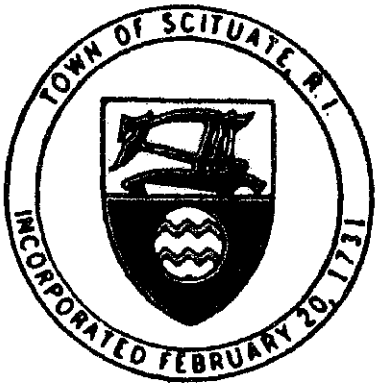
SUBDIVISION

AND

LAND DEVELOPMENT REGULATIONS



TOWN OF SCITUATE, RI

This book is a reprint of Chapter 14, Subdivisions and Land Development, of The Code of Ordinances of the Town of Scituate, Rhode Island, published by order of the Town Council.

As amended ~~May 15, 2012~~

2/4/13

Chapter 14 SUBDIVISIONS AND LAND DEVELOPMENT*

*__Editor's note:__ An ordinance adopted December 19, 1995 added a new chapter 14. Formerly, such chapter pertained to similar provisions and derived from ordinances listed in the Code Comparative Table.

Cross references: Buildings and building regulations, Ch. 4; planning, Ch. 10; soil erosion and sedimentation control, Ch. 12; streets and sidewalks, Ch. 13; trailers and trailer parks, Ch. 16; utilities, Ch. 17; zoning, App. A.

State law references: Subdivision of land, G.L. 1956, § 45-23-1 et seq.

Art. I. In General, §§ 14-1--14-25
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AS AMENDED – EFFECTIVE MAY 15, 2012

ARTICLE I. IN GENERAL

Sec. 14-1. Adoption of laws; authority; purpose.

(a) For the purpose of promoting the general health, safety, morals or general welfare of the citizens of the town and in accordance with the provisions of Chapter 1631 of the Public Laws of 1945 as amended by Chapter 3321 of the Public Laws of 1954, (now General Laws of Rhode Island-1956, Title 45, Chapter 23) the provisions of such public laws are hereby accepted and adopted for the town.

(b) The rules and regulations shall be designed to make adequate provisions for traffic; to lesson traffic accidents; to promote safety from fire, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to prevent the development of unsanitary areas for housing purposes; to secure a well-articulated street and highway system; to secure adequate drainage and the provision of erosion controls to mitigate stormwater runoff; to promote a coordinated development of unbuilt areas; to secure and appropriate allotment of land area in new developments for all the requirements of community life; to conserve natural beauty and other natural resources; to protect the Scituate Reservoir Watershed; to provide consistency with the Scituate Reservoir Watershed Management Plan; to conform to any master plan which may have been adopted; to furnish guidance for the wise and efficient expenditure of funds of public works; and to facilitate the adequate, efficient and economic provisions of transportation, water supply, sewerage, recreation and other public utilities and requisites.

(c) All of the provisions of state law adopted by this section are hereby made applicable to the town, including the definition of terms, the provisions as to the purposes and contents of the rules and regulations to be adopted by the Plan Commission, the provisions as to the submission of subdivision plats to the Plan Commission and the approval thereof by the Plan Commission and the provisions as to appeals to the superior court for the county and state.

(d) The penalties, restrictions, rights and remedies as set forth in Sections 11 and 23 of Chapter 1631 of the Public Laws of 1945 shall be applicable and available from and after January 16, 1958.

(e) The purpose of these regulations is to establish a procedure to provide thorough, orderly and expeditious processing of land development and subdivision project applications that is in keeping with the provisions of Scituate's Comprehensive Plan and Zoning Ordinance.

(f) Effective Date. These amended regulations shall take effect as of May 15, 2012 and shall supersede all other subdivision regulations in effect at the time of such adoption.

(g) Vested rights – Continuation of prior regulations. Subdivisions which have been submitted to the Plan Commission for approval under the provisions of the regulations in effect prior to December 19, 1995 may be continued to be reviewed by the Plan Commission and approved under those regulations in accordance with the following:

(1) Final approvals. Any land developments or subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Plan Commission, may initiate or construct any part of the development, or record such plans in accordance with the subdivision regulations in effect at the time final approval was granted. The Plan 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 land developments or subdivision which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Plan Commission, may continue to be reviewed by the Plan 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 Plan Commission within one (1) year from the date of preliminary approval; or
b. the land development or 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 Plan Commission have been filed with RIDEM for approval as required by the Freshwater Wetlands Act; or
c. The applicant has expended significant monies in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and reapplication under the revised subdivision regulations were to be required; a significant economic hardship would result. The Plan Commission shall determine what constitutes "significant economic hardship."

(3) *Other status.* Any land development or subdivision which, at the time of adoption of these regulations, has not received final or preliminary approval; or has been reviewed by the Plan Commission for preliminary review but no approval therefore has been granted; or has received preliminary approval more than one (1) year prior to the date of adoption of these regulations; or for which only preapplication conference(s) has (have) been conducted shall be required to be reviewed under the revisions to the land development and subdivision regulations adopted on December 19, 1995 pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992.
The Plan Commission shall determine vested rights for land developments or subdivisions submitted for approval prior to December 19, 1995. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Plan Commission of appeal as herein provided.
Secs. 14-2--14-25. Reserved.

ARTICLE II. PLAN COMMISSION AND GENERAL PLATTING, SUBDIVISION, DEVELOPMENT

Sec. 14-26. Establishment and organization.

(a) *[Established.]* There is hereby established a Plan Commission of five (5) members in and for the town.

(b) *Appointment, terms of members.* Each member of the Plan Commission shall be appointed by the town council for a term of five (5) years, except that the original appointments shall be for staggered terms. Members shall serve until their successors are appointed and qualified.

(c) *Alternate members and organization.* There shall be two (2) alternate members of the Plan Commission, each of whom shall be appointed by the town council for a term of one (1) year. Alternate members shall serve in the place of regular members where regular members are absent or otherwise unable to serve. In such instances where an alternate is required to serve, the chairman, or acting chairman, of the Plan Commission shall designate which alternate shall serve.

(d) *[Chairman and vice-chairman.]* The Plan Commission shall organize annually by electing from its membership a chairman and a vice-chairman. The Commission may adopt any procedural rules deemed necessary to the discharge of its duties.

(e) *Adoption of regulations.* The Plan Commission is hereby authorized and directed to adopt, modify and amend rules and regulations governing and restricting the platting or other subdivision of land within the town and to control the subdivision of land pursuant to such rules and regulations.

(f) *Hearing.* The Plan Commission, before adopting, modifying or amending any rules or regulations for the subdivision of land in the town, shall hold a public hearing thereon after first giving notice specifying the time and place of such hearing by publication of such notice in a newspaper of general circulation within the town at least once a week for three (3) successive weeks prior to the date of such hearing.

State law references: Composition, terms of members, filling vacancies of local planning boards, G.L. 1956, § 45-22-3; local planning boards, G.L. 1956, § 45-22-1 et seq.

Sec. 14-27. Definitions.

For the purpose of these regulations, certain terms and words are herein defined as follows:

Administrative officer. The town engineer.

Administrative subdivision. Resubdivision of existing lots which 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.

Authority Having Jurisdiction. The Fire Chief or duly positioned person in charge of the local Fire Department covering the subject area of Town.

Board of appeal. See section 14-64.

Bond. 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 Plan Commission, considering the physical constraints to development of the site as well as the requirements of the pertinent federal and state regulations.

Certificate of completeness. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of the 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 land development plan or subdivision as used for preapplication meetings and early discussions, and classification of the project within the approval process.

Consistency with the comprehensive plan. A requirement of these regulations which means that all actions shall be in accordance with the public policies arrived at through adoption of the comprehensive plan.

Dead-End Streets. A public thoroughfare with only one means of access.

Dedication, fee-in-lieu-of. Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

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

Division of land. A subdivision.

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

Final plan. The final stage of land development and subdivision review.

Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Plan Commission and any accompanying material as described in these regulations and/or required by the Plan Commission.

Floor area, gross. See Rhode Island State Building Code.

Governing body. Town council.

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

Improvement guarantee. An irrevocable letter of credit, as approved by the Plan Commission or cash. (Generally in the form of a two-party bank account, one party being the town.)

Local regulations. The Town of Scituate Ordinances.

Low Impact Development Manual. Refers to the Rhode Island Low Impact Development Site Planning and Design Guidance Manual, March 2011, with

latest revisions, prepared by the R.I. Department of Environmental Management and Coastal Resources Management Council.

Maintenance guarantee. Any security instrument to ensure that completed improvements will function as required for one (1) year.

Major land development plan. Any land development plan not classified as a minor land development plan.

Major subdivision. Any subdivision not classified as either an administrative subdivision or a minor subdivision. All non-single family residential subdivisions shall be considered as major subdivisions.

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

Minor land development plan. A development plan for a residential project provided that such development does not require waivers or modifications. All nonresidential land development projects shall be considered as major land development plans.

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

Modification of requirements. Variances from these regulations as requested or required by the Plan Commission.

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

Permitting authority. The town council and zoning board of review.

Phased development. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

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."

Plan Commission. The official planning agency of the town.

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

Preapplication conference. An initial meeting between developers and the Plan Commission which affords developers the opportunity to present their proposals informally and to receive comments and directions.

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

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 is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon acceptance.

Public informational meeting. A meeting of the Plan Commission or governing body preceded by a notice, open to the public and at which the public shall be heard.

Resubdivision. 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 subdivision regulations.

Stormwater detention. A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

Stormwater retention. A provision for storage of stormwater runoff.

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

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

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

Street, cul-de-sac. A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

Street, limited access highway. A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons shall 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. This definition shall not apply to driveways.

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

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

Street classification. A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Major categories are:

(1) *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the town and carries high volumes of traffic.

(2) *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.;
(3) *Local.* Streets whose primary function is to provide access to abutting properties.

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

Subdivision. The division or redivision, of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

Technical review committee. A committee appointed by the Plan Commission for the purpose of reviewing, commenting and making recommendations to the Plan Commission with respect to approval of land development and subdivision applications.

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

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

Waiver of requirements. See section 14-55.

Sec. 14-28. General--Platting, land development or other subdivision of land.

(a) *Submission of plan required; exception.* There shall be no subdivision (as defined herein and in Title 45, Chapter 23 of the General Laws) of any lot, tract or parcel of land within the town, and no improvement or sale of a lot or lots in a subdivision, without the prior submission to, and approval of, the Plan Commission of a plan of such subdivision; except in the case of subdivisions and plats which were on record prior to the passage on January 16, 1958, of the ordinance controlling the subdivision of land and plats of which have since then been recorded with the approval of the Plan Commission.
(b) *Plan Commission meetings.* Regularly scheduled meetings of the Plan Commission shall be held on the third Tuesday of each month commencing at 7: 00 p.m. in the town council chambers or an alternate location in Scituate as may be designated by the Chairman from time to time.
(c) *General requirements.* The requirements listed below shall be applicable to all land developments and subdivisions submitted for approval, unless otherwise

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

(1) Each land development or subdivision shall be consistent with the requirements of the Scituate Comprehensive Community Plan and shall satisfactorily address the issues where there may be inconsistencies;

(2) Each lot in the land development or subdivision shall conform to the standards and provisions of the Scituate 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 [in] 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 easement pursuant to Title 34, Chapter 39 of the General Laws, as amended, is granted to the town prohibiting any such present or future development.

(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

(4) The land development or 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;

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

(6) Each land development or 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; and

(7) The design and location of streets, building lots, utilities, drainage improvements and other improvements in each land development or subdivision shall minimize flooding and soil erosion.

(8) Site planning and design shall be in conformance with the Low Impact Development Manual as may be applicable to the project, these Regulations and/or as determined by the Plan Commission.

(d) *Phasing of major land developments and major subdivisions.*

(1) When a major land development and major subdivision is submitted for master plan approval as provided in article III of these regulations, the Plan 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 Plan Commission determines that such improvements, services and facilities, including, but not limited to, water supply, sewerage capabilities, 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 Plan 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 master plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the master plan requirements for major land developments and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments in writing to the Plan Commission. 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. The applicant shall provide proof of submission to the administrative officer.

(3) Each department or agency to which such a request for comments is made shall deliver to the administrative officer in addition to the written correspondence, 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.

(4) Based on the responses received from the various departments and agencies, the Plan Commission shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such a growth rate plan, the Plan Commission may require that improvements be installed, or lots sold, in two (2) or more phases.

(5) If phasing is required, the Plan Commission shall approve the entire 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 (2) or more phases as may be required by the Plan 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.
(6) The 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.
(7) The master plan shall remain vested as long as it can be proved, to the satisfaction of the Plan Commission, that work is proceeding on either the approval stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information shown on the approved master plan documents.
**See Sec. 1451.(g) page 4 of 14) Vesting for 1 year.
(e) *Land unsuitable for development.*
(1) Fresh water wetlands, as defined by Section 2-1-20 of the General Laws (1987), as amended.
(2) Areas within a flood hazard area, as defined by the Scituate Zoning Ordinance, as amended.
(3) Land within any publicly or privately held easement on which above-ground utilities, including, but not limited to, electrical transmission lines, are constructed.
(4) Land on which development would clearly and directly degrade, impair or otherwise cause a negative impact on the Scituate Reservoir water quality or tributaries thereto.
(f) *Dedication of land for public purposes.*
(1) The Plan Commission shall require all land developments and subdivisions subject to the provisions of these regulations to dedicate seven (7) percent of the land being subdivided for the purpose of providing open space, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The Plan Commission may, in its discretion, require the payment of a fee-in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.
(2) *Fees-in-lieu-of land dedication.* Where a fee is required by the Plan Commission to be paid in lieu of land dedication, the amount of such fee shall be based on the fair market value of the amount of land which would otherwise be required to be dedicated. The amount of such fee shall be determined by the following formula:
a. Fair market value of land in the parcel being subdivided after subdivision approval has been granted, and which is suitable for use as open space, conservation, park and recreation facilities.
b. Fair market value. Fair market value of the land assuming subdivision approval has been granted shall be determined at the time of filing of the final plan in accordance with the following:
1. Annual review by the town tax assessor of all sales of vacant lots of at least sixty thousand (60,000) square feet in area in town assuming all subdivision improvements have been made and infrastructure is in place.
2. If the subdivider objects to such amount of evaluation, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser

which appraisal may be accepted by the Plan Commission if found to be reasonable; or

3. The Plan Commission and subdivider may agree as to the fair market value.

(g) *Fees-in-lieu of public improvements or mitigation of negative impacts.* The town and land developer may agree on payment in-lieu-of specified improvements or construction to mitigate significant negative impact. Such negative impact of the proposed project on existing conditions shall be clearly documented and payment in-lieu-of shall only be spent on the mitigation of the identified impact for which it is required.

(h) *Impact assessment.*

(1) The Plan Commission may require the applicant prepare an impact assessment to assess the potential short and long term affects of the proposed subdivision or land development project under either of the following conditions: The Plan 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, upon nearby properties or natural systems or the Scituate Reservoir Watershed.

(2) The commission shall make finding of fact in writing and shall identify the environmental resources it finds to be potentially threatened. The commission's finding shall be made a part of the record of the application.

(3) An impact assessment 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
--Scenic areas
--Noise and air quality
--Solid waste generation
--Historic/archaeological areas
--Unique natural areas or areas of critical conservation concern
--Scituate Reservoir and watershed
--Traffic
--Soils
--Vegetation
--Wildlife
--Groundwater

(4) If an impact assessment is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the master plan stage for a major subdivision and shall be advised at that meeting as to the specific information that the impact assessment must contain.

(5) For any subdivision or land development project for which an impact assessment is required, the commission shall have the authority to impose conditions on approval that, based on the findings and analysis of the impact assessment, are reasonably necessary to minimize adverse impacts that the development may have on the natural or man-made environment.

(6) All impact assessments shall be referred to the conservation commission for their review and comment.

Sec. 14-29. Prior approval of streets, subdivision plats or building permits necessary; exceptions.

(a) No new street or streets in any new major subdivision will be accepted into the town highway system, no plat of a subdivision will be accepted for record, and no building permit will be issued for lots in any subdivision, without the prior approval of such plat or subdivision by the Plan Commission; except in the case of subdivisions, plats of which were on record prior to the passage on January 16, 1958, of the ordinance controlling the subdivision of land, and plats of which have since then been recorded with the approval of the Plan Commission.

(b) Generally, the procedure for approval of a subdivision and the required improvements shall be a four-step process. The first three (3) steps involve development of the plat plans through public hearings with the Plan Commission as required by sections of these regulations. The fourth step involves construction of the proposed improvements. Application forms and checklists for required submissions are included in appendix A.

Secs. 14-30--14-45. Reserved.

ARTICLE III. SUBDIVISION REVIEW

Sec. 14-46. Platting and development submission; review.

General provisions. Preapplication meetings and concept review.

(1) One (1) or more preapplication meetings shall be held for all major land development or subdivision applications. Preapplication meetings may be held for administrative and minor applications, upon request of either the Plan Commission or the applicant. Preapplication meetings shall allow the applicant to meet with the Plan Commission or other appropriate officials, for advice as to the required steps in the approval process, the pertinent town plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

(2) At the preapplication stage the applicant may request the Plan Commission (or the technical review committee) for an informal concept plan review for a development. The purpose of the concept plan review is also to provide Plan Commission (or technical review committee) input in the formative stages of major subdivision and land development concept design.

(3) Applicants seeking a preapplication meeting or an informal concept review shall submit materials three (3) weeks in advance of the Plan Commission meeting.

(4) Preapplication meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Preapplication discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

Sec. 14-47. Application for development and certification of completeness.
(a) Classification. The administrative officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. The following types of applications may be filed:
(1) Administrative subdivision.
(2) Minor subdivision or minor land development plan.
(3) Major subdivision or major land development plan.
(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 and approved by the Plan Commission chairman for placement on the Plan Commission agenda. In the event such certification of the application is not made within the time specified in this chapter for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in these regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.
(c) Notwithstanding subsections (a) and (b) above, the Plan Commission may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the administrative officer prior to certification, as is necessary to make an informed decision.
(d) Where the 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 Plan Commission determines that the required application information is complete.
(e) One (1) copy of all plans and supportive data for any preapplication master plan or preliminary submission shall also be forwarded to the Providence Water Supply Board, attention director of water resources, by the applicant.
(f) All Major Subdivisions or Minor Subdivisions with a common driveway in the Town of Scituate shall be reviewed by the AHJ and/or local Fire Chief.

Sec. 14-48. Administrative subdivision.
(a) Any applicant requesting approval of a proposed administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by these regulations.
(b) The application shall be certified as complete or incomplete by the administrative officer within a fifteen-day period from the date of its submission according to the provisions of section 45-23-36(B) of the General Laws.
(c) Review process:
(1) Within fifteen (15) days of certification of completeness, the administrative officer shall review the application and approve, deny or refer it to the Plan Commission with recommendations. The officer shall report his actions to the Plan Commission at its next regular meeting, to be made part of the record.

(2) If no action is taken by the administrative officer within the fifteen (15) days, the application shall be placed on the agenda of the next regular Plan Commission meeting.
(d) If referred to the Plan 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 certification of completeness. Failure of the Plan 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 Plan 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 a plat in conformity with such approval is submitted for signature and recording.

Sec. 14-49. Minor land development and minor subdivision review.
(a) *Review stages.* Minor plan review shall consist of two (2) stages, preliminary and final, provided, that if a street creation or extension is involved, a public hearing is required. The Plan Commission may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the commission.
(b) *Submission requirements.* Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required herein.
(c) *Certification.* The application shall be certified complete or incomplete by the administrative officer within twenty-five (25) days.
(d) *Technical review committee.* The technical review committee, if established, shall review the application and shall comment and make recommendations to the Plan Commission. The application shall be referred to the Plan Commission as a whole if there is no technical review committee. When reviewed by a technical review committee:
(1) If the land development or subdivision plan is approved by a majority of the committee members, the application shall be forwarded to the Plan Commission with a recommendation for preliminary plan approval without further review.
(2) If the plan is not approved by a majority vote of the committee members, the minor land development and subdivision application shall be referred to the Plan Commission.
(e) *Reassignment to major review.* The Plan Commission may reassign a proposed minor project to major review only when the Plan Commission is unable to make the positive findings required in Section 45-23-60 of the State Enabling Law.
(f) *Decision.* If no street creation or extension is required, the Plan Commission shall approve, deny or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is

agreed to by the applicant and the board, according to the requirements of Section 45-23-63 of the General Laws. If a street extension or creation is required, the Plan Commission shall hold a public hearing prior to approval and shall approve, deny or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the commission.

(g) *Failure to act.* Failure of the Plan Commission to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the Plan Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

(h) *Final plan.* The Plan Commission may delegate final plan review and approval to either the administrative officer or a technical review committee. The officer or committee shall report its actions to the Plan Commission at its next regular meeting, to be made part of the record.

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

Sec. 14-50. Major land development and major subdivision review stages.

(a) Major plan review shall be required of all applications for land development and subdivision approval subject to this chapter, unless classified as an administrative subdivision or as a minor land development or a minor subdivision.

(b) Major plan review shall consist of three (3) stages of review, master plan, preliminary plan and final plan, following the preapplication meeting(s) specified in Section 45-23-35 of the General Law. Also required is a public informational meeting and a public hearing.

(c) The Plan Commission may vote to combine review stages and to modify and/or waive requirements. Review stages may be combined only after the Plan Commission determines that all necessary requirements have been met by the applicant.

Sec. 14-51. Major land development and major subdivision--Master plan.

(a) *Submission requirements.*

(1) The applicant shall first submit to the administrative officer the items required for master plans.

(2) Requirements for the master plan and supporting material for this phase review shall include, but not be limited to: Information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and watershed boundaries, issues and elements concerning Low Impact Development, the floodplains, as well as the proposed design concept,

proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.
(3) Initial comments shall be solicited from the department of public works, fire and police departments, the conservation and recreation commissions; adjacent communities if required; state agencies, as appropriate, including the departments of environmental management and transportation. The administrative officer shall coordinate these reviews.
(b) *Certification.* The application shall be certified complete or incomplete by the administrative officer within ninety (90) days.
(c) *Technical review committee.* The technical review committee, if established, shall review the application and shall comment and make recommendations to the Plan Commission.
(d) *Informational meeting.* A public informational meeting shall be held prior to the Plan Commission decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based upon Plan Commission determination.
(1) Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation within the town. Postcard notice shall be mailed to the applicant and to all property owners within the notice area.
(2) At the public informational meeting the applicant shall present the proposed development project. The Plan 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.
(e) *Decision.* The Plan Commission shall, within one hundred and twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the master plan as submitted, approve with changes and/or conditions or deny the application.
(f) *Failure to act.* Failure of the Plan Commission to act within the period prescribed shall constitute approval of the master plan and a certificate of the administrative officer as to the failure of the Plan Commission to act within the required time and the resulting approval shall be issued on request of the applicant.
(g) *Vesting.*
(1) The master plan shall remain vested as long as it can be proved, to the satisfaction of the Plan Commission, that work is proceeding on either the approval stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information shown on the approved master plan documents.
(2) The initial two-year vesting for the approved master plan shall constitute the vested rights for the development.

Sec. 14-52. Same--Preliminary plan.

(a) *Submission requirements.*

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

(2) Requirements for the preliminary plan and supporting materials for this phase of the review shall include, but not be limited to: Engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, certified jurisdictional limits of state or federal agencies including those related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.

(3) Written comments and/or approvals of the department of public works, local Fire Chief/Authority Having Jurisdiction and the town engineer.

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

(a) *Certification.* The application shall be certified as complete or incomplete by the administrative officer within sixty (60) days.

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

(d) *Public hearing.* Prior to Plan Commission decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described herein, must be held.

(e) *Public improvement guarantees.* Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Plan Commission at preliminary plan approval.

(f) *Decision.* A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further time as may be consented to by the developer.

(g) *Failure to act.* Failure of the Plan Commission to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the Plan Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

(h) *Vesting.* 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 Plan 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.

Sec. 14-53. Same--Public hearing and notice.

(a) *[Public hearing required.]* A public hearing 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.

(b) *Notice requirements.* Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the town. Notice shall be sent to the applicant and to each owner within the notice area, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Such notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.

(c) *Notice area.*

(1) *[Abutting property.]* All abutting property owners to the proposed development's property boundary shall receive notice, including those on an opposite side of the street from the subject land.

(2) *Watersheds.* Notice shall be sent to the Providence Water Supply Board for any development within the Scituate Reservoir Watershed area.

(3) *Adjacent municipalities.* Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if:

a. The notice area extends into the adjacent municipality;

b. The development site extends into the adjacent municipality; or

c. There is a potential for significant negative impact on the adjacent municipality.

(d) *Notice cost.* The cost of all such notice shall be borne by the applicant.

Sec. 14-54. Same--Final plan.

(a) *Submission requirements.*

(1) The applicant shall submit to the administrative officer all the items required for final, including the mylar original record plat drawing, as well as all material required by the Plan Commission when the application was given preliminary approval; any state or federal permits required for construction.

(2) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.

(3) Certification by the tax collector that all property taxes are current.

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

(b) *Certification.* The application for final plan approval shall be certified complete or incomplete by the administrative officer within forty-five (45) days. If the administrative officer certifies the application as complete and does not require submission to the Plan Commission as per subsection (c) below, the final plan shall be considered approved.

(c) *Referral to the Plan Commission.* If the administrative officer determines that an application for final approval does not meet the requirements set by these

regulations or by the Plan Commission at preliminary approval, the administrative officer shall refer the final plans to the Plan Commission for review. The Plan Commission shall, within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

(d) *Failure to act.* Failure of the Plan Commission to act within the period prescribed shall constitute approval of the final plan and a certificate of the administrative officer as to the failure of the Plan Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

(e) *Recording.* The final approval of a major subdivision or land development project shall expire one (1) year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording. The Plan Commission may, for good cause shown, extend the period for recording for an additional period.

(f) *Validity of recorded plans.* The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan or a new plan is approved by the Plan Commission.

Sec. 14-55. Specifications of condition, design, layout and construction.

In general, no proposed subdivision will be approved unless it meets the following specifications of condition, design, layout and construction:

(1) The land shall be suitable for residential use without danger to health and safety in the judgement of the Plan Commission.

(2) Easements shall be provided, if required by the Plan Commission, for the installation and maintenance of utilities for storm or sanitary sewers and for drainage of surface water in places determined by the Plan Commission. All easements shall be twenty-five (25) feet in width and marked with granite bounds on both sides at any abutting property line. Where possible, easements shall have one boundary located on a lot line to contain the easement in one lot. Easements shall also be required to provide access to any cemeteries or public lands.

(3) Street layout will be considered in relation to the existing street system and shall conform to such plans as the town may adopt.

(4) Provision shall be made for the proper future projection of streets if the adjoining property is not at the time subdivided, and for the continuation of principal streets at the time then existing in adjoining property.

(5) Streets shall intersect as nearly as possible at right angles but in no event at less than seventy-five (75) degrees; and where a deflection of ten (10) degrees or more along the center line of a street takes place it is to be accommodated by a curve of a minimum center line radius of two hundred (200) feet.

(6) There shall be no reserved strips barring access to streets and each lot shall be provided by means of a street or way acceptable to the town with satisfactory access to an existing public highway.

(7) Where a plat submitted covers only part of the subdivider's tract, the street system shall be so laid out as to be capable to future coordinated development with the remainder of said tract.
(8) No street shall be less than fifty (50) feet in width, except at the discretion of the Plan Commission, the extension of a street not less than forty (40) feet in width within an existing subdivision made prior to the adoption of these rules and regulations, and such extension is confined within the boundaries of the original tract so partially subdivided. A greater width may be required for principal streets or streets which, in the opinion of the Plan Commission, may become principal streets. In general, residential streets of less than fifty (50) feet and principal streets of less than sixty (60) feet will not be approved.
(9) Street corners shall be rounded by curves having a radius of not less than twenty (20) feet.
(10) Dead-end streets shall have at the closed end thereof a turnaround area with a right-of-way diameter of one hundred twenty-four (124) feet and a paved surface area of one hundred (100) feet. Where a street ends at an adjoining property line, a "T" or an "L" shaped area shall be provided by easement or reservation, of such size as is approved by the superintendent of the department of public works until such time as the adjoining tract is developed and the street extended. Street grades within the turnaround area shall not exceed three (3) percent. Dead end streets shall not exceed 3,000 feet in length or serve more than 20 lots. Any request for a waiver from this requirement shall include a permanent secondary means of emergency vehicle access, for which the Plan Commission shall obtain an opinion and/or comments from the local Fire Chief or Authority Having Jurisdiction.
(11) The extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be sufficiently different from any existing street name in the town to prevent confusion in identification, and shall comply with 911 requirements.
(12) a. No streets shall have a grade of less than one (1) percent nor more than eight (8) percent for major or principal streets, or more than ten (10) percent for minor streets.
b. Where a change in vertical grade occurs a vertical curve with a minimum K value of forty (40) feet shall be introduced. Street grades within one hundred (100) feet of an intersection shall not exceed three (3) percent. Street grades within the turnaround area shall not exceed three (3) percent.
(13) In group housing, commercial, business or industrial developments or districts, the block size and pattern must be designed to allow traffic to move with ease, and to provide inherent safety to pedestrians and inhabitants, and to further provide for adequate parking bays and adequate screening from adjoining residential areas.
(14) a. All lots shall front on a proposed or existing street and shall comply with the area and dimension requirements, as may be from time to time in effect, of the zoning ordinance of the town. Where special conditions exist as to drainage or percolation, or where the Plan Commission deems advisable for the protection of the water supply of the City of Providence, the Plan Commission may require

larger lot areas than the minimum lot areas required by the zoning ordinance. At a minimum, all lots shall have sufficient building area so that all construction will be a minimum of one hundred (100) feet from any wetland.

b. To provide that no more than twenty (20) lots shall be platted on one (1) plat at a time and that additional lots for plats containing twenty (20) or more lots shall not be approved until all streets and other required improvements for the existing portion of the plat have been satisfactorily completed.

(15) Where strict adherence to the specifications herein is not feasible due to special conditions of the land or other features of the subdivision, the Plan Commission may modify the same, provided that such modification is not contrary to the general intent of these regulations, and not in violation of any zoning ordinance which may be in effect at the time of the approval of such subdivision plat.

(16) The Plan Commission shall always consider whether or not any proposed subdivision is likely to adversely affect the water, watershed or flowing rights of the water system of the City of Providence and shall impose such conditions or requirements as shall be necessary to protect such water, watershed or flowage rights.

(17) The Plan Commission shall require the installation of water storage tanks for fire protection in areas where there are no hydrants. Installation of tanks shall comply with the latest approved plan and specification on file with the Town Engineer. Tanks shall be required in all major subdivisions in the Town. FP Tanks shall be located in subdivisions such that the distance from the street end of a driveway to any given house is not more than 800 ft. from a tank as measured along the public road. (the length of a driveway from road to house is NOT considered as part of this calculation)

(18) Granite bounds shall be set at each change of angle in the street lines, the plat perimeter and along easements.

(19) The Plan Commission shall require that all plats or subdivisions containing three (3) or more lots shall have a stormwater management system. Such system shall be designed by a registered professional engineer in the state and shall meet the following standards:

a. A drainage analysis shall be prepared with computations indicating existing and proposed runoff volumes and peak flows based upon the two-year, ten-year, and the one hundred-year frequency storms.

b. Peak discharge and runoff volumes shall be computed in accordance with the U.S.D.A. Soil Conservation Service Technical Release No. 55, with the latest revisions.

c. The Plan Commission may require that the peak discharge after development from the two-year, ten-year, and the one hundred-year storms be no greater than that occurring before the development.

d. Stormwater systems design and sediment and erosion control for the project shall be in compliance with the state department of environmental management "Stormwater Design and Installation Standards Manual" and the RIDEM/USDA SCS/RICC "Soil Erosion and Sediment Control Handbook" with latest revisions, amendments or supplements.

(20) The plat and proposed house locations shall be designed to preserve natural features and vegetation whenever possible. Wherever existing stone walls must be disturbed, they shall be relocated to an acceptable location within the plat. The Plan Commission may require the installation of street trees where existing vegetation is deemed inadequate.
(21) Subdivision standards for the floodplain district. All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the floodplain district established under the zoning bylaw, it shall be reviewed to assure that:
a. The proposal is designed consistent with the need to minimize flood damage;
b. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage;
c. Adequate drainage systems shall be provided to reduce exposure to flood hazards;
d. Base flood elevation (the level of the one hundred-year flood) data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the floodplain district.

(22.) Lot Design Standards

a. Lot lines shall intersect perpendicular to a street line, or as near as practicable to 90 degrees, but in no case will an intersecting angle of less than 75 degree be permitted.
b. Any lots that front on or portions of a cul-de-sac/dead-end/turn-around shall have side lot lines radial to or centered on the cul-de-sac/dead-end/turn-around.
c. Other than frontage/lot widths that may be approved, lots shall not have side lines that are less than 100 feet apart at any given point throughout the lot.
d. Lots shall not have any interior angles exceeding 245 degrees.
e. Lot shape in Conventional Subdivisions shall assimilate a depth to width ratio of 2:1, unless otherwise approved by the Plan Commission.

Sec. 14-56. Submission of plats to Plan Commission: Pre-application conference.

The submission of a plat to the Plan Commission for a preapplication conference shall be done in conformity with the following rules and procedure:
(1) A sketch plan of the proposed subdivision must be submitted to the Plan Commission along with a completed application for land subdivision. The plan shall include all the information required in the preapplication checklist in Appendix A to this chapter.

(2) The Plan Commission shall review the information submitted and give the applicant direction and suggestions as to the acceptability of the proposed subdivision. The Plan Commission may suggest revisions or alternatives which would make the subdivision more suitable to the town's planning goals and the public interest.
(3) The Plan Commission shall not give approval or disapproval of any preapplication submission. The Plan Commission shall only provide an opinion as to the general conformance of the proposed subdivision with the rules and regulations.
(4) The filing fee for Pre-application is $200.00

Sec. 14-56A. Submission of Master Plan to Plan Commission
(1) The submission of Master Plan to the Plan Commission shall be done in conformity to the requirements of Section 14-51 and the Master Plan Checklist in Appendix A. Five (5) sets of plans are required, in addition to reduced copies as required by the Checklist.
(2) The filing fee for Master Plan is $200.00 per lot plus $20.00 per lot.

Sec. 14-57. Submission of plat to Plan Commission: Preliminary approval.
The submission of a plat to the Plan Commission for preliminary approval shall be done in conformity with the following rules and procedures (five (5) plan sets):
(1) A preliminary plan of a proposed subdivision must be submitted to the Plan Commission. The applicant must give notice to the fire chief of the fire department which covers the area where the proposed subdivision is located, and to the superintendent of public works of the town advising him of the proposed locations of water holes and streets and drainage easements at least thirty (30) days before submission of the proposed subdivision to the Plan Commission.
(2) Such preliminary plan may be drawn on paper, a computer plot, or may be a blue or white print, on as large a scale in multiples of ten (10) (from forty (40) minimum to one hundred (100) maximum feet to the inch) as can be accommodated by the standard plat card size of twenty-six (26) inches by thirty-eight (38) inches. A preliminary plan of the proposed subdivision submitted to the Plan Commission should be accompanied with a topographical map of the area and data of the subsoil conditions including the results of percolation tests and water table observations. The plan should also be accompanied by the recommendations of the state department of environmental management, individual sewage disposal section regarding the suitability of the subsoil conditions for the disposal of sewerage. The plan shall also be accompanied by a determination by the state department of environmental management, freshwater wetlands section regarding applicability under the Freshwater Wetlands Act.
(3) Such preliminary plan shall contain adequate information as to dimensions and areas of lots, widths and intersecting angles of streets, to assist and enable the Plan Commission to properly consider the same to make suggestions for

correction or revision deemed advisable. The acceptance of a preliminary plan shall not be binding and shall not entitle such plat to be recorded.
(4) The preliminary plat shall be designed in accordance with the requirements of sections 14-55 and 14-58 and shall include all the information required by this section and the appropriate checklist contained in Appendix A to this chapter.
(5) The plat and a petition for preliminary approval by the owner or owners thereof together with a filing fee of five hundred dollars ($500.00), plus one-hundred dollars ($100.00) for each lot, and five dollars ($5.00) for each name on the list of abutting owners, shall be deposited with the town clerk not more than thirty (30) days nor less than twenty (20) days before a regularly scheduled meeting of the Plan Commission, and such plat shall be in order for hearing upon such meeting. Thereupon, the town clerk, on behalf of the Plan Commission, shall give notice of the time and place of such hearing to the applicant, to the Providence Water Supply Board if the plat is within the watershed of the Scituate Reservoir, and to each abutting owner by certified mail not less than fourteen (14) days (excluding Sundays and holidays) before the date fixed thereof. The town clerk shall publish in a newspaper of general circulation in the town, a notice of the date and time of the hearing together with the name of the owner and a location of the proposed subdivision not less than ten (10) days before the hearing, and the applicant shall be responsible for the costs thereof.

Sec. 14-58. Submission of plat to Plan Commission: Final approval.

The submission of a plat to the Plan Commission for final approval shall be done in conformity with the following rules and procedure:
(1) The plat shall be drawn in black India ink (or suitable computer plot) upon mylar on as large a scale in multiples of ten (10) (from forty (40) minimum to one hundred (100) maximum feet per inch) as can be accommodated by the standard plat card size of twenty-six (26) inches by thirty-eight (38) inches containing, within those outside dimensions, a marginal space of one (1) inch around the same. If the size of the plat is such that, at a scale of forty (40) feet per inch, it can be accommodated by one-half (1/2) the standard plat card size, to wit: nineteen (19) inches by twenty-six (26) inches, the same is permitted.
(2) Five (5) white print copies of such tracing shall accompany the plat.
(3) Orientation of the plat shall be such that north will be at the top or left of the sheet.
(4) The plat shall contain the subdivision name, location, north point, date, scale, name of owner and name and number of the surveyor or engineer who laid out and drew the same. A statement by a registered land surveyor shall be included on the final plat certifying the perimeter of the plat has been surveyed, closed and is correct.
(5) The outside boundary of the tract being subdivided, determined by surveying in the field, shall be marked by courses and distanced on the plat; any existing bounds found shall be shown thereon, as well as any existing water courses, easements and rights-of-way. There shall also be drawn on the plat such contour lines as may be required by the Plan Commission after examination of the premises covered by such plat.

(6) The plat shall show all existing and proposed lines of streets, ways, lots, easements and public areas within the same, together with sufficient data by reference to permanent bounds to determine readily the location, bearing and length of every street and way line, lot line and boundary line and cemetery, and to reproduce same to the ground.
(7) The plat shall also show the location of all fences, walls, wetlands, permanent monuments, existing buildings and other physical features in or within sixty (60) feet of the subdivision.
(8) Plans and profiles of the proposed streets, on a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet (unless otherwise authorized) shall be drawn on the same sheet as the plat if space is suitable, or may be drawn on separate mylar of same dimensions as the plat sheet.
(9) Plans and profiles shall bear names of the proposed streets in pencil only until after such names, or others substituted therefore, have been approved by the Plan Commission.
(10) The plat shall also show the ownership and location of all abutting property as determined by the most recent records of the tax assessor, and a separate list of the names and addresses of such abutting owners shall be submitted with the plat.
(11) There shall also be submitted with the plat a statement by the owner of the proposed subdivision that if the plat be approved, he intends to proceed with the construction and improvement of the streets, ways, public areas, utilities (if any) and drainage facilities in accordance with the plans and profiles submitted and the minimum requirements therefore herein set forth, and that he agrees to file a performance bond to ensure the completion thereof within two (2) years thereafter.
(12) There shall also be submitted with the plat a statement by the surveyor or engineer that, in his opinion, the proposed subdivision is designed in accordance with, and meets the requirements of these rules and regulations.
(13) There shall also be submitted with the plat approval from the state department of environmental management for any proposed alterations of wetlands or a determination that the Wetlands Act does not apply.
(14) a. In accordance with the provisions of Chapter 23 of General Laws and after compliance with the requirements of subsection (15) of this section 14-58, the Plan Commission shall within forty-five (45) days of the conclusion of the hearing required by subsection (15), unless such time shall be extended by agreement of the Plan Commission and the applicant, approve, modify and approve or disapprove a plat so submitted. If approved, the Plan Commission shall, before permitting the plat to be recorded, require the filing of a performance bond in an amount and with such surety or sureties and conditions as shall be satisfactory to the Plan Commission to assure the completion of the improvements and the installation of such facilities as shall be required, within a period of two (2) years of the recording of such plat.
b. Furthermore, prior to recording, the applicant shall pay an inspection fee of two (2) percent of the required performance bond. No certificate of occupancy for

any building in the subdivision shall be issued prior to the installation and approval of the binder course of pavement as required in the Plan Commission's final approval of the subdivision plat.

c. Furthermore, no building permit shall be issued for the final ten (10) percent of the lots in a subdivision, or if ten (10) percent be less than two (2), for the final two (2) lots in a subdivision, until all public improvements required by the Plan Commission have been fully completed and dedicated to the town.

(15) The plat and a petition for final approval by the owner or owners thereof together with a filing fee of five hundred dollars ($500.00), plus one-hundred dollars ($100.00) for each lot, and five dollars ($5.00) for each name on the list of abutting owners, hereinabove referred to, shall be deposited with the town clerk not more than thirty (30) days nor less than twenty (20) days before a regularly scheduled meeting of the Plan Commission. Such plat shall be in order for hearing at such meeting. Thereupon, the town clerk, on behalf of the Plan Commission, shall give notice of the time and place by certified mail not less than ten (10) days (excluding Sundays and holidays) before the date fixed thereof. The town clerk shall publish in a newspaper of general circulation in the town, a notice of the date and time of the hearing together with the name of the owner and a location of the proposed subdivision not less than ten (10) days before the hearing, and the applicant shall be responsible for the costs thereof.

(16) A record shall be kept at the town clerks's office of the time of filing such petition and plat, and such petition and plat together with supporting material shall be available for public inspection at such office during the regular hours thereof.

(17) Refer to the Final Plat Checklist in Appendix A.

Sec. 14-59. Residential compounds.

Plan Commission--Submission requirements. (to follow Minor Subdivision Procedure)

(1) Date of zoning board approval for special exception, list any conditions granted or required.

(2) Existing plat and lot number, lot area and property lines.

(3) Proposed new lot lines, lot area, rights-of-way, lot dimensions and building setback lines.

(4) Edge of wetlands and wetland area.

(5) Delineation of open space area.

(6) Location of existing structures, wells, I.S.D.S., driveways, etc., if applicable.

(7) Ground water test pipes and percolation holes, existing or proposed.

(8) Existing easements, rights-of-way.

(9) Proposed driveway locations/access, noted as "private way"; name of proposed access lane to Town Road; provide note stating that no town services will be provided.

(10) Existing and proposed contours/elevations, as available or required.

(11) Driveway construction details, including width, (curvatures), stripping depth, base and surface treatment.

(12) Statement that no further subdivision or division of this land will be allowed.
(13) Surveyors/engineers stamp and signature, with reference to any previous surveys, recordings or deed information.
(14) Provide a sample or preliminary copy of the proposed deeds, describing rights-of-way, access, open space, etc.

Sec. 14-60. Representation by counsel; transcripts.

At any hearing, the applicant or other party in interest, shall be entitled to be represented by counsel and shall also be entitled to have a stenographic transcript of the proceedings thereat, upon making application for the same and guaranteeing the cost thereof by a deposit of such estimated cost or other means to the satisfaction of the town clerk. In the event that such a transcript is requested, a copy thereof shall be furnished to the Plan Commission without charge and any other party interested shall be entitled to purchase a copy thereof at cost.

Sec. 14-61. Improvements in subdivisions.

(a) The applicant shall be required to maintain all improvements within the subdivision, whether on individual lots or on land intended for snow removal if required, until acceptance of such improvements by the town. If there are any certificates of occupancy on a street not dedicated to the town, the town public works department may plow the street or effect emergency repairs and charge the same to the subdivider. The subdivider shall be required to file a maintenance bond with the Plan Commission prior to dedication, in an amount considered adequate by the Plan Commission, to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their dedication to the town.
(b) Upon completion of the improvements, the applicant shall provide the Plan Commission with an "as built" plan of all underground improvements, including wires, pipes and drainage pipes.

Sec. 14-62. Recording a section of plat.

Should a subdivider desire to record only a section of plat of land, the requirements regarding the development of improvements on plats shall apply only to the section to be recorded, provided, however, that the preliminary plat shall show the layout of the entire tract of land to be subdivided.

Sec. 14-63. Penalties.

(a) *Warning sign in clerk's office.* The town clerk shall post the following sign in his office:

WARNING

Grantors (sellers of unplatted land): If you are conveying land not designated as a lot on a recorded subdivision plat, you may be in violation of state statute or town ordinances.

Grantees (purchasers of unplatted land): If you are purchasing land not designated as a lot on a recorded subdivision plat, you may be denied a building permit if the conveyance is in violation of state statute or town ordinance.
(b) *Penalty for sale of land in approved subdivisions--Injunction.* Whoever, being the owner, or agent of the owner, of any land within a subdivision transfers, sells, or negotiates to sell any land by reference to or exhibition of or by other use of a plat of the subdivision before the plat has been approved by the Plan Commission and has been recorded, shall be subject to a penalty of one hundred dollars ($100.00) for each lot so transferred, sold or negotiated for sale, and the description of the lot by metes and bounds in the instrument of transfer or other document used in the process of transferring or selling shall not except the transaction from the penalties or from the remedies herein provided. The town may enjoin the transfer or sale or agreement by action for injunction brought in the superior court for the county or may recover the penalty by an action of the case in any court of competent jurisdiction or may pursue both of the remedies.

Sec. 14-64. Appellate body.

Pursuant to Section 45-23-14 of the General Laws, the zoning board of review of the town is hereby designated as the board of review for appeals from actions of the Plan Commission as provided in Section 45-23-14 through 45-23-20 of the General Laws.

PRE-APPLICATION CHECKLIST

The pre-application submission shall encompass the entire tract of land in contiguous ownership by the subdivider and shall consist of the following:

(a) Pre-application sketch.

[ ] At least four (4) copies of the sketch plat which shall include:

[ ] Name of subdivision

[ ] Graphic scale 1 inch equals one hundred (100) feet)

[ ] North arrow

[ ] Date

[ ] Property owner's name, address and phone number

[ ] Name, address, phone and stamp of registered engineer or land surveyor responsible for the proposed design

[ ] Approximate location of boundary lines, easements and rights-of-way

[ ] Approximate location of wooded areas, rock outcroppings, and other natural areas, streams, springs, wetlands and so-on

[ ] Approximate location of historic areas, cemeteries, foundations, wells, cisterns, etc.

[ ] Approximate location and names of all existing streets or other public ways within or immediately adjacent to the tract

[ ] Approximate location and sizes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto

[ ] Approximate topography (five-foot contours maximum)

[ ] Approximate location and widths of proposed streets

[ ] Proposals, if any, for connection with existing water supply, sewerage collection system and provisions for collecting and discharging surface water drainage

[ ] Location, dimensions and areas of all proposed or existing lots within entire tract

[ ] Approximate location and areas of all land proposed to be set aside for open space, recreational or school, or land which is undevelopable due to soil and water constraints

[ ] Approximate location and elevation of 100-year flood plain

[ ] Determination as to the property being within Watershed, or proximity to

(b) [ ] An aerial photograph marked to indicate the boundary of the land intended for subdivision at this time plus the boundary of the balance of the tract in the developers ownership or control.

(c) [ ] A copy of the tax assessor's plat marked to indicate the boundary of the land to be developed.

(d) [ ] A proposed time schedule, if the development of the subdivision is to proceed in stages, together with an indication of the areas to be contained in each stage.

(e) [ ] Two (2) copies of a soils map, at the same scale as the sketch plan showing the boundaries of land intended for subdivision and descriptions of the soil types as defined by the U.S.D.A. Soils Conservation Service.

(f) [ ] A filing fee of $200.00 in the form of a check, payable to the Town of Scituate shall be submitted with each preapplication submission.

MASTER PLAN
MAJOR SUBDIVISION - CHECKLIST

PLAN REQUIREMENTS

1. Name of subdivision
2. Name, address & telephone no. of Owner and Applicant
3. Name, address & telephone no. of Engineer & Surveyor; Lic. Stamps
4. Date, North Arrow & Scale of plans
5. Assessor Plat (s) and Lot No. (s)
6. Number of proposed lots; length and area of proposed roads; Approximate area of wetland jurisdiction, if applicable.
7. Soil Evaluation and Test Hole locations.
8. Conceptual location of proposed roads, easements and storm drainage outfall(s); building envelopes.
9. Locations of the natural and built features of the surrounding neighborhood.
10. Existing natural and man-made conditions of the development site, including wetlands, watershed boundaries, topography (@minimum 5 foot interval contours), flood plains and cemeteries.
11. Proposed public improvements and land dedication.
12. Tentative construction phasing, if applicable.

ADDITIONAL INFORMATION

1. Names and mailing addresses of abutting property owners (including those opposite the subject parcel(s) road frontage.
2. Master Plan Narrative – written document describing the project in general, the land characteristics, soils, topography, drainage conditions, cultural and historic resources and estimated impacts of the proposed project on Town (and adjacent community, if applicable) facilities and infrastructure.
3. Proof of submission of plans and supportive data to the Providence Water Supply Board and all utility companies serving the area.
4. Four (full) sets of Plans.
5. Ten (10) sets of reduced copies of the Plans, on sheets no larger than 11" x 17".
6. Payments for the cost of the required advertising and notices.
7. Application Fee of $200.00 plus $20.00 per lot.

PRELIMINARY CHECKLIST

(a)*Required plans.*

(1) The first page shall contain a sketch plan of the full development and a location map and shall contain:

[ ] Contours at five-foot intervals
[ ] Entire tract with proposed streets
[ ] Location map at one inch equals one thousand (1,000) feet

(2) The second page(s) shall consist of the preliminary plat which are the detail plans showing every lot and shall contain:

[ ] Name of subdivision
[ ] Name, address and telephone of owner(s)
[ ] Name, address and telephone of owner(s) representative
[ ] Name, address and telephone of engineer and surveyor and seal
[ ] Date
[ ] North arrow
[ ] Scale
[ ] Acreage
[ ] Number of lots
[ ] Zoning classification and dimensional requirements
[ ] Existing and proposed contours (two-foot contours)
[ ] Bench marks (tied into the R.I. Coordinate System where possible)
[ ] Subdivision boundary line and proximity to Scituate Reservoir Watershed
[ ] Existing railroads, cemeteries, street rights-of-way, utilities, easements, buildings and lot lines
[ ] Percolation test holes
[ ] Ground water determination test holes
[ ] Proposed location of street rights-of-way and names
[ ] Proposed location of easements, utilities, lot lines, street trees, sidewalks, setback lines and curb lines
[ ] Approximate proposed dimensions showing all lengths, lot areas, curve data including radii, length of arcs
[ ] Proposed location and size of water lines, storm sewers and sanitary sewers
[ ] Proposed land dedication to the town or fees in lieu of land
[ ] Monument location
[ ] Proposed linear footage of streets and total cubic yards of cut/fill
[ ] Location of any lakes, ponds, watercourses or other wetland areas and proposed drainage pattern
[ ] Location and elevation of 100-year floodplain
[ ] Location of rock outcrop, wooded areas, existing structures, embankment or retaining walls and other significant physical features which may have an effect on the development of land
[ ] Proposed erosion control measures

(3) The third page(s) shall consist of the plan, profile and cross-section of streets and contain:

[ ] Existing street ties
[ ] Proposed water location

[ ] Proposed storm sewer location
[ ] Proposed sanitary sewer, if available
[ ] Cross-sections every fifty (50) feet where cut or fill exceeds two (2) feet
[ ] Proposed street and regulatory signs
(4) The fourth page(s) shall consist of construction details and notes and contain:
[ ] Copies of applicable town or R.I.D.O.T. construction details
[ ] Water and sewer details (if applicable)
[ ] Erosion control details and notes
[ ] Details of detention basins
[ ] Details of any special structures
[ ] Detail of fire storage tank
(b)*Additional information.*
[ ] List of abutting owners
[ ] Filing fee $500.00 plus $100.00 per lot plus $5.00 per abutter equals
[ ] D.E.M. subdivision suitability
[ ] D.E.M. wetlands approval
[ ] Kent County water availability
[ ] Tax collector certificate for five-year period
[ ] Drainage calculations for development ( ) for downstream ( ) (2 copies)
[ ] D.O.T. approval for access to state highway
[ ] Engineering analysis of water system to establish: That there will be no decrease in water pressure or supply to surrounding property owners and that there will be adequate water supply and pressure to each new house in accordance with the building code
[ ] Engineering analysis of drainage system
[ ] Deed restrictions (if any)
[ ] Proposal for perpetual care of cemeteries on the lot
[ ] Approval/review from the director of public works

FINAL PLAT CHECKLIST

The final plat submission shall consist of the following:

(1) Four (4) paper copies and one (1) mylar reproducible copy of the subdivision drawing, clearly marked "Final Submission" and showing the following:

[ ] Name of subdivision
[ ] Name of owner
[ ] Name of engineer and surveyor, registration stamps and signatures
[ ] Date
[ ] North point
[ ] Scale
[ ] Boundary line of subdivision with accurate dimensions and ties to adjacent permanent monumentation
[ ] Existing and proposed street right-of-way and names
[ ] Lot lines
[ ] Lot numbers
[ ] Easements and utilities
[ ] Natural water courses and wetlands
[ ] Width of street, rights-of-way, length, angles and bearing of lot lines
[ ] Lot areas
[ ] Street lines and location of setback lines
[ ] Curve data to include lengths of radii, central angles, tangent distances and lengths of arcs, and lengths of all straight lines along street right-of-way
[ ] Location of all cemeteries, burial grounds or graveyards
[ ] Location of existing and proposed permanent monument
[ ] Certification of a registered professional engineer or registered land surveyor that the plat is correct

(2) Two (2) paper copies and one mylar reproducible copy of the final profiles of the proposed streets in conformance with the preliminary plat requirements.

(3) Assessor's drawing--Drawn to appropriate scale, including right-of-way, lot lines, easements and excluding lot numbers.

(4) Improvement list:

[ ] Total linear footage of streets measured at center line
[ ] Total linear footage of sidewalks
[ ] Total linear footage of curbs or berms
[ ] Total number of catch basins and manholes
[ ] Total length by size of all drain pipes
[ ] Total number of permanent bounds
[ ] Total length by size of all water pipes and laterals
[ ] Approximate cubic yards of rock and ledge excavation
[ ] Approximate cubic yards of fill
[ ] Approximate cubic yards of excavation
[ ] Approximate cubic yards of gravel borrow
[ ] Street trees

(5) Additional information.

[ ] List of abutting owners
[ ] Filing fee ($500.00 plus $100.00 per lot plus $5.00 per abutter equals)

[ ] D.E.M. subdivision suitability
[ ] D.E.M. wetlands approval
[ ] Kent County water availability
[ ] Tax collector certificate for five-year period; no liens
[ ] Drainage calculations for development ( ) for downstream ( ) (2 copies)
[ ] D.O.T. approval for access to state highway
[ ] Engineering analysis of water system to establish: That there will be no decrease in water pressure or supply to surrounding property owners and that there will be adequate water supply and pressure to each new house in accordance with the building code
[ ] Engineering analysis of drainage system
[ ] Deed restrictions (if any)
[ ] Proposal for perpetual care of cemeteries on the lot
[ ] Approval from the director of public works
(6) The following additional material shall be required prior to recording:
[ ] Letter of credit or escrow agreement (no insurance bonds allowed)

Amount $ _____.
[ ] Two (2) copies of a bond agreement binding the letter of credit or escrow agreement to the town
[ ] Two (2) copies of deeds to land dedicated to town for recreation use or fees in lieu of land

Amount $ _____.
[ ] Two (2) percent of the total bond amount as an inspection fee paid to the town. This is nonrefundable.

Amount $ _____.
[ ] Recording fees for final plat, deeds and easements

Amount $ _____.
[ ] Cemetery perpetual care fee if required

Amount $ _____.
[ ] Two (2) copies of highway deeds
[ ] Two (2) copies of easement deeds (drainage, power, etc.)
[ ] Two (2) copies of deed restrictions on the land

APPENDIX A-1 LAND DEVELOPMENT (& MULTI-FAMILY/COMMERCIAL SITE PLAN) REVIEW

1. REFER TO ZONING ORDINANCE ART. IV. SECT. 13 FOR SUBMISSION/CHECKLIST REQUIREMENTS.
2. APPLICATION FEE OF $75.00 PER ½ ACRE.
   (NOTE – ZONING ORDINANCE ART. IV. – SECT. 13 F. STATES' FILING FEE AS REQUIRED BY THE PLAN COMMISSION; SECT. 13R. STATES' FEE IS $50.00 PER ½ ACRE.)

APPENDIX B. CONSTRUCTION OF IMPROVEMENTS

The subdivider, at his own expense, shall construct improvements according to the following specifications:

1. Streets.

(a) All trees, stumps, brush, boulders and other debris shall be removed from the right-of-way and disposed of according to law. The location of all stump and boulder dumps shall be located on the plat plans. Such material will not be accepted at any town-owned disposal facility.

(b) All streets shall have a twenty-six-foot paved surface centered in the right-of-way with eighteen-inch-wide bituminous "Cape Cod" berms.

(c) The thirty-foot road bed shall be graded to a level at least two (2) feet below the final grade.

(d) The subgrade shall be borrow or gravel of suitable quality, free from organic material, at least twelve (12) inches in depth at the center line. Pitch from the center line to shoulder shall be five-sixteenths (5/16) inch per foot. This course shall be graded to one (1) foot below final grade of road surface.

(e) The second course shall be gravel borrow subbase (State of R.I. specifications), six (6) inches in depth.

(f) The third course shall be type A processed gravel three (3) inches in depth.

(g) The fourth course shall be bituminous concrete, Class I, modified bituminous (Binder), two and one-half (2 1/2) inches in depth. The binder course shall be in place over one (1) winter season prior to the installation of the surface course.

(h) The fifth course shall be bituminous concrete, Class I, type 1 (surface), one and one-half (1 1/2) inches in depth. Final pavement grade shall be five-sixteenths (5/16) inch per foot from centerline of road to shoulder.

(i) All five (5) courses shall be separately rolled with a self- propelled roller of minimum ten-ton weight.

(j) All pipes, water lines, or any other underground facilities shall be installed before starting road construction and shall meet all applicable state and federal requirements (Items (d) through (i)).

(k) Any curbing required by the Plan Commission in lieu of berms shall be granite or approved precast concrete (Rhode Island Standard) type and shall be set on both sides of the street with a face of seven (7) inches above pavement grade at curb line.

(l) Installation of any utility requiring disturbance of street pavement is prohibited for a period of twenty (20) years after date of acceptance by the town, except for emergencies affecting the general health of the community or by approval of the Plan Commission.
(m) Final acceptance of any new street will not be made before April 1 of the year following its completion.
(n) Normally, sidewalks will not be required. The twelve-foot area from shoulder grade to lot line shall be graded with a minimum four-inch pitch rising from curb grade to lot line and shall be covered with a minimum of four (4) inches of loam seeded with suitable perennial grass seed. Slopes outside the right-of-way shall not exceed a ratio of three (3) horizontal to one (1) vertical.
(o) The town engineer shall have the right to inspect all materials before installation.
(p) With respect to items (a) through (j), the subdivider shall notify the town engineer upon completion of each item and shall not proceed with the next item until the town engineer has inspected and approved in writing the work completed.

2. Driveways.
(a) Driveway openings shall be predetermined and shown on plan. No new openings or changes of location shall be permitted unless a revised plan is presented and approved by the Plan Commission.
(b) No driveway opening shall be within one hundred (100) feet of a major plat entrance. No driveway opening shall be offset less than twenty-five (25) feet from one on the opposite side of the street.
(c) Construction of driveways shall be same as for road bed for twelve-(12) feet in from shoulder face. Grade shall be from gutter level at curb, rising to sidewalk grade seven (7) feet from curb face and follow sidewalk grade to lot line.
(d) Any alterations or excavations shall be performed in accordance with Plan Commission specifications.

3. Sidewalks.
It the developer or property owner constructs sidewalks, or the Plan Commission requires sidewalks be installed, they must be built to the following specifications:
(a) Sidewalks shall be forty-two (42) inches wide, located one (1) foot from the lot line with a curb or retaining wall at the lot line if required by grade of lot.
(b) Excavation shall be eight (8) inches below shoulder grade. The base course shall be a four-inch depth of gravel borrow subbase. The second course shall be a two-inch depth of processed gravel. The surface shall be a two-inch depth of Class I, type 1, bituminous concrete. Grade shall be one and one-half inch pitch sloping down toward curb. All courses shall be rolled separately with roller of adequate size.
(c) Unpaved area between shoulder and lot line shall be graded with four (4) inches of loam and seeded with suitable perennial grass seed.

(d) The Town of Scituate shall not, under any circumstances, be obliged to construct sidewalks in any subdivision.

4. Drainage.

(a) No drainage from homes or other structures shall be allowed to flow onto town property. Unpolluted water from underground drainage systems may, with approval of the Plan Commission, be piped into the storm drain system at a catch basin or manhole. If at any time such flow shows pollution, the drain will be sealed until the situation is corrected.

(b) No private sewer system (or I.S.D.S.) shall be constructed within twenty-five (25) feet of a property line, fifty (50) feet of a street boundary line, one hundred (100) feet of a subsurface drain, or one hundred fifty (150) feet of a wetland, stream, pond or spring, except with approval of the Plan Commission. The location of sewer systems and/or individual sewage disposal systems (I.S.D.S.), within the Scituate Reservoir Watershed, shall comply with dimensional criteria listed in Table 19.1 of the Rhode Island Department of Environmental Management Rules and regulations for OWTS's. No private well shall be constructed within fifty (50) feet where possible, but no less than twenty-five (25) feet of a property line or one hundred (100) feet of a septic system.

(c) All drain lines, except laterals crossing street to basins on other side, will be laid on the upgrade side of the street.

(d) No drain line will exceed three hundred (300) feet without a catch basin or manhole. A manhole or catch basin is also required where any change of slope or horizontal angle in the pipe line is made.

(e) All drainage lines shall have a minimum diameter of twelve (12) inches and shall be at a minimum depth of three (3) feet. Minimum pitch of all lines shall be five-tenths (0.5) percent or six (6) inches in one hundred (100) feet of run.

(f) Where necessary, drains shall be designed to accept ground water as well as surface water.

(g) Pipes shall be Class III reinforced concrete (State of Rhode Island Specifications) unless poor ground support indicates use of a special design is required by the Plan Commission; the Plan Commission may approve HDPE (plastic) pipe conforming to AASHTO M294 specifications, to be installed in accordance with the manufacturer's recommendations.

(h) Catch basins shall be constructed to State of Rhode Island Specifications as approved by the Plan Commission.

(i) All back fill of pipe lines shall be done with suitable type material such as gravel or pea stone with no stone larger than four (4) inches or any organic or frozen material. All pipes must be bedded in back fill and properly tamped below the center line of the pipe before covering. Where ditch bottom is on rock or ledge, at least eight (8) inches of bedding material must be under pipe.

(j) The plans of all drainage systems must include profiles showing grade of all lines, depth of catch basin and pipe invert dimensions on lines entering or exiting from them. These plans must be accompanied with figures from a hydraulic study of the system justifying sizes of pipe specified. After construction is completed, a

corrected set of plans must be furnished, taking into account all changes made as constructed.

5. Location of utilities and poles.

(a) All utility lines and poles shall be located on the downgrade side of the road six (6) feet in from the shoulder.

(b) No pole shall be within six (6) feet of a catch basin or driveway.

(c) All conduits, cables, poles and pipe lines shall be in place before final acceptance of road.

6. Street signs.

Adequate street signs of a type approved by the Plan Commission shall be provided and shall be erected in such manner and at such locations as shall be designated by the Plan Commission.

(a). Speed Limit Signs.

Each new road shall be posted "25 mph" in both directions, with R.I. D.O.T. standard sign.

7. Stormwater management.

(a) Normally storm drain outfalls shall be directed to wet bottom detention basins to control sediments and runoff volumes. These basins are the preferred method and shall be designed in accordance with the following:

(1) Engineering analysis required for operation during the two-, ten- and 100-year storms.

(2) Bottoms shall be loamed and seeded with reed canary grass.

(3) Side slopes shall not exceed 3:1 and shall be loamed and seeded with conservation grass seed mix.

(4) Rip-rap emergency overflow channels shall be provided.

(5) Multiple small basins are preferred to single large basins.

(b) Alternative methods for stormwater control may be utilized only with the prior approval of the Plan Commission and the town engineer.