administrative Officer or Planning Commission Chairperson on an approved plat, permitting recording of the plat, or as further provided in Article VI.

**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.

**Environmental Impact Statement** - A detailed statement on the environmental impacts of a proposed action which shall include any adverse environmental effects that cannot be avoided if the proposal is implemented, the alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable impacts to resources which would be involved should the proposed action be implemented. (See the National Environmental Policy Act, NEPA, January 1, 1970)

**Final plan** - The final stage of subdivision or land development review.

**Final plat** - The final drawing(s) of all or a portion of a subdivision or land development project, and any accompanying materials, to be recorded in the Land Evidence Records after approval by the Planning Commission.

**Floodplain or flood hazard area** - An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et. seq.] shall conform the regulations in the Town of Coventry Ordinance No. 8-87-0083 entitled "Flood Damage Prevention Ordinance" [chapter 6, article II, of the Coventry Code of Ordinances].

**Improvement** - Any natural or built site, that becomes part of, is placed upon, or is affixed to real estate.

**Improvement guarantee** - A security instrument accepted by the Planning Commission to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will be completed in compliance with the approved plans and specifications.

**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 zoning ordinance.

**Land disturbing activity** - Any physical land development activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources or similar activities.

**Land suitable for development** - The total land area minus land unsuitable for development.

**Land unsuitable for development** - See Article III. Section B.

**Lot** - Either: 1) The basic development unit for determination of lot area, depth, and other dimensional regulations; or 2) 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 purposes of transfer of title.

**Maintenance guarantee** - A security instrument accepted by the Finance Director to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will function as required for a specified period of time.

**Major land development plan** - Any land development project not classified as a minor land development plan, and any land development project that includes non-residential development.

**Major subdivision** - Any subdivision not classified as either an administrative subdivision or a minor subdivision.

**Conceptual 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. It is required for review of major land development projects and major subdivisions.

**Minor land development plan** - A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this act. All non-residential land development projects shall be considered as major land development plans.

**Minor subdivision** - A plan for residential development that requires the subdivision of land into buildable lots, does not propose more than five (5) lots or dwelling units, and does not require any waivers from, or modifications to, these regulations.

**Non-buildable lot** - A parcel of land recorded in the Land Evidence Records that is created or reserved for a purpose other than present or future construction of buildings or structures.

**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.

**Parking area or lot** - All of the portion of a land development project that is used by vehicles; the total area used for vehicular access, circulation, parking, loading and unloading.

**Phase** - A portion of a subdivision or land development to be developed, or sold as lots, at a particular time, as part of an effort to coordinate population growth with the availability of facilities and services.

**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 conceptual master plan for the entire site.

**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.

**Planning Commission** - The official planning agency of the Town of Coventry as established in the Town Charter.

**Plat** - A drawing or drawings of a land development project or subdivision showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these regulations.

**Pre-application conference** - An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

**Preliminary plan** - The stage of land development and subdivision review that requires detailed engineered drawings and all required state and federal permits.

**Prime farmlands and farmlands of statewide importance** - Those lands which meet the applicable criteria, as established by the U.S.D.A., Soil Conservation Service. Specific map units are listed in the Soil Conservation Service fact sheet "Identification of Important Farmlands", issued 1980 as amended. See "Agricultural Land".

**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 of Coventry or other governmental entity is presently responsible, or will ultimately assume responsibility for maintenance and operation upon municipal acceptance.

**Public informational meeting** - A meeting of the Planning Commission, preceded by notice, open to the public and at which the public shall be heard.

**Residential development** - Development consisting entirely of single-family or multiple-family dwelling units. A dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

**Re-subdivision** - Any change of an approved or recorded subdivision plat or in a lot recorded in the 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 these regulations.

**Right-of-way** - An easement for the purpose of passing through, or crossing, property belonging to another.

**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.

**Street** - A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

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

**Street, private** - A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards. Driveways are excluded from this definition.

**Street, public** - All public property reserved or dedicated for street traffic.

**Street right-of-way** - The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

**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. Local classifications shall use the following as major categories:

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

**Subdivider** - A person who:

- a. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who:
- b. 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:
- c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of 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 adjustments to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

**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 completion of the project.

**ARTICLE III - GENERAL REQUIREMENTS****A. General Requirements**

The requirements listed below shall be applicable to all subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if Planning Commission approval is required) the Commission shall make positive findings on all of the applicable standards listed below, as part of the proposed project's record. If a negative finding for any of these standards is made, the Planning Commission shall have grounds for denial of the project design.

1. Each subdivision shall be consistent with the requirements of the Coventry Comprehensive Community Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform to the standards and provisions of the Coventry Zoning Ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of Section 610 of the Zoning Ordinance provided that:
  - a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and,
  - b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the Town of Coventry prohibiting any such present or future development.
3. In subdivisions requiring individual sewage disposal systems, no building lot shall be designed and located in such a manner as to require relief from the Zoning Ordinance, as amended;
4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
5. Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See definition of "*buildable lot*." Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;

6. 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 in compliance with this requirement;
7. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;
8. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion;
9. Design of the subdivision shall be in such a manner as to economize on the cost of roads, utilities and land usage, appropriate access and egress design and where necessary two means of access and egress;
10. Any development which falls within the criteria set forth in the Coventry Soil Erosion and Sedimentation Control ordinance shall prepare proper erosion control measures as required by said ordinance; and,
11. The use of open space in a Residential Cluster Development or Residential Compound is an appropriate use and is consistent with the requirements of Article 13 of the Zoning Ordinance.

**B. Land Unsuitable for Development**

1. The following land shall be deemed unsuitable for development and shall be subtracted from the total parcel in order to determine the maximum number of dwelling units:
  - a. Wetlands, including perimeter wetlands as defined in Rhode Island General Law, Article 2-1-20 (1987), as amended. For the purpose of this Section, the setback requirements as set forth in Title 2, Chapter I shall be considered wetlands.
  - b. Land located within Zone A as shown on the Federal Emergency Management Administration Flood Insurance Rate Maps for the Town of Coventry.

- c. Street allowance which shall be that area actually occupied for public and/or common vehicular and pedestrian access and egress.
- d. All existing public and private easements, utility or otherwise.
- e. Land containing steep slopes in excess of twenty (20%) percent within any 10 feet on the contour drawing.

2. Land described in Subsection 1(a), 1(b), 1(c), 1(d) and 1(e), above, may be included as part of any lot in any subdivision or land development project; provided, however, that the regulations in Section C. Land Suitable for Development are met.

3. Cemeteries

Where a cemetery exists in a subdivision, the developer, as a minimum shall mark the corners of that cemetery with granite bounds and place the cemetery in perpetual care with the Cemetery Fund of the Town of Coventry. The cemetery shall not be part of any lot. The Planning Commission shall request the Superintendent of Cemeteries to inspect the cemetery in order to assess the price for perpetual care and after consultation with the RI Department of Environmental Management Natural Heritage Program and the Conservation Commission, advise the Planning Commission of other improvements that should be made to preserve the natural and historic character of the site. Also see Rhode Island General Law 23-28-11. (Amended- October 28, 1998).

**C. Lands Suitable for Development**

1. Definition:

Land suitable for development shall mean: the total land area, less land unsuitable for development, as defined in Section B, above.

2. Requirements:

All subdivision lots shall have at a minimum, the following area of land suitable for development:

RR-5	---	One (1) acre
RR-2	---	One (1) acre
R-20	---	15,000 square feet

**D. Environmental Review Team Report**

1. The Planning Commission shall have the authority to require the applicant to pay for an Environmental Review Team Report (ERT) prepared by the Rhode Island Resource Conservation and Development Council, Inc. to assess the potential short and long term effects of the proposed subdivision or land development project under either of the following conditions:

a. If all or part of the property that is the subject of the application includes land identified in the Natural and Cultural Resources Element of the Comprehensive Community Plan of 1992; or,

b. The Planning Commission finds that there is reasonable expectation that the proposed subdivision or land development project will have a significant negative environmental impact on natural systems located on the property that is the subject of the application, or upon nearby properties or natural systems.

2. The Coventry Conservation Commission will advise the Planning Commission if an ERT is required and the required study level.

3. The applicant of all subdivisions required to prepare an ERT must pay the appropriate fee to cover the cost of preparation and review of the ERT report. Fees shall be determined by the level of detail required and are the following:

ERT Study Level I	\$1,000	One-thousand dollars
ERT Study Level II	\$2,450	Two-thousand four-hundred fifty dollars
ERT Study Level III	\$3,250	Thirty two-hundred fifty dollars

\*\*Fee schedule is subject to change

4. When an ERT is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the Conceptual Master Plan stage for a major subdivision and shall be advised at that meeting as to the specific information that the ERT must contain.

5. An ERT required under this Section shall include research and documentation describing and assessing short and long term environmental impacts which may include but not be limited to impacts upon:

- freshwater wetlands
- noise and air quality
- solid waste generation
- historic/archaeologic areas
- soils
- vegetation
- wildlife
- groundwater
- traffic

6. All Environmental Review Team Reports shall be referred to the Conservation Commission for their review and comment.

7. The Planning Commission shall make findings of fact in writing and shall identify the environmental resources it finds to be potentially threatened. The Commission's findings shall be made a part of the record of the application.

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

**E. Fair Share Development Fees**

The sections regarding development fees and land dedication requirements were amended on June 28, 2000 and September 13, 2000. Thereafter, on September 25, 2000, Town Council adopted Ordinance No. 5-00-0220 entitled "Fair Share Development Fees." Hence, this section of the Subdivision and Land Development Regulations is superseded by said Ordinance.

**ARTICLE IV - SPECIAL REQUIREMENTS****A. Residential Cluster Developments****1. Definition and Purpose**

A Residential Cluster Development (RCD) is a parcel of land on which single family, two-family, or multi-family dwellings are concentrated on a portion of the parcel, on smaller lots and with lesser dimensional requirements than otherwise permitted in the zoning district, and on which open space on the parcel is set aside for recreation, conservation, agricultural uses, or for preservation of valuable or sensitive features or structures. The overall residential density on the parcel shall not exceed that permitted in the zoning district, unless otherwise specifically provided by the Zoning Ordinance.

Residential Cluster Developments are intended to promote the health, safety and welfare of the residents of Coventry by encouraging harmonious, efficient and convenient living environments and communities; increasing housing opportunities by increasing variety in residential housing types, density and design; facilitating the economical and efficient provision of necessary community services, recreational facilities and open space; preserving features and sites that have natural, ecological, cultural, historical, agricultural, scenic, or other interest or value; and encouraging innovative residential design.

Residential Cluster Developments are to be allowed by the Planning Commission only when a subdivider can demonstrate to the Commission, at the public information meeting on the master plan, that such a development would be a better use of the land than a conventional subdivision and is in the best interests of the residents of Coventry. To this end, the Planning Commission shall require that the subdivider provide an alternative plan or plans for developing the plat as a conventional subdivision, and supply other documents and studies as may be deemed necessary by the commission. Plans shall be schematic in nature. As part of the master plan consideration, the Planning Commission may then disallow the RCD design, but may allow the applicant to proceed at the preliminary plat stage with another form of subdivision, including, but not limited to an alternative RCD design, or a conventional design, based upon the Planning Commission's design suggestions.

2. Uses, Lot Area and Dimensional Regulations

The permitted uses, minimum lot sizes and dimensional regulations applicable to residential cluster development shall be those provided in the Zoning Ordinance.

3. Density Calculation

The maximum number of dwelling units in a residential cluster development shall not exceed the number of homes determined by Section 1312 of the Zoning Ordinance and the following:

- a. Land unsuitable for development, as the term is defined in Article III, Section B of these Regulations, shall be subtracted from the total acreage of the parcel. In addition, the area of any street rights-of-way actually designed for the proposed RCD shall be subtracted from the total acreage.
- b. The remaining acreage of the parcel shall be divided by the minimum lot size for standard subdivision lots in the zoning district where the parcel is located, as provided in the Zoning Ordinance.
- c. The resulting figure is the maximum number of dwelling units permitted. Fractions shall be rounded downward to the next lower whole number.

4. General Requirements for RCD's

- a. The arrangement of residential lots, improvements and open space shall conform to the policies of the Comprehensive Community Plan and natural characteristics of the parcel; the location of any existing features or structures on the parcel that have ecological, historic, scenic, or cultural value; the characteristics of adjacent parcels; and the uses of adjacent parcels.
- b. In developments where septic systems and/or wells will be necessary, housing lots shall be concentrated on a portion of the parcel where soils and other natural features of the land are suitable for construction of septic systems and/or wells.
- c. The use of the open space on the parcel shall be compatible with the natural characteristics of the parcel and the uses of property in the surrounding area or district. When assessing the appropriateness of the

proposed use of the open space the Planning Commission shall consider the following:

- (1) the anticipated impact on the natural environment;
- (2) the impact the use could reasonably be expected to have on the surrounding area, including but not limited to traffic generation;
- (3) existing unique ecological, aesthetic, and/or historical features of the land proposed for open space; and,
- (4) the extent of proposed alterations to the natural environment, including the existing topography of the open space.

d. If lots on the outer perimeter of the proposed RCD are contiguous to developed residential building lots outside the RCD, or there are existing residential structures within one hundred (100) feet of the perimeter of the RCD, the following conditions must be met:

- (1) Such perimeter lots in the RCD must be designed to meet at least the minimum rear yard setbacks from the property line to the principal building of the underlying zoning district in which the RCD is located; and,
- (2) A permanent buffer along the perimeter of the RCD shall be established providing for the preservation of existing trees or other vegetation or for the planting of new vegetation in order to provide a visual and audio screen between the RCD and adjacent land uses. This buffer may be provided in either of two alternative forms, to be determined by the Planning Commission:
  - (a) A separate open space lot or lots as provided in subsection 5 below, entitled Open Space; or,
  - (b) A permanent easement along the perimeter of the RCD to be located along the rear of the proposed lot or lots which abut the perimeter of the RCD. Said easement shall run in favor of the Town.

The width of the required perimeter buffer shall be fifty (50) feet provided, however, that the Planning Commission may reduce this

width to a minimum of twenty (20) feet. In making this determination, the Planning Commission shall consider the following factors:

- (a) the nature of adjacent land uses existing at the time of Conceptual Master Plan Review;
- (b) the nature of proposed or projected future land uses on adjacent property;
- (c) the physical characteristics of adjacent property (e.g., wetlands, slopes, stone walls, etc.);
- (d) the ownership of adjacent property (e.g., private, public, non-profit conservation, etc.);
- (e) the zoning of adjacent property;
- (f) the land use classification of adjacent property as provided on the Comprehensive Plan Land Use Plan Map.

If lots on the outer perimeter of the proposed RCD are not contiguous to developed residential building lots outside the RCD, the provisions in d(1) regarding rear yard setbacks shall not apply. However, the requirement for a permanent easement along the perimeter property line shall apply unless the Planning Commission specifically waives this requirement.

Lots on the outer perimeter of the proposed RCD which are directly adjacent to a public street must be separated from said public street by an open space buffer of at least fifty (50) feet in width along the entire street frontage, except for any necessary access streets.

e. In order to protect existing farmland and encourage the continuation of agricultural uses, any parcel containing land that is classified by the Rhode Island Soil Conservation Service as Prime Farmland or Farmland of Statewide Importance, and has been under cultivation at any time during the five years immediately preceding the date of subdivision application, shall be designed as a residential cluster development or residential compound in such a way as to preserve at least fifty (50) percent of the farmland for agricultural uses, provided that the characteristics of the parcel are such that the farmland is capable of being arranged in a lot of at least five (5) contiguous acres.

Parcels containing Prime Farmland or Farmland of Statewide Importance as defined by Rhode Island Soil Conservation Service may be granted a 20 percent bonus in the number of lots allowed in the development.

Under no circumstances will an incentive of greater than 20 percent allowed for any development.

5. Open Space

a. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.

b. The minimum amount of required open space area shall be forty percent (40%) of the gross area of the RCD. This minimum required area shall be in addition to any open space used for stormwater drainage facilities as provided in subsection 7 of this Section entitled Drainage Facilities, below. No more than fifty percent (50%) of the minimum required open space area shall be devoted to land unsuitable for development as defined in Article III, Section B. of these regulations, provided, however, that the Planning Commission may prohibit any drainage facilities from required open space areas if it finds that such facilities are in conflict with the intent and purpose of the RCD as stated in Section A.1. of this Article or with the general purposes of these Regulations.

c. Open space provided by an RCD for public or common use, shall either be conveyed to the Town of Coventry and accepted by the Town as, open space, agricultural, or other specified use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the RCD or owners of shares within a cooperative development as described below in subsection f. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case where the land is not conveyed to the Town of Coventry, a restriction enforceable by the Town of Coventry shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway, except as provided in subsection A.5.c(3), below.

(1) Strips of open space shall be permitted only as usable access paths between residences, streets, other open space areas, as drainage areas and as buffers.

(2) Access areas to open space shall be clearly marked with appropriate materials to distinguish open space areas from private property.

(3) All open space shall be protected against further development; and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of Coventry, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, and the Planning Commission shall approve the form and content of any such restrictions at the time of final approval of the subdivision.

(4) 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 of Coventry, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, and the Planning Commission shall approve the form and content of any such restrictions at the time of final approval of the subdivision. The restrictions shall contain the following provision:

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

(3) Any buildings, structures, parking areas or any impervious improvements associated with the open space use may be located on any open space lot, provided that they occupy no more than five (5) percent of the total open space area of the RCD.

d. Land which has been environmentally damaged prior to final approval of the development by the Commission as a result of soil and earth removal operations, harvesting of trees or other natural features or refuse disposal or other causes shall not be accepted as common open space unless and until the land is restored to a condition which the Planning Commission

determines to be reasonable and appropriate to effectuate the purpose of this article.

e. The Planning Commission shall specifically authorize plans for the use of all open space areas within any RCD. Areas proposed to fulfill the minimum open space requirement within an RCD shall not be excavated or regraded nor shall any disturbance be made to the natural contours of the land nor shall any existing natural vegetation be removed or any natural or man-made features altered in any way except as is needed for recreation or conservation purposes or for forestry or wildlife habitat as specifically authorized by the Planning Commission. No open space area shall be used for the disposal of stumps, stones or other fill resulting from the construction of the improvements of the residential cluster development or the housing. No structure on the open space may be located within fifty (50) feet of residential property abutting the cluster development.

At the time of master plan review by the Planning Commission, the applicant shall submit a separate open space use plan containing:

- (1) the general location and area of all proposed open spaces;
- (2) the general proposed use(s) of the open space;
- (3) existing topography and existing ground cover of open space areas;
- (4) the location and nature of any buildings, structures, stone walls or other unique natural and/or historic features;
- (5) areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
- (6) generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas; and,
- (7) areas proposed to be left in their existing natural states without any disturbance.

At the time of preliminary review by the Planning Commission, a more detailed open space use plan shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.

The Planning Commission shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.

f. When open space is owned in common by the land owners in the plat, the deed to each lot shall include a fractional interest in the common open space in an amount proportionate to the number of lots in the plat. The deed shall also include any covenants, restrictions or easements attached to the residential cluster development , each lot or the common open space and any homeowner’s association agreements pertaining thereto.

g. The applicant or developer shall provide for and establish a homeowners’ association as a nonprofit organization or other legal entity under the laws of Rhode Island for the use, care and maintenance of all such lands and improvements. Membership in the association shall be mandatory for all landowners within the residential cluster development, and each lot shall be entitled to equal representation. The association shall be formed prior to conveyance of the first lot. The last ten (10) percent of the maintenance bond shall not be released until the developer can show proof to the Planning Commission that a homeowners association meeting has been held. The assessment of dues and/or fees for structural improvements requires the affirmative vote of more than two-thirds of the homeowners’ association membership.

Such organization shall be created by covenants and restrictions running with the land and shall be composed of all persons having ownership within the development. Such organizations shall be responsible for the perpetuation, maintenance and function of all common lands, uses and facilities.

All lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant, and such conveyance shall set forth the method of assessment for the maintenance of such land. These restrictive covenants shall be written so as to run with the land. These covenants shall become part of the deed to each lot, or parcel within the development.

Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities of use. Such organization shall not be dissolved without the prior approval of the planning commission, nor shall such organization dispose of any common open space, by sale or otherwise, except to an organization conceived and organized to own and/or maintain the common open space and approval by the Planning Commission.

The homeowners' association shall be responsible for guaranteeing that no land in common open space shall be used or disturbed in any manner inconsistent with the uses and intent of this article.

Notwithstanding any provision of the covenants establishing a homeowners' association, ultimate legal liability and responsibility for the use and maintenance of the common open space shall rest with the individual lot owners, and any legal notices may be directed to the individual lot owners or the homeowners' association.

h. Before an applicant or developer can establish a nonprofit organization as agreed by the Planning Commission, the following information shall be required in addition to any other required information discussed herein or by the Planning Commission.

- (1) The articles of association or other organizational documentation for the nonprofit;
- (2) The bylaws of the nonprofit organization and a list of officers and their terms of office;
- (3) The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance;
- (4) A document granting the rights of entry upon such common property to town officials, law enforcement officers, rescue personnel an firefighting personnel while in pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access;

(5) A time schedule for the maintenance of major facilities, including streets not accepted into the town highway system, private street signs and sidewalks, parking area improvements, buildings, pools and other common areas;

(6) A copy of the deed of conveyance and title of certificate, where applicable, for all lands proposed to be conveyed to the town or other appropriate governmental agency;

(7) A plan for the transfer of control of the common open space from the developer to the homeowners' association;

(8) A copy of any management policies or proposed management policies for the whole development or common open space.

Each original purchaser of a lot in the residential cluster development must be given, by the developer, a copy of all documents pursuant to the above paragraph.

The Planning Commission may require the developer to submit a fiscal program for a maximum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the homeowners' association.

The documents set forth above shall be reviewed and approved by the Planning Commission, and such approval shall be obtained before the final plat is approved. The articles of association or other organizational documentation shall be filed with the appropriate state agency prior to obtaining final approval. Such documents, once approved, shall be recorded in the town clerk's office.

In reviewing a residential cluster development proposal, the Planning Commission may require such additional material or information as deemed necessary.

## **6. Streets, Sidewalks and Other Improvements**

Streets, sidewalks and associated rights-of-way for the installation of utilities shall be constructed according to the applicable specifications for public streets contained in Articles XIII and XIV of these Regulations and if not owned by the homeowners association, shall be owned by the Town of Coventry.

**7. Drainage Facilities**

Stormwater drainage facilities, including above-ground detention or retention areas and their associated conveyance ditches or channels, may be located within designated open space areas within residential cluster developments. Approval of placement of these facilities is contingent upon Planning Commission approval and providing that the minimum required open space area, as provided in Section 5.b. of this Article is met. Provided, however, that the Planning Commission may prohibit any drainage facilities from required open space areas if it finds that such facilities are in conflict with the intent and purpose of the RCD as stated in Section A.1. of this Article or with the general purposes of these Regulations.

Stormwater detention areas shall not be considered open space and are not eligible for consideration in meeting minimum open space area requirements. Likewise, all related conveyance ditches or channels shall be excluded when calculating minimum open space area.

When drainage facilities are located within open space areas, they shall be privately owned and maintained, and a drainage easement shall be granted to the Town where applicable.

When drainage facilities are not located within the street right of way or within open space areas, they shall be located on a privately held lot or lots and shall be maintained by the Town of Coventry. Easements shall be provided for the town to make necessary repairs and maintenance when necessary.

All drainage systems shall be have at least a thirty (30) foot buffer from any residential building or accessory structure and abutting property lines.

**8. Multi-Family Dwelling Structures**

Parking areas and rubbish disposal areas accessory to any multi-family dwelling structure located in a residential cluster development shall not be located in any open space lot, and shall be owned and maintained in common by the owner or owners of the dwelling structure.

**C. Phasing of Major Land Developments and Major Subdivisions**

1. When a Major Land Development and Major Subdivisions is submitted for conceptual master plan approval as provided in Section C.4.c. of Article V, the Planning Commission shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the Planning Commission determines that such improvements, services and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the Planning Commission shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases.

2. When an application is submitted for conceptual master plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the conceptual master plan Checklist for Major Land Developments and Major Subdivisions, a copy of the conceptual master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments on a form to be provided to the applicant by the Administrative Officer. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the Administrative Officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the conceptual master plan and the public hearing on the preliminary plan are combined as provided in Article V, Section C. 4.f all comments from reviewing agencies shall be received prior to the date of the public hearing.

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

- a. An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;
- b. Whether existing facilities and/or services are adequate to serve the subdivision's residents;
- c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's Capital Improvement Program or are otherwise planned; and,

d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

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

4. If phasing is required, the Planning Commission shall approve the entire conceptual master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the Planning Commission. In such review and approval, the Commission may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.

5. The conceptual master plan documents may 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.

**D. Land Development Projects**

All land development projects as defined by the Article 14 of the Coventry Zoning Ordinance shall be developed in accordance with the provisions of these Subdivision Regulations and the Zoning Ordinance, adopted December 19, 1994.

**E. Development Plan Review**

All subdivisions and land development projects subject to Development Plan Review as defined by the Article 16 of the Coventry Zoning Ordinance shall be developed in accordance with the provisions of these Subdivision Regulations and the Zoning Ordinance, adopted December 19, 1994.

**F. Minor Subdivision Involving No Street Creation or Extension**

Any subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of development, all of which have frontage on a public street, which meet all applicable area and dimensional requirements of the Zoning Ordinance but which do not require the extension or creation of a street shall be considered to be a minor subdivision and shall be reviewed according to the applicable provisions of Article V, Section C.3., and Section F.1 or F.2. of this Article below.

Subdivisions described above which create more than five (5) lots for the purpose of development shall be considered to be a major subdivision, and shall be reviewed according to the provisions of Article V, Section C.4.

1. Minor Subdivisions Involving the Creation of 2 lots

Minor subdivisions described above involving the creation of no more than 2 lots (one original lot plus one new lot) shall first be reviewed by the Administrative Officer in accordance with the procedure established in Article V, Section C.3.). The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Article XV).

If the Administrative Officer determines that the parcel being subdivided has the potential under the existing applicable Zoning Regulations to be developed for no more than 2 lots (one original lot plus one new lot) the application shall be forwarded to the Planning Commission with a recommendation for preliminary approval. Provided however, that the Administrative Officer may recommend conditions for approval as provided in this article, Section F.1.b. entitled Lot Development Standards.

Any further subdivision of either of the 2 lots created hereunder at any time after the effective date of these Regulations, whether immediate or future, shall be considered to be a minor subdivision of 3 or more lots or a major subdivision and shall be reviewed under the applicable provisions of these Regulations. The option of land dedication in lieu of fees, as provided by Article III. Section C. of these Regulations shall not be available to minor subdivisions involving the creation of 2 lots pursuant to this subsection. The subdivider shall be required to pay a fee in lieu of land dedication.

a. Criteria for Review

The following criteria shall be used by the Administrative Officer and Planning Commission in their review of any 2-lot minor subdivision:

(1) Potential for Further Subdivision

The Planning Commission shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the Administrative Officer and the Planning Commission shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided in section b. below as necessary to mitigate such impacts.

(2) Adequacy of the street on which the proposed lots front

- (a) The lots must be provided with access to a street which is adequate for access for vehicular traffic; and,
- (b) The frontage must provide safe and adequate access to a public street.

(3) Adequacy of the access from the lots onto the street

- (a) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and,
- (b) The lots must be physically accessible from the street upon which it fronts (i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street).

(4) Relationship to scenic highways

Adequate provision shall be made to preserve scenic values along the road frontage of State-designated scenic highways in accordance with standards adopted by the State Scenic Highway Board pursuant to RI General Laws Sec. 24-15-9.

(5) Conformity to zoning

The proposed lots must be in conformity with all applicable zoning ordinance requirements;

(6) Conformity with the Comprehensive Plan

The proposed lots shall be in conformity with the Town's Comprehensive Community Plan and with regard to preserving rural character shall: (a) discourage the development of residential lots having direct frontage on major streets; (b) establish a functional classification of roads that encourages residences to take access from local roads; and (c) preserve visual quality of cultural, historic and natural resources along major streets.

(7) Relationship to adjacent or nearby uses

The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.

b. Lot Development Standards

Standards which may be recommended by the Administrative Officer to be imposed by the Planning Commission on any 2-lot minor subdivision as a condition of approval may include the following:

- (1) The location of the proposed access driveway along the road frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
- (3) Driveways of adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;
- (4) Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;

(5) Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or,

(6) Provisions may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

2. Minor Subdivisions Involving the Creation of 3 to 5 lots

Minor subdivisions described in Section F above involving the creation of 3, 4 or 5 lots for the purpose of development shall first be reviewed by the Planning Commission in accordance with the procedure established in Article V, Section C.3).

The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Article XV). Any further subdivision of any lot(s) at any time after the effective date of these Regulations, whether immediate or future, so as to create a total of 6 lots or more from the original lot, after the effective date of adoption of these Regulations shall be considered to be a major subdivision and shall be reviewed under the provision of Article V, Section C.4.

a. Criteria for Review

In their review of any 3 to 5-lot minor subdivision, the Planning Commission shall use the same criteria for review of a 2-lot minor subdivision involving no street creation or extension as provided in Section 1.a., entitled Criteria for Review above. In addition, the Planning Commission may also consider the following:

(1) Preservation of Agricultural Land

The preservation of land in agricultural use or which contains Prime Farmland or Farmland of Statewide Importance soils shall be maximized wherever possible by means of clustering lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

(2) Feasibility of Internal Access Streets

Wherever possible and practical, the lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector street. In such cases, the Planning Commission shall require the applicant to submit alternative plans to demonstrate

the feasibility of creating other types of subdivisions, such as a 3 to 5-lot minor subdivision with an internal street, a residential compound, a residential cluster development or a conventional subdivision. If the Planning Commission determines that such development is feasible and practical, the creation of frontage lots shall be prohibited and the applicant shall be required to develop the property in an alternative fashion.

b. Lot Development Standards

If the creation of 3 to 5 frontage lots is not prohibited under the provisions of a.(2) above, the Planning Commission shall review the proposed frontage lots as a 3 to 5-lot minor subdivision. Standards which may be recommended by the Administrative Officer to be imposed by the Planning Commission as a condition of approval of any 3 to 5-lot minor subdivision involving no street creation or extension may include the following:

(1) Any of the standards for the development of a 2-lot minor subdivision as provided in Section F.1.b (1)-(6) above, plus any of the following:

(2) Improvements to the street on which the proposed lot(s) front(s) may be required in order to provide safe vehicular access. Provided, however that the standards for construction or upgrading of any such access street(s) shall not exceed those standards required by Article XIII of these Subdivision Regulations for construction of streets in minor subdivisions.

(3) Provisions shall be made for construction of a private street to provide vehicular access to multiple frontage lots from a common access point (or points) on to the public street on which the lots front. Minimum standards for the design and construction of such service roads may be imposed by the Planning Commission in order to provide safe vehicular access. Provided, however that such standards shall not exceed those standards required by Article XIII of these Regulations for construction of streets in minor subdivisions.

(4) Easements may be required to be granted to the Town to prohibit individual driveway access from lots onto frontage streets if adequate provision is made for access from individual lots to service roads required in (3), above.

(5) Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the Planning Commission. Such provisions may include the following:

- (a) preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;
- (b) reservation of land or easements to provide for future access from access streets to contiguous land; and/or,
- (c) temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future streets in subdivision of contiguous land.

**G. Minor Subdivisions Involving Street Creation or Extension**

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 public or private street shall be considered a minor subdivision and shall be reviewed by the Planning Commission in accordance with the procedures set forth in Article V, Section C.3. Standards for the design and required improvements of such minor subdivisions shall be as follows:

1. Creation or Extension of a Public Street

Any minor subdivision which proposes the creation or extension of a public street shall be required to meet the design improvement standards for public streets as provided in Article XIII.

2. Creation or Extension of a Private Street

- a. Subdivision of property located in Areas of Special Flood Hazard shall not be permitted pursuant to this subsection (G.2).
- b. Land being subdivided pursuant to this subsection (G.2.) shall have frontage on a street which has been officially accepted for ownership and maintenance by the Town of Coventry 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 family 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 subdivider shall be required to record a covenant, binding on his/her successors and assigns, that the Town of Coventry 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. The option of land dedication in lieu of fees, as provided by Article III, Section D of these Regulations shall not be available to minor subdivisions created pursuant to this subsection (G2.). The subdivider shall be required to pay a fee in lieu of land dedication.

f. Street design and improvement standards shall be as provided in Article XIII for local streets in minor subdivisions. Where common driveways are required for 2-lot minor subdivisions, there are no minimum improvement standards for the driveway established in these Regulations. However, the Planning Commission 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.

g. In minor subdivisions of 3 to 5 lots, the Commission may require a street right-of-way width of 60 feet if it is determined by the Commission that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

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

**A. General Requirements**

1. The Planning Commission shall consider each application for subdivision approval according to the procedure set forth in this section, unless otherwise specifically provided.
  
2. An applicant for subdivision approval who wishes the Planning Commission to take some official action on his or her application shall submit all of the materials required by the applicable section of Article XV of these Regulations (Checklists) to the Administrative Officer. If the requested action is not applicable under any of the Checklists provided in Article XV, such as a request for an extension of an approval, the applicant shall submit a written request to the Administrative Officer describing the requested action to be taken by the Planning Commission. The matter will be placed on the next available agenda of the Planning Commission only if the Administrative Officer determines that all of the required material has been submitted and only after a Certificate of Completeness has been issued in accordance with the applicable provisions of these Regulations.
  
3. Any submission of materials to the Administrative Officer shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. No materials shall be accepted by the Administrative Officer without said cover letter. Upon receipt of any materials, the Administrative Officer shall stamp the date of receipt upon them.
  
4. If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a written statement from the owner authorizing such application.

**B. Certification of a Complete Application**

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. Certification of a complete application shall be made in writing by the Administrative Officer upon a form entitled Certificate of Completeness. A copy of said Certificate shall be provided to the applicant. In the event such certification of the application is not made within the time specified in these regulations for the type of plan being proposed, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in Article XV (Checklists), and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

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

Where review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Planning Commission determines that the required application information is complete.

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

**C. Procedure for Approval**

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

**1. Pre-Application Meetings and Concept Review**

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

Commission for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commission, planning staff and state agencies shall be notified of the pre-application meetings and invited to provide comments on the proposed subdivision or land development plan.

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

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

## **2. Administrative Subdivision**

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

b. The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section B. of this Article.

c. Within fifteen (15) days of certification of completeness the Administrative Officer, shall review the application and approve, deny, or refer it to the Planning Commission with recommendations. The Officer shall report its actions to the Planning Commission at its next regular meeting, to be made part of the record.

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

- d. If referred to the Planning Commission, the commission shall consider the application and the recommendations of the Administrative Officer and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of the certification of completeness. Failure of the Planning Commission to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.
  
- e. Denial of an application by the Administrative Officer shall not be appealable and shall require the plan to be submitted as a minor subdivision application.
  
- f. Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period of time a plat in conformity with such approval is submitted for signature and recording as provided in Article VI.

**3. Minor Land Development and Minor Subdivision**

- a. Review Stages - Minor plan review shall consist of at least two stages: (1) **preliminary** (public hearing required if street extension or creation is necessary); and (2) **final**. A pre-application meeting may also be held as provided in Section C.1. of this Article. The Planning Commission may vote to combine the approval stages, provided that requirements for all stages so combined have been met by the applicant to the satisfaction of the Planning Commission.
  
- b. Submission Requirements - Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in these Regulations, shall submit to the Administrative Officer the plans and supporting materials provided in the Preliminary Plat Checklist for Minor Land Development and Minor Subdivision as provided in Article XV.
  
- c. Certification of Preliminary Plat - The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days of its receipt according to the provisions of Section B. of this Article.
  
- d. Re-assignment to Major Review - The Planning Commission may reassign a proposed minor land development or minor subdivision to major review only when the Planning Commission is unable to make the positive findings required in Article III, Section A.

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

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

g. Failure to Act - Failure of the Planning Commission to act within the period prescribed in subsection e. or f. of this Section shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

h. Final Plan - The Planning Commission may delegate final plan review and approval to the Administrative Officer, unless it elects to review the final plan itself. When the review and approval of the final plan is delegated to the Administrative Officer, the Administrative Officer shall report its actions to the Planning Commission at its next regular meeting, to be made part of the record.

i. Expiration of Approval - Approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of final approval unless within such period a plat or plan in conformity with such approval, and as defined in Article II is submitted for signature and recording as specified in Article VI. Validity may be extended for a longer period for cause shown, if requested by the applicant in writing, and approved by the Planning Commission.

#### 4. Major Land Development and Major Subdivision

a. Review Stages - Major Plan review shall consist of four stages of review: **(1) pre-application** meeting(s); **(2) conceptual master plan** (public informational meeting then decision); **(3) preliminary plan** (public hearing

then decision); and **(4) final plan**. A public informational meeting is required prior to a decision at conceptual master plan and a public hearing is also required prior to a decision at preliminary. The Planning Commission may vote to combine review stages and to modify and/or waive requirements as specified in Article VIII. Review stages may be combined only after the Planning Commission determines that all necessary requirements for all stages so combined have been met by the applicant.

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

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

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

The purpose of the conceptual master plan stage of review is to provide the applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The conceptual master plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

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

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

e. Informational Meeting - A public informational meeting shall be held prior to the Planning Commission decision on the conceptual master plan, unless the conceptual master plan and preliminary plan approvals are being

combined, in which case the public informational meeting shall be optional, based on Planning Commission determination. In such case, review stages may be combined only after the Planning Commission determines that all necessary requirements for all stages so combined have been met by the applicant.

(1) Public notice for the informational meeting is required and shall be given at least fourteen (14) days prior to the date of the meeting in a newspaper of general circulation within the Town. Notice shall also be mailed by the applicant to all property owners within the notice area, as specified in subsections p. and q. of this Section, below.

(2) At the public informational meeting the applicant, or his or her representative(s), shall present the proposed development project for the benefit of the Planning Commission and the public. The Planning Commission 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 - The Planning Commission shall, within one hundred and twenty (120) days of certification of completeness of the conceptual master plan application as provided in Section C.4.d. of this Article, or within such further time as may be consented to by the applicant as provided in Section B. of this Article, approve the conceptual master plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of Section C. of Article XI.

g. Failure to Act - Failure of the Planning Commission to act within the period prescribed in subsection 4.f. of this Section shall constitute approval of the conceptual master plan and a certificate of the Administrative Officer as to the failure of the Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

h. Expiration of Conceptual Master Plan Approval - Approval of a major land development or major subdivision conceptual master plan shall expire one (1) year from the date of final approval. Vesting may be extended for a period of one (1) additional year for good cause shown, if requested by the applicant in writing, and approved by the Planning Commission. The applicant, or his or her representative(s) shall appear before the Planning Commission for the annual review. Vesting may be extended for a period beyond one year, for good cause shown, if requested by the applicant in writing, and approved by the Planning Commission. Conceptual master plan vesting shall include any applicable provisions of the zoning ordinance that were in place at the time of approval, conceptual layout and all conditions

shown on the approved conceptual master plan drawings and supporting materials.

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

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

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

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

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

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

n. Failure to Act - Failure of the Planning Commission to act within the period prescribed in Section C.4.m. of this Article shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

o. Expiration of Preliminary Approval - 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 Planning Commission. 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.

p. Public Hearing and Notice Requirements - A public hearing on the preliminary plan shall be required for a major land development project or a major subdivision, or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the Town. Newspaper ads shall be printed in the legal section of the classifieds using a type size at least as large as the normal type size used by the newspaper in its news articles and shall contain the information specified below. Written notice shall also be sent by the applicant, upon forms to be provided to the applicant by the Town, to each owner of property within the notice areas as specified in subsection s. of this Section, below. The applicant shall receive a copy of the notice from the Planning Department. Notice shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date of the hearing. As proof of such mailing, a copy of all return receipts shall be provided to the Planning Department by the applicant prior to or at the time of the public hearing. Return receipts are required for both the public hearing and informational meetings.

All mail and newspaper notices required by this subsection shall specify (1) the date, time and place of public hearing; (2) the assessor's plat and lot number of the subject property; (3) the street address of the subject property, or if no street address is available, the name of the street(s) on which or near which the subject property is located and the distance and direction from the nearest existing street intersection in tenths (1/10's) of a mile; (4) advise interested parties where and when a copy of the plans of the proposed major subdivision or major land development project may be examined; and (5) contain a statement that the proposed major subdivision or major land development project may be revised by the Planning Commission as a result of further study or because of the views expressed at the public hearing.

q. Notice Area - Notice of the public hearing shall be mailed by the applicant to property owners within the distance required below. Measurement shall be from the perimeter of the property being subdivided at a distance based on the zoning district of that property. If the property being subdivided falls within more than one zoning district the larger notice area shall be used.

R-20 --- 500' notice area

RR-2 --- 1,000' notice area

RR-5 --- 2,000' notice area

The applicant is responsible for determining the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the most current names and addresses listed by the Tax Assessor.

As required in the R. I. General Laws Section 45-23-53 (B) and (C) notice shall also be sent to the public/private water supplier when a subdivision falls within 1/2 mile of a public/private watershed/wellhead.

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

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

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

s. Certification of Final Plat - The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within forty-five (45) days of its receipt according to the provisions of Section B. of this Article. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Commission as per subsection t of this Section below, the final plan shall be considered approved. (Amended - October 28, 1998)

t. Referral to the Planning Commission - If the Administrative Officer determines that an application for final approval does not meet the requirements set by these Subdivision Regulations or by any other local regulations, or by the Planning Commission at preliminary approval, the Administrative Officer shall refer the final plans to the Planning Commission for review. The Planning Commission shall, within forty-five (45) days after the issuance of the Certificate of Completeness of the application for final plan approval by the Administrative Officer in subsection u. of this Section, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

u. Failure to Act - Failure of the Planning Commission to act within the period prescribed in subsection v. of this Section shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

v. Recording - The final plan of a major subdivision or land development project shall expire one (1) year from the date of approval by the Planning Commission unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in Article VI. The Planning Commission may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing. (Amended - October 28, 1998)

w. Pre-recording Approval - Prior to any recording of a Major Subdivision, the Planning Commission shall review the document(s) to be recorded and approve the final version of said documents. (Amended - October 28, 1998)

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

1. Zoning Board

a. Where an applicant requires both a variance from the zoning ordinance and Planning Commission approval, the applicant shall first obtain an advisory recommendation from the Planning Commission, as well as conditional Planning Commission approval, if warranted 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 Commission for subsequent required approval(s).

b. Where an applicant requires both a special-use permit under the zoning ordinance and Planning Commission approval, the applicant shall first obtain an advisory recommendation from the Planning Commission as well as conditional Planning Commission approval, if warranted 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 Commission for subsequent required approval(s).

c. Where an applicant requires Planning Commission approval and Zoning Board approval, a time period of one month or more may be required between hearings. This time may be necessary for site visits and application review.

**ARTICLE VI - RECORDING OF PLATS AND PLANS**

**A. Signing and Recording of Plats and Plans**

1. Endorsement

All approved final plans and plats for land development and subdivision projects shall be endorsed (signed) by the Planning Commission chairperson and Planning Commission Secretary as an indication of final approval. Plats and plans for major land developments and major subdivisions, and for minor land developments and minor subdivisions shall be signed by the Planning Commission chairperson, or in the absence of the chairperson, by the vice-chairperson of the Planning Commission. Plats and plans for administrative subdivisions shall be signed by the Administrative Officer or his/her designee. All endorsements shall include the date of such endorsement.

No endorsement of plans and plats shall be made until the applicant has submitted proof that all municipal and fire taxes have been paid and (a) Town Engineer has certified in writing that all of the required improvements have been made, or (b) the Finance Director has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of Article VII.

2. Recording

Upon endorsement, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the land evidence records of the Town. The material to be recorded shall include all plat drawings and other pertinent information as indicated on the appropriate Final Plat Checklist in Article XV. A copy of the written decision of the commission, signed by the appropriate Planning Commission member including all conditions of approval, shall also be recorded. No plans, plats or supporting materials shall be recorded until the Administrative Officer has certified, in writing, that all required fees have been paid.

Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved conceptual master plan and preliminary plans, site analyses, impact analyses, environmental impact statements, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the Town departments responsible for

implementation and enforcement. One copy shall be kept on file by the Planning Department.

Construction drawings need not be recorded. However, a complete blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval shall be filed with the Administrative Officer prior to recording of the plat. One copy of all construction drawings shall be supplied by the applicant and kept by the Engineering/Public Works Department.

The Planning Commission Secretary shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

**B. Changes to Recorded Plats and Plans**

1. General

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

2. Minor Changes

Minor changes to a land development or subdivision plan shall be approved administratively by the Administrative Officer and Planning Commission Chairperson. The Administrative Officer and Planning Commission Chairperson may, at his/her discretion, authorize such changes without review and approval of the Planning Commission and without a public hearing thereon. All such changes shall be made a part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from the Planning Commission. Denial of the proposed change(s) by the Administrative Officer and Planning Commission Chairperson shall be referred to the Planning Commission for review as a major change according to the procedure provided in Section VI(B)(3), below. Upon written authorization of the

approval of a minor change by the Administrative Officer and Planning Commission Chairperson, the Building Official may issue a building permit for any proposed construction upon the subject property.

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

- a. Amendments to utility plans which are acceptable to the appropriate utility company;
- b. Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of Article V., Section C.2.;
- c. Amendments to grading plans or drainage plans which are acceptable to the Town Engineer and which do not require approval of any state or federal reviewing authorities;
- d. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
- e. Modifications to any construction plans for off site improvements which are acceptable to the Town Engineer; or,
- f. Modifications which are required by outside permitting agencies such as, but not limited to the Department of Environmental Management and the Department of Transportation.

### **3. Major Changes**

Major changes to a land development or subdivision plan may be approved only by the Planning Commission. The procedure for approval of any such major changes shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in Article V., Section C.4.(h. through j.).

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

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

**ARTICLE VII - GUARANTEES OF PUBLIC IMPROVEMENTS****A. Definition and Purpose**

An *improvement guarantee* is a security instrument accepted by the Town to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval of a subdivision plan by the Planning Commission will be completed in compliance with the approved plans and specifications.

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other nonstructural conditions of final plat approval (if any). The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the subdivider.

**B. General Procedures**

Before any land development or subdivision plan is endorsed by the Planning Commission, and before the recording of any subdivision plats, the Planning Commission shall be required to approve all agreements for the completion of required improvements. Such agreements may, at the option of the subdivider, take the form of (1) completion of actual construction of all improvements; (2) improvement guarantees, or (3) a combination thereof.

At the preliminary plat review stage, the subdivider shall submit either of the following: (1) a letter to the Planning Commission indicating his/her intent to complete the required improvements prior to the Planning Commission's endorsement of the final plat; or (2) a letter requesting that security sufficient to cover the cost of required improvements be established by the Planning Commission.

1. If improvements are to be constructed without a financial guarantee, all work shall be completed prior to any endorsement or recording. All construction shall be inspected and approved under the direction of the Town Engineer. Inspections shall be made at the required stages of construction as specified in Article XIII. All inspection fees shall be paid prior to any construction. Upon completion of all required improvements, the Administrative Officer shall certify in writing of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the Planning Commission and recorded as provided in Article VI, at which time the lots within the subdivision may be transferred or sold.
2. If improvements are to be guaranteed, the provisions of Section C. of this Article, below, shall apply.

3. Improvements which are proposed to be privately owned and maintained, such as, but not limited to, streets, utilities, and drainage systems, may be covered by an improvement guarantee if requested by the subdivider, i.e., Residential Compound roads.

### **C. Procedures for Financial Guarantees**

1. Amount - Improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in Article V. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the Town Engineer and submitted to the Administrative Officer, who shall review the estimates, if requested, with the subdivider. If the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The Planning Commission shall review the Town Engineer's amount of the improvement guarantee, or the subdivider's revision, and decide on the final amount. The commission may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed one-hundred and twenty (120) percent of the estimated cost of improvements as recommended by the Town Engineer.

At the expiration of the final plan approval period, if all required improvements are not complete, the Planning Commission shall review the status of improvements and may (1) require the subdivider to extend the duration of the entire improvement guarantee; (2) reduce the amount of the improvement guarantee to cover the estimated costs of remaining improvements; or (3) authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds.

If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Planning Commission not to be in compliance with the approved plans, the Planning Commission may, after proper notification to the subdivider, authorize the use of improvement guarantee funds to insure proper compliance.

2. Required Form - The security and reliability of the person, persons or company furnishing the financial instrument shall be established by the Town Finance Director. Acceptance of the financial instrument with associate guarantee by the Planning Commission and the recording of such action in the meeting shall constitute a binding agreement between the principal, the guarantor, and the Town of Coventry, Rhode Island. This shall enable the Town to gain timely access to the secured funds, for cause. Performance and maintenance guarantees shall be provided by a cash account, where the subdivider may deposit cash with the Town solely in the town's name.

*\*\* No letters of credit or insurance bonds will be accepted, only cash bonds made out to the Town of Coventry shall be deemed acceptable.*  
(Amended - October 28, 1998)

3. Duration and Releases - The guarantee shall be conditioned on the faithful completion or construction and installation of all required improvements to the land within a period of one (1) year. At the expiration of the final plan approval period, if all required improvements are complete, eighty (80) percent of the improvement guarantee shall be returned to the subdivider. Any other releases or reductions in the guarantee amount may be authorized at any time prior to the expiration of final approval. Partial bond releases shall take place a maximum of four (4) times per phase. A written request for release or reduction of any improvement guarantees shall be made to the Administrative Officer, who shall refer such request to the Planning Commission. After inspection of all required improvements, the Town Engineer shall recommend that the Planning Commission (a) authorize the Finance Director to return all improvement guarantees to the subdivider, (b) that the amount of the guarantee being held by the Town be reduced to cover the estimated cost of remaining improvements, up to eighty (80) percent of the total cost of improvements; or (c) that no releases or reductions be made. The Planning Commission shall act on all such releases or reductions of improvement guarantees. (Amended - October 28, 1998)

After completion of the improvements as certified by the Town Engineer and Planning Commission, the remaining twenty (20) percent of said guarantee shall be disbursed at a rate no greater than ten (10) percent per year for a period of two (2) years from the completion certification date.

One (1) year after certification of the completion of all required improvements, the subdivider may apply to the Town Council for release of the remaining ten (10) percent of the guarantee. Two years following certification, the remaining ten (10) percent of guarantee will be released. The application shall be accompanied by the certificate from the Town Engineer and Planning Commission

that all improvements have been installed and the condition of said improvements at that time.

4. Extensions of Time - If, construction of required improvements to the land cannot be completed in the prescribed time due to circumstances beyond the control of the subdivider, the Planning Commission may grant one (1) time extension for a period not to exceed ninety (90) days. All guarantees shall remain in full force during such time extensions and evidence of such shall be presented to the Planning Commission. No other time extensions shall be granted.

5. Phased Subdivisions - In the case of land development projects or subdivisions which are approved and constructed in phases, the Planning Commission shall specify improvement guarantees related to each particular phase. If any off site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Planning Commission shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided and the amount for same.

6. Maintenance Guarantees - Where no initial guarantee has been posted, the Planning Commission shall require that a maintenance guarantee be provided by the subdivider for all improvements which are being dedicated to the Town for public acceptance and maintenance. The amount of the maintenance guarantee shall be twenty percent (20%) of the original guarantee amount. In the absence of such a guarantee, twenty percent (20%) of the total estimated cost of all required improvements shall be required. The initial period for such maintenance guarantee shall be two (2) years. At the end of the two-year maintenance period, the Director of Public Works shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found to be unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Finance Director, and the original funds shall not be returned to the subdivider. If public improvements are in good condition and have not been damaged due to the fault of the subdivider, or through faulty workmanship or design, the maintenance guarantee shall be returned to the subdivider.

In cases where the Planning Commission finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

7. Acceptance of Improvements - Upon completion of all required improvements, the subdivider shall convey all public improvements to the Town for ownership and maintenance. Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the Town. The applicant

shall first request the Town Engineer to conduct a final inspection as provided in Article XIII, Section J. The Town Engineer shall certify to the Planning Commission in writing that all required improvements have been satisfactorily completed. The Planning Commission shall then certify to the Administrative Officer, that all required improvements have been satisfactorily completed.

The applicant shall also request, in writing to the Administrative Officer, that public improvements, streets, land, easements or other facilities be accepted by the Town. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements from the Planning Commission, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance upon the next available agenda of the Planning Commission. If all requirements of these Regulations have been met by the applicant, the Planning Commission shall recommend acceptance by the Town Council of all such improvements and shall transmit such recommendation to the Town Council in writing.

A certificate of release of guarantees shall be promptly executed by the Town Council upon receipt of the prescribed certificates of completion of improvements by the Town Engineer. Upon their acceptance by the Town Council, all improvements shall be permanently owned and maintained by the Town as part of the municipal system and the subdivider shall be no longer responsible for their care, repair, or maintenance.

**8 Conditions of Default** - The town shall hold the subdivider and guarantee in default should the subdivider fail to:

- a. Meet all specifications for construction or required improvements to the land.
- b. Properly notify the Town Engineer of the beginning and completion of all phases of construction of required improvements to the land.
- c. Remove all debris from the site and adjacent areas immediately and upon completion of construction within the subdivision and/or as directed by the Town Engineer and Building Inspector.

- d. Complete the required improvements to the land within the time prescribed.
- e. Keep the road passable on occupancy.

**ARTICLE VIII. WAIVERS AND MODIFICATIONS**

**A. Waiver of Development Plan Approval**

1. The Planning Commission shall have the authority to waive the requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements are sought. The waiver may be granted by the Planning Commission finding that the use will not effect 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 shall include documentation on the prior use of the site, the proposed use and its impact.

**B. Waiver or Modification of Regulations**

1. The Planning Commission shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these regulations if the Planning Commission finds that:
  - a. the waiver or modification is reasonable and within the general purposes and intents of these regulations; and,
  
  - b. literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

**C. Reinstatement of Applications**

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

- c. the zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
- d. physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and,
- e. any applicable state or federal regulations are substantially the same as they were at the time of original approval. (Approval(s) have not exceeded their deadlines or have been reinstated by the granting agency).

2. Application for reinstatement of a previously approved subdivision shall be made to the Planning Commission in writing by the subdivider. The Planning Commission, in approving or denying the request for an extension, shall make findings of fact which shall be made part of the record.

**D. Decisions on Waivers and Modifications**

- 1. The Planning Commission shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:
  - a. The Planning Commission's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the Planning Commission, unless the applicant waives that deadline.
  - b. The Planning Commission's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in Section VIII.B.1.

**ARTICLE IX. ENFORCEMENT AND PENALTIES**

**A. Violations**

1. Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the Planning Commission or the Administrative Officer shall be in violation of these regulations.
2. Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Commission and recorded in the Land Evidence Records shall be in violation of these regulations.
3. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received final approval from the Planning Commission or the Administrative Officer, shall be in violation of these Regulations.

**B. Penalties for Violations**

1. Any person adjudged in violation of these regulations shall be liable for penalties not to exceed Five Hundred Dollars (\$500) per lot, per day, and each day of existence of a violation shall be deemed a separate offense.

**C. Injunctive Relief**

1. The Town of Coventry shall have the authority to bring suit in Kent County Superior Court to restrain the violation of, or compel compliance with, the provisions of these regulations.
2. An action for injunctive relief brought by the Town of Coventry in the Superior Court may be consolidated with an action seeking penalties for violations of these regulations.

**ARTICLE X. ADOPTION AND AMENDMENT OF REGULATIONS**

**A.** The Planning Commission shall adopt and amend these Subdivision and Land Development Regulations according to the following procedure:

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

- a. specify the date, time and place of the public hearing;
- b. indicate that adoption, amendment or repeal of the Coventry Subdivision and Land Development Regulations is under consideration;
- c. contain a statement of the proposed amendment that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- d. advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and,
- e. state that the proposed amendment 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, provided that any such alteration or amendment must be presented for comment in the course of the public hearing.

2. Notice of the public hearing shall be sent to the following:

- a. The Associate Director of the Division of Planning of the Rhode Island Department of Administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two (2) weeks prior to the public hearing.
- b. The city or town Planning Commission 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 Coventry's boundaries. Said notice shall be sent by first class mail.

c. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or a surface watershed that is used or is suitable for use as a public water source located within Coventry or within two thousand (2,000) feet of Coventry's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the Coventry building inspector a map survey showing the areas of surface water resources and/or watersheds, and parcels of land within two thousand (2,000) feet of the areas of surface water resources and/or watersheds, pursuant to R.I. Gen. Laws Sec. 45-24-53(E).

3. The Planning Commission shall conduct a public hearing at the date, time and place specified in the newspaper advertisement and notices. At the hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.

**B.** Printed copies of these regulations, including all appendices, shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies. Upon publication of any adoption or amendment, copies shall be sent to the planning division of the Rhode Island Department of Administration, and to the state Law Library.

**ARTICLE XI - ADMINISTRATION OF THE REGULATIONS AND AMENDMENTS**

**A. The Administrative Officer**

1. Administration

Administration of these Subdivision and Land Development Regulations shall be under the direction of the Administrative Officer, who shall report to the Planning Commission. The Director of Planning for the Town of Coventry is hereby designated as the Administrative Officer.

2. Duties and Responsibilities

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

- a. Coordination of the review, approval, recording, and enforcement provisions of these Regulations;
- b. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the Planning Commission; and,
- c. Enforcement of these Regulations as provided in Article XI of these regulations.

**B. The Board of Appeal**

The Zoning Board of Review is hereby designated as the Board of Appeals for the Town of Coventry. All appeals of decisions of the Planning Commission or the Administrative Officer on matters of review and approval of land development and subdivision projects shall be made to the Board of Appeal in accordance with the provisions of Title 45, Chapter 23 of the General Laws of RI, and with the Subdivision and Land Development Ordinance passed by the Coventry Town Council on December 13, 1995.

**C. Administrative Fees**

The following administrative fees are required to be paid by an applicant for approval of any subdivision and land development project, for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon:

1. Administrative Subdivision: (\$100)

No filing fee shall be required for original property surveys. (recording of property surveys where no adjustment to boundaries of existing lots is proposed.)

2. Minor Land Development and Minor Subdivision
  - a. Pre-application Meeting and Concept Review: (\$400)
  - b. Preliminary: (\$200 + \$20 per unit)
  - c. Final: (\$400)

3. Major Land Development and Major Subdivision
  - a. Pre-application Meeting and Concept Review: (\$500)
  - b. Conceptual Master Plan: (\$500)
  - c. Preliminary: (\$250 + \$20 per unit)
  - d. Final: (\$500 + \$20 per unit)

All filing fees specified in Subsections 1, 2, and 3 above shall be paid to the Town by the subdivider at the time of filing the application for subdivision approval with the Administrative Officer.

4. Recording of Subdivision Plan: As provided in Title 34, Chapter 13 of the General Laws of Rhode Island.

Recording fees shall be paid at the time of recording of the plat.

5. Inspection Fees: Two percent (2%) of the total amount of the original performance guarantee including all required improvements. In the absence of a performance guarantee, inspection fees in the amount of two percent (2%) of the total estimated cost of all required improvements as estimated in accordance with the procedure established in Article VII. Inspection fees shall be paid in full before construction begins of any improvements requiring inspection.

**D. Meetings, Votes, Decisions, and Records**

1. All records of the Planning Commission proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the Planning Commission shall also be available for public review.
2. Participation in a Planning Commission meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
3. All final written comments to the Planning Commission from the Administrative Officer, municipal departments, state and federal agencies, local boards and commissions and public comments at the public informational meeting and public hearing shall be part of the permanent record of the development application.
4. All votes of the Planning Commission shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Commission to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Commission membership. All decisions shall be filed with the Town Clerk.
5. Public Informational Meeting and Public hearing shall have a stenographic record made and paid for at time of recording by the subdivider.

**ARTICLE XII. APPEALS**

**A. Procedure for Appeals to the Board of Appeal**

1. Any party aggrieved by a decision of the Planning Commission or the Administrative Officer shall have the right to appeal that decision to the Board of Appeal by the following procedure:

a. The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.

b. The appeal shall be in writing, on a form provided by the clerk of the board, and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.

c. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand delivered, to the office of the clerk of the Board of Appeal.

d. Upon receipt of an appeal, the clerk of the Board of Appeal shall require the Planning Commission or the Administrative Officer to transmit forthwith to the Board of Appeal all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.

2. An appeal shall stay all proceedings in furtherance of the action being appealed.

3. A fee of five hundred dollars (\$500.00) shall be submitted by the aggrieved party to the office of the clerk of the Board of Appeal for an appeal to be filed.

**B. Public Hearings on Appeals to the Board of Appeal**

1. The Board of Appeal shall conduct a public hearing on each appeal within forty-five (45) days of receipt of the appeal by the board's clerk. An appeal shall only be heard at a hearing especially called for the purpose of hearing such appeal. The public hearing shall be conducted at a meeting called and advertised especially for that purpose, and shall be conducted separately from any Zoning Board of Review meeting that may be advertised for the same date and place. The Board of Appeal shall maintain a complete record of all its proceedings, including minutes of meetings and records of votes taken, which shall be separate from the minutes and records of the Zoning Board of Review.

2. Notice of the public hearing shall be published in a newspaper of general circulation within the town at least fourteen (14) days prior to the date of the public hearing. Notice shall be sent by Registered Mail, by the applicant to the parties to the appeal and to those persons required to be notified by Section V(C) of these regulations. The party who filed the appeal shall bear the cost of advertising and notice. Return receipts of mail notice shall be submitted to the Board of Appeals clerk by five (5) days prior to the public hearing.

3. At the hearing, any party may appear in person, or may be represented by an agent or attorney.

**C. Standards for Review of Appeals**

1. The board shall render a decision on the appeal in the following manner:

a. The board shall not substitute its own judgment for that of the Planning Commission or Administrative Officer, but shall consider the issue upon the findings and record of the Planning Commission or Administrative Officer. The board shall not reverse a decision of the Planning Commission or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

b. The concurring votes of three (3) of the five (5) members of the board sitting at the hearing shall be necessary to reverse any decision of the Planning Commission or Administrative Officer.

c. In the instance where the board overturns a decision of the Planning Commission or Administrative Officer, the proposed project application shall be remanded to the Planning Commission or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Commission or Administrative Officer and/or for final disposition, which shall be consistent with the board's decision.

d. The board shall render a decision within ten (10) days of the close of the public hearing. The decision shall be in writing and shall include reasons for the decision.

**D. Appeals to the Superior Court**

1. Appeals of decisions of the Board of Appeal

a. An aggrieved party may appeal a decision of the Coventry Board of Appeal to the Kent County Superior Court by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Town Clerk's Office. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Planning Commission shall be made parties to the proceedings.

b. Within thirty (30) days after being served with a copy of the complaint, the board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court.

c. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other appropriate orders as it deems necessary for an equitable disposition of the appeal.

d. The court shall review the appeal pursuant to R.I. Gen. Laws Sec. 45-23-71.

## 2. Appeals of Enactment or Amendment of Regulations

a. Any legal resident or landowner of Coventry, or any association of residents or landowners of Coventry, may appeal an enactment or amendment of these Subdivision and Land Development Regulations by the Planning Commission by filing a complaint in the Kent County Superior Court within thirty (30) days after such enactment or amendment has become effective.

b. The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with:

(i) Title 45, Chapter 22.2 of the Rhode Island General Laws, known as the Comprehensive Planning and Land Use Regulation Act;

(ii) Title 45, Chapter 24, Section 27 et. seq. of the Rhode Island General Laws, known as the Zoning Enabling Act of 1991;

(iii) The Coventry Comprehensive Community Plan of 1992; or,

(iv) The Coventry Zoning Ordinance.

c. The appeal shall not stay the enforcement of the 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.

d. The court shall conduct the review without a jury. If the court finds that the enactment or amendment is not consistent with the statutory, ordinance, or regulatory provisions enumerated in Section XII(D)(2)(b) above, the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment that are not consistent. The court shall not revise the regulations to be consistent, but may suggest appropriate language as part of the court decision.

e. The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including a municipality.

**ARTICLE XIII - DESIGN AND PUBLIC IMPROVEMENT STANDARDS**

**A. General**

The subdivider, at his own expense, shall construct all improvements where required by the Planning Commission in granting approval for any subdivision or land development project subject to these Regulations.

**B. Street Design Standards**

The following design standards shall be followed where applicable in the design and construction of any subdivision:

1. Frontage on Improved Streets

The area to be subdivided shall have frontage on an existing improved public street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Commission shall require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the Commission. See Section H of this Article.

For purposes of these Regulations, streets platted but not improved or accepted for maintenance by the Town, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the Subdivision Regulation standards.

2. Street Design

Street design within a proposed subdivision shall conform to a street classification system as established herein. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to zoning district.

3. Street Rights of Way

Street rights-of-way shall conform to the widths shown in Table 1 below and as illustrated in Figures 1-8. Specific design criteria will be determined by the

Planning Commission on a case-by-case basis. Figure 1 is a typical cross section of a street proposed for acceptance and maintenance by the Town. Refer to Section D of this Article entitled Drainage for specific design criteria.

Table 1

<u>Street Type</u>	<u>Right-of-Way Width (feet)</u>	<u>Figure No.</u>
Typical Roadway Cross Section	---	1
R-20 Zone	60	2
RR-2 Zone	60	3
RR-5 Zone	50	4
Industrial/Business Park Zone	Up to 84	5

5. Street Layout and Arrangement

The arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape.

Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in major subdivisions, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets shall be required by the Planning Commission, in major subdivisions when determined by the Commission. Proposed streets within a major subdivision shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.

6. Private Streets

Private streets shall not be permitted except for residential compounds and minor subdivisions as authorized in Article IV of these Regulations.

7. Street Intersections

Street intersections shall either coincide precisely with, or be offset by at least 150 feet from other intersections. Intersections shall be at 90 degree angles. Lesser angles between 75 degrees and 90 degrees may be approved by the Town Engineer. Intersection radii shall be thirty (30) feet for a sixty (60) foot right of way, and twenty-five (25) feet for a fifty (50) foot right of way.

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

All dead end streets shall end in a cul-de-sac turnaround constructed according to Figures 7 & 8, and shall be clearly marked at their entrances. Length of cul-de-sacs shall be limited to a minimum of one-hundred eighty (180) feet and a maximum of eight-hundred (800) feet. The Planning Commission may limit the length of the dead end street (cul-de-sac) where necessary, to ensure the adequate and safe circulation of vehicular traffic. The interior island of the cul-de-sac for local streets shall be landscaped according to section 14, Landscape Standards, of this article. Cul-de-sacs shall not be allowed in major subdivisions.

9. Street Names

An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the Town of Coventry. All street names must be approved by the Town Engineer.

10. Access to Adjoining Property

When considered desirable by the Planning Commission to provide access to adjoining property, proposed streets shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The Planning Commission may require provision of a temporary turnaround until such time as the adjacent tract is developed. A financial guarantee may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable period of time. All new development is required to connect to existing subdivisions where a temporary cul-de-sac has been installed with the intention of connecting to future subdivisions. All future connections must remove the temporary cul-de-sac(s).

Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the Planning Commission determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

11. Street Signs

Street name and traffic signs, approved by the Town Engineer, shall be installed by the developer within thirty (30) days of Town Engineer’s approval at the developer’s expense and prior to issuing any certificates of occupancy.

12. Street Lighting

In all new subdivisions where utilities are being installed underground, provisions shall be made for street lighting connections only where required by the appropriate fire district.

13. Street Trees

Approved street trees are required in all subdivisions, including cluster subdivisions. The subdivider shall plant street trees appropriate for the terrain, soil and climatic conditions encountered in the subdivision, and in accordance with the following standards:

- a. Location - Street trees shall be located as shown in Figures 2 thru 5. Street trees shall not be located so as to interfere with overhead or underground utility lines and intersection sight lines. Planting is recommended to occur after building and construction in order to avoid harm to street trees. Should planting occur during or prior to construction, assurance can be given by the subdivider that trees will not be disturbed during building activities.

Spacing should generally follow these recommended spacing limits as appropriate for the tree species and site location:

Large	50 to 75 feet
Medium	35 to 50 feet
Small	15 to 35 feet

- b. Type - The species selected are to be suitable for Zone 5 hardiness and may include, but not be limited to the following types (native species preferred):

Deciduous trees such as Butternut, Black Walnut, Bitternut Hickory, Shagbark Hickory, Mockernut Hickory, Pignut Hickory, Sweet Pignut Hickory, American White Chestnut, Northern Red Oak, Scarlet Oak, Hackberry, Tulip Tree, Sycamore, Sugar Maple, Silver Maple, Linden, Black Gum, Flowering Dogwood, Ornamental Cherry, American Liberty Elm and White Ash may be used where applicable.

Conifers such as Hemlock and Spruce may be used as screening material as specified in f. below.

Species that should be avoided as street trees in Coventry include:

Norway Maple; Porcelain Berry; Scotch Broom; Amur Privet; Chinese Privet; Bella; Honeysuckle; White Mulberry; Amur Cork Tree; Japanese Black Pine; White Cottonwood; and Japanese Wisteria.

A complete list of species to avoid is available from the Planning Department or the Rhode Island Wild Plant Society.

c. Size - Minimum sizes for species listed above are 2 ½ to 3 inches caliper, measured one-foot from ground level in place

d. Quality - Street trees shall be balled and burlaped with good root development and branching characteristics. All trees shall be of licensed nursery stock, free of insect pests and disease, suitable for street use and durable under the maintenance described in paragraph h. below.

e. Planting - Street trees shall be planted in holes at least 6 inches deeper and 1 ½ times as wide as the root ball. Larger excavation may be required in gravel or sand areas. Trees shall be planted at their previous depth in good quality topsoil or soil conditioned to the quality sufficient organic matter such as peat moss and a balanced fertilizer.

Trees shall be securely double-staked with sturdy stakes of a minimum size of 2" x 2" x 8'. Guy wires shall be used with rubber hose or equivalent to protect the tree from damage.

f. Screening - Where a proposed residential development abuts an existing or proposed commercial or industrial area, specification in the zoning ordinance shall apply.

g. Inspection - The Town Planner, or designee shall determine the suitability of the street trees being proposed, and certify proper planting techniques and maintenance have been followed. Acceptance of planting after the guarantee time period has lapsed, shall be determined by the Town Planner or designee.

h. Maintenance - Street trees shall be maintained by the subdivider from the time of planting until the time of the release of the maintenance guarantee following acceptance of streets by the Town Council as provided in Article VII. Maintenance shall include but not be limited to watering of trees, as necessary. If there is no maintenance guarantee required, the Planning Commission may require separate guarantee provisions for maintenance of required street trees by the subdivider for a maximum period of two (2) years from the date of planting. Any trees which are not healthy at the end of the guarantee period shall be replaced at the subdivider's expense and guaranteed until satisfactorily established.

J. Seasonal Limits - Planting shall be done during the proper season. No planting shall be done in frozen soil or during weather conditions detrimental to the life of the tree.

#### 14. Landscaping Standards

a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.

b. Landscaping may include plant materials such as trees, shrubs, ground covers, grass, flowers, etc. but may also include other materials such as wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to the following:

- (1) Drainage facilities, such as retention/detention basins, or drainage swales
- (2) Entrance features
- (3) Open space areas
- (4) Proposed recreation facilities
- (5) Buffer areas
- (6) Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation

(7) Areas subject to regrading or stabilization for soil erosion and sediment control purposes

(8) Areas disturbed by utility installation.

(9) Where slopes within the right of way are greater than four (4) to one (1) stone walls will be built to R.I. D.O.T Standard 10.3

(10) Slopes created in a subdivision, building lot, detention pond, etc. shall not be less than three (3) to one (1).

c. Landscape Plan - A landscape plan prepared by a registered landscape architect shall be submitted to the Planning Commission when the Commission determines that (a) existing landscaping is insufficient; (b) the site of the proposed subdivision has been disturbed so as to require significant new vegetation; (c) the pre-existing site conditions and/or site disturbance is such that the Planning Commission deems necessary; or (d) additional landscaping is necessary to protect, preserve, or enhance significant visual characteristics of the site. If a requirement for a landscape plan is required by the Commission, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision, and at the conceptual master plan stage of a major subdivision. The plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as stone walls and rock outcroppings; man-made elements such as retaining walls, fences, signs, planters, etc; proposed grading at two-foot contour intervals; lighting; specifications for loaming, fertilizing and seeding; and other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings or natural vegetation are to be retained, the plan shall indicate proposed methods of protecting them during construction. At a minimum, all plans shall adhere to all the requirements of Article 17 of the Coventry Zoning Ordinance.

## 15. Monuments

Monuments (granite boundary markers) shall be of the type described below and placed by a Registered Land Surveyor at every corner and angle point on the boundary line of the subdivision and at every angle point of curvature on the proposed street rights-of-way and be installed at all points indicated on the final plat.

Monuments shall be set four inches above finished grade.

Markers shall be made granite that conforms to the size and shape of the specifications below:

a. Dimensions

1. Length of thirty-six (36) inches and a width of four (4) inches square in cross-section.
2. A drill hole one-half inch in diameter and three-quarters of an inch deep shall be placed and centered on the top surface of the monument.

16. Lot Corner Markers

In addition to monuments, each lot shall have rebar or equivalent corner markers placed flush with the surface of the ground. Markers shall be placed by a Registered Land Surveyor at every corner of every lot in the subdivision.

17. Sidewalks/bikewalks

Sidewalks and/or bikewalks shall be required to be installed on one or two sides of all proposed new public streets in subdivisions located in R-20 zoning district or in all residential cluster developments or multifamily developments. One or two sidewalk/bikewalk(s) may be required to be installed along streets in RR-2 or RR-5 acre zones if the Planning Commission finds any of the following:

- a. The subdivision is located within an area within one mile of a public or private school; or,
- b. The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc. where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or,
- c. The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians; or
- d. As deemed necessary by the Planning Commission.

Sidewalks may be required to be installed as off-site improvements in accordance with the provisions of Section H. of this Article.

18. Bicycle Paths

Bicycle paths shall be incorporated into the proposed subdivision where bikewalks are not used and they are necessary to extend an existing bicycle path or bikewalk; to intersect with proposed State and local bicycle facilities; to connect adjacent subdivision where vehicular connections would be impractical; or to further the goals of the Coventry Comprehensive Plan; or where adjacent or nearby public

or private school, recreation areas or other similar facilities would be likely to generate significant bicycle traffic.

Bicycle paths may be incorporated into sidewalk systems within subdivisions, at the discretion of the planning commission. Bicycle path/sidewalks shall be no less than six (6) feet in width, as to accommodate both pedestrian and bicyclist.

19. Curbing at Intersection Fillet Curves

Precast concrete wheelchair ramp curbs meeting RI DOT Standard 7.19 shall be installed at the curve of every intersection.

20. Engineering and Land Survey

Wherever it is mandated by these Regulations that certain tasks associated with subdivision plans and improvements be performed by registered professional engineers and/or registered land surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Land Surveyors.

**C. Lot Design Standards**

1. Side Lot Lines

Side lot lines shall be at right angles to street lines or radial to curved street lines unless the Planning Commission determines that a variation from this rule will provide a better street or lot plan.

2. Developable Land Area

All lots shall be designed so as to contain at least the minimum land area required by the Zoning Ordinance exclusive of Land Unsuitable for Development (see Article 3 Section B)

### 3. Easements

Easements may be required by the Planning Commission where necessary for the proper location and placement of improvements on private land as described below. The Commission may, in its own discretion, require the dedication of land to the Town in lieu of easements if such dedication would provide greater control over and access to the intended use.

a. Water Courses - Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and of such width as will be adequate for the purpose.

b. Sanitary Sewers - Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The Planning Commission may require permanent easements of such width as recommended by the Town Engineer, plus temporary construction easements if necessary. The nominal width for a sewer easement shall be thirty (30) feet.

c. Drainage Easements - Easements to install and maintain underground drainage facilities on private land shall be dedicated to the Town where required. The nominal width for such a drainage easement shall be thirty (30) feet. Where above-ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the Town over the area and at a location adequate for the intended purpose. Easements into and upon above-ground drainage facilities such as stormwater detention or retention basins shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is intended to be directed to such basins.

d. Grading Easements - The Planning Commission may require the dedication of an easement to the Town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

e. Sight Distance Easements - Where deemed necessary by the Planning Commission to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the Town may be required which would prohibit the erection or maintenance of any visual obstruction such as

a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

f. Bicycle or Pedestrian Access Easements - Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the Town or on an easement having a minimum width of 15 feet.

g. Other Easements - All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet and contain at least one concrete bound.

4. Lot Configurations

The Planning Commission shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in creating residential lots. Unusual shapes, angles, and dimensions shall be avoided in lot layout and design. The Commission may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these Regulations.

All lots shall be configured so that the depth to width ratio does not exceed a three (3) to one (1) ratio.

**D. Drainage**

The drainage system may be comprised of natural and man-made elements. These include grass swales, retention and detention basins, curbs, catchbasins, culverts, and stormwater pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (i.e. grass swales, wet basins) not only collect and transport stormwater, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat. When using swales, all swales shall be sodded with grass. Use of swales shall not be accepted in an R-20 zone.

Where a drainage plan and drainage calculations are required by the appropriate Plat Checklist in Article XV, the plan and calculations shall be prepared by a Registered Professional Engineer and approved by the Town Engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

The Rational Method - This method is the preferred method for small systems of 3 acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

TR-55 - This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development between one acre and two thousand acres.

TR-20 - This is for large complex watersheds and systems beyond the scope of TR-55.

The drainage plan and drainage calculations shall contain the following information:

1. An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of a 100-year frequency rainfall.
2. An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a 100-year frequency rainfall.
3. An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under 1 and 2 above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the specifications cited above as modified by the Town of Coventry. Culvert and storm sewers shall be designed for a 100-year frequency rainfall, with a minimum pipe size of 12 inches, and a minimum pipe gradient of 0.2 percent.
4. Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements and to the receiving water body.
5. The drainage plan shall further indicate how the following specific requirements will be met:
  - a) That each lot will be adequately drained;
  - b) That natural drainage patterns will be maintained whenever possible;
  - c) That all existing watercourses will be left open, unless approval to enclose is granted by the Planning Commission;

- d) That all new open watercourses will be seeded, sodded or paved, depending on grades and soil types;
  - e) That a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where such ultimate destination is impractical, the Commission may approve the construction of a retention area capable of accommodating proposed storm-water volumes based on a 100-year frequency rainfall with emergency overflow provisions;
  - f) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the Planning Commission will be provided;
  - g) That all necessary easements to off-street watercourses will be obtained by the subdivider; and,
  - h) Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.
  - i) Where required by the planning commission, appropriate landscaping and/or fencing and guard rails shall be installed. Such landscaping/fencing and guard rails shall be placed where designated and be of the type, materials, height, and quality acceptable to the Planning Commission.
6. The proposed drainage system shall be designed to accommodate stormwater such that post construction conditions do not result in peak run-off increases in rate or volume from pre-construction conditions.
7. The plan should include an assessment of structural integrity to withstand discharge from a 2 to 100 year storm.

## **E. Utilities**

1. Sanitary Sewers - Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is adjacent and connection is practical in the opinion of the planning commission.

2. Water Lines - When a public water system is available, water lines shall be installed and water stops shall be provided for each lot in accordance with the Rules and Regulations of the Kent County Water Authority. Water pressure of 35 pounds per square inch at Average Daily Flow (ADF), to be determined by the Kent County Water Authority, shall be a prerequisite for subdivision approval.  
(Amended - October 28, 1998)

3. Gas Lines - Natural gas lines may be installed in any subdivision or land development project at the discretion of the subdivider.

4. Communication Lines (Electric, Telephone, and Cable TV) - All electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be installed underground.

Communication lines may not be required to be placed underground for (1) residential compounds; or (2) for minor subdivisions where no street creation is required; or (3) for minor subdivisions where a private street is required and the Town will not be requested accept the street for ownership and maintenance.

5. Fire Hydrants - Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location, spacing and water pressure shall meet the minimum requirements of the National Fire Protection Association. All fire hydrants shall be installed with break away connectors at finished grade.

6. Underground Water Storage/ Fire Protection - Water holding tanks shall be of the appropriate size and design as designated by the fire district and shall be provided by the subdivider under the direction of the fire district where the subdivision is located. Appropriate bonding agreements to guarantee this work will be the responsibility of the fire district. Maintenance and repairs of underground water storage tanks shall be conducted by the appropriate fire district. A paved access shall be installed for maintenance and repairs. All necessary easements for access and repairs shall be part of the recorded plat and documentation.

**F. Erosion and Sediment Control**

All land developments and subdivisions shall submit a soil erosion and sedimentation control plan at the preliminary approval stage as provided by the Coventry Soil Erosion and Sedimentation Ordinance (#2-93-0187) and prior to any clearing of land.

**G. Site Design**

1. Purpose - The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. To promote this purpose, land development projects and subdivisions shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

2. Site Analysis - An analysis of the subdivision site and nearby areas shall be required by the Planning Commission for all major subdivisions. The scope and content of the site analysis shall be discussed during the pre-application meeting and shall be presented by the subdivider during the conceptual master plan stage of review. Such an analysis may be required by the Planning Commission for minor subdivisions if the Commission finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the character of the surrounding neighborhood.

Such a site analysis shall include written and/or graphic analysis of the following characteristics of the development site: site context; geology and soil; agricultural lands; wetlands; topography; climate; ecology; existing vegetation, structures, and road networks; visual features; past and present use of the site; and a preliminary assessment describing the potential effects of the proposed project on the natural resources of the site.

**3. Subdivision and Site Design**

a. Design of the development shall take into consideration all existing Town and regional plans for the surrounding community.

b. Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.

c. The following specific areas shall be preserved as undeveloped open space or lot area, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or Town regulations:

- 1) Unique and/or fragile areas, including freshwater wetlands;

- 2) Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
- 3) Lands in the flood plain, as defined in Article II;
- 4) Steep slopes in excess of 20 percent as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into consideration;
- 5) Habitats of endangered wildlife, as identified on applicable federal or /state lists;
- 6) Historically significant structures and sites, as listed on federal or state lists of historic places; and,
- 7) Agricultural lands

d. The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to minimize adverse effects of traffic, drainage, and utilities on neighboring properties.

4. Residential Development Design

a. The Planning Commission may vary street locations, lot shapes and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the lots' areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the zoning ordinance, and provided that such standards shall be appropriate to the type of development permitted.

b. Residential lots shall front on local streets wherever possible.

c. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

d. The placement of dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values.

- e. Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets.
- f. Vegetated buffer areas shall be required where necessary to avoid adverse impacts from adjacent uses.

5. Commercial and Industrial Development Design

Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

6. Circulation System Design

- a. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- b. In residential subdivision, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
- c. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, as shown in the typical street cross-sections in this article, with exceptions permitted to preserve natural features or to provide visual interest. In Residential Cluster Developments and Land Development Projects, walks may be placed away from the road system with permission of the Planning Commission.

7. Landscape Design

- a. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with type of development.

b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

## **H. Off-Site Improvements**

1. Purpose - This section is intended to ensure that subdividers provide off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to new development. Such improvements may be required by the Planning Commission, if the Commission finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:

- |                         |                     |
|-------------------------|---------------------|
| a. sanitary sewers      | d. sidewalks        |
| b. water supply systems | e. bicycle paths    |
| c. roadways             | f. drainage systems |

2. Definition and Principles - As a condition of final approval, the Planning Commission may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The Planning Commission shall provide in its resolution of final approval the basis for requiring such off-site improvements. In its resolution, the Commission must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character for that neighborhood or district.

3. Road Improvement Fees- See Article III, Section E, Fair Share Development Fees. (Amended - June 28, 2000 and September 13, 2000)

## **I. General Construction Procedures**

The following procedures shall be followed by the subdivider and by contractors under the direction of the subdivider in the construction of any subdivision or related improvement. The developer shall, at all times, maintain a consulting engineer who will have the authority and ability to resolve any problems or issues which arise during the course of construction. (Amended - October 28, 1998)

1. Pre-construction meeting - A pre-construction meeting shall be held with the Town Engineer at least seven (7) days prior to the start of any subdivision improvements. The subdivider (or his duly authorized representative) and the on-site project manager shall attend this meeting.
  
2. Notification - No step in the construction of required improvements shall commence until the Town Engineer has been notified in writing at least twenty-four (24) hours in advance of the phases of construction listed in 3, below.
  
3. Inspection of Improvements - Inspection and approval by the Town Engineer shall be required for the following phases of subdivision improvements:
  - a. During the grade cuts and prior to any grade filling.
  
  - b. During and following installation of all underground drainage structures, systems and utilities prior to backfilling;
  
  - c. During and following the preparations of the road sub-grade and shoulders;
  
  - d. During and following the installation and compaction of the sub-base course;
  
  - e. During and following the installation and compaction of the base course prior to the application of the asphalt binder course;

- f. Prior to and during installation of precast concrete curbing.
- g. Immediately prior to and during the installation and compaction of the asphalt binder coarse on the roadway;
- h. Immediately prior to and during the application and compaction of the asphalt surface course on the roadway and, if required, preparation of trench and sidewalks; and,
- i. Following completion of all improvements and installation of bounds/monuments.
- j. At periodic intervals as required to ensure compliance with the approved Erosion and Sediment Control Plan.

The Town Engineer may require inspection at such other intervals as may be deemed necessary to assure proper construction of improvements.

4. Request for Inspection - Whenever an inspection is required the developer shall request the Town Engineer to make such inspection in writing. The Town Engineer or designated representative shall within 48 hours exclusive of Saturday, Sunday and holidays, make such inspection and give to the developer written approval or disapproval of the improvements inspected by him. No subsequent step or phase shall commence until an inspection has been made and approval granted.

5. As-Built Drawings - Upon completion of construction of all required improvements, and before the performance guarantee is released and the maintenance guarantee is accepted, the developer shall furnish two sets of transparent mylar as-built drawings of required improvements to the Planning Commission Secretary.

6. Inspection Fees - Inspection fees shall be paid in the amount established in Article XI, and shall be paid in full before construction begins of any improvements requiring inspection. Failure to pay all inspection fees shall result in a stop work order until all fees are paid in full. If more than three (3) inspections are required, additional fees shall be required before any approval will be granted.

**ARTICLE XIV SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS**

**A. Specifications**

1. Construction plans.

a. Seven (7) complete sets of all construction plans, profiles, cross-sections and other working drawings of required construction improvements shall be submitted to the Planning Department and approved by the Town Engineer and Director of Public Works prior to any construction.

2. As-built drawings.

a. Upon completion of construction of all required improvements, the developer shall furnish two (2) sets of as-built drawings of such improvements to the Planning Commission Secretary.

3. Related Documents.

a. Reference for specifications.

Should any clarification be required on the construction specifications contained herein, reference is hereby made to the Standard Specifications for Road and Bridge Construction, published by the State of Rhode Island Department of Public Works, Division of Roads and Bridges, current edition.

b. Reference for details.

Should any clarification be required on the construction details contained herein, reference is hereby made to the State of Rhode Island Standard Details, published by the State of Rhode Island Department of Transportation, Public Works Division, current edition.

4. Erosion and sedimentation control.

a. All construction of subdivisions or development projects shall be in accordance with the standards and procedures set forth in the Coventry Soil Erosion and Sediment Control Ordinance, as adopted and revised on April 12, 1993. The ordinance is available for review from the Administrative Officer or the Planning Department.

**B. Street construction.**

1. Dimensions. All streets constructed within subdivisions shall conform to the cross-sections as shown in figures 1 - 8, unless such requirements are modified by the Planning Commission.
2. Clearing and grubbing. The entire right-of-way area, as shown on the approved plat, shall be cleared and grubbed. All root systems, trees, stumps, bushes, boulders and other objectionable material shall be removed and transported away from the subdivision.
3. Earth excavation. Earth excavation shall include but not be limited to the removal of clay, sand, subsoil, peat, loam, and other unacceptable materials within the limits of the roadway, drainage or other excavation. The backfilling of all stump holes and other surface irregularities will be filled with bank run gravel. All excavations shall be to a depth and cross-section as shown on the approved plans, profiles, and cross-section drawings, and as directed by the Town Engineer.
4. Rock and ledge excavation. Rock and ledge excavation shall be to a depth at least twelve (12) inches below subgrade.
5. Subsurface water. Where ground water is encountered adequate drainage shall be constructed to the satisfaction of the Town Engineer.
6. Street construction.
  - a. Materials.
    - (1) Base course.

This shall consist of bank run gravel, of a quality acceptable to the Town Engineer, with no stones greater than 6".
    - (2) Base course surface.

This shall consist of processed gravel of a quality acceptable to the Town Engineer and meeting RIDOT Standard M.01.09, with no stones greater than 1 ½".
    - (3) Asphalt binder course.

This shall consist of bituminous pavement (hot mix), binder course meeting R.I. Department of Transportation standard M.03.
    - (4) Surface course.

This shall consist of bituminous pavement (hot mix), medium texture, type I-1, meeting R.I. Department of Transportation standards.
  - b. General conditions.

The developer shall, at all times during construction, maintain the subdivision roads in passable condition, and shall take appropriate measures to eliminate the creation of a dust nuisance during construction. This may require the frequent application of calcium chloride. No Certificates of Occupancy will be issued until the asphalt binder has been placed.

c. Construction method.

(1) Preparation of sub-base.

All curbing, underground sewer and water lines, utilities, laterals, service lines and related facilities shall be installed prior to any street construction. Trench backfill must consist of clean gravel borrow, compacted to optimum density in six (6) inch lifts. At least thirty (30) days following filling and, compaction of all utility trenches, the subbase shall be thoroughly compacted with a ten-ton roller or its equivalent, true to the lines, grades and cross-sections shown on the approved drawings.

(2) Base course.

After the subbase has been properly prepared, the base course of bank run gravel shall be spread for the full width and in such volume as to provide an eight-inch cross-section after compaction with a ten-ton roller.

(3) Base course surface.

Following thorough compaction of the base course, crushed bank run gravel shall be spread for the full width to a depth of four (4) inches after compaction with a ten-ton roller.

(4) Asphalt binder course.

The asphalt binder course shall consist of an application of bituminous pavement (hot mix), binder course applied as follows:

(a) Placement

The bituminous pavement (hot mix), binder course shall be applied at a temperature of two hundred fifty (250) to three hundred fifty (350) degrees Fahrenheit by means of a self propelled paver. Such material shall be placed in sufficient quantity to provide a minimum compacted cross-section of one and one-half (1½) inches.

(b) Compaction

The binder course shall be compacted with a ten-ton roller equipped with a sprinkler system to wet the wheels.

Compaction shall be in accordance with RIDOT specification 401.03.11.

(5) Surface course. The surface course shall consist of an application of bituminous pavement (hot mix), medium texture, type I-1, applied as follows:

(a) Preparation of asphalt binder surface.

The asphalt binder shall be swept clean of all sand, and debris protrusion shall be removed, and any holes, ripples or unevenness in the surface shall be brought back to true line and cross-section by the spot application and proper compaction of class I mix.

(b) Placement

The bituminous pavement (hot mix), type I-1, shall be applied at a temperature of three hundred ten (310) to three hundred fifty (350) degrees Fahrenheit by means of a self propelled paver with a compactor. Such material shall be placed in sufficient quantity to provide a minimum compacted cross-section of one and one-half (1 1/2) inches.

(c) Compaction.

The surface course shall be compacted with a ten-ton roller equipped with a sprinkler system to wet the wheels. Compaction shall be in accordance with RIDOT specification 401.03.11.

(d) Traffic limitation.

Traffic passing over constructed streets shall be limited to wheeled vehicles, and tracked equipment shall not be permitted over paved streets, curbs, and sidewalks. The developer shall be held responsible for any violation of this requirement within the subdivision and will repair to the satisfaction of the Town Engineer.

(e) Weather limitations.

Bituminous material shall not be placed on any wet surface or when the temperature of the air is less than thirty-eight (38) degrees Fahrenheit, or any other unfavorable weather conditions as may be determined by the Town Engineer.

7. Driveway Aprons. All driveway aprons shall be paved to the right of way line, as specified in B. 6. Street Construction.

**C. Curbs**

1. Where the cross-section indicates curbs are required; use Rhode Island standard no. 7.21 pre-cast concrete.
2. Concrete or granite curbing shall extend a minimum of six (6) inches above the finished asphalt grade. Slope faced tapered transition curb meeting RIDOT Standard 7.24 shall be installed at all driveway openings and wheel chair ramps.
3. All street intersections shall have a radius of half of the right of way width at the right of way line.

**D. Sidewalks**

1. All sidewalks shall be constructed of concrete with wire mesh and will be four (4) feet wide.
2. Install wheel chair ramps at every intersection in accordance with RIDOT Standard 43.32.

**E. Surface and Subsurface Drainage Structures and Facilities**

1. Earthwork and drainage. All necessary surface and subsurface storm drainage structures and facilities shall conform to the Standard Details for Road and Bridge Construction, published by the State of Rhode Island Department of Public Works, Division of Roads and Bridges, current edition.

Such standard specifications may be modified at the discretion of the Town Engineer or Director of Public Works with the approval of the planning commission.

2. Manholes shall be located on all storm drains:
  - a. At maximum distances of three hundred (300) feet.
  - b. At all angles in the storm drains.
  - c. At street intersections and other points where catch basins, inlets or laterals are to be connected.

- d. At points where pipe sizes change.
  - e. At points where the grade of the storm drain changes.
  - f. All catch basins shall conform to the standards shown in the standard specifications for road and bridge construction and shall be installed at intervals not greater than three hundred (300) feet or at such other interval as may be required by the Town Engineer.
3. Pipe shall be smooth walled plastic, ADS, HQ, N12, or reinforced concrete pipe.

**F. Slopes**

- 1. Where slopes within the right of way are greater than four (4) to one (1), wet stone walls will be built to R.I. D.O.T Standard 10.1, such that no slope exceeds four (4) to one (1).
- 2. Slopes created in a subdivision, building lot, detention pond, etc. shall not be greater than three (3) to one (1). The maximum height of all walls shall be four (4) feet.

**G. Blasting**

- 1. Prior to any blasting the Public Works, Police and Planning Department shall be notified of the time and location of blasting.
- 2. A pre-blast survey may be required, per the ERT finding of inordinate amounts of rock or ledge.
- 3. The pre-blast survey must be submitted to the Planning Department and Town Engineer.

**FIGURES 1- 8**

- |          |   |
|----------|---|
| Figure 1 | Typical Roadway Cross Section                                   |
| Figure 2 | Street Cross Section - R-20 Zone                                |
| Figure 3 | Street Cross Section - RR-2 Zone                                |
| Figure 4 | Street Cross Section - RR-5 Zone                                |
| Figure 5 | Street Cross Section - Industrial Zone                          |
| Figure 6 | Street Intersection - Industrial Zone                           |
| Figure 7 | Cul De Sac Design   |
| Figure 8 | Street Cross Section & Cul De Sac Design - Residential Compound |

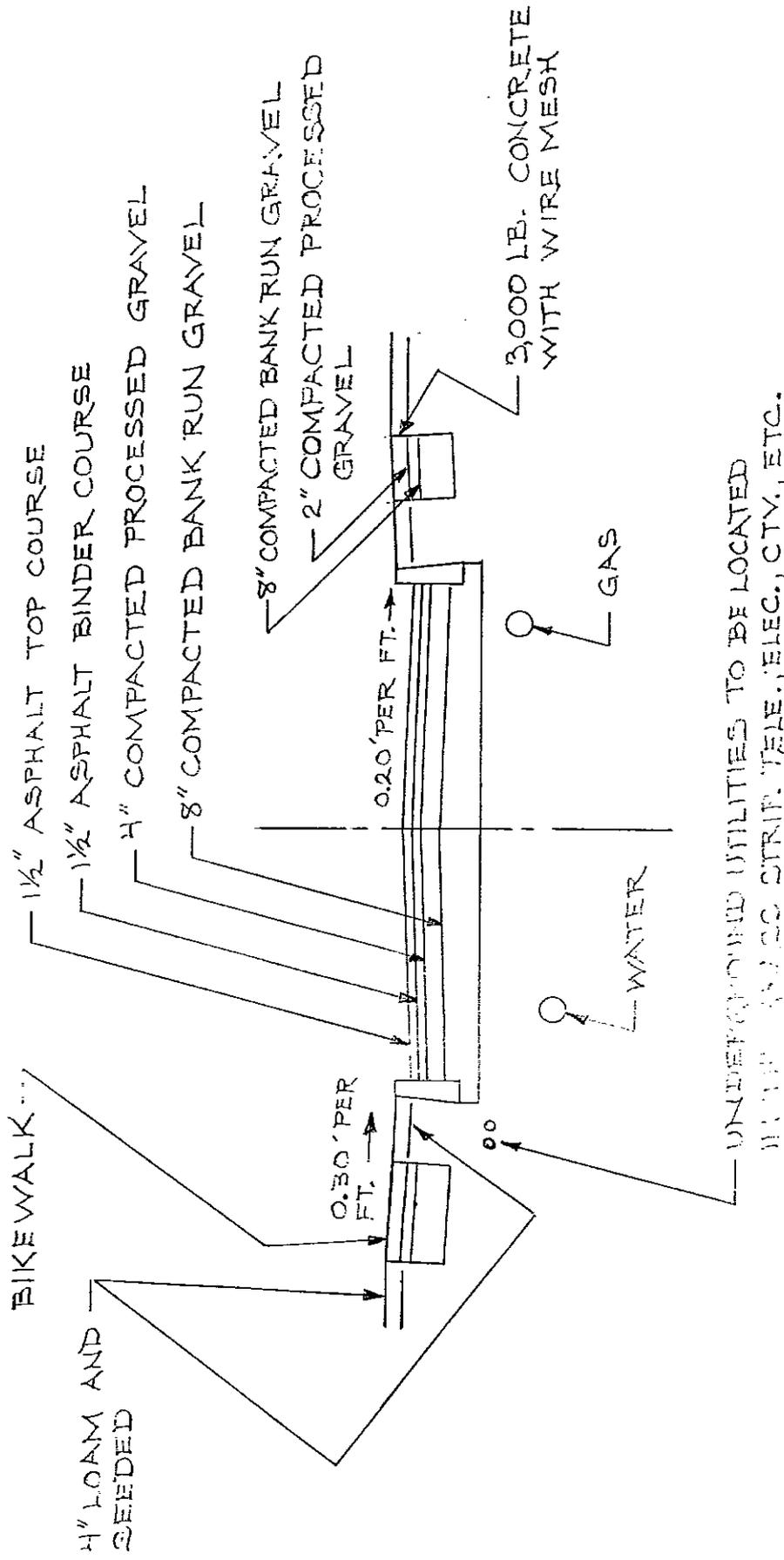
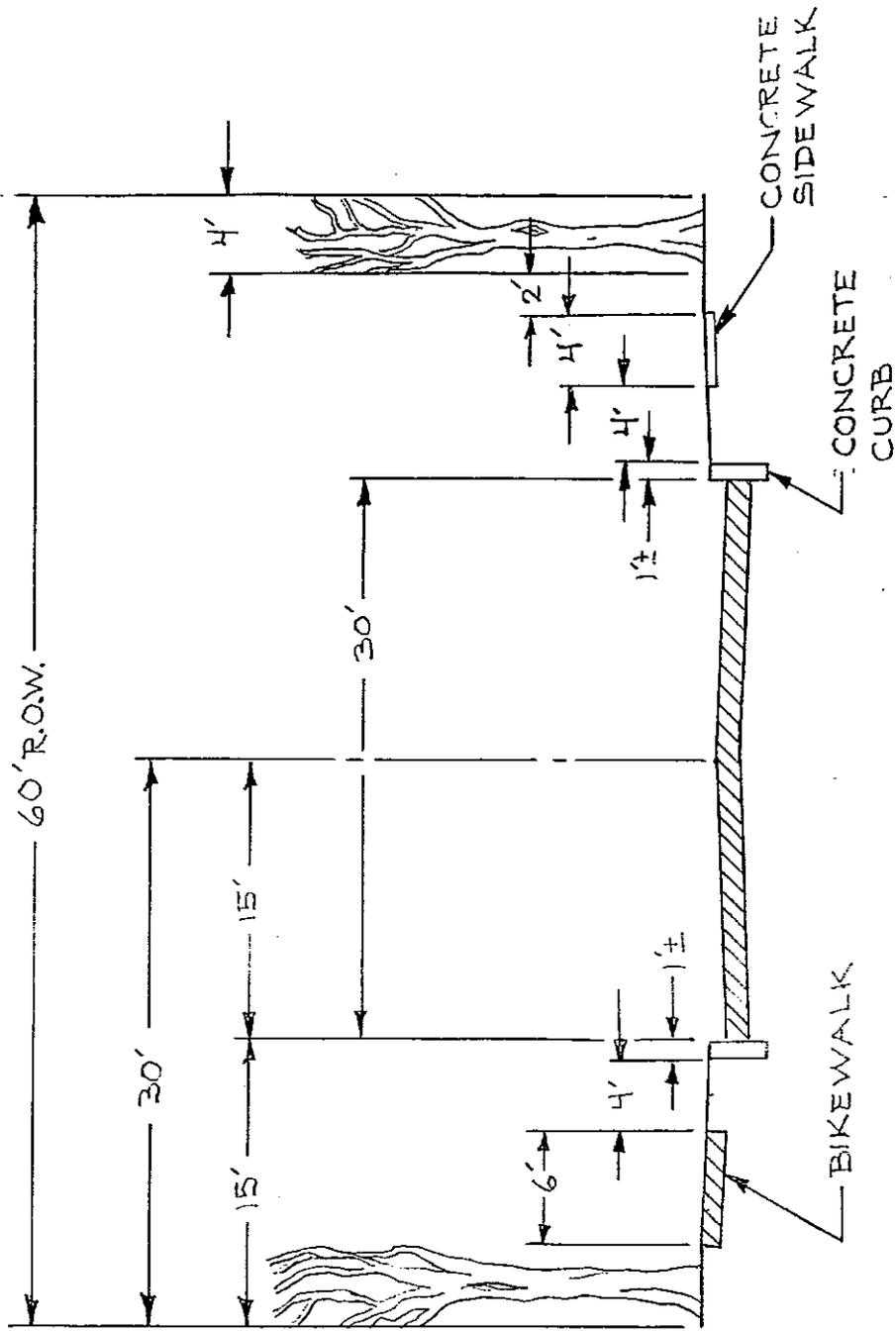


FIGURE 1  
TOWN OF COVENTRY  
TYPICAL ROADWAY  
CROSS SECTION

NOTES:

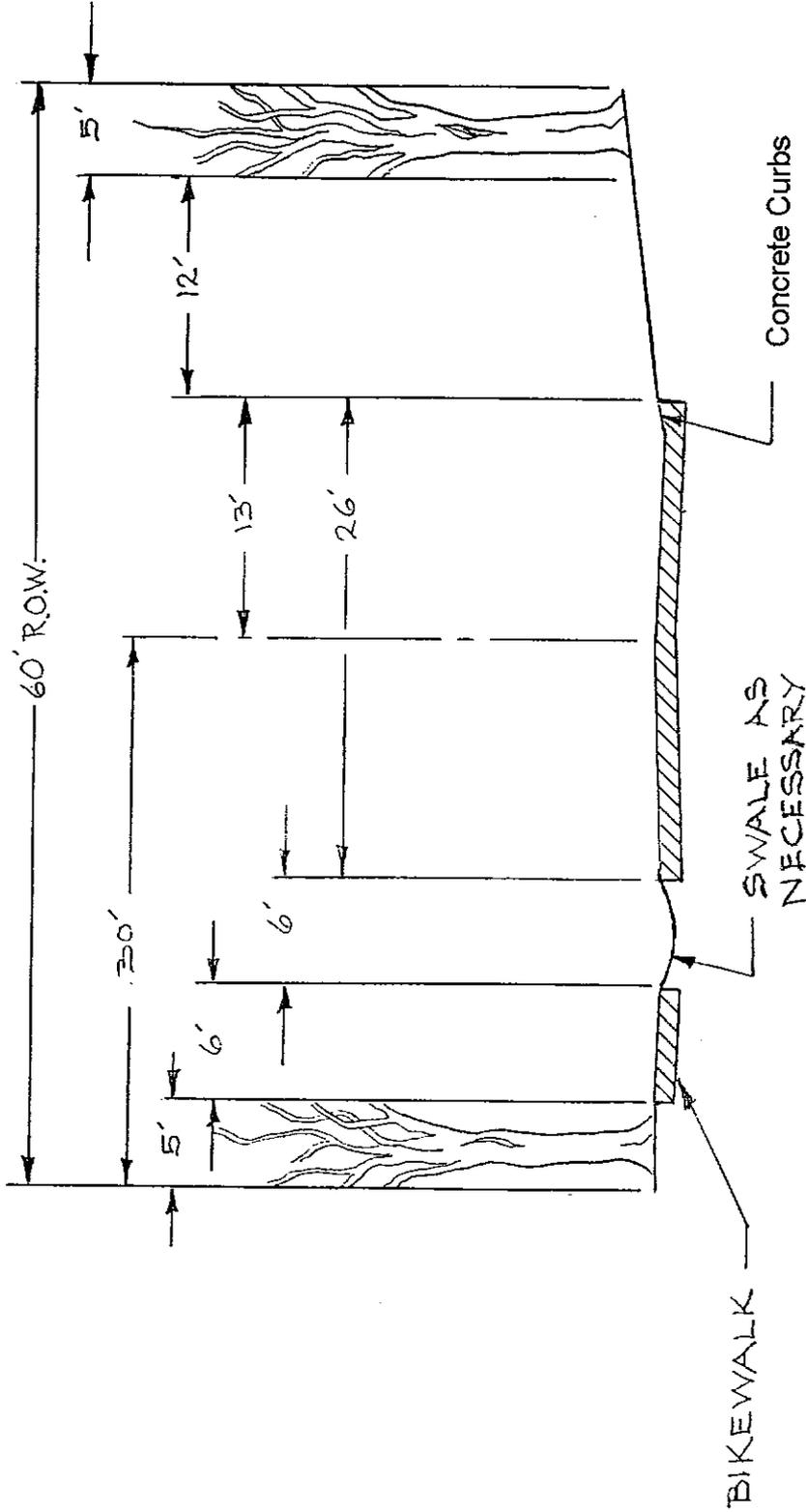
1. ALL MATERIALS SHALL MEET N.H.D.O.T. STANDARDS
2. BIKEWALK WILL MEET THE SAME CONSTRUCTION STANDARDS AS THE ROADWAY
3. RED CLAY BRICK SHALL BE USED TO ADJUST FRAMES ON CATCH BASINS AND MANHOLES.



NOTES:

1. ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO TOWN OF COVENTRY STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

FIGURE 2  
 TOWN OF COVENTRY  
 STREET CROSS SECTION  
 R20 ZONE

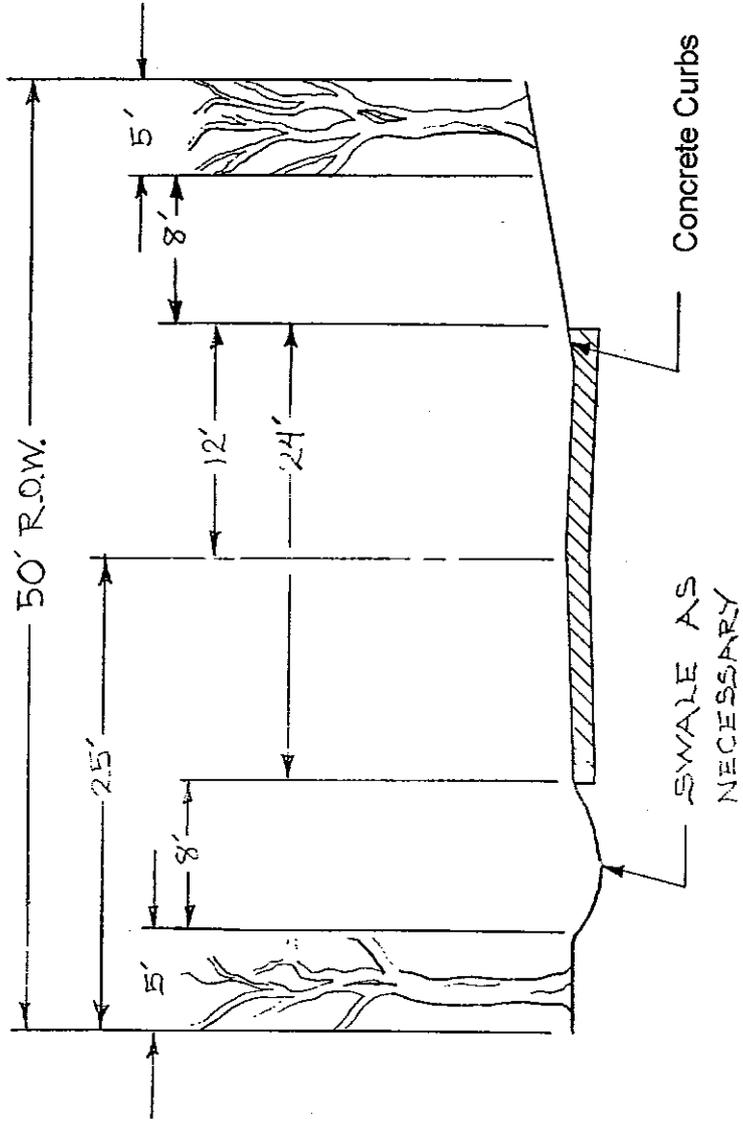


(Amended - October 28, 1998)

NOTES:

1. GRASSED SWALE DESIGN SHALL CONFORM TO USDA SOIL CONSERVATION SERVICE AND R.I. D.E.M. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK (RI SECH) STANDARDS. LOCATION MAY VARY.
2. ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO TOWN OF COVENTRY STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

FIGURE 3  
TOWN OF COVENTRY  
STREET CROSS SECTION  
RR 2 ZONE

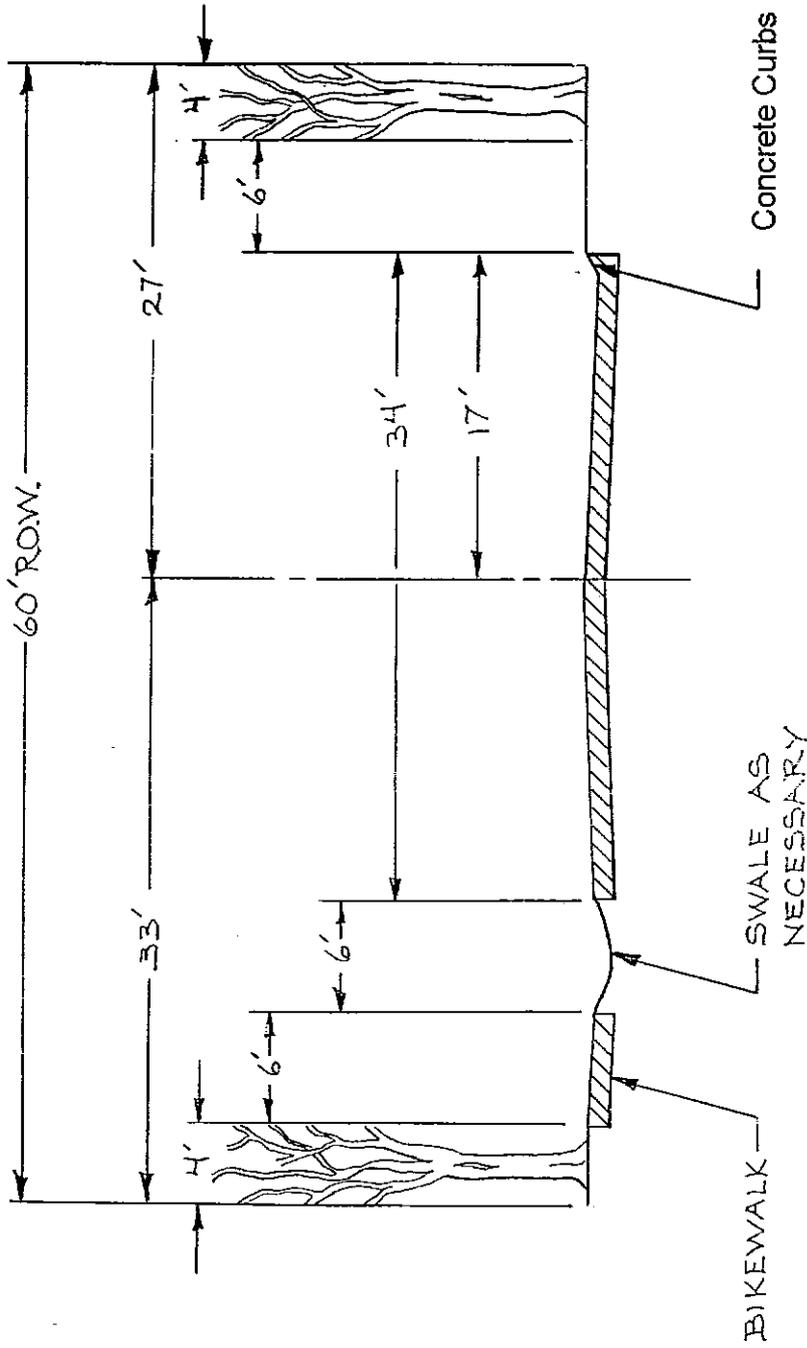


NOTES:

1. GRASSED SWALE DESIGN SHALL CONFORM TO USDA SOIL CONSERVATION SERVICE AND R.I. D.E.M. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK (RISECH) STANDARDS. LOCATION MAY VARY.
2. ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO TOWN OF COVENTRY STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

(Amended - October 28, 1998)

FIGURE 4
TOWN OF COVENTRY
STREET CROSS SECTION
RR 5 ZONE



(Amended - October 28, 1998)

NOTES:

1. GRASSED SWALE DESIGN SHALL CONFORM TO USDA SOIL CONSERVATION SERVICE AND R.I. DEM. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK (RISECH) STANDARDS. LOCATION MAY VARY.
2. ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO TOWN OF COVENTRY STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

FIGURE 5  
TOWN OF COVENTRY  
STREET CROSS SECTION  
INDUSTRIAL 1 ZONE

84' R.O.W. TO BLEND INTO 60' R.O.W.

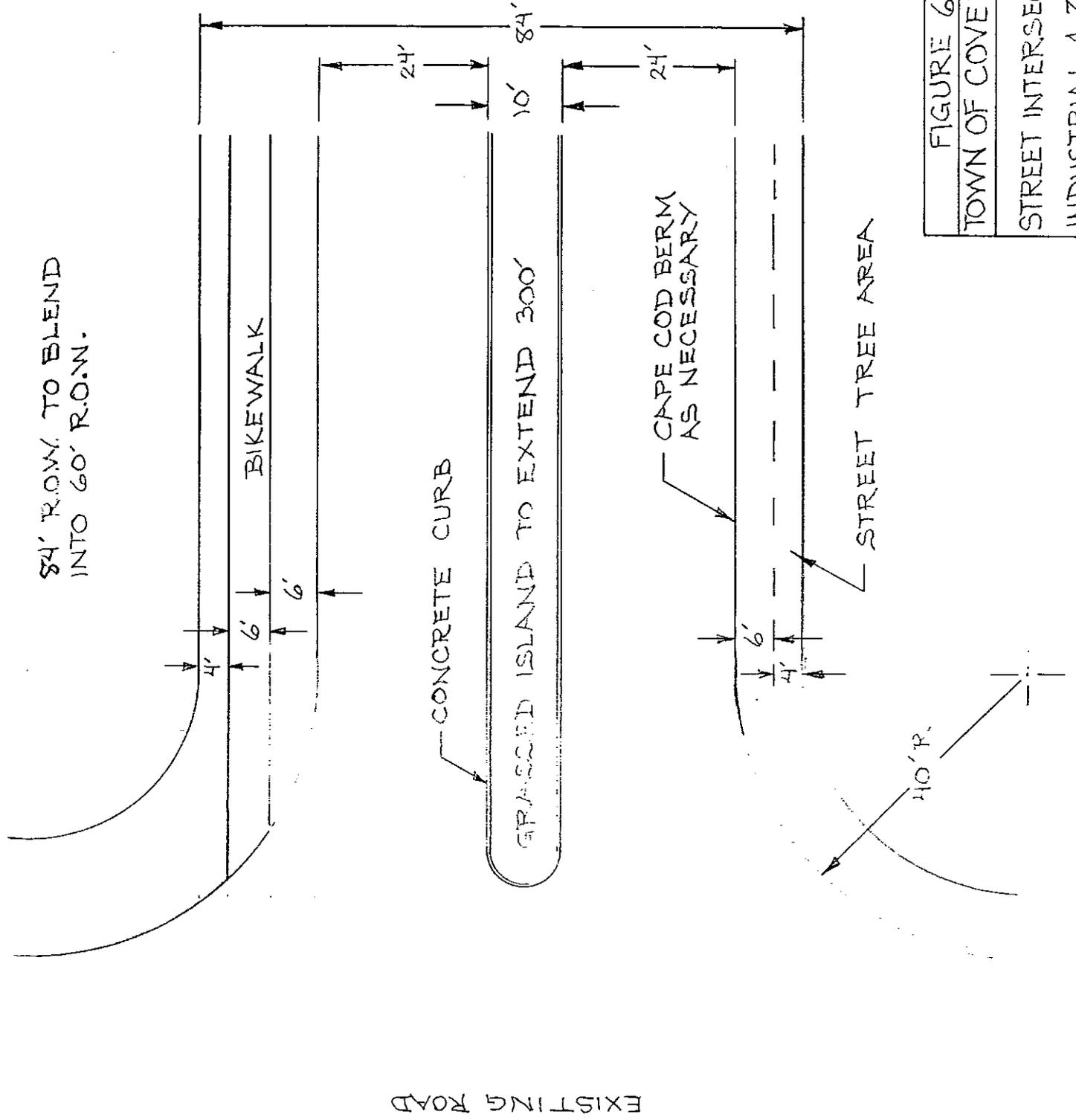
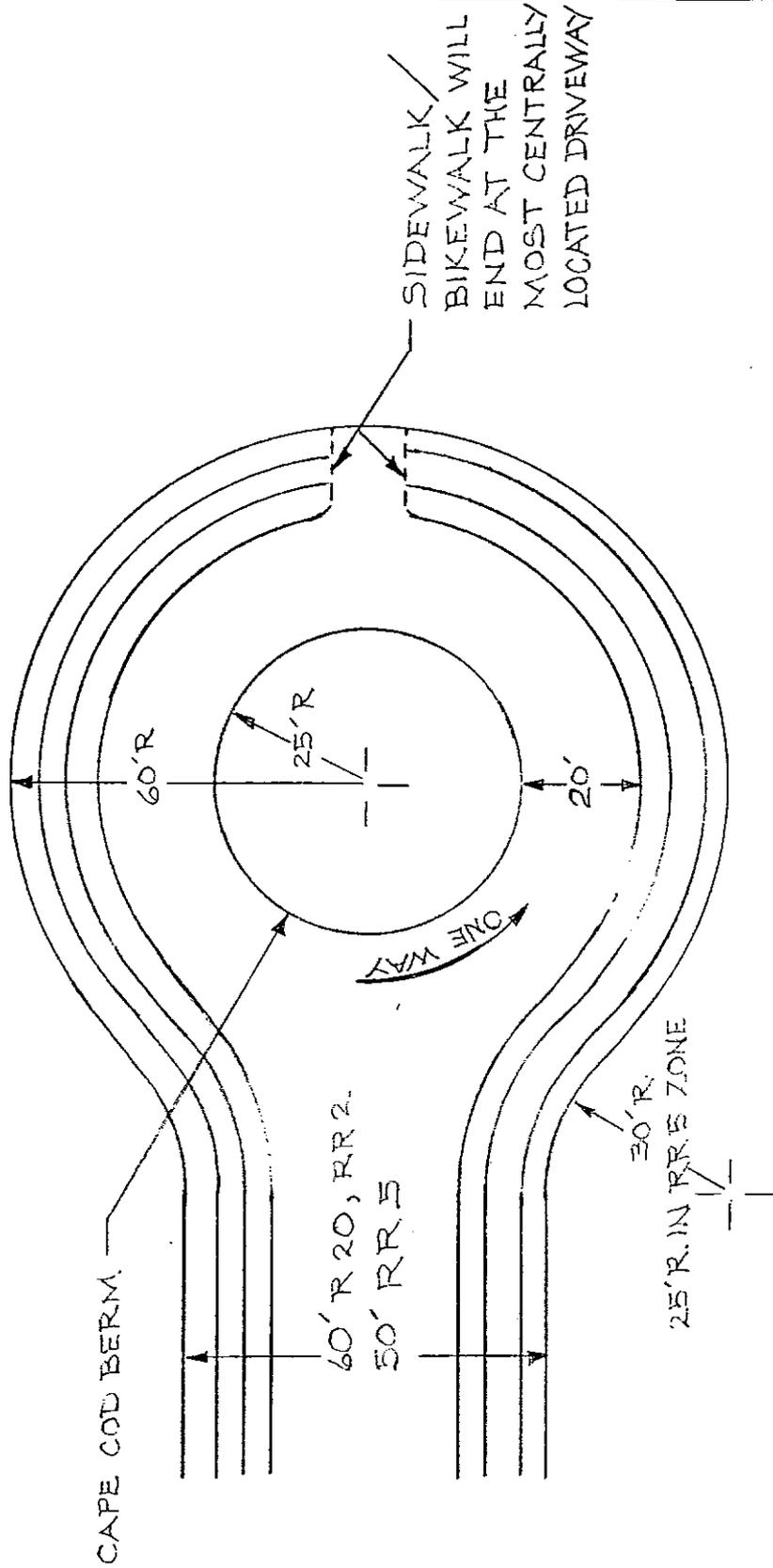


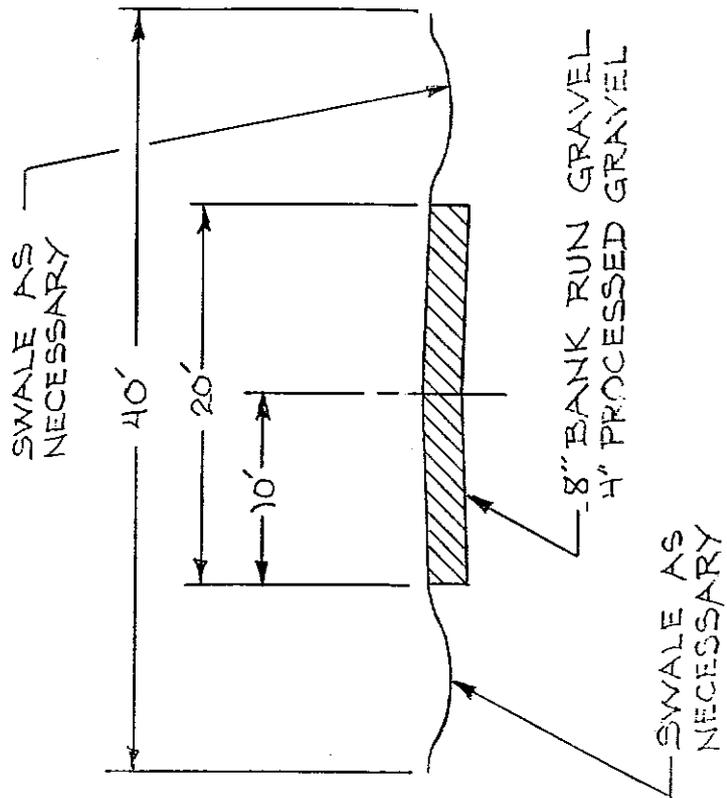
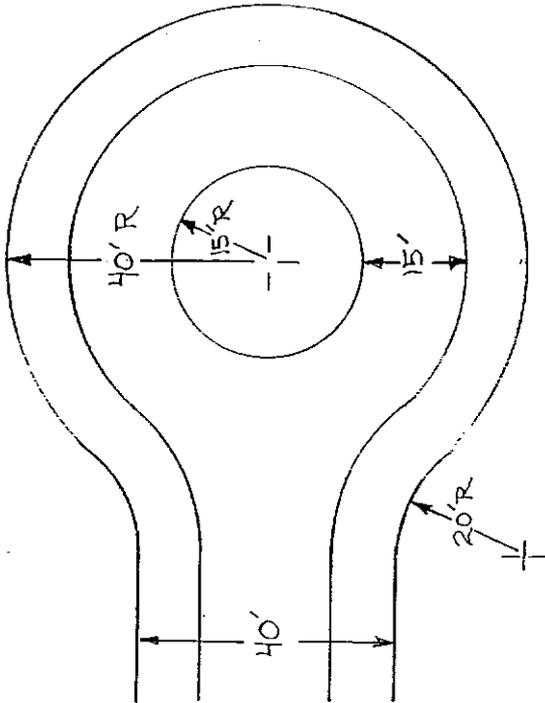
FIGURE 6  
TOWN OF COVENTRY  
STREET INTERSECTION  
INDUSTRIAL 1 ZONE



NOTE :

1. CUL DE SAC MAY BE OFFSET LEFT OR RIGHT.

FIGURE 7  
TOWN OF COVENTRY  
CUL DE SAC  
DESIGN



NOTES:

1. GRAVEL SURFACE PERMITTED ON SLOPES NOT EXCEEDING 4%.
2. GRASSED SWALE DESIGN SHALL CONFORM TO USDA SOIL CONSERVATION SERVICE AND R.I.P.E.M. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK (RISECH) STANDARDS. LOCATION MAY VARY.
3. CULVERT SAC MAY BE OFFSET LEFT OR RIGHT.

FIGURE 8  
TOWN OF COVENTRY  
STREET CROSS SECTION  
CULVERT SAC DESIGN  
RESIDENTIAL COMPOUND

**ARTICLE XV - CHECKLISTS**

- A. Administrative Subdivisions
- 2. Preapplication Meetings and Concept Review
- 3. Preliminary Plat Checklist - Minor Land Developments and Minor Subdivisions
- 4. Final Plat Checklist - Minor Land Developments and Minor Subdivisions
- 5. Conceptual Master Plan Checklist - Major Land Developments and Major Subdivisions
- 6. Preliminary Plat Checklist - Major Land Developments and Major Subdivisions
- 7. Final Plat Checklist - Major Land Developments and Major Subdivisions
- 8. Cluster Development Checklist