

LAND USE

CHARLESTOWN COMPREHENSIVE PLAN

A description of the way land is used and regulated in Charlestown, with recommendations to keep the general pattern, scale and density of development with large areas of protected open space, including use of creative and flexible land use controls.

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Cover Photo: Jane Weidman

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CHARLESTOWN COMPREHENSIVE PLAN
CHAPTER 11. LAND USE

Planning Commission Final Draft; September 2020

INTRODUCTION

This chapter discusses the way land is used in Charlestown. The history and pattern of developed and undeveloped land and the density, quality and mixture of land uses define the character of the community. This land use pattern is strongly influenced by geology and landforms, and the types of uses affect how the community functions and where people live, work and recreate. In addition:

- Land use affects the taxable property base and the need for municipal services. The presence or absence of municipal services can also affect land use.
- The density, type and distribution of land uses affect the natural resources on which the town depends for its potable water and waste disposal, hazards protection and plant and wildlife habitats.
- The land use pattern affects the cultural resources of the community, which contribute to the character of the town. It is important to ensure that future land uses are consistent with and protective of the community character as defined by these resources.
- Tourism is a critical component of Charlestown’s economy. Tourist attractions include the beaches and the coastal salt ponds, forested areas, freshwater lakes and ponds, and Charlestown’s uniquely dark skies, all of which must continue to be protected to sustain the town’s economy and high quality of life.

RELATIONSHIP TO OTHER CHAPTERS

The Land Use chapter is the culmination of the comprehensive planning process; it builds upon and is informed by the other chapter components of the plan. The Land Use chapter is consistent with the overall tenor and content of the other plan chapters. It provides the vision for future land use in Charlestown and the basis for land development regulations, i.e., the zoning ordinance and the subdivision regulations, and also, to an extent, the town’s capital improvement program. Included in this chapter is a Future Land Use Map (FLUM), a “mirror” to the town’s vision and the zoning map and land use regulations that is consistent with the policy directions identified in this comprehensive plan. The Land Use chapter also considers state policies and regulations affecting the coastal zone and transportation systems, as well as the impact of the large land holdings of the Narragansett Indian Tribe.

The vision for land use in Charlestown requires protection of natural resources and open space for both conservation and recreation; preservation of the town’s heritage; protection of potable water and soils suitable for wastewater disposal; and provision of good-quality public services, including well-maintained transportation systems and a safe and sustainable built environment, including housing. All of these are addressed in depth in other chapters of this plan.

EXISTING LAND USE

According to the U.S. Census Bureau, the Town of Charlestown is comprised of a total area of 59.3 square miles, of which 36.8 square miles is land (upland) and 22.5 square miles (over 35%) is water (wetlands, lakes and ponds). From its beginnings, Charlestown has been a rural community, with several small historic village settlements situated at the northern and southern ends of the town. It does not have a defined town center per se. Beyond the village settings and the coastal residential areas south of Route 1, much of the town is only sparsely developed, with development fronting on existing roads. It is important to note that the community as a whole is outside the Urban Services Boundary as defined in the RI State Guide Plan, and the town’s planning philosophy, especially regarding permitted densities, is consistent with this rural- and village-based locational characteristic.



Jane Weidman

Rural Scene in Charlestown

Map LU-1, *Aerial Photograph, 2019* shows the town’s parcel data (property lines) on an aerial map. Map LU-2, *Land Cover 2011*, shows the general distribution of land across Charlestown by category – residential, commercial, agricultural, industrial, institutional, etc. Together these maps depict the town’s active land uses and its extensive open spaces, dominated by its forest and large wetland systems, particularly those associated with Watchaug Pond and Indian Cedar Swamp in the central portion of Charlestown (north of Route 1 and west of Route 2). Much of this undeveloped portion includes the Settlement Lands of the Narragansett Indian Tribe and significant properties owned by the State of Rhode Island. Shown also are the town’s transportation network, its water bodies and areas of residential development.

Table LU-1, based on August 2019 data from the Charlestown Tax Assessor, shows the acreage and parcel count of the various categories of land use in town.

**Table LU-1
Land Use by Category in Charlestown, 2019**

Land Use Category	Acres	Percent of Total Acres	Parcel Count
Residential	7,027.9	32.7	5,106
Commercial/Industrial	534.3	2.5	98
Agricultural	1,324.5	6.2	66
Exempt/Other*	9,642.8	44.8	246
Undeveloped, Residential	2,809.2	13.1	771
Undeveloped, Commercial/Industrial	167.8	0.8	42
Total Land**	21,506.4	100 %	6,476

* Properties in public or non-profit ownership (municipal, state and federal property, open space, park land, churches, etc.), also includes utilities, railroad property, other improved land and tax sale properties).

** Total acreage based on updated surveys in land evidence records.

It is apparent that most developed land in the community consists of residential use, which occupies over 5,100 parcels and nearly a third of the land area. However, it is important to note that many of these parcels may be over-sized for the zoning district in which they are located, i.e. may be capable of being further subdivided. Residential land use on Map LU-2 is displayed according to density: low-density residential (yellow) has less than 1 house per acre; medium-density residential (peach) has 1 to 4 houses per acre; and high-density residential (orange) has 4 or more houses per acre. Other land uses shown on Map LU-2 include commercial (red), industrial (purple), mixed-use (pink), institutional (blue) and recreation, agriculture and undeveloped (all green). Of note, undeveloped land (light green) is the most predominant land cover shown.

Aside from the historic village areas, most development in Charlestown consists of single-family homes that are scattered along the town's major roads, with residential subdivisions accessed off the town's road network. The village areas are more densely developed than are the residential areas, but the rural character of Charlestown remains evident in these areas as well.

The town's relatively small commercial and industrial acreage tends to be located in proximity to the historic villages. Most of the commercial uses are small businesses that are located in the village of Cross Mills and along other sections of Route 1A (Old Post Road). Other commercial uses are scattered along Route 1 (Post Road), Route 2 (South County Trail) and Route 112 (Carolina Back Road). The only major industrial use is Kenyon Industries, a specialty fabric finishing and dyeing company, located off Route 2 and alongside the railroad and the Pawcatuck River in northernmost Charlestown.



Frances Topping

Kenyon Mills in Shannock

As described in more detail in the Services and Facilities chapter, all homes and businesses receive water through individual and community private wells; there is no public water system. The town also relies entirely on individual Onsite Wastewater Treatment Systems (OWTS) to treat and recycle wastewater back into the ground; there is no public sewer system. The reliance on private wells and septic systems limits the density and location of development in the community. In addition, under its Special Area Management Plan (SAMP), the Coastal Resources Management Council (CRMC) regulates the density of land use allowed along the south shore to protect the integrity of the salt ponds. Because providing public water and sewer systems would be cost prohibitive and would undermine the rural nature of the community, there are no plans to provide either in any area of Charlestown.

As described in the Natural Hazards chapter, climate change has resulted in rising sea levels and increased precipitation. In coastal areas this will result in higher groundwater levels, impacting the ability of OWTS to properly function, and in other parts of town, especially in northern areas where the soils are not well drained, the likelihood of flooding will increase. This will require that Charlestown frequently review and amend its land use regulations to provide resiliency against these and other challenges, and to work closely with state regulatory agencies.

There is a large amount of conservation and recreation land in Charlestown, reflecting the importance of natural resources and rural character to the town and its tourism economy. These important open space and recreational properties include Burlingame State Park and Management Area, East Beach, the Ninigret Conservation Area, the Ninigret National Wildlife Refuge, Ninigret Park (town-owned), and the Francis C. Carter Memorial Preserve (owned by The Nature

Conservancy). There are also many smaller parcels, owned by the town and the Charlestown Land Trust, as well as conservation easements on private land. These are described in more detail in the Natural Resources and Recreation chapters of this plan.

Charlestown has extensive freshwater wetland systems, including the Pawcatuck River system, several large lakes, many smaller "kettle hole" ponds, and associated rivers, streams, swamps and marshes. Charlestown is fortunate that significant portions of area wetland systems are owned and protected by the state or conservation entities. With the exception of small areas in the villages, developed years ago, little of the town's historic development pattern is within inland floodplain areas; in the southern portion of the town development is located around the salt ponds (Ninigret Pond and Quonochontaug Pond), which are located behind barrier beaches connected to the ocean by breachways and tidal wetlands. Contemporary regulations provide appropriate protection to these sensitive areas, including coastal floodplains, but the town must prepare for the eventual impacts of sea level rise.

The following text describes land use in Charlestown by two areas: north of Route 1 and south of Route 1, which are separated by the recessional, glacial moraine. A more extensive description of the town's geology, natural features and landscape is contained in the Natural Resources chapter, and a history of how the town was developed and its scenic and cultural character, is contained in the Historic and Cultural Resources chapter. Most of what are now woodlands in Charlestown had at one time been cleared as agricultural fields and pastures by early settlers.

Land Use in Areas North of Route 1

The land north of Route 1 is topographically diverse. Roads are generally winding with well-vegetated borders, supporting the rural feel. Soils in this area are rocky and poorly drained and, as a result, present more constraints to development than the land south of Route 1. Residential uses are generally scattered and often unobtrusive behind treed buffers or on larger lots, also contrasting to the development south of Route 1.

The Pawcatuck River forms the northern border of the town. It was historically the source of water power for a number of mills that led to the development of several mill villages. In addition, there are 1,800 acres of land held in restricted trust for the Narragansett Indian Tribe by the federal government, referred to as the Settlement Lands, the majority of which are to remain permanently as conservation land.

Historic Mill Villages

The village centers of Carolina, Shannock, Kenyon and Columbia Heights, built during the Industrial Revolution, evolved as small, compact mill villages centered on manufacturing operations, housing for mill workers and a few supporting commercial uses. A number of historic structures remain in the villages. Shared with the Town of Richmond, across the Pawcatuck

River, these villages are densely developed; however, they have experienced very little growth in recent years and still exhibit a rural character and ambiance. The presence of a post office and churches add to the village feel. A few subdivisions of low to moderate density have been developed in proximity to these historic villages. An affordable housing complex with a community water system has recently been built in Shannock. Shannock also contains the state's first designated scenic roadway, Shannock Road (see Transportation chapter). Kenyon Industries, formerly Kenyon Piece Dye Mill, around which the nearby Kenyon Village formed, is still in operation. The village straddles both sides of the river, with factory buildings and mill housing also on the Richmond side.

Northeastern Charlestown

Extending east from Pasquiset Pond and north to the town border, this area is sparsely developed except for a few residential subdivisions of low to moderate density. Extensive wetlands are present. There are a few commercial uses (primarily two restaurants), and a portion of the state-owned Great Swamp Management Area is located at the northeast corner. The town transfer station and animal shelter are located off Old Coach Road, along with the town-owned South Farm and Pasquiset Preserve owned by The Nature Conservancy. Several large farms are also found in this part of town, including Earth Care Farm, Rhode Island's oldest operating farm composter.

Northwestern Charlestown

Including Shumankanuc, Kings Factory and Burdickville Roads, this area is also sparsely developed. Low to moderate density residential development has occurred, and a few small subdivisions of moderate density have been developed at the northwestern edge of town. This area contains some agricultural uses, including a horse farm along the Pawcatuck River and other historic farms.

Central Charlestown

Much of central Charlestown is environmentally constrained and largely undeveloped. Routes 2 and 112 are major roads connecting the northern and southern areas of town. Along Route 2, development of low to moderate density is interspersed with undeveloped land and a few small commercial uses. The town hall and one of the Charlestown Fire District stations are located on Route 2. Residential development found along Route 112 is typically low-density. There are two very large tracts of open space – the Francis C. Carter Preserve, owned by The Nature Conservancy, that abuts Route 112 and the railroad and extends to the Pawcatuck River, and Burlingame Park and Management Area, owned by RI DEM, that abuts both sides of the railroad, a portion of the river, many local roads and most of the shore of Watchaug Pond. The Patricia Sprague Forest Preserve, owned by the town, is also located along the river at the northern end of this central portion of Charlestown, and the single elementary school is located on Route 112 along

with two active recreational sites – Wicklund Field by the school and Puchalski Field by the town hall.

Narragansett Indian Tribe Settlement Lands

Within the central portion of Charlestown are 1,800 acres that have been set aside for the Narragansett Indian Tribe. This area is held in a restricted trust by the federal government, subject to state and town jurisdiction, as a result of a settlement agreement with the federal government in 1978 (the Rhode Island Indian Claims Settlement Act, 25 U.S.C. §1701, et seq.). Approximately 900 acres, much of which is wetland, must remain permanently as conservation land, and 75% of the remaining 900 acres must remain as a limited conservation area. Activities such as agriculture are permitted in the limited conservation area, and the remaining 25% (approximately 225 acres) can be developed. A *Land Use Plan for the Narragansett Indian Land Claim Settlement Area* was developed in 1986 by the RI Office of State Planning in cooperation with the Narragansett Indian Tribe for the purpose of providing guidelines for the efficient and orderly use of settlement land, including where limited development is appropriate, and the criteria and standards for such future development. See Appendix LU-1 for a more detailed history and explanation of the Narragansett Indian Tribe Settlement Lands.

The Settlement Lands are indicated on Map LU-3 *Zoning 2020*. Within the Settlement Lands are many of the cultural sites of the tribe. However, the vast majority of the land is undeveloped or sparsely developed and includes the large wetland systems associated with Indian Cedar Swamp, Schoolhouse Pond and Deep Pond. There are a number of facilities along Route 2 that are owned by the Narragansett Indian Tribe, including the Narragansett Indian Health Center, the Tribal Longhouse and Meeting House (Narragansett Indian Church). The tribe also operates a recently constructed Narragansett Indian Health Center just off Route 2 on Old Mill Road.

Transition Area

The portion of town from Route 216 (Ross Hill Road) west to Watchaug Pond and the vicinity of Narrow Lane–Old Coach Road is a transitional area between the land uses of northern Charlestown and those south of Route 1. There are bands of low-density residential frontage lots, and subdivisions of low to moderate density. Along the southern and eastern shores of Watchaug Pond, such as along Sanctuary Road and Prosser Trail, are moderate and higher density developments. In general, however, this area retains the rural qualities characteristic of the other northern areas of Charlestown, with vegetation and topography separating land uses from each other.

Land Uses along Route 1 and in Areas South of Route 1

Route 1 is a divided, four-lane highway designated as a scenic roadway in 2000. Although it is a well-travelled road, it retains a rural character. It is a limited-access highway as far west as Prosser

Trail, passing by woods and hills. At the South Kingstown border is a densely built condominium complex – Castle Rock (146 units in 37 buildings) and Kingsland (24 units in 6 buildings) with direct access off of Route 1 on the north side, but buffered from it by heavy vegetation. A few scattered businesses are visible on the south side of the highway. On both sides of Route 2, just north of its intersection with Route 1, there is a small complex of retail and services businesses. In the area between the US Fish and Wildlife Kettle Pond Visitors’ Center and the Westerly border, there are a number of roadside businesses that take advantage of the access off of and onto Route 1 from both directions, including motels, restaurants, gas stations, gift shops, a farm stand and a mini-golf facility. However, even this highway related business is intermittent and of a moderate intensity consistent with the small-town character of Charlestown, primarily supporting local and tourist needs. A small grouping of commercial uses are also found at the intersection of Route 1 and Route 216.



Frances Topping

Route 1 Business with Access along a Frontage Road

The land south of Route 1 is generally flat with well-drained glacial outwash soils which extend to the salt ponds and barrier beaches. This area was the location of early plantation settlements and the historic village center at Cross Mills (see Historic and Cultural Resources chapter). Later, this area became the focus of mostly modest summer home development, “summer colonies” as they were known, and related tourism activities, and has continued to be a popular location for residential development. It is the most densely developed area of Charlestown and includes many businesses, principally along Old Post Road and Matunuck Schoolhouse Road. The area west of Narrow Lane and south to Charlestown Beach Road includes a hardware store, bakery, landscaping

business, rental cottages, restaurants and other services. Although some of these areas are within the CRMC’s Lands Developed Beyond Carrying Capacity (see Natural Resources chapter), the density of development now allowed along the south shore has been reduced to protect the salt ponds, the coastal groundwater and the village character of the community. However over the years many houses have been converted to or rebuilt as year-round residences, leading to a change in character as well as impacting natural resources.



Frances Topping

Charlestown Beach Road in the Summer

Cross Mills

Cross Mills extends from the “Natale Building” at the intersection of Route 1 and Route 1A (Old Post Road) east to the South Kingstown town line. Much of the development is along Old Post Road, which was the historic route through the area dating to the late 1600s. The Old Post Road corridor contains a number of small businesses that provide a variety of local services including an historic inn, a bank, restaurants, a grocery store, a gas station, real estate agencies, an insurance agency, a motel, landscaping-oriented businesses, marine service operations and the like. Cross Mills also contains many single family residences and institutional uses including a fire station, the town’s library, a post office and churches. It functions as a mixed-use village area.

Old Post Road West

West of Cross Mills is a distinctive area of Charlestown where a mile and a quarter of Old Post Road provides access to important institutional sites, including the Charlestown Chamber of Commerce, the Police Station and the Charlestown Ambulance Service, all at the western end, and the Gateway South Shore Center (mental health facility) at the eastern-most end. The bulk of the remainder area of this large expanse of land between Old Post Road and Post Road is owned by

the South County Sand and Gravel Company, and its affiliate, and is the site of an active extractive industry. On the south side of Old Post Road is the entrance to Ninigret Park and access to the Arnolda residential area (Arnolda, South Arnolda, Arnolda Round). There are a few commercially zoned lots including the parcel containing the Fantastic Umbrella Factory, a combination of unique retail uses that is known throughout the region.

Residential Communities

Summer colonies such as Arnolda, which is located along the northern shores of Ninigret Pond; the neighborhoods located around Charlestown Beach Road; those on the Quonochontaug peninsula; and others, all developed as vacation areas with access to the salt ponds and the beaches. These neighborhoods are typical of shoreline seasonal communities in Rhode Island, encompassing a variety of housing types (some cottages, some grander homes). In many of these communities, houses are being expanded and often converted from seasonal to year-round use, permanently changing the nature of these areas. Development on the barrier beaches and close to the salt ponds, which continues to this day, has increased the potential for property damage from coastal storms and sea level rise, and for groundwater contamination from salt and nitrates as discussed in the Natural Resources and Natural Hazards chapters.

Publicly Owned Land

Much of the land around the salt ponds is owned by federal, state or local government agencies. The largest parcels include Ninigret National Wildlife Refuge, Ninigret Park, Charlestown Town Beach and infrastructure, the Charlestown Breachway, Blue Shutters Beach and its infrastructure, East Beach, the Ninigret Conservation area, and the Quonochontaug Breachway State Park. Smaller publicly owned parcels, such as the town dock and Fort Ninigret provide additional access to or views of the ponds. These areas are highly valuable for habitat protection, for passive and active recreation and as protected open space.

Land Use in Surrounding Communities

Achieving or maintaining compatibility of land use among communities allows for better alignment of land use policy and more effective long-range planning from a regional perspective. Land use in Charlestown is, in general, compatible with land use in the abutting regions of the surrounding communities. In particular, easily accessible shopping and service opportunities in both South Kingstown and Westerly provide most of Charlestown residents' needs, lessening the need for large-scale commercial development in town.

South Kingstown

Although South Kingstown is considerably larger, both in size and population, its land use pattern is similar to that of Charlestown's, grading from rural in the north to a more densely developed south shore residential area with conservation and recreational uses near the ocean. In the north, South Kingstown contains the Great Swamp Wildlife Management Area and Worden's Pond, connected to Charlestown by one of the town's rural roads. The village of Kingston houses the University of Rhode Island, and Wakefield provides many commercial services.

As with all of the south shore communities, South Kingstown has salt ponds formed by barrier beaches – Green Hill (which it shares with Charlestown), Trustom, Potter and Point Judith, and many protected coastal areas such as the barrier beaches at Trustom Pond and Moonstone Beach. However, very high-density development near the border is not seen as compatible with the rural character of Charlestown. For example, South Shore Village on Shannock Road in South Kingstown near the town line is an age-restricted development containing 303 units, a golf course (nine holes), clubhouse, pool and other facilities on a 265-acre parcel. While it is serviced by public water, it is dependent on OWTS for wastewater disposal. This density permitted in South Kingstown is an environmental and quality of life concern for the neighbors in Charlestown.

Richmond

Richmond's land use and regulatory environment is similar to and considered compatible with that in Charlestown. Charlestown shares a regional school district (Chariho) with Richmond and Hopkinton and shares the historic villages of Shannock, Carolina and Kenyon, as well as a fire station. Kings Factory Road in Charlestown crosses the Pawcatuck River and leads into the village of Wood River Junction, a settlement with historic houses and a few small businesses in Richmond. Commercial-scale solar development in Richmond has raised the issue of land use compatibility with Charlestown, which as of the date of this plan, has not experienced the destruction of large swaths of forests and farm fields for commercial solar development that adjoining communities have (see Energy chapter).

Hopkinton

Like Richmond, neighboring Hopkinton is a rural community with scattered village centers. Residential development on Burdickville Road in Charlestown continues to the village of Burdickville in Hopkinton, which is a mostly residential area with a few small businesses. The town is also sparsely developed between Charlestown and the village of Ashaway, on the south side of Route I-95. The village of Alton also abuts Charlestown. Large parcels of commercial-scale solar development in Hopkinton also raise the issue of land use compatibility with Charlestown.

Westerly

Westerly contains a mixture of land use types and settings. Its land use pattern ranges from rural in the north to a more densely developed south and, similarly, from rural and suburban at its eastern boundary to more urban at its western boundary. In the north, the village of Bradford, mostly a residential settlement with a small commercial sector, spills over into Charlestown. Bradford also contains some larger commercial uses and the now vacant Bradford Dye Associates industrial complex. Charlestown's relatively dense development along Route 216 continues along the road into Westerly. Westerly has active sand/gravel and quarrying operations in close proximity to the Charlestown borders, and the nuisance conditions and environmental impacts have concerned Charlestown's residents. These excavation industries should continue to be monitored and should be managed by the Town of Westerly and state regulatory entities to ensure that the impacts are properly mitigated. However, Westerly also includes large areas of open space, easily accessible to Charlestown residents, including the 550 acre Grills Preserve, owned and managed by the Westerly Land Trust, and DEM's Woody Hill Management Area, that abuts the Shelter Harbor Golf Club, which lies partially in Charlestown.

In contrast to Charlestown, Route 1 in Westerly becomes increasingly developed as it proceeds westerly towards Connecticut. A short distance from the town border, Route 1 is characterized by dense residential (suburban) development, commercial strip development and large "big-box" stores and a commercial center at Dunn's Corners. The night lighting associated with these uses poses a concern to Charlestown in terms of maintaining dark skies. Westerly's salt ponds include Quonochontaug (which it shares with Charlestown) and Winnapaug. Along the shore, development in Westerly consists of clusters of residential development, interrupted by the state Misquamicut Beach and the surrounding resort/amusement setting. Watch Hill, an affluent coastal village, sits on Block Island Sound at the border with Connecticut.

Land Use Controls

Land use is governed by a number of factors. Land can be protected from future development by means of public ownership or by private ownership with protective restrictions, such as conservation easements and transfer of development rights (TDR). Private land can also be protected through the use of tax incentives, although not permanently. Land use is also governed through regulatory measures, that is, zoning and subdivision regulations and by state law.

Ownership

Nearly 6,050 acres in Charlestown are publicly owned (town, state or federal government) for open space or conservation purposes. There is another 1,700 acres of undeveloped land owned by private conservation or non-profit organizations, which are either permanently protected or unlikely to be developed. There is also over 1,200 acres which are privately owned by individuals

or homeowners associations which are in permanent conservation easement. In combination with the 1,575 acres of protected lands owned by the Narragansett Indian Tribe, approximately 10,600 acres are in conservation and open space status in Charlestown. This represents approximately 45% of the land area (see table and descriptions in the Natural Resources chapter). These holdings protect sensitive habitat areas and environmental settings, while also providing opportunities for recreation and public access to freshwater and saltwater bodies, woodlands and other open spaces across the community.

Tax Incentives

Although providing a conservation easement or selling development rights to land results in a tax benefit to private property owners by permanently lowering assessed value, there is also a state program that encourages temporary protection of land. State legislation (RIGL §44-27) provides for reduced assessments on farms, managed forests and certain types of open space through the Farm, Forest and Open Space Program (FFOS). The program allows properties to be assessed according to their current use rather than at their value for development as a means to reduce the pressure to develop these lands. Although a valuable tool, it does not provide permanent protection of land because owners can exit the program without penalty after participating for 15 years according to the legislation and rules implementing the program developed by RI DEM.

Zoning

Charlestown currently has thirteen zoning designations. These are divided into four residential use districts, one commercial-residential mixed-use district, three commercial districts, one industrial district, one planned development district, one municipal district and one open space/recreation district. There are four overlay or special districts that include additional development criteria based upon unique characteristics or environmental features. Along with the regulations of an underlying zoning district, uses permitted by right or by special use permit are subject to the regulations of the applicable overlay district.

These zoning designations were mapped and officially adopted by the Charlestown Town Council in 1998. These designations directly reflect the recommendations of the 1991 Comprehensive Plan, which focused on protecting the rural environment while allowing for limited growth in the existing village areas. Subsequent changes to the zoning ordinance and subdivision regulations have strengthened this approach to growth. Existing districts in the Charlestown Zoning Ordinance are listed below and are shown on Map LU-3, *Zoning, 2019*:

- **Residential Districts:** R-20; R-40; R-2A; and R-3A

These are districts whose primary use is residential. The four residential districts are defined by their minimum lot size: 20,000 square feet, 40,000 square feet, two acre and three acre, respectively.

- **Commercial Districts:** C-1; C-2; and C-3

These are districts whose primary uses are nonresidential, with allowed commercial uses at a scale and character appropriate to village and neighboring areas for the C-1 district; larger retail and service businesses in the C-2 district; and highway related uses due to proximity to Route 1 for the C-3 district.

- **Other Standard Districts:** Traditional Village District (TVD); Planned Development District (PDD); Industrial (I); Municipal (M); and Open Space/Recreation (OSR)

These are districts defined by specific uses or standards, or by ownership, and include the mixed-use village-scale district along Route 1A (TVD); the environmentally sensitive potentially mixed-use district assigned to two large parcels in town (PDD); the district intended to be set aside for manufacturing uses (I); the district applied to town-owned parcels (M); and that assigned to areas of open space, conservation and recreation (OSR).

- **Overlay Districts:** Flood Hazard Areas; Groundwater Protection Overlay (GWP); Historic Village Overlay (HV); Mixed-Use Zoning Overlay (MU)

These four overlay districts provide additional development criteria based upon the unique characteristics or environmental features of an area, including flood hazard areas, groundwater recharge areas, historic village areas and a few parcels of mixed-use outside of the TVD and not included in the village overlay.

- **Other Land within Charlestown:** The Settlement Lands of the Narragansett Indian Tribe, which constitutes 1,800 acres that are held in restricted trust by the US government for the tribe. These lands are subject to conservation and other restrictions contained in law, and are likely subject to the *Land Use Plan for the Narragansett Indian Land Claim Settlement Area* that was developed in 1986 by the RI Office of State Planning in coordination with the tribe. Other properties owned by the tribe which are outside of the settlement lands are subject to local zoning.

The Charlestown Zoning Ordinance does provide for reduced density subdivisions on private roads. The residential compound regulations require the developer to reduce the density to half that of a conventional subdivision in exchange for not constructing a public road. The lots are then permanently deed restricted to prevent any further subdivision. The zoning ordinance does not however, include form-based zoning, a land development tool in which the form or external appearance of development is considered concurrent with the proposed use of the property. Form-based zoning can help retain or improve the visual character of an area and may result in improved environmental sustainability. This approach may be appropriate for certain locations in the town, as described in the policies and recommendations section of this chapter.

Subdivision Regulations

The subdivision of land within the town must be approved by the Planning Commission or the Town Planner (also called the Administrative Officer). The Planning Commission must approve all subdivisions involving the creation of new lots. The Town Planner has the authority to approve administrative subdivisions, where lot lines between existing lots of record are revised (no increase in the number of lots).

Subdivision of land and land developments are governed by the Charlestown Land Development and Subdivision Regulations. These regulations, in concert with the zoning ordinance, guide and shape future land use by specifying the requirements that must be met in order to subdivide and/or develop property. The regulations include physical design and public improvement standards such as street design standards, the lay-out of lots, easements and utilities, stormwater management, erosion and sediment controls and landscaping standards. Charlestown's regulations were updated in 2014 to comply with state low impact development (LID) standards and are modified as deemed necessary by the Charlestown Planning Commission. The regulations help to ensure development that is in keeping with Charlestown's rural character.

Biological wetlands may be included as part of a lot but are not counted towards the minimum lot area required by the zoning district, or as part of an overall parcel density calculation. However, under state law the perimeter wetland (the state regulated buffer) cannot be excluded from minimum lot areas or density calculations. As a result, new lots can be created with large areas of wetland buffer which restrict the actual buildable area. To respond to this, the Planning Commission should evaluate the subdivision regulations and consider amendments to provide for necessary environmental protections, for example to require that all lots in new subdivisions contain a minimum area of "contiguous upland" on which development can occur, or are otherwise designed to minimize impacts on wetlands and other natural features.

State Regulations

Several sets of environmental protection regulations affect land use and are discussed briefly below. Additional detail in this regard may be found in the Natural Resources chapter of this plan.

- **Inland Wetlands** – The Department of Environmental Management (RI DEM) regulates the development and activities that are permitted in proximity to inland wetland areas. These measures protect water supply and habitat, and manage stormwater run-off.
- **Coastal Regulations** – The Coastal Resources Management Council (CRMC) regulates development in proximity to the coast. The salt pond region along the southern shore of Rhode Island is governed by the CRMC's Salt Pond Special Area Management Plan (SAMP) which has stricter regulations for development than regulations in other areas

away from the coastal ponds. Nearly a third of Charlestown lies within the SAMP region (the watershed of the coastal ponds). Given the sensitive nature of these areas, it is important that the regulatory partnership between the state and the town remain collaborative and adapt to the future challenges that sea level rise and climate change generally will bring, as well as the continued pressure to develop.

- **Septic Disposal Regulations** – RI DEM oversees the permitting and installation of all on-site wastewater treatment systems (OWTS) in the state. In certain areas, mostly coastal, permitting by RI DEM includes the requirement for advanced treatment OWTS to service new development or when replacement of failed or outdated septic disposal systems is necessary, to reduce the pollutant nitrogen content of wastewater.

Recent Trends in Land Use Development

The table below clearly indicates that residential usage is the largest component of new construction in Charlestown. For the years of 2009 through 2018, there were 295 new residential units built, or an average of 29 units per year. The high point was in 2016, with 48 units, in contrast to 2012 when 19 new residences were built. Using the average of 29 units per year and an expected average household size of 2.4 persons per unit (2010 Census), annual population growth averaged 70 new residents. Commercial construction (new) averaged 1.2 units per calendar year. No industrial buildings were constructed during the time frame noted.

**Table LU-2
New Construction Permits in Charlestown, 2009–2018**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Commercial	1	1	0	2	0	0	3	3	1	1
Residential	27	21	25	19	25	23	36	48	30	41

Source: Charlestown Building Official, new construction permits issued through December 31, 2018.

The trends noted in the table are expected to continue over the 20-year timeframe of this comprehensive plan. Such trends are viewed as consistent with Charlestown’s desire to remain a rural and small town residential community in a sensitive environmental setting. In particular, the amount of land zoned for residential purposes and that zoned for commercial and mixed-use purposes and their distributions are seen as sufficient to accommodate the growth trends expected over time. Industrial development as a new use is not viewed as a significant factor in the future land use of Charlestown. If residential growth accelerates to a point beyond the administrative capabilities of staff and town boards, consideration should be given to reinstating a growth management regulations formerly utilized by the town.

Build-Out Analysis

Evaluating the need for growth management should include a GIS build-out analysis and detailed trend line projections for residential land uses. Build-out is the future condition in which all available land is fully developed according to its designated zoning. Since not all lots can or will be developed due to constraints and/or ownership restrictions (self-imposed or otherwise), it is considered an academic exercise undertaken to determine the maximum possible density allowable under current regulations.

An initial build-out analysis (in 2016) was undertaken during the development of this comprehensive plan to determine the total number of dwelling units and associated residential population of the town that could occur under a full development scenario. There are many factors involved in undertaking and interpreting a build-out analysis, including that it may require many decades to occur, or may never take place at all, at least well into the foreseeable future. However, by applying the current residential zoning described above (R-20, R-40, R-2A, R-3A) to land which is both unprotected and unconstrained, and available (either vacant or only partially developed), the following was determined:

- The number of new dwelling units could range from approximately 3,800 to 7,800, although the lower number is more realistic because it excludes large areas of town with hydric soils.
- The corresponding total number of dwelling units at build-out could range from 8,950 to 12,950, an increase of 74% to 150% of the current housing count of 5,150 units.
- The corresponding total number of residents, assuming the current average rate of 1.5 persons per dwelling unit (based on a population of 7,800) could range from 13,500 to 19,500 persons, an increase of 73% to 150% of population (or 1.7 to 2.5 times the current level). However, if the actual average household size of 2.5 persons per year-round dwelling unit was applied to all of the new dwelling units, the population could range from 17,300 to 27,300 persons at build-out, a result that would clearly alter the character of Charlestown.

FUTURE LAND USE IN CHARLESTOWN

Map LU-4, *Future Land Use Map* (called the FLUM), shows the overall plan for the future use of land in Charlestown. Preparation of the FLUM was guided by the following policies:

- The town will maintain its existing land use pattern and balance of uses;
- Future growth and redevelopment will be sustainable and compatible with current land uses and with the rural character of the town; and
- The town will protect and enhance the current acreage of conservation and open space land.

The FLUM is a key element of the comprehensive plan in that it is a visual reflection of the goals, policies and action elements of the overall document and its component chapters. It is also the policy foundation of the town's zoning regulations. The zoning map and zoning ordinance must be consistent with the FLUM or amended to either conform with the zoning district designations, or with the uses and development standards regulated by the appropriate zoning district.

Land Use Categories on the Future Land Use Map (FLUM)

The land use types shown on the FLUM are described below by category. The Narragansett Indian Tribe Settlement Land areas are indicated by a neutral grey.

Residential Uses

Residential is the predominant “active” land use permitted by local regulations in Charlestown. The FLUM depicts four classifications, based on density: Low-Density Residential (pale yellow), which is analogous to the R-3A (3-acre) zoning district; Low-Density Residential (yellow), which is analogous to the R-2A (2-acre) zoning district; Medium-Density Residential (tan), which is reflective of the R-40 (1-acre) zoning district; and High-Density Residential (brown), which is reflective of the R-20 (0.5-acre) zoning district.

Traditional Village

The traditional village area of Charlestown, shown on the FLUM in pink, is the mixed-use corridor along Old Post Road extending westerly from the South Kingstown town line to Tockwotten Cove Road, and including a few other parcels outside of this area. It is analogous to the current Traditional Village District (TVD), although the boundaries are adjusted to remove land which is in institutional and protected status. As defined in the zoning ordinance, the purpose of this district is to encourage small-scale business and residential uses consistent with the historic and pedestrian-scale characteristics that exist and which are unique to Charlestown village, to preserve

the town's heritage, to strengthen the local economy with appropriate uses, to continue small town character and aesthetics and to promote the general welfare of the town. This includes efforts such as limiting noise and very large commercial vehicles, and prohibiting corporate-style buildings not consistent with the village character.

Commercial Uses

The town's current commercial zoning designations: C-1, C-2, and C-3 are shown in various shades of red on the FLUM as: Village Commercial, General Commercial and Scenic Highway Commercial, respectively. It is felt that this nomenclature is better reflective of the town's goals and policies for commercial uses in the community. While these designations are generally analogous to the current zoning districts, implementation of the comprehensive plan will likely include revisions to allowable uses and dimensional standards as well as the nomenclature change. Implementation may also include incorporation of form-based standards and techniques to promote the vision of a small-town model for commercial development and services.

Village Center Designation

A village center designation is proposed for the villages of Carolina, Shannock and Cross Mills, which includes areas in proximity to the traditional core areas of these village centers. As stated in the Historic and Cultural Resources chapter, the current Historic Village Overlay District will provide the basis for the village center overlay. The boundaries of each village will be refined. In the case of Cross Mills, the boundaries are proposed to be much more compact, encompassing the area around Old Post Road and the intersecting streets of Cross Mills Drive and Town Dock Road (rather than the much larger area around and south of Old Post Road between Ninigret Park and the South Kingstown town line). These mixed-use village centers are intended to accommodate growth, reuse and redevelopment at a "village" scale. The underlying zoning, whether residential, commercial or other, will govern allowable uses. Guidelines should be developed to ensure that new development is done in a manner that is compatible with the character and integrity of the villages.



Frances Topping

Historic Homes in Carolina Village

Industrial

Only two areas in Charlestown are zoned for industrial use, the larger one being Kenyon Industries, located on Route 2 alongside the Pawcatuck River, and two separately owned parcels on Kings Factory Road with a history of fabrication. Both areas correspond to the industrial designation shown in purple on the FLUM.

Institutional

The FLUM contains an “institutional” category, shown in blue, for public and quasi-public facilities, where specific services and functions are provided to residents and constituents. It includes all of the municipal buildings and facilities such as the town hall, the police station and the animal shelter; the elementary school; semi-public facilities such as the fire district stations and the grange; state facilities, such as the RI DOT garage; and the post office and other federal facilities. It also includes churches, and similar facilities owned by private organizations to serve constituents in a community manner. Publicly owned parcels whose primary purpose is recreational are not included in this category (see below). In general, this institutional classification is intended to recognize these services and facilities and support their continued usage into the future. The current zoning of such properties would not be changed. For example, the town hall and the animal shelter would remain in the municipal zone and a church in a residential zone would stay in that designation.

Areas of Open Space: Recreation and Conservation

The current zoning map has one open space designation: Open Space / Recreation, which is assigned to large parcels of publicly owned undeveloped land. This mostly consists of DEM park land including Burlingame State Park and Management Area, the Great Swamp Wildlife Management Area, East Beach and Ninigret Conservation Area, and the state parks at the two breachways. It also includes some of the large parcels owned by the US Fish and Wildlife Service including the Ninigret National Wildlife Refuge – the Salt Pond Unit (adjoining Ninigret Park) and the Barrier Beach Unit. However, much of Charlestown’s conservation and open space land is in residential zoning, including other park land owned by DEM and other refuge land owned by US Fish and Wildlife, as well as large parcels owned by The Nature Conservancy, the Charlestown Land Trust and the town. Many of these parcels were acquired in the years following the adoption of the current zoning map.

The FLUM shows two areas of open space; Open Space – Recreation (light green) and Open Space – Conservation (dark green). These two classifications of open space in Charlestown are described in the format of a zoning district, as follows:

Open Space/Recreation (OS-R): This designation is intended for areas that are principally in use for active recreation, which may be in combination with conservation purposes and passive recreation. This district contains lands owned by public and private agencies and its purpose is to allow a variety of uses compatible with active recreation areas. It is noted that this district may have certain areas of overlap with the OS-C district based upon historic usage and intentions of such properties. The OS-R district is intended to underscore and support the primary recreational functions, needs and values of the properties within the district.

Open Space/Conservation (OS-C): This designation is intended for areas that are in conservation ownership and use. The OS-C district encompasses lands that are inherently sensitive in nature from an environmental, habitat and/or natural resource perspective. Such areas may be under public or private non-profit agency ownership and may accommodate passive recreational uses (trails and potentially small scale facilities to support non-invasive recreational access). These areas may also be closed to public access for the purpose of protecting wildlife habitat and unique or sensitive features. It is noted that this district may have certain areas of overlap with the OS-R district based upon historic usage and/or conservation intents of such properties. The OS-C district is intended to underscore and support the conservation needs and values of the properties within the district.

These two designations are distinguished by the type of use and to a large degree, the ownership of the open space parcel, although not entirely. With some exceptions, they will provide the basis for two new zoning districts to replace the current OS/R district.

The recreation land includes those properties used for active recreation which provide public access. This recognition is intended to support the continuation of the active usage of such lands for the benefit of residents, visitors, tourists and others. Land in this designation includes the campground section of Burlingame; town owned parks, playing fields and bathing beaches; all of Ninigret Park; and even the Charlestown portion of the privately-owned Westerly-based Shelter Harbor Golf Club.

The conservation designation is shown for federal, state, town and non-profit organizational holdings within the town, where the primary function of such lands is for conservation and passive or low-impact use. This includes parcels owned by US Fish and Wildlife, DEM, Town of Charlestown and Charlestown Land Trust, The Nature Conservancy and the Audubon Society. Land in this designation includes all of the land currently in OS/R zoning which is not set aside for recreation and many more. The depiction is also applied on the FLUM to privately held lands that are subject to conservation deed restrictions or sale of development rights. Where no public access is provided, the policies of the comprehensive plan would be to not propose the rezoning of these properties from residential to open space, but to honor and enforce easement restrictions as defined in the deeds.

Common open space in residential “cluster subdivisions” are also shown as either conservation or recreation open space. It must be noted that such open space parcels are integral to the zoning and land development regulatory compliance of these developments (they support the density of the smaller sized cluster lots), and while they will remain in residential zoning designation, are not available to accommodate any additional development.



Frances Topping

Shannock Falls in Autumn

Inconsistencies between Existing Land Uses and Zoning Regulations and the Plan for Future Land Use

Inconsistencies between existing land uses and zoning regulations, and the FLUM are summarized in this section. In Charlestown, the amount of land available for new residential and other types of development is sufficient to accommodate anticipated growth needs of the community over the 20-year timeframe of this plan. The town’s current and projected demographic profile and recent trends in construction are supportive of this conclusion.

The future plan for land use and the regulatory approach regarding new development or substantial redevelopment must include measures that provide adequate protection for the salt ponds, freshwater bodies and groundwater quality. This approach is critical to provide potable water supply for existing development and to protect the natural environment. As such, local regulatory requirements must be aligned with the goals and policies articulated in the SAMP for the salt pond region, which attempts to maintain and preferably reduce, overall development density in areas designated as “self-sustaining lands” and “lands of critical concern”. Any future program of transfer of development rights (TDR) will not send developments rights (as receiving areas) to lands under these SAMP designations.

The FLUM also depicts lower density development north of the watershed boundaries of the salt ponds, particularly in the northeast area of town and along some of the major roads. This reflects several factors: an increase in dedicated open space; acknowledgement that there are certain natural resources which are to be protected and which also pose legal constraints to development; and the effectiveness of conservation development and low impact development techniques. The additional designation of the village center overlay is intended to provide more flexibility in development options while preserving existing village character.

Map LU-5, *Land Use Inconsistencies Map*, illustrates inconsistencies between the policies regarding future land use and the zoning now in place that governs land use. These inconsistencies are discussed generally below followed by a more specific summary by location in town. Areas where rezoning should be considered or where other regulatory techniques should be used to address these inconsistencies are identified. The last section of this chapter, Land Use Goals, Policies and Actions, includes among other recommendations, provisions to appropriately address the inconsistencies between current regulations and future land use.

Application of the Planned Development District (PDD)

One significant potential change between the FLUM and the 2020 zoning map is the application of the Planned Development District (PDD), which, at present, is assigned to only two large areas in town. One is the parcel once owned by the United Nuclear Corporation in the northern section of town (discussed in other chapters of this plan). This land was purchased by The Nature Conservancy in two parcels (in 2001 and 2015) to be managed as conservation land and is indicated on the FLUM as OS-C. Changing the zoning from PDD to a designation of OS-C would reflect its current use as a preserve, its constrained environmental characteristics and the intentions of TNC to provide for long term protection while being consistent with the FLUM.

The other area is an approximately 120-acre parcel between Post Road and Old Post Road, midway between the Westerly and South Kingstown town lines, which is currently an active sand and gravel operation. This land can be converted to low density residential (R-3A) or can remain in the PDD, and in conformance with the district requirements, be used at a density consistent with the SAMP designation of “lands of critical concern”, equivalent to one residential unit per 3 acres of unconstrained land. The PDD regulations were developed to be consistent with the policies and regulatory environment of the SAMP; the standards, use allowances and procedures in the PDD detail a local regulatory environment that will permit new development and redevelopment consistent with this sensitive environmental setting.

Because the Planned Development District is not proposed to be expanded to other parcels in Charlestown, if it is removed from both parcels, it can also be eliminated from the zoning ordinance.

Residential Density

In some areas of town, the existing residential density does not conform to the underlying zoning district, or to the goals and policies of the SAMP. In particular, the majority of the lots within the salt pond area south of Route 1 existed prior to the implementation of the SAMP, and many were even in place before zoning was established in Charlestown. As a result, the density is much greater than would be allowed under current planning and regulatory efforts.

Undersized lots for the zoning district in which they are located are referred to as substandard lots of record; they are “grandfathered” lots because they were considered legal at the time they were created. Where such parcels are vacant and held in common ownership with adjoining properties, town zoning regulations require the merger of these into one development lot (Section 218-43 B.1 of the zoning ordinance).

However, substandard lots which cannot be merged are of concern because they may allow development densities that are considered potentially harmful to natural resources such as the salt ponds and the groundwater. To bring these areas into a more consistent land use configuration, the town should consider policies and regulations that would be triggered by new and expanded uses of land, such as rehabilitations of existing houses or new houses replacing “tear-downs” on non-conforming lots, or lots less than a half-acre. Requirements regarding on-site drainage management, limitation of impervious surfaces, provision of vegetative buffers, and dimensional requirements that would limit development impacts (especially with regard to nitrate impacts to groundwater) should be considered in the form of an overlay district.

Because much of this area south of Route 1 has been developed over many generations and the zoning has been in place for decades, no changes in residential zoning density are proposed. These lots are not generally depicted on Map LU-5.

Development in the area of town north of Route 1 is typically more conforming with the underlying zoning. In this part of town, a majority of the residential land is zoned for either two or three acre lots, with some exceptions – an area in the western portion of town adjoining Westerly off Ross Hill Road and Buckeye Brook Road, and an area in the northern part of town that extends from the Carolina Village area to the Shannock Village area. These areas are zoned for R-40, as are several miles of frontage along major roadways, described below. The density generally matches the zoning in the portion of Charlestown north of Route 1, with two distinct exceptions. One is an area in northern Charlestown in the triangle between Old Mill Road and Carolina Back Road where the medium density zoning (R-40) along these road frontages should be extended back to cover a developed area consisting of multiple lots averaging a half acre in size. The other is the complex of condominiums right off Route 1 at the South Kingstown border (Castle Rock and Kingsland). These two developments are labeled on the FLUM as high density residential and could be considered for rezoning from R-3A to a higher density district provided that the long term impacts

of such rezoning is considered i.e., the potential for tear downs that could result in the loss of units which are “practically affordable (see Housing Choice chapter) and replacement by fewer units that nonetheless could have a greater impact on the site than the single story condo units in place now. These are the only areas of town where the zoning designation could conceivably be up-zoned (changed to a designation allowing greater density), but only because the areas are already fully developed at a density greater than the current designation.

R-40 Frontage Parcels

Along many of Charlestown’s major roadways, the road frontage is zoned R-40, typically for a depth of 270 feet from the road, while the remainder of the land is zoned R-3A. This “split-zoning” designation is found along the following roadways: South County Trail, Sand Plain Road, Carolina Back Road, Alton Carolina Road, Shumankanuc Hill Road and Burdickville Road. Many of these split-zoned lots have been developed along their frontages and are integrated into the town’s land use pattern. However, the remaining undeveloped lots along these roads should be reviewed by the town to determine if the lower density zoning is appropriate, consistent with the surrounding zoning to the rear of such properties, or if specific standards should be enacted to prevent one acre lots from being created along road frontages while allowing equivalent density.

Commercial and Industrial Uses

The commercial and industrial uses in Charlestown generally conform to the requirements of the zoning ordinance because the commercial and industrial zones were primarily designated around existing uses. As noted, the nomenclature of the three commercial zoning districts, C-1, C-2 and C-3 is proposed to be changed to Village Commercial, General Commercial and Scenic Highway Commercial, respectively. Under the implementation phase of this zoning review, revised use allowances, dimensional standards and the use of form-based code standards coupled with low impact design requirements will be considered. The Traditional Village District will remain. There are a few commercially zoned properties that, because their current use is residential, could be changed to the residential zoning classification of the surrounding area.

There are just a few parcels in town zoned for industrial use because this designation reflected the use of these parcels at the time the zoning was adopted. However, should those uses change or be abandoned, another industrial use could be established. As a result, the allowable uses and dimensional and other standards of the Industrial Zone should be reviewed to ensure future compatibility should these parcels be subject to new uses or redevelopment. The town should also consider allowing uses other than “manufacturing, warehousing, and research and development” for which the Industrial Zone is reserved. This would include uses such as furniture making, textile production and others involving small scale production or “light assembly”. Such uses could be permitted in other districts as well, with appropriate standards.

Recreational and Conservation Uses

The inconsistencies between the current zoning and the existing and proposed long term use of land in Charlestown are principally reflected in the large parcels of recreation and conservation land in residential zoning. There are many parcels proposed to be converted from residential to either Open Space – Recreation or Open Space – Conservation, and of course all of the parcels in the current OS / R district are proposed to be placed in one of the two new open space districts. Such parcels were not considered to be inconsistent because they are currently in an open space designation.

Specific Areas of Zoning / Land Use Inconsistencies

The following bulleted summary outlines amendments to current zoning or other regulatory approaches that would be needed to address inconsistencies between zoning and the Future Land Use Map. As noted above, the *Land Use Inconsistencies Map* (LU-5) indicates the areas and parcels where change would be necessary to address these inconsistencies.

- Change existing residential zoning of various properties to reflect their conservation ownership and passive recreational and educational use. These properties generally correspond to Open Space – Conservation on the FLUM. Property with conservation restrictions without public accessibility would not be considered for rezoning, nor identified as inconsistent on Map LU-5. In addition, the future zoning designation of properties identified as conservation on the FLUM that are held by private organizations would be determined following individual review of each parcel and the legal restrictions placed upon the parcels, in consult with the organization.

Note that properties currently zoned OS/R which are shown as Open Space-Conservation on the FLUM are not considered inconsistent for the purposes of implementation of this plan.

- Change existing residential zoning of various properties to reflect their active recreational use. These properties correspond to Open Space – Recreation on the FLUM.
- Revise existing OS/R zoning for all open space properties. These properties correspond to either Open Space – Conservation or Open Space – Recreation on the FLUM and will be applied to town, state and federal holdings based on their functional intentions.
- Change existing Municipal zoning to various properties owned by the town to either Open Space – Conservation (ex: School House Pond Preserve) or Open Space – Recreation (ex: Ninigret Park) as shown on the FLUM.

- Change existing commercial zoning where such properties are currently utilized for residential purposes, to an appropriate residential designation – low density/3-acre, low density/2 acre, medium density or high density residential, as shown on the FLUM.
- Refine the current boundaries of the TVD to include certain abutting residential and commercially zoned properties, and to exclude open space properties.
- Define and establish the Village Center Overlay Districts as depicted on the FLUM; these include Carolina, Shannock and Cross Mills.
- Consolidate commercial uses in Carolina Village and the Route 2 / Shannock Road intersection and Cross Mills Village into a consistent Village Commercial designation.
- Consider the revision of the R-3A residential zoning designation of the Castle Rock and Kingsland condominium developments to reflect the high density residential designation shown on the FLUM (R-20). Any rezoning of these parcels would be intended to reflect the existing density and not to accommodate additional residential development or re-development at an inappropriate scale or density.
- Revise the residential zoning designation of the area in the triangle between Old Mill Road and Carolina back Road, including frontage lots along Old Mill Road and “interior” lots in the Scapa Flow Road developed area off of Carolina Back Road, to reflect the medium density residential designation shown on the FLUM (R-40). Note that this change is intended to reflect the existing density of this area and not to accommodate additional residential development.

LAND USE: GOALS, POLICIES AND ACTIONS

OVERALL GOAL: To protect the natural and cultural resources and rural character of Charlestown while providing the housing, economic base and services necessary for its residents and visitors to enjoy a high quality of life.

POLICIES AND ACTIONS

The following policies and actions have been developed to implement the vision and goals for land use in Charlestown.

Policy 1: Maintain the current pattern, scale and densities of development within the community in an overall sense. The town's historic villages, commercial nodes and mixed-use corridors shall accommodate more dense development and provide for the service and institutional needs of Charlestown residents and visitors. The remaining areas of town shall be designated for less dense development along with large areas of protected open space.

Policy 1.1 Maintain Residential Density Consistent with Current Development Patterns and Environmental Constraints.

As noted in the section entitled Land Use Controls, Charlestown, which relies on individual on-site wastewater systems and almost entirely on private wells, has four residential densities:

Low-Density Residential: 3 acre and 2 acre – one house per two or three acres of unconstrained land. This includes most of the residential areas in Charlestown including the large majority of undeveloped land not protected as open space. These areas are zoned as R-2A and R-3A (although some areas under this designation, including land south of Route 1 and along state roads and certain local roads, are already developed at higher densities).

Medium-Density Residential – one house per acre (40,000 SF) of unconstrained land. This includes the area off Ross Hill Road near the Westerly border, areas within and nearby Carolina and Shannock Villages, areas with frontage along major roadways, including Route 2 and Route 112, and residential areas between Old Post Road and Matunuck Schoolhouse Road. These areas are zoned as R-40.

High-Density Residential—One house or dwelling unit per one-half acre (20,000 SF) of unconstrained land. This is the densely developed residential area south of Route 1A adjacent to the border with South Kingstown (Ocean Ridge vicinity). This area is zoned as R-20, and reflects the built environment before the SAMP was developed.

Action 1 Review the residential zones with consideration of environmental constraints, particularly wetland areas, the Pawcatuck River, Natural Heritage areas, and land within the CRMC SAMP land use designations of Self-Sustaining Lands and Lands of Critical Concern.

Action 2 Review specific areas of town which are fully developed at a density greater than the current zoning, and consider options for rezoning so as to be consistent with existing development patterns.

Two areas of R-3A – the single family lots off Old Mill Road and Carolina Back Road, and the condominium complex off Route 1 – have been identified as being developed at a much higher density than that which the zoning would currently allow. However a proposal for rezoning to a greater density must consider the potential environmental and social impacts of any redevelopment which could result.

Action 3 Review the undeveloped parcels with split-zoning along the major roads and consider regulatory options to ensure overall development consistent with the surrounding zoning to the rear of such parcels.

Rezoning of these areas should be considered, or as an alternative, the application of specific techniques to protect the existing road frontages from being cut into one acre lots, by transferring the density either into the larger parcel or elsewhere in town through the transfer of development rights (discussed in other action items below).

Policy 1.2 Identify and Enhance the Mixed-Use Village Centers.

Village centers are areas of traditionally scaled development with different uses that work well together. Uses include residential, both single and multi-family; mixed-use buildings (apartments over stores); village-scale and commercial uses; municipal and institutional buildings; and recreation and other open space. These villages, which include Carolina, Shannock and the center of Cross Mills, are designated as mixed-use village centers on the FLUM. Such centers are intended to accommodate growth and redevelopment at a “village” scale to meet the housing, particularly affordable housing, and commercial and institutional needs of the neighborhoods.

A study of Shannock Village entitled “Design Guidelines for Building in the Village” was completed in 2010. The design guidelines in this study should be adopted for the Village of Shannock and used as a template for the villages of Carolina and Cross Mills.

Action 1 Establish village center overlay districts to review uses and to govern the scale and design of new development and redevelopment in the village centers, in order to facilitate diversity of housing and commercial uses in vibrant, walkable villages.

The village center overlays include the underlying districts of residential, commercial, municipal and open space, but are to be tied together by consistent design standards for development.

Action 2 Review the zoning regulations for the villages of Shannock, Carolina and Cross Mills and adopt standards relating to building and parking placement, building form and design and signage and site amenities so as to protect and enhance traditional uses and development patterns, and the historic nature of the villages.

Action 3 Consider the establishment of a transfer of development rights (TDR) program to conserve land in rural and environmentally sensitive areas of town while encouraging appropriate density of development in the village centers.

Policy 1.3 Maintain Old Post Road as a Mixed-Use Traditional Village District.

Areas along Old Post Road that consist of both commercial and residential uses are intended to allow commercial development, including conversions of residential structures to commercial, while protecting the rights of residential property owners to remain and expand as residential. Mixed-use buildings are allowed and encouraged. This area is now zoned as the Traditional Village District. This designation will be maintained and remain centered on its original purposes.

Action 1 Review the boundaries and general configuration of the TVD, the allowable uses and densities, in a manner compatible with CRMC SAMP policies, including limiting footprints and impervious cover, and applicable design standards, including architecture, building placement and landscaping.

The TVD will be adjusted by including within its boundaries all commercially zoned lots in the Old Post Road area between the South Kingstown town line and Tockwotten Cove Road, and by specifically excluding areas of protected open space.

Policy 1.4 Identify and Define Commercial Districts in Town.

In addition to the TVD, Charlestown has three commercial districts, described in the Background section of this chapter.

The C-1 is intended to be “village” in nature. Areas so zoned are generally limited to the intersection of Matunuck Schoolhouse Road with Charlestown Beach Road, and commercial parcels in the Shannock and Carolina village areas.

The C-2 is intended to be the general retail and service business district in town. Areas so zoned include some lots along Matunuck Schoolhouse Road, the commercial parcels along Old Post Road outside of the TVD and generally west of Cross Mills, lots along Route 2 both near Route 1

and the intersection with Route 112, lots along Route 1 near the Westerly border, the marinas and other commercial parcels scattered throughout town.

The C-3 is intended to be “highway” in nature, specifically related to Route 1, with an emphasis on traffic oriented uses and services. Areas so zoned include the commercial parcels along Route 1 between Ross Hill Road and where Old Post Road diverges from Post Road (near the entrance to the Ninigret National Wildlife Refuge).

These three commercial zoning districts are to be redefined as described below, and the actual boundaries and allowable uses reviewed.

Village Commercial: Commercial districts providing neighborhood services consistent with the historic and pedestrian-oriented characteristics of the villages. These areas to include the commercial zones contained within the village center overlay districts for the three Charlestown villages of Carolina, Shannock and Cross Mills.

General Commercial: Commercial districts providing general retail and service businesses serving town-wide needs. These areas to include the commercial parcels along Matunuck Schoolhouse Road and Charlestown Beach Road; areas along Old Post Road west of Cross Mills; the marinas; lots along Route 2 including those at the southern end near Route 1 and at the intersection with Route 112; at Klondike Road near its intersection with Ross Hill Road; and at commercially used sites scattered around town.

Scenic Highway Commercial: Commercial areas that abut Route 1 where sensitivity in scale and design compatible with the scenic roadway, must be considered. These areas to include all commercially used parcels with access from Route 1 from its intersection with Old Post Road west to the Westerly border.

Action 1 Establish Village Commercial, General Commercial and Scenic Highway Commercial zoning districts consisting of areas now zoned as C-1, C-2 and C-3 Zones, and review allowable uses and dimensional requirements (minimum lot size, setbacks, building height, and lot coverage allowances).

Action 2 Establish architectural and site design standards, including but not limited to maximum building size and total impervious lot coverage for all commercial districts.

A comprehensive review of the use table must be done to ensure that the intensity and scale of uses allowed in the Village Commercial, General Commercial and Scenic Highway Commercial Districts are compatible with the areas so zoned. The biggest change is proposed for the Scenic Highway Commercial District with an emphasis not on highway access and

the Natural Resources and Recreation chapters, Charlestown has significant areas of open space. These are of two general types:

Open Space – Conservation: Land protected for conservation and passive recreation purposes. This includes land owned by the town and by state and federal agencies, and land owned by private conservation organizations for the purpose of protecting significant plant and animal habitat areas, landscapes, wetlands, groundwater resources and other valuable open space from development. It also includes most common open space associated with cluster residential developments. Use of such areas are limited to passive outdoor activities, such as hiking, plant study and bird watching.

Open Space – Recreation: Open space intended to be used for active recreation with improvements in the form of structures, playing fields and courts permitted. It encompasses areas of open space not protected exclusively for conservation purposes including recreation camps, bathing beaches and common open space specifically set aside for recreational use, as well as active recreation areas. Although it can be used recreationally such land may also be preserved for conservation purposes.

Action 1 Establish two new open space zoning designations: “OS-Conservation” (OS-C) and “OS-Recreation” (OS-R) to replace the OS/R.

Many areas now zoned for OS/R would be moved to the more restrictive designation, OS-C, and many currently protected and conservation areas now zoned for residential use would be rezoned OS-C. Some areas used recreationally now zoned for municipal or residential use would be rezoned OS-R. A review of restrictions and allowable uses must be completed for both districts.

Policy 2.2 Support the Continued Acquisition of Open Space for Conservation and Recreation Purposes

Charlestown remains an attractive community for new residential development. Even given the significant amount of area protected as federal, state and local open space and park land, an estimate of the number of new houses that could result from build-out has the potential to significantly change the character of the town. To offset this, the town will continue to undertake and support a local program of land acquisition and protection, as well as actively work with state, federal and private partners. One important opportunity involving the federal government is the Great Thicket National Wildlife Refuge that is to be implemented by the US Fish & Wildlife Service through a focus on land acquisition and habitat management of certain parcels in southern Rhode Island.

Action 1 Continue to fund the purchase of title and/or development rights to land using local open space bond money, with acquisitions based on open space ranking criteria (see Recreation chapter).

Action 2 Work with the Charlestown Land Trust, RIDEM, US Fish and Wildlife Service and organizations such as The Nature Conservancy to identify and preserve land with important natural features and wildlife habitat, farmland, and land with recreation potential by means of outright purchase, acquisition of development rights or through conservation easement.

Action 3 Promote, through educational outreach efforts to property owners, expanded participation in the Farm, Forest and Open Space (FFOS) program and the selling or donating of conservation easements.

Policy 3 **Coordinate with the Narragansett Indian Tribe, and with neighboring communities, to achieve compatibility in land use decision making for areas with common borders and on other issues of interest and concern.**

Policy 3.1 **Establish an Active and Ongoing Relationship with the Narragansett Indian Tribe**

The town and the tribe are not only connected geographically, but the land use decisions that each make have significant impacts on the other.

Action 1 Identify resources shared by the tribe and the town, and issues of common concern, and establish a means of regular communication. Such issues include but are not limited to the following:

- Development on tribal lands which are not settlement lands.
- Protection of groundwater resources, wildlife habitats and cultural features on tribal lands.
- Construction of affordable housing for tribal residents that might be counted towards Charlestown's inventory of year-round low and moderate-income housing (see Housing Choice chapter).

Policy 3.2 **Continue an Active Collaboration with Other Communities**

It is important that the communities which share boundaries and resources with Charlestown engage in regular and ongoing dialogue, particularly related to activities that can negatively impact

Action 2 Develop a “Nitrogen Reduction Overlay District” applied to critical resource areas to regulate the size and impact of new development so as to reduce groundwater nitrogen in a scientifically based manner (see Services and facilities chapter).

Policy 4.2 **Review, revise and amend the subdivision regulations and zoning ordinance as needed to be consistent with this comprehensive plan.**

As a final policy, the town must work to ensure that the regulations governing land use and development achieve the goals of the comprehensive plan to protect important site features, the environment, the rural character and quality of life in Charlestown. Some of these regulatory efforts may include innovative and/or flexible tools which the town can utilize when regulating and reviewing land developments and subdivisions. The town will remain abreast of all available land management tools and work to apply them as appropriate. Some specific action items are described below, but others may be identified in the years ahead.

Action 1 Amend the land development and subdivision regulations and the zoning ordinance to include provisions to allow for conservation design and development, as an alternative, or in addition to mandatory cluster.

Action 2 Revise the zoning and subdivision regulations to ensure that impractical lots are not created, and that impacts on wetlands and other natural features are avoided or minimized by reviewing and strengthening lot design standards.

Action 3 Periodically review and amend the residential compound regulations to ensure that they are meeting the town’s rural design standards.

Action 4 Utilize transfer of development rights (TDR) to conserve land in rural areas of town while allowing construction of traditional neighborhood designs on small lots in designated village areas, including multifamily and affordable housing, without increasing the overall buildout of the town.

Enactment of TDR will require working with property owners, developers and conservation interests to identify property for conservation (sending area) and property that can support more dense development (receiving area). Density in the receiving area should not negatively impact the environment or land use context of the area, particularly within the SAMP region.

Action 5 Undertake a study of the use of form-based codes to determine their applicability to commercial and mixed use areas of Charlestown, specifically regarding redevelopment and new development in the Traditional Village and the Village Commercial Districts.

Appendix LU-1

The Settlement Lands of the Narragansett Indian Tribe

In January 1973 the Narragansett Indian Tribe filed suit against the State of Rhode Island and a number of private individuals asserting ancestral claims to approximately 3,200 acres of land in the Town of Charlestown.

The claim was ultimately settled out of court by an agreement in 1978 entitled Joint Memorandum of Understanding Concerning Settlement of Rhode Island Indian Land Claims. The agreement was also memorialized in federal law in the Rhode Island Indian Claims Settlement Act (9/30/78 – 25 U.S.C. §1701, et seq.). In 1979, the Narragansett Indian Land Management Corporation was established by state law for the purposes of acquiring, managing and purchasing real property as provided for in the Rhode Island Indian Claims Settlement Act.

The Rhode Island Indian Claims Settlement Act, provided the Narragansett Indian Tribe with approximately 1,800 acres of land (called the Settlement Lands of the Narragansett Indian Tribe) in two equal parcels, as follows:

- *Public Settlement Lands* – Lands originally owned by the Narragansett Indian Tribe, including the Indian Cedar Swamp Management Area, the Indian Burial Hill and Deep Pond. Amounting to about 900 acres, these lands are to remain perpetually as a conservation area.
- *Private Settlement Lands* – Lands privately owned that were purchased utilizing \$3.5 million in funds appropriated by Congress. Also amounting to about 900 acres, 75% of these lands are to remain as a limited conservation area where certain activities such as agriculture are permitted, while the remaining 25% (approximately 225 acres) can be developed by the Narragansett Indian Tribe.

The boundaries of the Settlement Lands have been determined through a federal cadastral survey that is on file in the Charlestown Town Hall. The Settlement Lands are held in restricted trust for the Narragansett Indian Tribe by the federal government.

In 1983 the Narragansett Indian Tribe was recognized by the US Department of the Interior as a sovereign entity, which provided the tribe with the equivalent of a government-to-government relationship with the United States. This entitled the tribe to participate in a myriad of federal programs. In 1985 the Narragansett Indian Land Management Corporation was dissolved.

In 1986, as required by the settlement act and in cooperation with the tribe, the RI Office of State Planning prepared a document entitled *Land Use Plan for the Narragansett Indian Land Claim Settlement Area for the Narragansett Indian Tribe*. The Land Use Plan included a land capability

analysis which inventoried physical resources, including geology, water resources, soils, vegetation and wildlife, and human and cultural resources, including land use, road systems, public utilities, and historic sites and areas. The land capability analysis categorized the land into its relative suitability for development, both residential and commercial, and for agriculture and for conservation. Two usage categories were established, namely “conservation” and “development”, along with associated standards that relate to site design, impervious coverage, on-site sewage disposal, buffer areas, wetlands protection and preservation of surface and ground water quality. The plan does not delineate the actual 225 acres of development area within the private settlement lands, but does identify areas that would be suitable for development based on the land capability analysis.

There are several other aspects of the Rhode Island Indian Claims Settlement Act that are worthy to note: The Narragansett Indian Tribe may establish hunting and fishing regulations for the Settlement Lands. The Settlement Lands are not subject to Charlestown real estate taxes, but the tribe has the right to tax its people and business activities on the land. In addition, the State of Rhode Island has been granted the use of rights of way providing access to Deep Pond and the Pawcatuck River for specified purposes, as well as a 45 foot wide right-of-way through the Settlement Lands in order to provide emergency access to Watchaug Pond from Kings Factory Road. The Providence Boys Club, and its successors, as owner of a 105 acre parcel off Lewis Trial with frontage on School House Pond (Camp Davis) was also granted perpetual access to its holdings. This property is now owned by the RI Department of Transportation. Parcels acquired by the tribe outside the Settlement Lands are subject to local land development and zoning regulations, and taxation by the Town of Charlestown.

As of 2019, with the exception of the new health center, there is no significant development within the settlement lands nor any specific plans for the 225 acres that can be potentially developed. The town’s comprehensive planning process recognizes this potential and the importance of maintaining a cooperative and open relationship with the tribe to ensure that the future of the settlement lands is managed in a way that is compatible with the interest of both the Narragansett Indian Tribe and the Town of Charlestown.



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DRAFT
08/12/2020



Map Sources:



TOWN OF CHARLESTOWN
RHODE ISLAND



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Town of Charlestown
Mason & Associates, Inc.

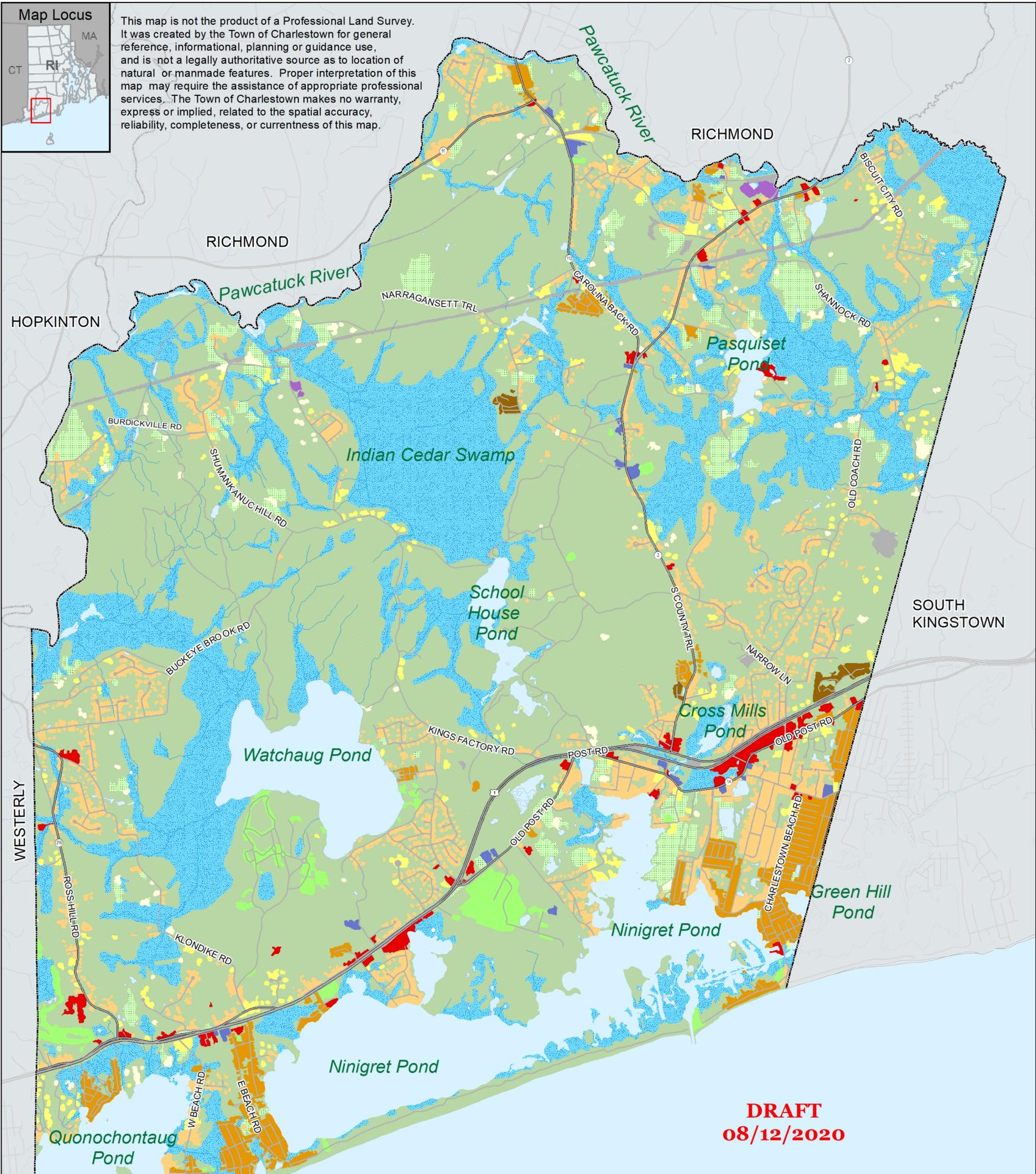
COMPREHENSIVE PLAN, 2020

AERIAL
PHOTOGRAPH 2019

MAP LU-1



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Residential Density Classification:
 High Density Residential: 4 or more houses per acre
 Medium Density Residential: 1 to 4 houses per acre
 Low Density Residential: < 1 house per acre
 Note: The classification of existing residential development is based on the size of the maintained yard area around the house, not the size of the lot. Existing housing density by lot will be lower where substantial portions of a lot remain undeveloped.

LEGEND	
	Low Density Residential
	Medium Density Residential
	High Density Residential
	Commercial
	Industrial
	Mixed Use
	Institutional
	Transportation & Utilities
	Cemeteries
	Developed Recreation
	Undeveloped
	Water
	Wetland

Map Sources:



TOWN OF CHARLESTOWN
RHODE ISLAND



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Town of Charlestown

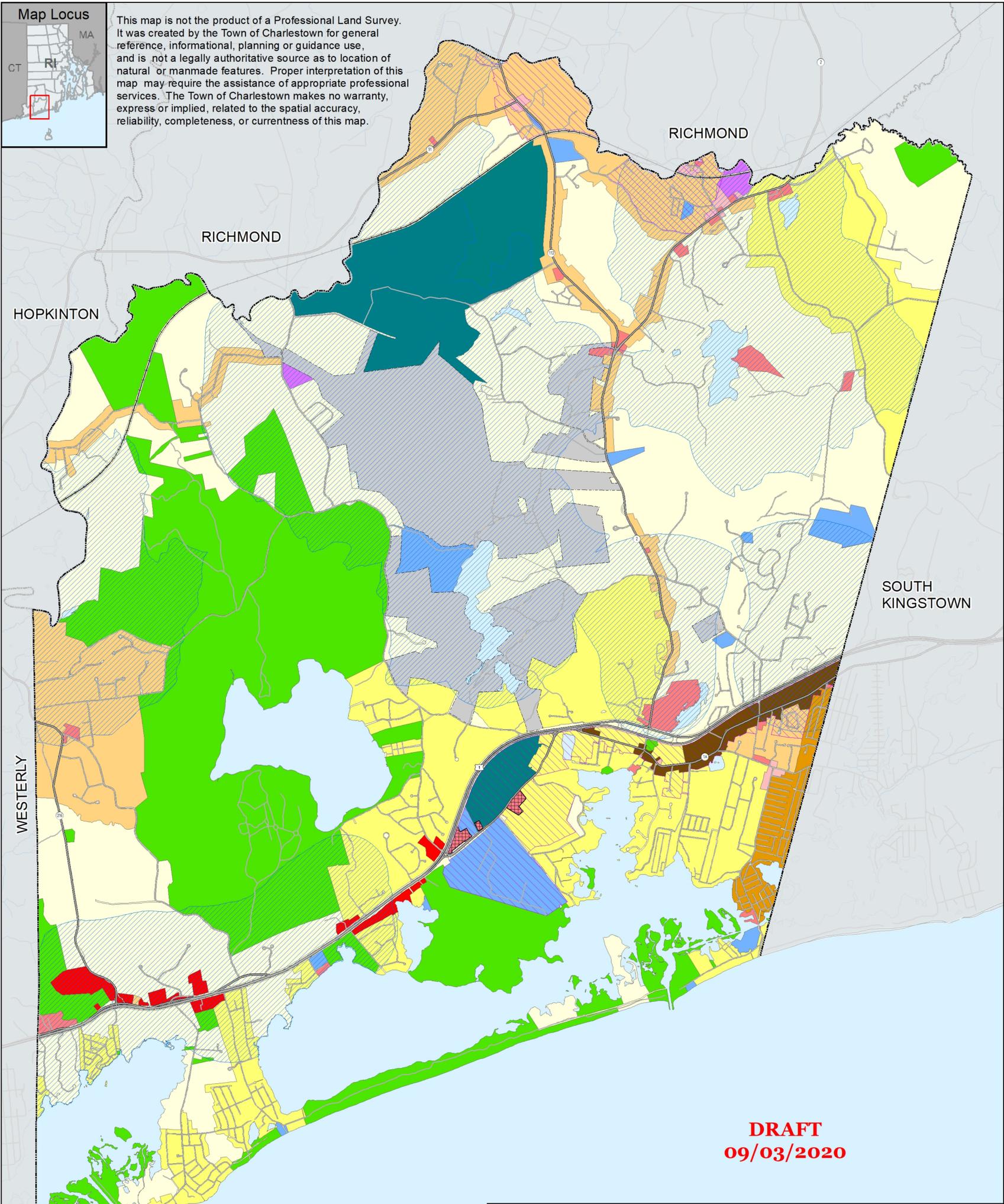
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LAND COVER 2011

MAP LU-2



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09/03/2020

OTHER

- Narragansett Indian Tribe Settlement Land
- Lakes & Ponds

OVERLAY DISTRICTS

- Groundwater Protection: GWP
- Historic Village: HV
- Mixed Use Zoning: MUZ

STANDARD ZONING DISTRICTS

- | | |
|-----------------------------------|-----------------------------------|
| Residence: R20 | Commercial 2: C2 |
| Residence: R40 | Commercial 3: C3 |
| Residence: R2A | Planned Development District: PDD |
| Residence: R3A | Industrial: I |
| Traditional Village District: TVD | Open Space / Recreation: OSR |
| Commercial 1: C1 | Municipal: M |

Map Sources:



TOWN OF CHARLESTOWN
RHODE ISLAND



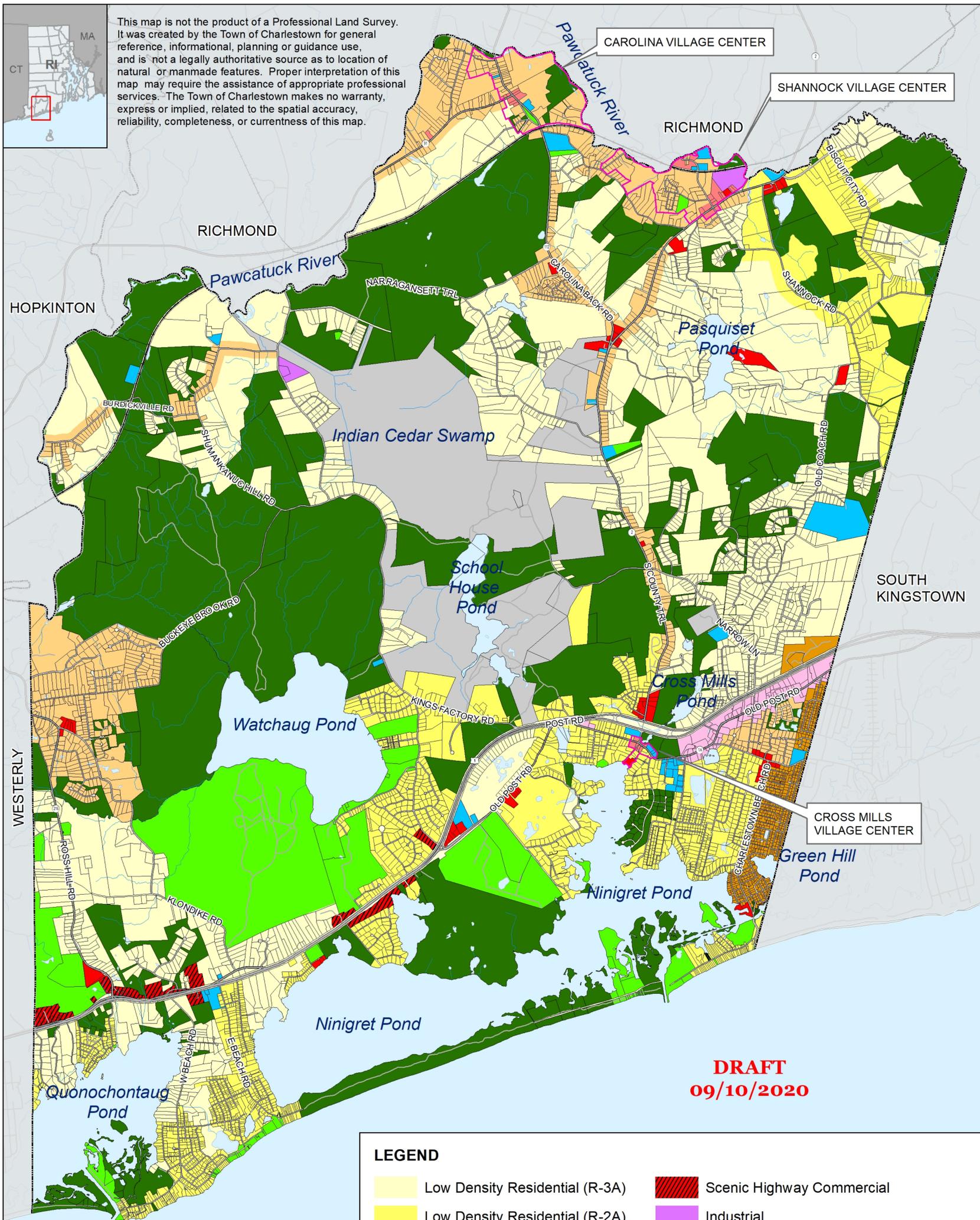
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ZONING 2020



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09/10/2020

REFERENCE

- Town Boundary
- Lakes & Ponds
- Rivers & Streams

LEGEND

- | | |
|--------------------------------|---|
| Low Density Residential (R-3A) | Scenic Highway Commercial |
| Low Density Residential (R-2A) | Industrial |
| Medium Density Residential | Institutional |
| High Density Residential | Open Space - Recreation |
| Traditional Village | Open Space - Conservation |
| Village Commercial | Narragansett Indian Tribe Settlement Land |
| General Commercial | Village Centers |

Map Sources:



0 0.25 0.5 1 Miles

TOWN OF CHARLESTOWN
RHODE ISLAND



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Mason & Associates, Inc.

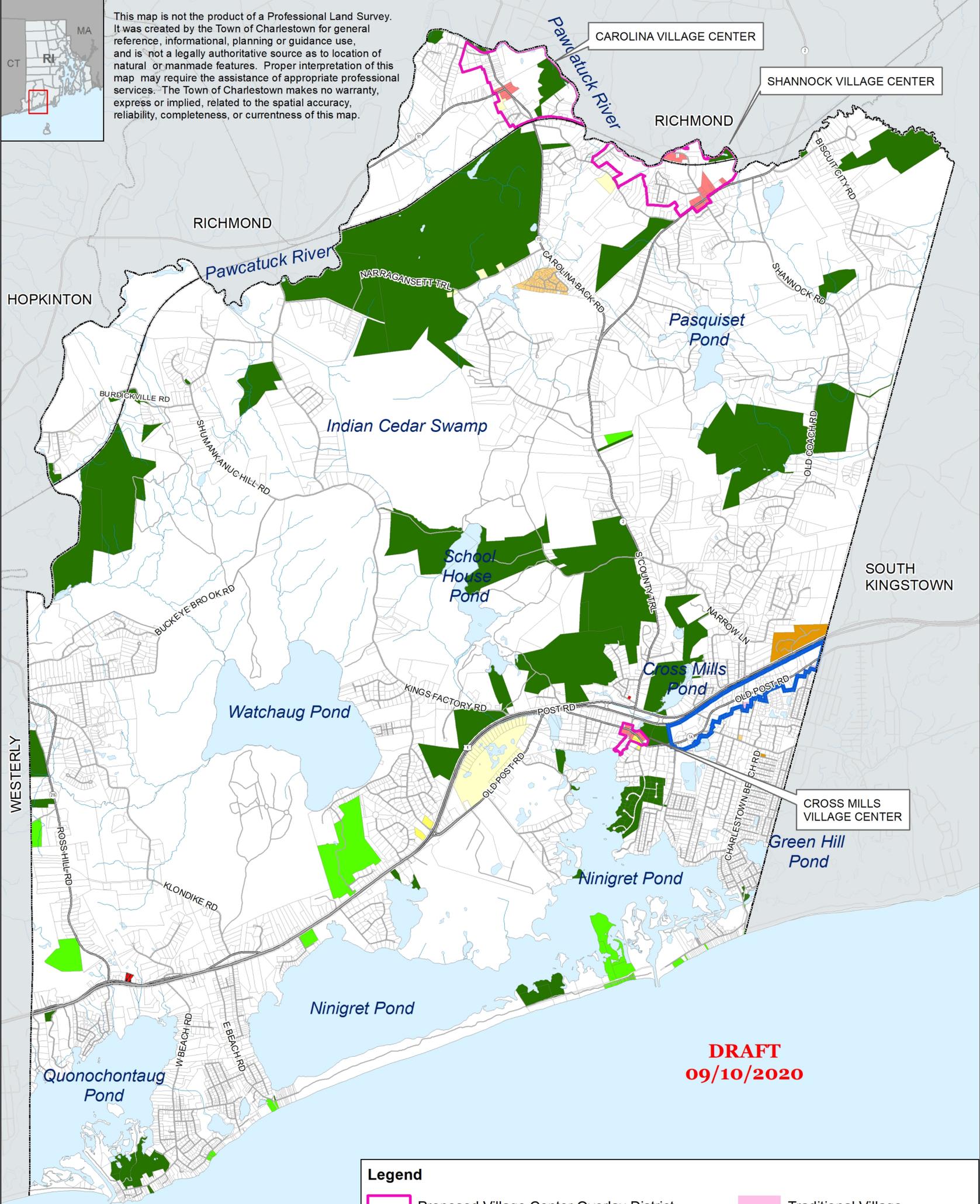
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FUTURE LAND USE

MAP LU-4



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09/10/2020

REFERENCE

- Town Boundary
- Light Blue Area Lakes & Ponds
- Blue Line Rivers & Streams

Legend	
	Proposed Village Center Overlay District
	Proposed Traditional Village District Boundary
	Low Density Residential (R-3A)
	Low Density Residential (R-2A)
	Medium Density Residential
	High Density Residential
	Traditional Village
	Village Commercial
	General Commercial
	Scenic Highway Commercial
	Open Space - Recreation
	Open Space - Conservation

Map Sources:



0 0.25 0.5 1 Miles

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**LAND USE
INCONSISTENCIES
MAP**

MAP LU-5