

Charlestown Land Development and Subdivision Regulations
Proposed Amendments

For Public Hearing March 25, 2015

Removed text shown in ~~strike-out~~ and red

New text shown in *italics* and green

SUMMARY OF PROPOSED TEXT AMENDMENTS

Section 3.3: *Rewrite section on “administrative (application) fees” and add requirement for “project review fees”.*

Section 4.5: *Amendments to the cluster subdivision regulations including addition of a purpose statement, application to all subdivisions of at least three lots (as opposed to only major subdivisions), and change in open space requirement to 40% of the developable land area, to be consistent with recently adopted amendments to the cluster regulations in the Zoning Ordinance.*

Section 8.1: *Add requirement for a public informational meeting for all minor subdivisions that do not involve road construction or extension (in place of no notice requirements).*

Section 11.2: *Remove reference to rear lot subdivisions, to be consistent with recently adopted amendments to the residential compound regulations in the Zoning Ordinance which also eliminated rear lot subdivisions, and reference residential compound private way as an allowed private street.*

Section 11.5: *Remove requirement for a cost analysis of underground versus overhead utilities.*

Section 14.4: *Adjust notice requirements on the minor subdivision preliminary plan checklist.*

Section 14.7: *Detail the requirements for a lighting plan on the major subdivision preliminary plan checklist.*

In addition, Sections 11 and 12 have amendments to correct references to the revised figures, described on the following page.

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SUMMARY OF PROPOSED FIGURE AMENDMENTS

The figures in Section 11 and 12 are all revised to some extent. All are renumbered and in most cases, there are changes to the figures themselves.

	<u>Existing</u>	<u>Proposed</u>
Fig 11.1	Permanent Cul-De-Sac Detail	Typical Street Cross Section
Fig 11.2	Typical Street Cross Section	Permanent Cul-De-Sac Detail
Fig 11.3	Typical Sections of Berms	
	Fig 11.3a	Temporary Turn-Around Detail
	Fig 11.3b	Temporary Cul-De-Sac Detail
Fig 11.4a	Temporary Turn-Around Detail	
Fig 11.4b	Temporary Cul-De-Sac Detail	
	Fig 11.4	Tree Planting
Fig 11.5	Tree Planting	<i>No Figure 11.5</i>
Fig 11.6	Typical Street Cross Section Common Private Way	<i>No Figure 11.6</i>
	Fig 12.1	Cape Cod Street Berm Typical Section
	Fig 12.2	Typical Street Cross Section Common Private Way

SECTION 3 GENERAL REQUIREMENTS

3.3 Administrative Fees

~~Expenses for advertising, notices, engineering, and professional planning review as well as construction, inspection, recording, and filing of documents and any other Town expenses incurred in connection with the review of an application shall be borne by the applicant. The combined preliminary/final plans when approved by the Commission shall pay the preliminary plan review charge only. The following review charges are established for the review of applications.~~

A. Administrative Fees

An administrative fee shall be applied to offset the expense of review by the Planning Commission and town departments with regard to all subdivision and land development applications. The fee shall be paid at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work by the Town shall commence until the fee has been paid in full.

Administrative fees are separate from, and in addition to, fees imposed by the Town Clerk for the recording of plats and other documents in the Land Evidence Records, as described in Section 3.5 below.

The following administrative fees are established for the processing and review of applications. When approved by the Planning Commission, the application for a combined preliminary/final plan shall pay the preliminary plan review fee only.

Submission

Review Charge Fee

(List of Application Fees in Current Regulations)

B. Project Review Fees

In addition to the administrative fee for all subdivisions and land development projects, the Planning Commission may impose a project review fee on those applications which require, in the judgment of the Planning Commission, review by outside professional consultants due to the size, scale or complexity of a proposed project; the project's potential impacts; or because the Town lacks the necessary expertise to perform the review work required for project approval.

- 1. Services. In hiring outside consultants, the Town may engage engineers, planners, scientists, landscape architects, architects, attorneys or other appropriate professionals able to assist the Planning Commission and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to:*

- a. *Analysis or design review of an application to determine consistency with the Charlestown Comprehensive Plan;*
 - b. *Review and identification of site features including fresh and saltwater wetlands, significant trees or stands of trees, wildlife habitats, archeological sites and historically significant structures and sites;*
 - c. *Soil or water sampling and testing;*
 - d. *Assessing the environmental, archaeological and/or historic impacts of a proposed development, with recommendations for mitigation;*
 - e. *Review of all proposed design elements, including roads and stormwater management systems;*
 - f. *Traffic studies;*
 - g. *Review of landscaping plans and other proposed site amenities;*
 - h. *Review of building architecture and design; and*
 - i. *Review of lighting to ensure compliance with the Town's Dark Sky Ordinance.*
2. *Assignment of Fee. The Planning Commission may request such professional project review at any stage of a proposed subdivision or land development project, although efforts will be made to identify such a need at the time of master plan review for a major subdivision or land development project, or preliminary plan review for a minor subdivision or land development project. As part of the public record, the Planning Commission will indicate what outside professional services will be contracted, as well as the specific scope of the review.*
 3. *Total Fee. The total fee shall equal the actual cost to the Town of Charlestown for the professional consultant services. Project review fees are separate from, and in addition to, fees imposed by the Town for inspecting a project during construction or implementation as provided in Section 11.12.*
 4. *Special Account. Project review fees are to be deposited into a special account as established by the Treasurer for the Town of Charlestown. Outside consultants retained by the Town to assist in the review of an application shall be paid from this account. When the balance in an applicant's escrow account falls below twenty-five percent (25%) of the initial professional project review fee, as imposed above, the Planning Commission may require a supplemental fee to cover the cost of the remaining project review.*

SECTION 4 SPECIAL PROVISIONS

4.5 Land Development Projects

A. Residential Cluster Subdivision.

1. *Purpose*

The purpose of residential cluster is to design alternative subdivisions which provide for permanent preservation of open space, particularly large contiguous areas within the site proposed for development, or linked to off-site protected areas; and to locate development on sites best suited for development, while avoiding land which is ecologically, agriculturally or historically important.

1. **General**

2. *Applicability.*

Residential Cluster Subdivisions as authorized by *Section 218-52* of the Charlestown Zoning Ordinance are subject to the provisions of *this section*. ~~these Regulations and are encouraged by the Planning Commission.~~ The applicant shall ~~prepare preapplication plans for developing the land as a conventional subdivision and several plans as a residential cluster subdivision.~~ The applicant shall proceed with the Commission's preferred design. *Residential cluster is required for any major subdivision, but is encouraged for all subdivisions of three (3) or more lots. At the pre-application stage, the applicant shall prepare a conventional subdivision to determine the number of lots that the parcel will support (yield plan), and one or more concepts for a cluster development. The applicant shall proceed with a cluster design which is satisfactory to the Planning Commission.*

23. **Uses, Lot Areas and Dimensional Regulations.**

The permitted uses, minimum lot sizes, ~~maximum number of lots,~~ and dimensional regulations applicable to residential cluster subdivision shall be ~~those as~~ provided in the Zoning Ordinance (*see Section 218-52 Residential Cluster Subdivision and Section 218-41 Dimensional Table*). ~~Fractions shall be rounded downward to the next lower whole number.~~

34. **General Requirements.**

- a. ~~The layout of lots, improvements and open space shall conform to the policies of the Comprehensive Plan.~~ *The residential cluster development shall conform to the goals, objectives and policies of the Charlestown Comprehensive Plan.*
- b. The layout of lots, improvements and open space shall conform to the natural characteristics of the parcel *including wetlands and buffers,*

areas of steep slopes, wildlife habit areas, and stands of significant vegetation; and the characteristics of adjacent parcels and be designed to protect the rural character of Charlestown as viewed from town roadways through preservation of fields, stone walls and other historic landscape features.

- c. The open space shall be used to preserve existing features of the parcel or structures on the parcel that have ecological, historic, archaeological, scenic, or cultural value. The use of the open space shall be compatible with the natural characteristics of the parcel and the uses of the surrounding neighborhood.

45. Farmland.

In order to encourage the continuation of existing agricultural uses, any proposed cluster containing land that is classified by the Rhode Island Soil Conservation Service (RISCS) as “Prime Farmland” or “Farmland of Statewide Importance” ~~may~~ *shall* be designed in such a way as to preserve the farmland for agricultural purposes *to the extent practicable*. ~~The cluster may be designed so that the farmland may be arranged in parcels of not more than ten (10%) percent of the required open space.~~

56. Open Space.

~~No more than fifty percent of the minimum open space required shall be of land unsuitable for development as defined by these Regulations.~~ *A minimum of forty percent (40%) of the developable land area (free from constraints to development, as defined in these Regulations) of the parcel proposed for development shall be set aside as protected open space.* ~~For~~ *At* the master plan stage of review for a major subdivision, *or preliminary plan for a minor subdivision,* the applicant shall submit a separate open space plan containing the following:

- a. The general location and area of all proposed open spaces;
- b. The general proposed use(s) of the open space;
- c. The existing topography and ~~existing~~ ground cover of open space areas;
- d. The location and nature of any buildings, structures, stone walls, or other unique natural, archaeological or historic features;
- e. The areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from the existing natural state;

- f. Generalized proposals for the regrading, revegetating, and/or landscaping of proposed disturbed areas;
- g. Areas proposed to be left in their existing natural states without any disturbance; and
- h. Areas proposed to be ~~left and~~ used as agricultural lands.

At the time of preliminary review, the open space plan may be combined with required grading, landscaping plans, soil erosion plans, or drainage plans required for preliminary approval.

67. Stormwater Best Management Practices (BMPs)

Stormwater BMPs, including water quality treatment, recharge, and storage areas and their associated conveyance of ditches or channels, may be located within the open space only with the approval of the *Planning* Commission.

SECTION 8 MINOR SUBDIVISION/LAND DEVELOPMENT

8.1 Submittal Requirements.

Minor subdivision review shall consist of two stages; Preliminary and Final. ~~If a street creation or extension is involved, a public hearing shall be required before preliminary approval.~~ *A public hearing shall be held prior to preliminary plan approval for any minor subdivision involving a street creation or extension. A public informational meeting shall be held for all other minor subdivisions.* An applicant for a minor subdivision shall submit a preliminary plat labeled “Minor Subdivision”, drawn to scale of not less than one inch to one hundred feet showing all of the items listed in Section 14.4, Minor Subdivision Preliminary Plan Checklist.

SECTION 11 PHYSICAL DESIGN AND PUBLIC IMPROVEMENT
STANDARDS

11.2 Street Design Standards.

The following design standards shall be followed for safety, efficiency, minimized environmental impact, livability of residential environment, and economy of land use where applicable in the design and construction of any subdivision or land development project:

A. Frontage on Improved Roads.

No subdivision shall be approved unless *the area to be subdivided meets one of the following criteria:*

1. ~~The area to be subdivided~~ Has frontage on an existing state- or Town-maintained road that has been dedicated to the public and accepted by the Town.
2. Has the minimum frontage on a private street that existed prior to September 21, 1982, and which *has* had private arrangements established for the maintenance of the private street(s) since September 21, 1982 and which private arrangements remain in existence at the time of application for subdivision and which arrangements *continue to* provide for the permanent, long-term maintenance of the street(s).
3. Has received approval for a ~~rear lot subdivision or~~ residential compound as defined by the Charlestown Zoning Ordinance.

L. Private Streets.

Private streets shall not be permitted except for such existing private streets that were established and existed prior to September 21, 1982, and which had private arrangements for the maintenance of the private street(s) since September 21, 1982, *or as a residential compound private way; see Section 12.10.* These private arrangements shall remain in existence at the time of application for subdivision and shall provide for the permanent, long-term maintenance of the street(s).

11.5 Utilities.

D. Electric and Communication Lines.

All electric, telephone and cable TV lines shall be installed by the applicant. All new telephone, electric, cable or other such wired service lines shall be installed underground and shall be in conformance with the appropriate utility company's policy and construction design requirements. ~~An analysis of the cost differential between underground and overhead installation shall be submitted by the applicant prior to preliminary approval.~~ Such utilities shall be designed, installed to *meet* all applicable state and federal codes, and shown on the as-built drawings. Inspection shall be by a Rhode Island Registered Electrical Engineer, paid for by the applicant, who submitted a stamped letter of conformance for such installation. Surface pad mounted service boxes and transformers are allowed to be within the street right-of-way. Such items shall be landscaped by evergreen trees and shrubbery.

SECTION 14 SUBDIVISION APPLICATION CHECKLISTS

14.4 Minor Subdivision Preliminary Plan Checklist

E. Supporting Materials:

- _____ 1. Environmental analysis, where required, by Section 4.4 Environmental Analysis.
- _____ 2. Filing fee.
- _____ 3. Two (2) copies of an 11" x 17" reduction of the site plan.
- _____ 4. Updated names and addresses of all ~~abutters~~ *owners of property* within two hundred (200) feet of the perimeter of the land proposed to be subdivided, ~~if street creation or extension is involved.~~

- _____ 19. Any required public notice, certified letters, property notice, notice to adjacent towns, and watershed-related notices pursuant to Section 10.6, *with return receipts for any notices or letters sent by certified mail.*
- _____ 20. Fiscal Impact Statement
- _____ 21. Yield Plan, modified with any new or more accurate information.

~~_____ 22. Names and addresses of all property owners of land within two hundred (200) feet of the perimeter of the land proposed to be subdivided.~~

~~_____ 23. Return receipts for certified letter listed in (19) above.~~

14.7 Major Subdivision/Major Land Development Project Preliminary Plan Checklist

D. Proposed Development Plans:

_____ 15. Lighting Plan, *including the location, number, type and intensity of proposed lighting and,* demonstrating compliance with §218-75 of the Charlestown Zoning Ordinance and Chapter 155-15, et seq. of the Charlestown Code of Ordinances, *with consideration given to the cumulative impacts of the proposed lighting with existing site lighting.* (MLD ONLY).