

1 **Town of Glocester**

2 **A REGULATION AMENDING**

3 **GLOCESTER SUBDIVISION REGULATIONS**

4 Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to  
5 be **added** to the ordinance.

6  
7 Article II. General provisions

8 **2.02 Classification and Certificate of Completeness**

9 A. Classification. The Administrative Officer shall advise the applicant as to which category of approval  
10 is required for a project. An applicant shall not be required to obtain both land development review  
11 and development plan review for the same project. The following categories of applications may be  
12 filed:

- 13 1. Subdivisions. Administrative subdivisions, minor subdivisions, or major subdivisions;  
14 2. Land development projects. Minor land development or major land development; and  
15 3. Development plan review. Administrative or formal development plan review.

16 B. Certification of a complete application. An application shall be complete for purposes of  
17 commencing the applicable time period for action when so certified by the Administrative Officer,~~with~~  
18 ~~input from the Technical Review Committee.~~ Every certification of completeness required by this  
19 chapter shall be in writing. In the event such certification of the application is not made within the time  
20 specified in these Regulations for the type of plan, the application shall be deemed complete for  
21 purposes of commencing the review period unless the application lacks information required for such  
22 applications as specified in these Regulations and the Administrative Officer has notified the applicant,  
23 in writing, of the deficiencies in the application.

24 ~~B.C.~~ The Planning Board may subsequently require correction of any information found to be in error  
25 and submission of additional information specified in the regulations but not required by the  
26 Administrative Officer prior to certification, as is necessary to make an informed decision.

27 ~~C. D.~~ Where the review is postponed with the consent of the applicant, pending further information or  
28 revision of information, the time period for review shall be stayed ~~and shall resume when the Planning~~  
29 ~~Board determines that the required application information is complete.~~

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**Article IV. Minor Subdivision and Land Development**

**Section 4.01 — ~~Definition of Minor Subdivision~~**

~~{Added 11-15-2007, effective 12-20-2007}~~

~~A minor subdivision is a plan for a residential subdivision of land consisting of five (5) or fewer dwelling units or lots, provided that such subdivision does not require waivers or modifications as specified in these Regulations. All nonresidential subdivisions shall be considered as major subdivisions.~~

**Section 4.021 Review Stages**

~~{Added 11-15-2007, effective 12-20-2007}~~

Minor Plan review shall consist of two (2)~~three (3)~~ stages: preliminary and final. The preliminary plan stage of review may include a site walk at the discretion of the Planning Board, a pre-application meeting or informal concept review meeting, as specified in Section 2.03 or Section 2.04, a preliminary plan approval, including a site visit, and a final plan approval. A public hearing is also required at or before preliminary plan approval where street creation or extension is involved, or a request for variances and/or special-use permits are submitted pursuant to a unified development application. of a street is necessary. A pre-application meeting ~~shall~~ may be held with the Administrative Officer for a minor subdivision not requiring a street extension, and before the Planning Board where a street creation or extension and/or unified development is required.

**Section 4.032 Preliminary Plan Application Types**

A. Applications requesting relief from the zoning ordinance.

1. Applications under this section which require relief which qualifies only as a modification shall proceed by filing an application under this chapter and a request for a modification to the zoning officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development plan review.
2. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development plan review, and a request for review shall accompany the preliminary plan application and require a public hearing.
3. Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing.

38 B. Other applications. The administrative officer shall review and grant, grant with conditions or deny  
39 all other applications under this section. The administrative officer may utilize the technical review  
40 committee for initial review and recommendation.

41 1. Submission requirements. Any applicant requesting approval of a proposed minor  
42 subdivision or minor land development, as defined in this chapter, shall submit to the  
43 administrative officer the items required by the applicable checklist.

#### 44 **Section 4.03 Preliminary Plan**

45 [Added 11-15-2007, effective 12-20-2007]

46 A. Submission Requirements. Any applicant seeking preliminary approval of a proposed minor  
47 subdivision or minor land development, as defined in these regulations, shall submit to the  
48 Administrative Officer the items required by a checklist of preliminary review of minor  
49 subdivision/land development projects as approved by the Gloucester Planning Board.

50 B. Certification of Completeness: The application shall be certified complete or incomplete by the  
51 Administrative Officer within twenty-five (25) days, or within 15 days if no street creation or  
52 extension is required and/or unified development is not requested, according to the provisions of  
53 Section 2.02. The running of the time period set forth in this section will be deemed stopped upon  
54 the issuance of a certificate of incompleteness of the application by the Administrative Officer and  
55 will recommence upon the resubmission of a corrected application by the applicant. However, in  
56 no event will the Administrative Officer be required to certify a corrected submission as complete  
57 or incomplete less than ~~14~~ 10 days after its resubmission.

58 C. Site Visit.

59 1. After the applicant has prepared the Existing Resources and Site Analysis Map (as required  
60 in the appropriate checklist), and before the preliminary plan is approved or otherwise acted  
61 upon, the Planning Board ~~shall~~ may schedule a site visit to the property for those  
62 applications within their jurisdiction for review and approval as set forth in these  
63 Regulations. In order to facilitate the inspection of the site, the Planning Board may require  
64 field location of all proposed streets, improvements and site features consistent with the  
65 level of information required at this stage of review. The Existing Resources and Site  
66 Analysis Map shall be distributed at the site visit to those Town Officials in attendance, if  
67 it has not been distributed earlier. It is strongly encouraged that the site visit be attended by  
68 members of the Planning Board, Town Officials, the applicant and/or the applicant's  
69 representatives. Owners of property within the notice area specified in Section 5.04 D shall  
70 also be notified by the applicant and invited to attend. The site visit shall be considered a  
71 public meeting and shall be conducted in accordance with the Town's normal procedures  
72 for compliance with the State Open Meetings Law. Members of the public shall be  
73 permitted to attend the site visit.

74 2. Lack of a quorum of the Planning Board in attendance at this visit shall not constitute a  
75 failure on the part of the applicant to satisfy the requirements of a site visit. In the event  
76 that the Planning Board does not schedule a site visit, or that a scheduled site visit is not  
77 conducted within the prescribed time period through no fault of the applicant, the applicant

78 shall not be found to be deficient in the application process, and shall be allowed to proceed  
79 with the application.

80 3. The purpose of the visit is to familiarize local officials with the property’s existing  
81 conditions and special features, to identify potential site design issues, and to provide an  
82 informal opportunity to discuss site design concepts, including the general layout of  
83 designed open space lands, buildings and street alignments. Comments made by Town  
84 officials or their staff and consultants shall be interpreted as being only suggestive. It shall  
85 be understood by all parties that no formal recommendation can be offered, and no official  
86 decisions can be made at the visit. Minutes of the site visit shall be kept in accordance with  
87 Title 42, Chapter 46, of RIGL, entitled “Open Meetings”.

88 D. Review by Technical Review Committee. The Technical Review Committee ~~shall~~ may review the  
89 application and shall comment and make recommendations to the Planning Board or Administrative  
90 Officer per Section 7.02 of these Regulations. ~~When reviewed by the Technical Review Committee:~~

91 1. ~~If the Land Development or Subdivision Plan is approved by a unanimous vote of the~~  
92 ~~committee members, the application shall be forwarded to the Planning Board with a~~  
93 ~~recommendation for preliminary plan approval without further review.~~

94 2. ~~If the plan is not approved by a unanimous vote of the committee members, the minor land~~  
95 ~~development and subdivision application shall be referred to the Planning Board.~~

96 E. Reassignment to major review. The Planning Board may reassign a proposed minor project to major  
97 review only when the Planning Board is unable to make positive findings required in Section 1-08.

98 F. ~~Public Hearing. If a street creation or extension is involved, the Planning Board shall hold a public~~  
99 ~~hearing prior to approval according to the requirements in Section 5.04 D.~~

100 ~~G~~ F. Decision where no street creation or extension is required. If no street creation or extension or  
101 unified development review is required, the ~~Planning Board~~ Administrative Officer shall approve,  
102 approve with changes, or deny the preliminary plan, within sixty-five (65) days of certification of  
103 completeness, or within such further time as is agreed to by the applicant and Board, according to  
104 the requirements of Section 8.04.

105 ~~H~~ G. Decision where street extension of creation is required. If a street extension or creation and/or  
106 unified development review is required, the Planning Board shall hold a public hearing prior to any  
107 action according to the requirements set forth in Section 5.04 D. The Planning Board shall approve,  
108 deny or approve with conditions the preliminary plan within ninety-five (95) days of certification  
109 of completion or within such further time as is agreed to by the applicant and Board, according to  
110 the requirements of Section 8.04.

111 ~~I~~ H. Failure to act. Failure of the Planning Board or Administrative Officer to act within the period  
112 prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative  
113 Officer as to the failure of the Planning Board or Administrative Officer to act within the required  
114 time and the resulting approval shall be issued on request of the applicant.

115 **Section 4.04 Final Plan**

116 A. Submission Requirements. Any applicant seeking final approval of a proposed minor subdivision  
117 or minor land development project, as defined ~~in Section 4.01 in these Regulations,~~ shall submit to  
118 the Administrative Officer everything required for the preliminary plan of a minor subdivision and  
119 the items required by the minor final plan checklist ~~a checklist for master plan review of major~~  
120 ~~subdivisions/land development projects approved by the Gloucester Planning Board.~~

121 [Amended 10-17-2022]

122 B. Certification of Completeness. The Final Plan shall be certified as complete or incomplete by the  
123 Administrative Officer within twenty-five (25) days of submission so long as the completed  
124 checklist of pursuant to the requirements are provided as part of the submission of Section 2.02. If  
125 no street creation or extension is required, and/or unified development review is not requested, and  
126 a completed checklist of the requirements for submission are provided as part of the submission,  
127 such application shall be certified, in writing, complete or incomplete by the administrative officer  
128 within fifteen (15) days. The running of the time period set forth in this section will be deemed  
129 stopped upon the issuance of a certificate of incompleteness of the application by the administrative  
130 officer and will recommence upon the resubmission of a corrected application by the applicant.  
131 However, in no event will the administrative officer be required to certify a corrected submission  
132 as complete or incomplete less than ten (10) days after its resubmission.

133 C. Decision. ~~The Technical Review Committee shall review and make a finding on whether the Final~~  
134 ~~Plan is consistent with the approved preliminary plan and all the conditions and changes required~~  
135 ~~as part of the preliminary approval. The Technical Review Committee shall report its actions,~~  
136 ~~including its findings, to the Planning Board for acceptance by the Planning Board at the next~~  
137 ~~meeting to be recorded in the minutes. The resulting decision shall mean: Final plans shall be~~  
138 reviewed and approved by the Administrative Officer. The Administrative Officer shall report their  
139 actions, in writing, to the Planning Board at their next regular meeting, to be made part of the  
140 record. The Administrative Officer shall approve, deny, approve with conditions, or refer the  
141 application to the Planning Board based upon a finding that there is a major change within 25 days  
142 of the certificate of completeness. If the Administrative Officer determines that there is a major  
143 change to an application that was previously reviewed and approved administratively by the  
144 Administrative Officer they shall have the authority to bring the application back to the technical  
145 review committee for further review and recommendation.

146 1. ~~Approval. If the Technical Review Committee approves the Final Plan submission the~~  
147 ~~provisions of Section 4.05 shall be initiated.~~

148 2. ~~Denial. If the Technical Review Committee denies the Final Plan submission the~~  
149 ~~application shall be considered by the Planning Board within forty five (45) days and a~~  
150 ~~final decision shall be issued.~~

151 3. ~~The applicant can be referred to the Planning Board without a recommendation from the~~  
152 ~~Technical Review Committee.~~

153 D. Failure to act. ~~Failure of the Technical Review Committee to act within 30 days shall result in the~~  
154 ~~forwarding of the Final Plan to the Planning Board for consideration~~ Administrative Officer to act  
155 within the period described constitutes approval of the final plan and a certificate of the  
156 Administrative Officer as to the failure to act within the required time and the resulting approval  
157 will be issued on request of the applicant.

158 **Section 4.05 Expiration of Approval; Vesting**

159 Approvals of a Minor Land Development or Subdivision Plan shall expire ninety (90) days one year from  
160 the date of ~~final~~ approval unless, within such period, a ~~the~~ plat or plan, in conformity with such approval,  
161 and as defined in this act, is submitted for signature and recording as specified in Section 8.05. Validity may  
162 be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by  
163 the Planning Board.

164 **Section 4.06 Appeals**

165 Decisions under this section shall be considered an appealable decision pursuant to Article IX.

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**Article V. Major Subdivision and Major Land Development**

**~~Section 5.01 Definition of major subdivision~~**

~~A major subdivision is any subdivision not classified as either an administrative subdivision or a minor subdivision.~~

**Section 5.02~~1~~ Review Stages**

~~A. Stages of review. Major subdivision plan review shall be required of all applications for land development and subdivision approval subject to these Regulations, unless classified as an administrative subdivision or a minor subdivision.~~

~~B. Major land development and major subdivision Plan review shall consist of three (3) stages of review; master plan, including a site visit, the preliminary plan, and final plan, following the pre-application meetings(s) held before the Technical Review Committee or Planning Board as specified in Section 2.03. Also required is a public informational meeting and a public hearing at the master plan stage of review or, if unless the Master Plan and Preliminary Plan are being combined under the conditions set forth in Section 5.02 C below, in which case the Informational meeting shall be waived and the requirements of the master plan, Section 5.03, shall be combined at the first stage of review with the requirements of the preliminary plan, Section 5.04.~~

~~C. The administrative officer may combine review stages, but only the Planning Board may waive submission requirements as specified in the applicable checklists. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the Planning Board has waived any submission requirements not included by the applicant.~~

~~C. The master plan and preliminary plan stages will be combined provided that the proposed land development project or subdivision meets the requirements established below. The application process will then consist of the pre application meeting, the preliminary plan process and requirements, including a public hearing, and the final plan process and requirements. The Technical Review Committee shall make a recommendation to the Planning Board which will make the determination at the pre application meeting as to whether the proposed project meets the following requirements:~~

- ~~1. No variance, zoning amendment or special use permit is required.~~
- ~~2. No waivers will be necessary or requested.~~
- ~~3. The project is not to be phased.~~

**Section 5.03~~2~~ Master Plan Review**

~~A. Submission Requirements. Any The applicant seeking approval of a proposed master plan for a major subdivision or major land development project, as defined in Section 5.01, shall submit to the Administrative Officer the items required by a the checklist for master plans review of a major~~

40 ~~subdivision/land development projects~~ approved by the Gloucester Planning Board. [Amended 10-  
41 17-2022]

42 1. Requirements for the master plan and supporting material for this phase of review include,  
43 but are not limited to: information on the natural and built features of the surrounding  
44 neighborhood, existing natural and man-made conditions of the development site,  
45 including topographic features, the freshwater wetland and coastal zone boundaries, the  
46 floodplains, as well as the proposed design concept, proposed public improvements and  
47 dedications, tentative construction phasing; and potential neighborhood impacts, as  
48 required by the checklist.

49 2. Initial comments will be solicited from:

50 a) Local agencies including, but not limited to, the planning department, the  
51 department of public works, fire and police departments, the conservation and  
52 recreation commissions;

53 b) Adjacent communities;

54 c) State agencies, as appropriate, including the departments of environmental  
55 management and transportation; and

56 d) Federal agencies, as appropriate. The administrative officer shall coordinate  
57 review and comments by local officials, adjacent communities, and state and  
58 federal agencies.

59 3. Applications requesting relief from the zoning ordinance.

60 a) Applications under this chapter which require relief which qualifies only as a  
61 modification under Chapter 350-7(11) of the zoning ordinance shall proceed by  
62 filing a master plan application under this section and a request for a modification  
63 to the zoning enforcement officer. If such modification is granted, the application  
64 shall then proceed to be reviewed by the planning board pursuant to the applicable  
65 requirements of this section. If the modification is denied or an objection is  
66 received as set forth in Chapter 350-7(11), such application shall proceed under  
67 unified development plan review pursuant to Section 6.09 of these Regulations.

68 b) Applications under this section which require relief from the literal provisions of  
69 the zoning ordinance in the form of a variance or special use permit, shall be  
70 reviewed by the Planning Board under unified development plan review pursuant  
71 to Section 6.09 of these Regulations.



72 B. ~~Certification of Completeness.~~ The application ~~must shall~~ be certified, in writing, complete or  
73 incomplete by the Administrative Officer within ~~twenty-five (25) sixty (60) days; of the submission,~~  
74 according to the provisions of Section 2.02, so long as a completed checklist of requirements are  
75 provided upon the issuance of a ~~The running of the time period set forth in this section will be~~  
76 ~~deemed stopped upon the issuance of a~~ certificate of incompleteness of the application by the  
77 Administrative Officer and will recommence upon the resubmission of a corrected application by  
78 the applicant. However, in no event will the Administrative Officer be required to certify a  
79 corrected submission as complete or incomplete less than ~~ten (10) 14~~ days after its resubmission.  
80 [~~Amended 11-15-2007, effective 12-20-2007~~]

81 C. Review Process.

82 1. Technical Review Committee. The Technical Review Committee shall review the  
83 application prior to the first Planning Board meeting and make shall comment and make  
84 recommendations to the Planning Board ~~no less than fourteen (14) days prior to the date~~  
85 ~~scheduled for the Planning Board meeting at which the application is considered.~~

86 2. ~~Public Hearing Informational Meeting.~~ A public hearing informational meeting shall be  
87 held prior to the Planning Board decision on the master plan, ~~unless If~~ the master plan and  
88 preliminary plan approvals review stages are being combined, a public hearing shall be  
89 held during the combined stage of review in which case the informational meeting shall be  
90 ~~optional, based upon Planning Board determination. Public notice is required and shall be~~  
91 ~~given at least seven (7) days prior to the date of the meeting in a newspaper of general~~  
92 ~~circulation within the Town of Glocester. Postcard notice shall be mailed to all property~~  
93 ~~owners within 200 feet of the property lines of the parcel on which the proposed~~  
94 ~~development will occur. At the informational meeting the applicant shall present the~~  
95 ~~proposed project. The Planning Board shall allow written and oral comments from the~~  
96 ~~general public. All public comments shall be made part of the public record of the project~~  
97 ~~application. The costs of all notice and stenographer fees shall be borne by the applicant.~~

98 a) Public notice of the hearing shall be given at least fourteen (14) days prior to the  
99 date of the hearing in a newspaper of general circulation within the Town of  
100 Glocester. Notice shall be sent to the applicant and to each record owner within  
101 two hundred (200) feet of the subject property, by first class mail, of the time and  
102 place of the hearing not less than ten (10) days prior to the date of the hearing. Said  
103 notice shall also include the street address of the subject property, or if no street  
104 address is available, the distance from the nearest existing intersection in one tenths  
105 (1/10's) of a mile. The Administrative Officer shall advertise for the public hearing  
106 upon instruction from the Planning Board in writing.

107 b) Additional notice within watersheds shall also be sent as required in RIGL 45-23-  
108 42 (C) (2).

109 c) Notice of the public hearing shall be sent by the Administrative Officer to the  
110 Administrative Officer of an adjacent municipality if the notice area extends into  
111 the municipality, the development site extends into the adjacent municipality, or  
112 the Planning Board determines there may be a potential for significant negative  
113 impact on the adjacent municipality.

114 d) The cost of all such notice shall be borne by the applicant.

115 e) At the public hearing, the applicant will present the proposed development project.  
116 The Planning Board must allow oral and written comments from the general  
117 public. All public comments are to be made part of the public record of the project  
118 application.

119 D. Decision. The Planning Board shall, within ~~one hundred and twenty (120)~~ ninety (90) days of  
120 certification of completeness, or within such further time as may be consented to by the applicant  
121 through the submission of a written waiver, approve of the master plan as submitted, approve with  
122 changes and/or conditions, or deny the application, according to the requirements of Section 8.04.

123 E. Failure to Act: Failure of the Planning Board to act within the period prescribed shall constitute  
124 approval of the master plan, and a certificate of the Administrative Officer as to the failure of the  
125 Planning Board to act within the required time and the resulting approval shall be issued on the  
126 request of the applicant.

127 F. Vesting:

128 1. The approved master plan shall be vested for a period of two (2)~~one (1)~~ years, with the  
129 right to extend for two (2), a one (1)-year one-year extensions upon written request by the  
130 applicant, who must appear before the Planning Board for the annual review. Thereafter,  
131 vesting may be extended for a longer period, for good cause shown, if requested by the  
132 applicant, in writing, and approved by the Planning Board. Master plan vesting shall  
133 include the zoning requirements, conceptual layout, and all conditions shown on the  
134 approved master plan drawings and supporting materials, and shall include all the  
135 requirements set forth in Article VI. Preliminary and final plan approvals are required  
136 before permits may be issued for construction on the approved master plan parcel.

### 137 **Section 5.04 Preliminary plan**

138 A. Submission Requirements:

139 1. ~~The~~Any applicant seeking approval of a proposed preliminary plan for a major subdivision  
140 or land development project, as defined in Section 5.01, shall first submit to the  
141 Administrative Officer the items required by a checklist for preliminary plans ~~review of~~

142 ~~major subdivisions/land development projects~~ approved by the Gloucester Planning Board.  
143 [~~Amended 10-17-2022~~].

144 2. Requirements for the preliminary plan and supporting materials for this phase of the review  
145 include, but are not limited to: engineering plans depicting the existing site conditions,  
146 engineering plans depicting the proposed development project, and a perimeter survey, as  
147 included on the checklist.

148 3. At the preliminary plan review phase, the administrative officer shall solicit final, written  
149 comments and/or approvals of the department of public works, the Town engineer, the  
150 Town solicitor, other local government departments, commissions, or authorities as  
151 appropriate.

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

154 5. Prior to approval of the preliminary plan, an applicant must submit all permits required by  
155 state or federal agencies, including permits related to freshwater wetlands, the coastal zone,  
156 floodplains, preliminary suitability for individual septic disposal systems, public water  
157 systems, and connections to state roads. For a state permit from the Rhode Island  
158 Department of Transportation, a letter evidencing the issuance of such a permit upon the  
159 submission of a bond and insurance is sufficient, but such actual permit shall be required  
160 prior to the issuance of a building permit.

161 6. If the applicant is requesting alteration of any variances and/or special-use permits granted  
162 by the Planning Board at the master plan stage of review pursuant to adopted unified  
163 development review provisions, and/or any new variances and/or special-use permits, such  
164 requests and all supporting documentation shall be included as part of the preliminary plan  
165 application materials and require a public hearing.

166 B. Certification of Completeness: The application shall be certified as complete or incomplete by the  
167 Administrative Officer within ~~twenty-five (25)~~~~sixty (60)~~ days so long as completed checklist of  
168 requirements are provided with the submission, according to the provisions of Section 2.02. The  
169 running of the time period set forth ~~in this section herein~~ will be deemed stopped upon the issuance  
170 of a certificate of incompleteness of the application by the Administrative Officer and will  
171 recommence upon the resubmission of a corrected application by the applicant. However, in no  
172 event ~~shall~~~~will~~ the Administrative Officer be required to certify a corrected submission as complete  
173 or incomplete less than ~~ten (10)~~~~14~~ days after its resubmission. [Amended 11-15-2007, effective 12-  
174 20-2007]

175 C. Review Process:

176 1. Technical Review Committee. The Technical Review Committee shall review the  
177 application prior to the planning board meeting and shall comment and make  
178 recommendations to the Planning Board within thirty (30) days.

179 2. Public Improvement Guarantees. Proposed arrangements for completion of all required  
180 public improvements, including construction schedule and/or financial guarantees shall be  
181 reviewed and approved by the Planning Board at the time of preliminary plan approval as  
182 ~~provided in Section 6.02.~~

183 3. Public notice. Prior to the first Planning Board meeting on the preliminary plan, public  
184 notice shall be sent to abutters only within 200 feet of the proposed subdivision at least  
185 fourteen (14) days before the meeting.

186 ~~D. Public Hearing: Prior to Planning Board decision on the preliminary plan, a public hearing, which~~  
187 ~~adheres to the requirements for notice described below, must be held. A public hearing shall be~~  
188 ~~required for a major land development project, a major subdivision, a minor land development~~  
189 ~~project or a minor subdivision which involves the creation or extension of a street.~~

190 1. ~~Public notice of the hearing shall be given at least fourteen (14) days prior to the date of~~  
191 ~~the hearing in a newspaper of general circulation within the Town of Glocester. Notice~~  
192 ~~shall be sent to the applicant and to each record owner within two hundred (200) feet of~~  
193 ~~the subject property, by certified mail, return receipt requested, of the time and place of the~~  
194 ~~hearing not less than ten (10) days prior to the date of the hearing. Said notice shall also~~  
195 ~~include the street address of the subject property, or if no street address is available, the~~  
196 ~~distance from the nearest existing intersection in one tenths (1/10's) of a mile. The~~  
197 ~~Administrative Officer shall advertise for the public hearing upon instruction from the~~  
198 ~~Planning Board in writing.~~

199 2. ~~Additional notice within watersheds shall also be sent as required in RIGL 45-23-42 (C)~~  
200 ~~(2).~~

201 3. ~~Notice of the public hearing shall be sent by the Administrative Officer to the~~  
202 ~~Administrative Officer of an adjacent municipality if the notice area extends into the~~  
203 ~~municipality, the development site extends into the adjacent municipality, or the Planning~~  
204 ~~Board determines there may be a potential for significant negative impact on the adjacent~~  
205 ~~municipality.~~

206 4. ~~The cost of all such notice shall be borne by the applicant.~~

207 ~~E. D. Decision. A complete application shall be approved, approved with conditions, or denied within~~  
208 ~~one hundred and twenty (120) ninety (90) days of the date when it is certified complete, or within~~  
209 ~~such further time as may be consented to by the developer through the submission of a written~~  
210 ~~waiver. Provided that, the timeframe for decision is automatically extended if evidence of state~~  
211 ~~permits has not been provided, or otherwise waived in accordance with this section.~~

212 E. Failure to Act. Failure of the Planning Board to act within the period prescribed shall constitute  
213 approval of the preliminary plan and a certificate of the administrative officer as to the failure of  
214 the Planning Board to act within the required time and the resulting approval shall be issued on  
215 request of the applicant.

216 F. Vesting. The approved preliminary plan shall be vested for a period of two (2), one (1) years with  
217 the right to extend for two (2), one-year extensions upon written request and vesting may be  
218 extended for a longer period, for good cause shown, requested in writing by the applicant, who  
219 must appear before and approved by the Planning Board for each annual review and provide proof  
220 of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer  
221 period, for good cause shown, if requested, in writing by the applicant, and approved by the  
222 Planning Board. The vesting for the preliminary plan approval shall include all general and specific  
223 conditions as shown on the approved preliminary plan drawings and supporting materials.

224 **Section 5.05 Final Plan**

225 A. Submission requirements. Any applicant seeking approval of a proposed final plan for a major  
226 subdivision or major land development project, as defined in Section 5.01, shall submit to the  
227 Administrative Officer ~~everything required for the Preliminary Plan of a Major Subdivision with~~  
228 ~~any required changes and/or modifications and~~ the items required by a checklist for final plan,  
229 ~~review of major subdivisions/land development projects approved by the Gloucester Planning~~  
230 ~~Board. [Amended 10-17-2022]~~ as well as all material required by the Planning Board when the  
231 application was granted a preliminary plan approval. In addition, the following items shall be  
232 submitted:

233 1. Arrangements for completion of the required public improvements, including construction  
234 schedule and/or financial guarantees.

235 2. Certification by the tax collector that all property taxes are current.

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

239 B. Certification of Completeness: The application for final plan approval shall be certified complete  
240 or incomplete by the Administrative Officer in writing, after soliciting comments from the  
241 ~~Technical Review Committee on the completeness of the final plan,~~ within ~~1525~~ days, so long as a  
242 completed checklist of requirements are provided with the submission according to the provisions  
243 ~~of Section 2.02.~~ This time period may be extended to twenty-five (25)45 days by written notice  
244 from the Administrative Officer to the applicant where the final plans contain changes to or  
245 elements not included in the preliminary plan approval. The running of the time period set forth  
246 herein shall this section will be deemed stopped upon the issuance of a certificate of incompleteness  
247 of the application by the Administrative Officer and shall will recommence upon the resubmission  
248 of a corrected application by the applicant. However, in no event will the Administrative Officer

249 be required to certify a corrected submission as complete or incomplete less than ten (10)14 days  
250 after its resubmission. If the Administrative Officer certifies the application as complete and does  
251 not require submission to the Planning Board as per Section 5.05 C, the final plan shall be  
252 considered approved. [Amended 11-15-2007, effective 12-20-2007]

253 C. Review Process.

254 1. ~~Referral to the Planning Board.~~ If the Administrative Officer, or, if referred to it, the  
255 Planning Board, shall review, grant, grant with conditions or deny final plan approval. A  
256 ~~decision shall be issued~~ determines that an application for final approval does not meet the  
257 ~~requirements set by local regulations or by the Planning Board at preliminary plan~~  
258 ~~approval, the Administrative Officer shall refer the final plans to the Planning Board for~~  
259 ~~review. The Planning Board shall,~~ within forty-five (45) days after the certification of  
260 completeness, or within such further time as may be consented to by the applicant, approve  
261 or deny the final plan as submitted.

262 2. Failure to Act. Failure of the Administrative Officer, or referred to it, the Planning Board  
263 to act within the prescribed period prescribed shall constitute approval of the final plan and  
264 a certificate of the Administrative Officer as to the failure ~~of the Planning Board~~ to act  
265 within the required time and the resulting approval shall be issued on request of the  
266 applicant.

267 D. Expiration of approval. The final approval of a major subdivision or land development project  
268 expires one year from the date of approval with the right to extend for one year upon written request  
269 by the applicant, who must appear before the Planning Board for the annual review, unless, within  
270 that period, the plat or plan has been submitted for signature and recording. Thereafter, the  
271 Planning Board may, for good cause shown, extend the period for recording.

272 ~~D. Recording. The final approval of a major subdivision or land development project shall expire one~~  
273 ~~(1) year from the date of approval unless, within that period, the plat or plan shall have been~~  
274 ~~submitted and accepted for signature and recording as specified in Section 8.05. The Planning~~  
275 ~~Board may, for good cause shown, extend the period for recording for an additional period.~~

276 E. Acceptance of public improvements. Signature and recording as specified in Section 8.05 shall  
277 constitute the acceptance by the Town of Glocester of any street or other public improvement or  
278 other land intended for dedication. Final plan approval shall not impose any duty upon the Town  
279 of Glocester to maintain or improve those dedicated areas until the Town Council accepts the  
280 completed public improvements as constructed in compliance with the final plans.

281 F. Validity of recorded plans. The approved final plan, once recorded as specified in Section 8.05, shall  
282 remain valid as the approved plan for the site unless and until an amendment to the plan is approved  
283 under the procedure set forth in Section 8.06, or a new plan is approved by the Planning Board.

284 G. Issuance of permits. Unless otherwise authorized by the Planning Board and Town Council, final  
285 plan approvals are required before permits may be issued for construction on any lots of the  
286 proposed subdivision.

287 **Section 5.07 Appeal:**

288 Decisions under this section shall be considered an appealable decision pursuant to Article IX of these  
289 Regulations.

1 **Town of Glocester**

2 **A REGULATION AMENDING**

3 **GLOCESTER SUBDIVISION REGULATIONS**

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6  
7 **Article VI. Special Provisions**

8 **6.01 ~~Physical~~ Design Requirements**

9 The goal of a good ~~subdivision~~ land development project and site design is to create a  
10 functional and attractive development, to minimize adverse impacts, and to ensure that a  
11 project will be an asset to the community. In order to achieve these goals, all land  
12 development projects and subdivisions shall conform to the following standards which are  
13 designed to result in a well planned community.

14 A. ~~Physical Site~~ Lot Design Requirements:  
15 [Amended 11-15-2007, effective 12-20-  
16 2007]

17 1. Lot design standards. The lot dimensions, setbacks, and configuration shall be in  
18 accordance with Article III of the Glocester Zoning Ordinance. In addition, the  
19 following standards should be adhered to wherever possible.

- 20 a) Side lot lines should be at right angles to street lines or radial curved street  
21 lines unless the Planning Board determines that a variation from this rule  
22 will provide a better street or lot plan. Except for those sides bordering a  
23 street, interior angles should not exceed 200 degrees.
- 24 b) The preferred lot shape is rectangular and the depth to width ratio should not  
25 exceed 2.5 to 1.
- 26 c) For all minor and major subdivisions, non-buildable lots are prohibited unless  
27 identified as permanent open space or permanently reserved for a public  
28 purpose on the approved recorded subdivision or land development plan. For  
29 the purposed of these regulations, and for the purposed of calculating the total  
30 number of buildable lots in a minor or major subdivision, the provisions of  
31 Section 350-58 of the Zoning Ordinance shall apply.
- 32 d) Every lot created within the subdivision shall possess the minimum  
33 required frontage on an accepted public street or follow the process  
34 outlined in the Glocester Code of Ordinances, Chapter 145-2, Building lot  
35 to abut improved street and/or Chapter 143-3, Exceptions. ~~or an accepted~~  
36 ~~suitably improved public street.~~ Streets in a conservation development or  
37 a rural residential compound may be privately owned and maintained,



- 38 subject to approval by the Planning Board.
- 39 e) The minimum lot dimensions established by these regulations or by any  
40 zoning ordinance adopted by the Town of Glocester may be increased by  
41 the Planning Board if required by the Rhode Island Department of  
42 Environmental Management, Onsite Wastewater Treatment Systems ~~the~~  
43 ~~report of the Chief, Division of Water and Pollution Control, Rhode Island~~  
44 ~~Department of Health indicates that larger dimensions are warranted~~ for  
45 the safe and effective operation of individual sewage disposal onsite  
46 wastewater treatment systems. Lots in areas where public water is not  
47 available shall be of such area, shape, and dimensions as will allow the  
48 operation of ~~individual sewage disposal systems~~ onsite wastewater  
49 treatment systems in such a manner that the water supplies of said lots and  
50 of all surrounding lots are adequately safeguarded.
- 51 2. Fill requirements. All material that originates on the site or is transported onto the  
52 site that is to be utilized as fill material for the construction of public improvements  
53 within the proposed subdivision or land development project shall be approved as  
54 suitable fill material by the Director of Public Works and shall be identified as to  
55 its source and destination prior to final approval. The Planning Board may require  
56 any fill material to be removed if prior approval is not granted or unsuitable fill  
57 material is utilized.
- 58 3. Easements. Easements may be required by the Planning Board where necessary  
59 for the proper location and placement of improvements on private land as  
60 described below. Easements shall be identified on the plat by metes and bounds  
61 description, to be duly recorded as such in the office of the Town Clerk as part of  
62 the recording process. The board may, at its discretion, require dedication of land  
63 to the Town of Glocester in lieu of easements if such dedication would provide  
64 greater control over and access to the intended use and meets a stated public  
65 purpose. The maintenance responsibilities shall be permanently assigned or  
66 delegated to a landowner or other legal organization over time. The proposed  
67 language of assignment shall include provisions which recognize the Town of  
68 Glocester' s right to enforce the necessary maintenance within the easements and  
69 to provide access in the event of an emergency. The Town of Glocester shall also  
70 be recognized as reserving the right to assess the responsible party for the cost of  
71 any maintenance or enforcement the Town of Glocester completes due to the  
72 failure of the entity to carry out its responsibilities. The assessment shall become  
73 a lien on the property or properties.
- 74 4. Utilities. All utility easements shall have a minimum width of twenty (20) feet  
75 and must contain at least one (1) concrete or granite bound.
- 76 5. Drainage Easements. Easements to install and maintain surface and/or  
77 underground drainage facilities on private land shall be dedicated to and accepted

78 by the Town of Glocester where required. However, wherever practical,  
79 easements will remain privately owned and maintained. The nominal width for  
80 such a drainage easement shall be twenty (20) feet. Where above ground drainage  
81 flows are directed over private property which does not contain natural  
82 watercourses or wetlands, or where publicly owned and maintained drainage  
83 systems outflow onto private land, a drainage easement shall be dedicated to the  
84 Town of Glocester for the intended purpose. Easements into and upon above  
85 ground drainage facilities such as stormwater detention or retention basins shall  
86 be granted to the Town of Glocester wherever stormwater from the Town of  
87 Glocester-owned streets or other improvements is intended to be directed to such  
88 basins.

89 6. Public Access Easements. Bicycle and pedestrian access shall be provided where  
90 required by the Planning Board on a separate strip of land dedicated to the Town  
91 of Glocester or on an easement having a minimum width of ten (10) feet with a  
92 five (5) foot wide pavement.

93 7. Other Easements. All other easements shall be of sufficient width and area for the  
94 intended purpose as determined by the Planning Board.

95 B. Site Design Requirements. All nonresidential and mixed-use development shall  
96 conform to the requirements set forth in this section.

97 1. The development shall be integrated into the existing terrain and surrounding  
98 landscape and shall be designed to protect abutting properties and community  
99 amenities. Building sites shall, to the extent feasible:

100 a) Minimize the use of wetlands, steep slopes, floodplains, and hilltops;

101 b) Minimize the obstruction of scenic view from publicly accessible locations;

102 c) Preserve any unique natural or historical features;

103 d) Minimize tree, vegetation and soil removal, grade changes and subsequent  
104 erosion;

105 e) Maximize open space retention;

106 f) Landscape and screen objectionable features from neighboring properties and  
107 roadways pursuant to this chapter; and

108 g) Prevent depletion, degradation, or pollution of public drinking water supplies  
109 and of surface or groundwater by employing best management practices for  
110 erosion control, stormwater management, wastewater disposal and landscaping.

111 2. Architectural style shall be in keeping with the prevailing character and scale of  
112 buildings in the neighborhood and the Town through use of appropriate building  
113 materials, screening, breaks in roof and wall lines and other architectural techniques.  
114 Variation in detail, form and siting shall be used to provide visual interest and to avoid

115 monotony. Proposed buildings shall relate harmoniously to each other with adequate  
116 light, air, circulation, and separation between buildings.

117 3. The development shall be served with adequate water supply and waste disposal  
118 systems. The applicant shall submit on onsite wastewater treatment system (OWTS)  
119 design prepared by an RIDEM-licensed OWTS designer, as applicable.

120 4. The proposed development shall maximize the convenience and safety of vehicular and  
121 pedestrian movement within the site and in relation to adjacent ways (see Article VI  
122 and § 350-48 of the zoning ordinance). The application shall include estimates of  
123 average daily and peak-hour vehicle trips to be generated by the site and traffic flow  
124 patterns for vehicles and pedestrians showing adequate access to and from the site and  
125 adequate circulation within the site.

126 5. The proposed development plan shall show adequate measures to prevent pollution of  
127 surface or groundwater, and to minimize erosion and sedimentation in conformance  
128 with Chapter 177 of the zoning ordinance, and to prevent changes in groundwater  
129 levels, increased runoff and potential for flooding. Drainage shall be designed so that  
130 runoff shall not be increased to neighboring properties, groundwater recharge shall be  
131 maximized, and neighboring properties shall not be adversely affected.

132 6. The development shall not place excessive demands on Town services and  
133 infrastructure.

134 7. Electric, telephone, cable TV, and other such utilities shall be underground where  
135 physically and environmentally feasible.

136 8. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings  
137 and structures and other service uses shall be set back or screened to protect the abutters  
138 from objectionable features (see Article VI of the zoning ordinance).

139 9. The proposed development plan shall comply with all zoning requirements for  
140 landscaping, parking and loading (Article VI of the zoning ordinance), dimensions  
141 (Article III of the zoning ordinance) and all applicable provisions of local and state  
142 laws.

143 4 10. Landscaping standards.

144 a) Every effort should be made to retain the natural landscape and terrain, to  
145 avoid unnecessary alteration of natural features, and to avoid disturbance  
146 of the natural ecology of the area. Except as provided in Section 6.02 of  
147 these regulations, clearing and regrading of a natural site prior to final  
148 subdivision approval is prohibited unless otherwise authorized by the  
149 Planning Board.

150 b) Reasonable landscaping should be provided at site entrances, in public  
151 areas and adjacent to buildings. The type and amount of landscaping  
152 required shall be allowed to vary with the type of development, as

153 reasonably determined by the Planning Board. The plant or other  
154 landscaping material that best serves the intended functions shall be  
155 selected. Landscaping materials shall be appropriate for the local  
156 environment, soil conditions, and availability of water. The use of native  
157 grasses or groundcover that require minimal watering and fertilization is  
158 encouraged, particularly in areas that are ecologically sensitive.

159 C. Additional Requirements

160 ~~5~~ 1. Construction procedures

161 ~~6~~ 2. Flood hazard areas.

162 ~~7~~ 3. Potable water supply requirements

163 ~~8~~ 4. Sewage disposal requirements.

164 ~~9~~ 5. Lot Drainage Requirements: See Section 6.01 B 16

165 ~~10~~ 6. Erosion and Sediment control: See Section 6.01 B 17

166 ~~B~~ D. Public Design Improvement Standards

**Town of Glocester**

**A REGULATION AMENDING**

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**Article VI. Special Provisions**

**6.06 Development Plan Review ~~RESERVED~~**

A. Applicability. The following categories of projects shall be subject to the provisions of this chapter:

1. A change in use at the property where no extensive construction of improvements is sought.
2. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
3. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
4. Development in a designated urban or growth center.
5. Institutional development for educational or hospital facilities.

B. Permitting authority. The Administrative Officer shall approve administrative projects submitted, and the Planning Board shall approved formal projects as described herein.

C. Development plan review consists of two review processes, administrative, and formal.

1. Administrative development plan review consists of one stage of review. The following activities are subject to administrative development plan review:
  - a) A change in use at the property where no extensive construction of improvements is sought.
2. Formal development plan review consists of the preliminary stage and final stage of review. The following activities are subject to formal development plan review:
  - a) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
  - b) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
  - c) Development in a designated urban or growth center.

33 d) Institutional development for educational or hospital facilities.

34 D. The Administrative Officer may combine the stages of review for formal development plan  
35 review, providing that the submission requirements of both stages of review are met by the  
36 applicant to the satisfaction of the Administrative Officer.

37 E. Waivers

38 1. Requirements for development plan approval may be waived where there is a change  
39 in use or occupancy and no extensive construction of improvements is sought. The  
40 waiver may be granted only by a decision by the permitting authority identified in  
41 this article, finding that the use will not affect existing drainage, circulation,  
42 relationship of buildings to each other, landscaping, buffering, lighting and other  
43 considerations of development plan approval, and that the existing facilities do not  
44 require upgraded or additional site improvements.

45 F. Application requesting relief from the zoning ordinance.

46 1. Applications under this article which require relief which qualifies only as a  
47 modification shall proceed by filing an application and a request for a modification to  
48 the zoning enforcement officer. If such modification is granted the application shall  
49 then proceed to be reviewed by the designated permitting authority as determined in  
50 this article. If the modification is denied or an objection is received as set forth in  
51 Article I Section 350-7(11) of the zoning ordinance, such application shall proceed  
52 under unified development review and be reviewed by the Planning Board.

53 2. Applications under this section which require relief from the literal provisions of the  
54 zoning ordinance in the form of a variance or special use permit, shall be reviewed by  
55 the Planning Board under unified development review, and a request for review shall  
56 accompany the preliminary plan application.

57 G. Submission requirements.

58 1. Any applicant requesting approval of a proposed development under this chapter,  
59 shall submit to the Administrative Officer the items required by the appropriate  
60 checklist.

61 2. Requests for relief from the literal requirements of the zoning ordinance and/or for  
62 the issuance of special-use permits or use variances related to projects qualifying for  
63 development plan review shall be submitted and reviewed under unified development  
64 review.

65 H. Certification.

66 1. The application shall be certified, in writing, complete or incomplete by the  
67 Administrative Officer within twenty-five (25) days. If no street creation or extension  
68 is required, and/or unified development review is not required, the application shall

69 be certified complete or incomplete by the Administrative Officer within fifteen (15)  
70 days.

71 2. The running of the time period set forth in this section will be deemed stopped upon  
72 the issuance of a written certificate of incompleteness of the application by the  
73 Administrative Officer and will recommence upon the resubmission of a corrected  
74 application by the applicant. However, in no event will the Administrative Officer be  
75 required to certify a corrected submission as complete or incomplete less than ten  
76 (10) days after its resubmission.

77 3. If the Administrative Officer certifies the application as incomplete, the officer shall  
78 set forth in writing with specificity the missing or incomplete items.

79 4. Application review and decision

80 a) Administrative development plan review. An application shall be approved,  
81 denied, or approved with conditions within twenty-five (25) days of the certificate  
82 of completeness or within any further time that is agreed to in writing by the  
83 applicant and Administrative Officer.

84 b) Formal development plan review.

85 i) Preliminary plan. Unless the application is reviewed under unified development  
86 review, the Planning Board will approve, deny, or approve with conditions, the  
87 preliminary plan within sixty-five (65) days of certification of completeness, or  
88 within any further time that is agreed to by the applicant and the permitting  
89 authority.

90 ii) Final Plan. For formal development plan approval, the permitting authority  
91 shall delegate final plan review and approval to the Administrative Officer. The  
92 Administrative Officer will report its actions in writing to the Planning Board  
93 at its next regular meeting, to be made part of the record. Final plan shall be  
94 approved or denied within forty-five (45) days after the certificate of  
95 completeness, or within a further amount of time that may be consented to by  
96 the applicant in writing.

97 c) Failure to act. Failure of the permitting authority to act within the period  
98 prescribed constitutes approval of the preliminary plan and a certificate of the  
99 Administrative Officer as to the failure to act within the required time and the  
100 resulting approval shall be issued on request of the application.

101 d) Vested rights. Approval of development plan review shall expire two (2) years  
102 from the date of approval unless, within that period, a plat or plan, in conformity  
103 with approval, and as defined in this act, is submitted for signature and recording.  
104 Validity may be extended for an additional period upon application to the  
105 Administrative Officer or permitting authority, whichever entity approved the  
106 application, upon a showing of good cause.

107            e) Appeal. A decision under this section shall be considered an appealable decision.

108            I. Design Requirements. Standards for design of development for applications subject to  
109            development plan review are provided in Section 6.01 of these Regulations.



1 **Town of Glocester**

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6  
7 **Article VI. Special Provisions**

8 Section 06.09 Unified development review.

9 A. Review of projects submitted under this section shall adhere to the procedures, timeframes and  
10 standards of the underlying category of the project as determined under these regulations, but shall  
11 also include the following procedures:

12 1. Minor subdivisions and land-development projects. Except for dimensional relief granted  
13 by modification, requests for variances and/or for the issuance of special-use permits  
14 related to minor subdivisions and land-development projects shall be submitted as part of  
15 the application materials for the preliminary plan stage of review or if combined, for the  
16 first stage of reviews. A public hearing on the application, including any variance and  
17 special-use permit requests that meets the requirements of subsection (5) of this section  
18 shall be held prior to consideration of the preliminary plan by the Planning Board. The  
19 Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or  
20 special-use permit(s) before considering the preliminary plan application for the minor  
21 subdivision or land-development project. Approval of the variance(s) and/or special-use  
22 permit(s) shall be conditioned on approval of the final plan of the minor subdivision or  
23 land-development project.

24 2. Development plan review. Except for dimensional relief granted by modification, requests  
25 for relief from the literal requirements of the zoning ordinance and/or for the issuance of  
26 special-use permits related to development plan review projects shall be submitted as part  
27 of the application materials for the preliminary plan stage of review. A public hearing on  
28 the application, including any variance and special-use permit requests that meets the  
29 requirements of subsection (5) of this section shall be held prior to consideration of the  
30 preliminary plan by the Planning Board. The Planning Board shall conditionally approve  
31 or deny the request(s) for the variance(s) and/or special-use permit(s) before considering  
32 the preliminary plan application for the development plan review project. Approval of the  
33 variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan  
34 of the development plan review project.

35 3. Major subdivisions and land-development projects.

36 a) Master plan. Except for dimensional relief granted by modification, requests for  
37 variances for relief from the literal requirements of the zoning ordinance and/or for  
38 the issuance of a special-use permit related to major subdivisions and land-  
39 development projects shall be submitted as part of the application materials for the  
40 master plan stage of review, or if combined, the first stage of review. A public  
41 hearing on the application, including any variance and special-use permit requests  
42 that meets the requirements of subsection (5) of this section, shall be held prior to  
43 consideration of the master plan by the Planning Board. The Planning Board shall

44 conditionally approve or deny the requests for the variance(s) and/or special-use  
45 permit(s) before considering the master plan application for the major subdivision  
46 or land-development project. Approval of the variance(s) and/or special-use  
47 permit(s) shall be conditioned on approval of the final plan of the major  
48 subdivision or land-development project.

49 b) Preliminary plan. During the preliminary plan stage of review, applicants shall  
50 have the ability to request alteration of any variance(s) and/or special-use permit(s)  
51 granted by the Planning Board during the master plan stage of review, and/or to  
52 request new variance(s) and/or special-use permit(s), based on the outcomes of the  
53 more detailed planning and design necessary for the preliminary plan. If necessary,  
54 the applicant shall submit such requests and all supporting documentation along  
55 with the preliminary plan application materials. If the applicant requests new or  
56 additional zoning relief at this stage a public hearing on the application, that meets  
57 the requirements of subsection (5) of this section, shall be held prior to  
58 consideration of the preliminary plan by the Planning Board. The Planning Board  
59 shall conditionally approve, amend, or deny the requests for alteration(s), new  
60 variance(s) and/or new special-use permit(s), before considering the preliminary  
61 plan application for the major subdivision or land-development project. Approval  
62 of the alteration(s), new variance(s), and/or new special-use permit(s) shall be  
63 conditioned on approval of the final plan of the major subdivision or land-  
64 development project. If the Planning Board denies the request for alteration(s), new  
65 variance(s), and/or new special-use permit(s), the Planning Board shall have the  
66 option of remanding the application back to the master plan stage of review.  
67 Alternatively, if the Planning Board denies the request for alteration(s), new  
68 variance(s), and/or new special-use permit(s), the applicant may consent to an  
69 extension of the decision period mandated by Section 5.04(E) of these regulations  
70 so that additional information can be provided and reviewed by the Planning  
71 Board.

72 4. Decision. The time periods by which the Planning Board must approve or deny applications  
73 for variances and special-use permits under the unified development review provisions of  
74 the local regulations shall be the same as the time periods by which the Planning Board  
75 must make a decision on the applicable review stage of the category of project under  
76 review.

77 5. Unless otherwise provided in this chapter all applications under this section shall require a  
78 single public hearing. The public hearing must meet the following requirements:

79 a) Public hearing notice shall adhere to the requirements found in RIGL §45-23-  
80 42(1).

81 b) The notice of the public hearing shall be given at least fourteen (14) days prior to  
82 the date of the meeting in a newspaper of local circulation within the Town of  
83 Glocester. The same notice shall posted in the Town Clerk’s office and one other  
84 municipal building and on the home page of the Town’s website at least fourteen  
85 (14) days prior to the hearing. The notice shall include the street address of the  
86 subject property, or if no street address is available, the distance from the nearest  
87 existing intersection in tenths of a mile. For notices sent by first class mail, the  
88 sender of the notice shall submit a notarized affidavit to attest to such mailing.  
89 Notice shall be sent as follows:

- 90 i) Notice shall be sent to the applicant and to each owner within the notice  
91 area, by first class mail, of the time and place of the hearing not less than  
92 ten (10) days prior to the date of the hearing.
- 93 ii) Notice shall also be sent to any individual or entity holding a recorded  
94 conservation easement or preservation restriction on the property that is  
95 the subject of the application as least fourteen (14) days prior to the  
96 hearing.
- 97 iii) Notice of the public hearing shall be sent by the administrative officer to  
98 the administrative officer of an adjacent municipality if: (1) the notice area  
99 extends into the adjacent municipality; or (2) the development site extends  
100 into the adjacent municipality; or (3) there is a potential for significant  
101 negative impact on the adjacent municipality.
- 102 iv) Additional notice within watersheds shall also be sent as required in RIGL  
103 §45-23-53(b) and (c).
- 104 c) Public notice shall indicate that dimensional variance(s), use variance(s) and/or  
105 special-use permit(s) are to be considered for the subdivision and/or land-  
106 development project.
- 107 d) The cost of all public notice is to be borne by the applicant.
- 108 6. The time periods by which the permitting authority must approve, approve with conditions  
109 or deny requests for variances and special-use permits under the unified development  
110 review provisions of a zoning ordinance shall be the same as the time periods by which the  
111 [planning board] must make a decision on the applicable review stage of the underlying  
112 type of project under review.
- 113 7. The expirations period of an approval of a variance or special use permit granted under this  
114 section shall be the same as those set forth in the statute for the underlying type of project  
115 under review.
- 116 8. Decisions under this section, including requests for the variance(s) and/or special-use  
117 permits that are denied by the Planning Board may be appealed pursuant to RIGL §45-23-  
118 71.

**Town of Glocester**

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**Article VII. Administration**

**Section 7.01 Administrative Officer**

A. Administration. The municipal official(s) designated by the local regulations to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The Administration of these Subdivision and Land Development regulations shall be under the direction of the Administrative Officer, who shall be the Town Planner and in the absence of the Town Planner, the Town Solicitor shall serve as Administrative Officer, ~~who shall report to the Planning Board in matters pertaining to the administration of subdivisions only.~~

B. Appointment. Appointment of the Town Planner shall be by the Town Council pursuant to the Town of Glocester Charter.

C. Duties and Responsibilities. The duties and responsibilities of the Administrative Officer shall include, but not be limited to;

1. Serve as chairperson of the Technical Review Committee;
2. Enforcement of these regulations as provided in Section 8.07 of these regulations;
3. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable Federal, State, and Local laws as directed by the Planning Board;
4. Coordination of the review, approval, recording, and enforcement provisions of these regulations; including, coordination the enforcement efforts of the Zoning Officer, the Building Official, the Public Works Director, the Town Solicitor, the Planning Department, and other local officials responsible for enforcing or carrying out the elements of these regulations.
5. Review and approve qualified applications as set forth in these regulations.

**Section 7.02 Technical Review Committee**

A. Administration. There is hereby established ~~at~~ the Technical Review Committee (TRC) in accordance with RIGL §45-23-56, the members of which are appointed by the Town Council except as otherwise noted herein. The TRC is responsible for conducting technical reviews of all applications subject to the jurisdiction delegated under subsection G. ~~This committee shall consist of the Town Planner, the Building Official, and the Public Works Director.~~

B. ~~Duties.~~

- 38 ~~1. To conduct technical reviews of applications for subdivisions and land development~~  
39 ~~projects which are subject to Planning Board jurisdiction.~~
- 40 ~~2. To review and decide Administrative Subdivisions. To assist the Administrative Officer in~~  
41 ~~carrying out the duties outlined in Section 7.01.~~
- 42 ~~3. To carry out any other duties assigned or delegated by the Planning Board or these~~  
43 ~~regulations.~~

44 This committee shall consist of members, including, but not limited to the Town Planner, the Fire  
45 Chief for the applicable fire district in which the property is located, the Police Chief, the Building  
46 Official, the Public Works Director, and a minimum of one and up to three members of the Planning  
47 Board. The members of the Planning Board shall be appointed by a majority vote of the Planning  
48 Board. All committee members shall be able to send a designee in their place for attendance at  
49 meetings. Any designee shall come from the same department or board and commission of the  
50 original committee member.

51 C. The Administrative Officer shall have the authority to call on additional expertise from town staff  
52 or board and commission members as determined necessary for the review of applications.

53 D. The Planning Board shall adopt written procedures establishing the committee's responsibilities.

54 E. The Administrative Officer shall serve as chair of the TRC.

55 ~~B.F~~ Records. Recommendations of the TRC to the permitting authority ~~Reports of the Technical Review~~  
56 ~~Committee to the Planning Board~~ shall be in writing and shall be kept as the permanent  
57 documentation on the development application. In no case shall recommendations made by the  
58 Technical Review Committee to the Planning Board or Administrative Office be binding on the  
59 Planning Board or Administrative Officer in its their activities or decisions. The recommendation  
60 of the TRC shall be made available to the applicant prior to a decision by the permitting authority.

61 G Review of applications in an advisory capacity

62 1. The TRC may review the following types of applications in an advisory capacity as  
63 requested by the Administrative Officer:

64 a) Minor land development projects and subdivisions; advisory to the permitting  
65 authority as determined in Article IV of these regulations.

66 b) Major land development projects and subdivisions; advisory to the permitting authority  
67 as determined in Article V of these regulations, provided that the TRC reviews the  
68 application prior to the Planning Board's first meeting on the application.

69 c) Administrative subdivisions at the request of the administrative officer; advisory to the  
70 administrative officer.

71 d) Comprehensive permit applications; advisory to the Planning Board.

72 e) Minor modifications or changes, as defined in Section 8.06 of these regulations to land  
73 development and subdivision applications.

- 74            f) Administrative development plan review applications; advisory to the Administrative
- 75            Officer.
- 76            g) Formal development plan review applications; advisory to the Planning Board.
- 77            h) Other matters referred to the TRC by the Planning Board, Zoning Board, or Town
- 78            Council.
- 79

**Town of Glocester**

**A REGULATION AMENDING**

**GLOCESTER SUBDIVISION REGULATIONS**

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

**Article VIII. Procedures**

**Section 8.03 Waivers or Modifications**

A. Waiver of development plan approval: See Section 6.06(E) of these regulations.

~~1. The Planning Board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Planning Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.~~

~~2. The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact. Such documentation shall include a zoning certificate for the existing use; fully completed building permit application for the proposed use including all plans and documents as required by the Building Official for a building permit; letter requesting a waiver stating all reasons therefor; a survey of existing site conditions showing all data as specified in Section 23-27.3-113.6 of the Rhode Island Building Code, and written evaluation by the Building Official of the proposed permit application.~~

B. Waiver and/or modification of requirements. The Planning Board shall have the power to grant such waivers and/or modifications from the requirement for subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Glocester Comprehensive Plan and Chapter 350, Zoning.

C. Reinstatement of Applications.

1. When an applicant has exceeded a deadline established by this Ordinance thereby invalidating a previously granted approval, the Planning Board may reinstate the application under the following conditions:

a) The subdivision is consistent with the Glocester Comprehensive Plan at the time

- 40 of reapplication;
- 41 b) The zoning of the proposed parcel is substantially the same as it was at the time of
- 42 original approval;
- 43 c) Any applicable state or federal regulations obtained are still valid;
- 44 d) Physical conditions on the parcel are substantially the same as they were at the time
- 45 of original approval;
- 46 e) The land development and subdivision regulations are substantially the same as they
- 47 were at the time of original approval and that any changes made thereto would not
- 48 have affected the previously granted approval;
- 49 f) There is no outstanding violation of any condition of prior approval or of any local,
- 50 state, or federal act, ordinance, rule or regulation applicable to the site, including but
- 51 not limited to, nonpayment of taxes or fees.
- 52 2. Applications for reinstatement of a previously approved subdivision shall be made to
- 53 the Planning Board in writing by the applicant. The Planning Board, in approving or
- 54 denying the reinstatement, shall make findings of fact which shall be made part of the
- 55 record.
- 56 D. Decision. The Planning Board shall approve, approve with conditions, or deny a request
- 57 for a waiver or modification by the following procedure:
- 58 1. The Planning Board's decision shall be made within forty-five (45) days of the date the
- 59 request for waiver or modification was first considered by the Planning Board, unless
- 60 the applicant waives the deadline.
- 61 2. The Planning Board shall refer the application to the Technical Review Committee
- 62 for advisory recommendation.
- 63 3. The Planning Board's decision shall be in writing, and shall contain findings of fact
- 64 addressing the conditions contained in this section.
- 65
- 66
- 67



**Town of Glocester**

**An Amendment to the**

**GLOCESTER SUBDIVISION REGULATIONS**

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**Article IX. Appeals**

**9.01 Zoning Board of Review to act as board of appeal** Appeals from a decision of the Administrative Officer ~~The Town Council shall establish the Town Zoning Board of Review as the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects.~~

A. Any decision of the Administrative Officer charged in the regulations with enforcement of any provisions, except as provided in this section, may be taken to the board of appeal by an aggrieved party as set forth in this section. Decisions by the Administrative Officer approving or denying projects under § 45-23-38 or § 45-23-50 shall not be subject to this section and shall proceed directly to superior court as set forth in § 45-23-71.

1. An appeal to the board of appeal from a decision or action of the Administrative Officer may be taken by an aggrieved party to the extent provided in § 45-23-66. The appeal must be taken within twenty (20) days after the decision has been recorded in the Town's land evidence records and posted in the office of the Town Clerk.
2. The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The Town Clerk shall accept delivery of an appeal on behalf of the board of appeal, if the local regulations governing land development and subdivision review so provide.
3. Upon receipt of an appeal, the board of appeal shall require the Administrative Officer to immediately transmit to the board of appeal, all papers, documents, and plans, or a certified copy thereof, constituting the record of the action that is being appealed.

B. Stay. An appeal stays all proceedings in furtherance of the action being appealed

BC. Hearing

1. The board of appeal shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.
2. The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.

41           3.    The hearing, which may be held on the same date and at the same place as a meeting of the  
42           zoning board of review, must be held as a separate meeting from any zoning board of review  
43           meeting. Separate minutes and records of votes as required by RIGL §45-23-70(d) shall be  
44           maintained by the board of appeal.

45    **9.02 D. Standards of Review**

46           ~~A. 1.~~ As established by these regulations, in instances of a Board of Appeal's review of an Planning  
47           ~~Board, the Technical Review Committee, or the~~ Administrative Officer's decision on matters  
48           subject to these regulations, the Board of Appeal shall not substitute its own judgment for that  
49           of the ~~Planning Board, the Technical Review Committee or the~~ Administrative Officer but must  
50           consider the issue upon the findings and record of the ~~Planning Board, the Technical Review~~  
51           ~~Committee or the~~ Administrative Officer. The Board of Appeal shall not reverse a decision of  
52           the ~~Planning Board, the Technical Review Committee or the~~ Administrative Officer except on a  
53           finding of prejudicial error, clear error, or lack of support by the weight of the evidence in the  
54           record.

55           ~~B. 2.~~ The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a  
56           hearing, is shall be necessary to reverse any decision of the ~~Planning Board, the Technical~~  
57           ~~Review Committee, or the~~ Administrative Officer.

58           ~~C. 3.~~ In the instance where the Board of Appeal overturns a decision of the ~~Planning Board, the~~  
59           ~~Technical Review Committee, or the~~ Administrative Officer, the proposed project application is  
60           ~~shall be~~ remanded to the ~~Planning Board, the Technical Review Committee or the~~  
61           Administrative Officer, at the stage of processing from which the appeal was taken, for further  
62           proceedings before the ~~Planning Board, the Technical Review Committee or the~~ Administrative  
63           Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's  
64           decision.

65           ~~D. 4.~~ The Board of Appeal shall keep complete records of all proceedings including a record of all  
66           votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include  
67           in the written record the reasons for each decision.

68    **9.03 Right to appeal**

69           ~~A. An appeal from any decision of the Planning Board, the Technical Review Committee or the~~  
70           ~~Administrative Officer charged in the regulations with enforcement of any provisions, except as~~  
71           ~~provided herein, may be taken to the Board of Appeal by an aggrieved party.~~

72           ~~B. An appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the~~  
73           ~~Providence County Superior Court.~~

74    **9.04 Process of appeal**

75           ~~A. An appeal to the Board of Appeal from a decision or action of the Planning Board the Technical~~  
76           ~~Review Committee or the Administrative Officer may be taken by an aggrieved party. Such appeal~~  
77           ~~must be taken within twenty (20) days after the decision has been recorded and posted in the office~~  
78           ~~of the Town Clerk.~~

79 ~~B. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which~~  
80 ~~is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent~~  
81 ~~by certified mail, with a return receipt requested, or shall be hand delivered to the Board of Appeal.~~  
82 ~~The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal.~~

83 ~~C. Upon receipt of an appeal, the Board of Appeal shall require the Planning Board, the Technical~~  
84 ~~Review Committee or the Administrative Officer to transmit forthwith to the Board of Appeal, all~~  
85 ~~papers, documents and plans, or a certified copy thereof, constituting the record of the action which~~  
86 ~~is being appealed.~~

### 87 **9.05 Public hearing on appeal**

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

93 ~~B. The Board of Appeal shall only hear appeals of the actions of the Planning Board, the Technical~~  
94 ~~Review Committee or the Administrative Officer at a meeting called especially for the purpose of~~  
95 ~~hearing such appeals and which has been so advertised.~~

96 ~~C. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning~~  
97 ~~Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting.~~  
98 ~~Separate minutes and records of votes as required Section 9.05 B shall be maintained by the Board~~  
99 ~~of Appeal.~~

### 100 **9.069.02 Appeals to the Superior Court**

101 [~~See RIGL 45-23-71 for more information~~]

102 ~~A. Appeals to the Superior Court. An aggrieved party may appeal a decision of the board of appeal, a~~  
103 ~~decision of an Administrative Officer made pursuant to RIGL §45-23-38 or §45-23-50 where~~  
104 ~~authorized to approve or deny an application, a decision of the technical review committee, where~~  
105 ~~authorized to approve or deny an application, or a decision of the Planning Board, to the superior~~  
106 ~~court for Providence County by filing a complaint setting forth the reasons of appeal within twenty~~  
107 ~~(20) days after the decision has been recorded and posted in the office of the Town Clerk.~~  
108 ~~Recommendations by any public body or officer under these regulations are not appealable under~~  
109 ~~this section. The authorized permitting authority ~~The board of appeal~~ shall file the original~~  
110 ~~documents acted upon by it and constituting the record of the case appealed from, or certified copies~~  
111 ~~of the original documents thereof, together with ~~any~~such other facts ~~that~~as may be pertinent, with~~  
112 ~~the clerk of the court within thirty (30) days after being served with a copy of the complaint. When~~  
113 ~~the complaint is filed by someone other than the original applicant or appellant, ~~such~~ the original~~  
114 ~~applicant or appellant and ~~the members~~ of the planning board shall be made parties to the~~  
115 ~~proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The~~  
116 ~~appeal ~~does~~ shall not stay proceedings upon the decision appealed from, but the court may, in its~~  
117 ~~discretion, grant a stay on appropriate terms and make ~~any~~such other orders ~~that~~as it deems~~  
118 ~~necessary for an equitable disposition of the appeal.~~

- 119 B. Enactment of or amendment of local regulations. An appeal of an enactment of this chapter may be  
120 taken to the Providence County Superior Court by filing a complaint, as set forth herein, within  
121 thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken  
122 by any legal resident or landowner of the Town of Glocester or by any association of residents or  
123 landowners of the Town of Glocester. The appeal shall not stay the enforcement of the local  
124 regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate  
125 terms, which may include the filing of a bond, and make such other orders as it deems necessary  
126 for an equitable disposition of the appeal.
- 127 C. ~~See RIGL 45-23-72 for additional procedures.~~ Appeals from a decision granting or denying  
128 approval of a final plan shall be limited to elements of the approval or disapproval not contained in  
129 the decision reached by the planning board at the preliminary stage; providing that, a public hearing  
130 has been held on the plan, if required pursuant to this chapter.
- 131 D. The review shall be conducted by the superior court without a jury. The court shall consider the  
132 record of the hearing before the planning board and, if it appears to the court that additional  
133 evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal  
134 to present evidence in open court, which evidence, along with the report, shall constitute the record  
135 upon which the determination of the court shall be made.
- 136 E. The court shall not substitute its judgment for that of the planning board as to the weight of the  
137 evidence on questions of fact. The court may affirm the decision of the board of appeal or remand  
138 the case for further proceedings, or may reverse or modify the decision if substantial rights of the  
139 appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:
- 140 1. In violation of constitutional, statutory, ordinance or planning board regulations provisions;
  - 141 2. In excess of the authority granted to the planning board by statute or ordinance;
  - 142 3. Made upon unlawful procedure;
  - 143 4. Affected by other error of law;
  - 144 5. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole  
145 record; or
  - 146 6. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted  
147 exercise of discretion.

**Town of Glocester**

**A REGULATION AMENDING**

**GLOCESTER SUBDIVISION REGULATIONS**

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**Article X. Definitions**

**Section 10.10 Terms defined**

Where words or phrases used in this ordinance are defined in the definitions section of either the Rhode Island Comprehensive Planning and Land Use Regulation Act, RIGL 45-22.2-4, or the Zoning Enabling Act of 1991, RIGL 45-24-31, they shall have the meanings stated therein. In addition, the following words and phrases shall have the following meanings. Additional words and phrases may be defined in local ordinances, regulations and rules under this act, however, the words and phrases herein defined shall be controlling in all local ordinances, regulations, and rules created hereunder. In addition, the words "chapter", "ordinance", and "regulations" are used interchangeably throughout.

**Administrative Officer**

The municipal official(s) ~~Town Planner of Glocester~~ as designated by the local regulations ~~Town Council~~ to administer the land development and subdivision regulations and to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. See Section 7.01.

**Administrative Subdivision**

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

**Board of Appeal**

The local review authority for appeals of actions of the administrative officer ~~and the Planning Board on matters of land development or subdivision~~, which shall be the local Zoning Board of Review constituted as the board of appeal. ~~See Section 9.01~~ (see § 45-23-57).

**Certificate of Completeness**

A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the municipality's regulations, and that the applicant may proceed with the review ~~approval~~ process.

**Development Plan Review**

36 Design or site plan review of a development of a permitted use. A municipality may utilize  
37 development plan review under limited circumstances to encourage development to comply with  
38 design and/or performance standards of the community under specific and objective guidelines,  
39 for developments including, but not limited to:

- 40 1. A change in use at the property where no extensive construction of improvements is sought;
- 41 2. An adaptive reuse project located in a commercial zone where no extensive exterior  
42 construction of improvements is sought;
- 43 3. An adaptive reuse project located in a residential zone which results in less than nine (9)  
44 residential units;
- 45 4. Development in a designated urban or growth center;
- 46 5. Institutional development design review for educational or hospital facilities; or
- 47 6. Development in a historic district.

#### 48 **Land Development Project**

49 A project in which one or more lots, tracts, or parcels of land or a portion thereof are ~~to be~~  
50 developed or redeveloped as a coordinated site for a one or more uses, units, or structures,  
51 including but not limited to, planned development, ~~conservation development and/or~~ cluster  
52 development for residential, commercial, institutional, recreational, open space, ~~and/or~~ mixed uses  
53 ~~as may be provided for in the Zoning Ordinance. [Added 11-15-2007, effective 12-20-2007]~~

#### 54 **Major Land Development ~~Plan~~ Project**

55 ~~Any land development plan not classified as a minor land development plan. A land development~~  
56 project which exceeds the thresholds for a minor land development project as set forth in this  
57 section.

#### 58 **Major Subdivision**

59 ~~Any subdivision not classified as either an Administrative Subdivision or a Minor Subdivision. A~~  
60 subdivision creating ten (10) or more buildable lots.

#### 61 **Master Plan**

62 An overall plan for a proposed project site outlining general, rather than detailed, development  
63 intentions. It describes the basic parameters of a major development proposal, rather than giving  
64 full engineering details. Required in major land development or major subdivision review only.  
65 ~~See Section 5.03. It is the first formal review step of the major land development or major~~  
66 subdivision process and the step in the process in which the public hearing is held (see §45-23-  
67 39).

#### 68 **Minor Land Development ~~Plan~~ Project**

69 ~~A development plan for a residential project as defined in local regulations, provided that such~~  
70 ~~development does not require waivers or modifications as specified in this act. All nonresidential~~  
71 ~~land development projects shall be considered as major land development plans. A land~~  
72 ~~development project involving any one of the following:~~

- 73 1. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,  
74 manufacturing or industrial development; or less, or
- 75 2. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand  
76 (10,000) square feet for commercial, manufacturing, or industrial structures; or
- 77 3. Mixed-use development consisting of up to six (6) dwelling units and two thousand five  
78 hundred (2,500) gross square feet of commercial space or less.
- 79 4. Multi-family residential or residential condominium development of nine (9) units or less.
- 80 5. Change in use at the property where no extensive construction of improvements are sought.
- 81 6. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor  
82 area located in a commercial zone where no extensive exterior construction of  
83 improvements is sought.
- 84 7. An adaptive reuse project located in a residential zone which results in less than nine (9)  
85 residential units.

#### 86 **Minor Subdivision**

87 ~~A plan for a residential subdivision of land consisting of five (5) creating nine (9) or fewer units~~  
88 ~~or buildable lots, provided that such subdivision does not require waivers or modifications as~~  
89 ~~specified in this act. All nonresidential subdivisions shall be considered as major subdivisions.~~

#### 90 **Permitting Authority**

91 ~~The local agency of government, meaning any board, commission or administrative officer,~~  
92 ~~specifically empowered by state enabling law and local regulation or ordinance to hear and decide~~  
93 ~~on specific matters pertaining to local land use.~~

#### 94 **Preliminary Plan**

95 ~~The A required stage of land development and subdivision review which ~~shall~~ generally requires~~  
96 ~~detailed engineered drawings and all required state and federal permits. See Section 5.04.~~

#### 97 **Public Informational Meeting**

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

#### 100 **Re Subdivision**

101 ~~Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land~~  
102 ~~evidence records, or that affects the lot lines of any areas reserved for public use, or that affects~~

103 ~~any map or plan legally recorded prior to the adoption of the local land development and~~  
104 ~~subdivision regulations. For the purposes of this act any such action shall constitute a subdivision.~~

105 **Subdivision**

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



# Glocester Technical Review Committee Policies and Procedures

## **Policies and Procedures**

Policies are guiding principles and procedures are a set of methods or forms established to conduct the business of the Technical Review Committee. These Policies and Procedures are established by the Planning Board and can be amended by the Planning Board.

### **I. Establishment of the Technical Review Committee**

#### **a. Establishment**

- i. The Technical Review Committee is established by the Gloucester Town Council and the Gloucester Planning Board per the authority granted to them in the Subdivision Regulations Article VII – Administration, Section 7.02, and R.I. Gen. Laws § 45-23-56(b).
- ii. These Policies and Procedures shall serve to satisfy the requirement of Gloucester Land Development and Subdivision Regulations, Article VII – Administration, Section 7.02 D.

### **II. Technical Review Committee Membership**

#### **a. Membership**

- i. The membership of the Technical Review Committee shall be:
  1. Administrative Officer
  2. Building Official or designee
  3. Director, Department of Public Works or designee
  4. Minimum of two (2) but up to three (3) members of the Planning Board

#### **b. Organization**

- i. The Administrative Officer shall serve as the Chair of the Technical Review Committee.
- ii. All other members shall serve in an equal capacity.
- iii. A minimum of three (3) members must be present to constitute a quorum.
- iv. The concurring vote of a majority of members of the Technical Review Committee present at a meeting is required to decide any matter within the discretion of the Committee.
- v. Minutes of the meetings shall be retained by the Planning Department.

#### **c. Additional Expertise**

- i. The Administrative Officer shall have the ability to seek input to be used by the Technical Review Committee on an as needed basis depending on specific project related issues or topics. The Technical Review Committee

may consider comments from:

1. Police Chief or designee
2. Fire Chief of applicable Fire District or designee
3. Peer review engineers, consultants and other experts as needed.

**d. Planning Board Members**

- i. The Planning Board, by majority vote of members present at the meeting, shall designate a minimum of one, and up to three, members to sit on the Technical Review Committee. These members shall be appointed yearly, to coincide with the appointment of officers for the Planning Board.
- ii. The Planning Board, by majority vote of members present at the meeting, may appoint a substitute Planning Board member for Planning Board members that are unable to attend specific meetings.
- iii. In the case of a Planning Board member being unable to fulfill their term on the Technical Review Committee, the Administrative Officer shall place the item on the next regular Planning Board meeting agenda for discussion and selection of a replacement member to fulfill the remainder of that term.

**III. Technical Review Committee Meeting and Meeting Procedures**

**a. Meeting**

The Technical Review Committee shall meet as needed.

**b. Agenda**

- i. The Administrative Officer or his/her designee shall be responsible for posting an agenda as required by the Secretary of State and in accordance with the Open Meetings Act, R.I. Gen. Laws § 42-46-1, et. seq., as amended.
- ii. The agenda shall be posted in the same locations as agendas posted for Planning Board meetings.

**c. Meeting Record**

The Administrative Officer or his/her designee shall take official meeting notes at the Technical Review Committee meetings. Those official meeting notes shall be available for public review.

**d. Modification of Meeting**

The date, time, and location of meetings as necessary to accommodate applicants or members is at the call of the Technical Review Committee Chair. Any change to a previously posted meeting location, date, and time must comply with the requirements of the Open Meetings Act, R.I. Gen. Laws § 42-46-1, et.

seq., as amended.

#### **IV. Technical Review Committee Application Requirements**

##### **a. Complete Applications**

- i. Only applications that have been determined to be complete by the Administrative Officer and issued a Certificate of Completeness stating such are considered complete applications shall be eligible for review by the Technical Review Committee (“Complete Application”).
- ii. A Complete Application is intended to be and to have the same meaning as a Complete Application submitted for approval by the Planning Board or Administrative Officer as the case may be.

##### **b. Submission Requirements**

- i. Applicants must submit collated and folded Complete Application packages in the quantity identified on the application checklist; if not stated in the checklist, three (3) paper copies in addition to the number of copies required by the Administrative Officer for submission to the Planning Board, shall be submitted. Applicants must additionally provide a digital copy of the Complete Application package as a single PDF document.
- ii. Copies of Complete Application packages for the Technical Review Committee must be received by the Planning Department no later than seven days after a Certificate of Completion is granted. Application materials will be sent by either, or both, paper or electronic copy (at the preference of the member) to Technical Review Committee members.

#### **V. Adoption and Amendments to Policies and Procedures**

##### **a. Adoption**

The Policies and Procedures of the Gloucester Technical Review Committee are hereby adopted by the Gloucester Planning Board and effective #####.

##### **b. Amendment**

- i. These Technical Review Committee Policies and Procedures may be amended by the affirmative vote of a majority of the members of the Planning Board present at the meeting. Before the Policies and Procedures may be amended, notice of the proposed amendments must be properly posted on the meeting agenda in accordance with the Open Meetings Act, R.I. Gen. Laws § 42-46-1, et. seq., as amended.
- ii. The Technical Review Committee can formally request amendments to

the Policies and Procedures by sending a written request to the Planning Board through the Administrative Officer. The request should clearly state the requested changes and provide a summary of why the changes are being requested. The Planning Board will consider the requested changes at their next available meeting.