

Amendments to Appendix B – Land Development and Subdivision Regulations
Major Land Development or Subdivision

An amendment to Appendix B – Land Development and Subdivision Regulations, Article VII. – Major Land Development or Subdivision.

Sec. 23-26. - General requirements and review procedure.

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

b. ~~Major plan review shall consist of three stages of review, master plan, preliminary plan and final plan, following the preapplication meetings specified in section 23-13. A public informational meeting and a public hearing are also required. If at least one preapplication meeting has been held, or if 60 days have elapsed from the filing of the preapplication and no preapplication meeting has been scheduled to occur within those 60 days, the application may proceed under the provisions of this article.~~

Stages of review. Major land development and major subdivision review consists of three stages of review, master plan, preliminary plan and final plan, following the Article IV, Section 23-13, pre-application meeting(s). If at least one preapplication meeting has been held, or if 60 days have elapsed from the filing of the preapplication and no preapplication meeting has been scheduled to occur within those 60 days, the application may proceed under the provisions of this Article. Also required is a public hearing at the master plan stage of review or, if combined, at the first stage of review.

c. ~~The planning board may vote to combine review stages and to modify and/or waive requirements as specified in section 23-47. Review stages may be combined only after the planning board determines that all necessary requirements have been met by the applicant.~~

The administrative officer may combine review stages and to modify, but only the planning board may waive submission requirements as specified in Appendix B – Land Development and Subdivision Regulations, Article IX, Sections 23-47 and 23-48 (see also § 45-23-62). Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the planning board has waived any submission requirements not included by the applicant.

d. Changes to plans during the major plan review process.

1. Minor changes to the plans approved at any stage of the major plan review process may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendations from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change. Minor changes include the following:

- a. Amendments to utility plans which are acceptable to the public works director, Planning Board consulting engineer and to the appropriate utility company;
 - b. Lot line revisions which can be reviewed and approved as an administrative subdivision;
 - c. Amendments to grading plans or drainage plans which are acceptable to the public works director and Planning Board consulting engineer which do not require approval of any state or federal reviewing authorities;
 - d. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
 - e. Modifications to any construction plans for off-site improvements which are acceptable to the public works director; or
 - f. Modifications which are required by outside permitting agencies such as, but not limited to, the state department of environment management, the coastal resources management council, and the state department of transportation.
2. Major changes to the plans approved at any stage may be approved only by the planning board and must include a public hearing with notice to abutters within 200' feet of the perimeter of the property at least fourteen days prior to the hearing. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the plan application if the administrative officer determines the change to be a major change of the approved plans. Major changes include all those which are not deemed minor as well as the following:
 - a. Changes which would have the effect of creating additional lots or dwelling units for development;
 - b. Changes which would be contrary to any applicable provision of the zoning ordinance or which require a variance or special use permit from the zoning board of review; or
 - c. Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.
 - e. Appeal. Decisions under this Article shall be considered an appealable decision pursuant to Appendix B – Land Development and Subdivision Regulations, Article XIII (see § 45-23-71).

1 **Section 23-27. – Master plan submission requirements.**

2
3 ~~Any applicant requesting approval of a proposed major subdivision or major land development~~
4 ~~master plan shall submit to the administrative officer those items as required in attachment 6 of~~
5 ~~these regulations.~~

- 6
7 a. The applicant shall first submit to the administrative officer the items required by the checklist
8 for master plans.
9
10 b. Requirements for the master plan and supporting material for this phase of review include, but
11 are not limited to: information on the natural and built features of the surrounding
12 neighborhood, existing natural and man-made conditions of the development site, including
13 topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as
14 well as the proposed design concept, proposed public improvements and dedications, tentative
15 construction phasing; and potential neighborhood impacts, as required by the checklist.
16

17 **Section 23-28. – Master plan review procedure.**

- 18
19 a. ~~A master plan application shall be certified complete or incomplete by the administrative~~
20 ~~officer within a 60-day period from the date of its submission. The time period will be deemed~~
21 ~~stopped by the issuance of a certificate of incompleteness and will recommence upon~~
22 ~~submission of a corrected application. However, in no event will the recommended time period~~
23 ~~be less than a 14-day period.~~
24
25 b. ~~Initial comments shall be solicited from (1) local officials and agencies including, but not~~
26 ~~limited to, the planning staff, public works department, police and fire departments, and~~
27 ~~conservation and recreation commissions; (2) adjacent communities; (3) state agencies, as~~
28 ~~appropriate, including the departments of environmental management and transportation, and~~
29 ~~the coastal resources management council; and (4) federal agencies, as appropriate. The~~
30 ~~administrative officer shall coordinate review and comments by local officials, adjacent~~
31 ~~communities, and state and federal agencies.~~
32
33 c. ~~The technical review committee, if established, shall review the application and shall comment~~
34 ~~and make recommendations to the planning board.~~
35
36 d. ~~A public informational meeting shall be held prior to the planning board decision on the master~~
37 ~~plan, unless the master plan and preliminary plan approvals are being combined, in which case~~
38 ~~the public informational meeting shall be optional, based upon the determination of the~~
39 ~~planning board.~~
40
41 1. ~~Public notice for the informational meeting shall be given at least seven days prior to the~~
42 ~~date of the meeting in a newspaper of general circulation within the Town of Tiverton.~~
43 ~~Postcard notice shall be mailed to the applicant and to all property owners within the notice~~
44 ~~area, which shall consist of all properties within 200 feet of the perimeter of the property~~
45 ~~proposed for development or subdivision.~~
46

2. ~~At the public informational meeting, the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public, which shall be made part of the public record of the project application.~~

a. The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission, according to the provisions of § 45-23-36(b), so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

b. Initial comments will be solicited from:

1. Local agencies including, but not limited to, the planning department, the building and zoning officer, the department of public works, fire and police departments, the conservation and recreation commissions;
2. Adjacent communities;
3. State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and
4. Federal agencies, as appropriate.

The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

c. Applications requesting relief from the zoning ordinance.

1. Applications under this Article which require zoning relief that qualifies only as a modification under Appendix A – Zoning, Article VI, Section 3 (see § 45-24-46) shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this Article. If the modification is denied or an objection is received as set forth in Appendix A – Zoning, Article VI, Section 3 (see § 45-24-46), such application shall proceed under unified development plan review pursuant to Appendix B – Land Development and Subdivision Regulations, Article XV (see § 45-23-50.1).

a. An application under this Article concurrently seeking a modification pursuant to Appendix A – Zoning, Article VI, Section 3, shall not be deemed complete without the modification request first being granted, or denied, as the case may be.

2. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to Appendix B – Land Development and Subdivision Regulations, Article XV (see § 45-23-50.1).

d. Technical review committee. The technical review committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

e. Public hearing.

1. A public hearing shall be held prior to the planning board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.

2. Notice of the public hearing is required in accordance with Appendix B – Land Development and Subdivision Regulations, Article IV, Section 23-14.

3. At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.

Section 23-29. – Decision of the board – Master plan.

~~a. The planning board shall approve, approve with changes and/or conditions, or deny the master plan, within 120 days of the certification of completeness, or within such further time as may be consented to by the applicant and the board.~~

~~b. Failure of the planning board to act within the period prescribed shall constitute approval of the master plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval, shall be issued on request of the applicant.~~

a. Decision. The planning board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Appendix B – Land Development and Subdivision Regulations, Article IX, Sections 23-45 and 23-46 (See §§ 45-23-60 and 45-23-63).

b. Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval will be issued on request of the applicant.

c. Vesting.

1. The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing prior to

1 expiration of the vesting period, and approved by the planning board. Master plan vesting
2 includes the zoning requirements, conceptual layout, and all conditions shown on the
3 approved master plan drawings and supporting materials.

- 4
5 2. The initial four (4) year vesting for the approved master plan constitutes the vested rights
6 for the development as required in R.I. Gen. Laws § 45-24-44.

7
8 **Sec. 23-30. – Preliminary plan submission requirements.**

9
10 ~~Any applicant requesting approval of a proposed major subdivision or major land development~~
11 ~~preliminary plan shall submit to the administrative officer those items as required in attachment 7~~
12 ~~of these regulations.~~

- 13
14 a. The applicant shall first submit to the administrative officer the items required by the checklist
15 for preliminary plans.
16
17 b. Requirements for the preliminary plan and supporting materials for this phase of the review
18 include, but are not limited to: engineering plans depicting the existing site conditions,
19 engineering plans depicting the proposed development project, and a perimeter survey, as
20 included on the checklist.

21
22 **Sec. 23-31. – Preliminary plan review procedure.**

- 23
24 a. ~~A preliminary plan application shall be certified as complete or incomplete by the~~
25 ~~administrative officer within a 60 day period from the date of its submission. The time period~~
26 ~~will be deemed stopped by the issuance of a certificate of incompleteness and will recommence~~
27 ~~upon submission of a corrected application. However, in no event will the recommenced time~~
28 ~~period be less than a 14 day period.~~
29
30 b. ~~Final written comments and/or approvals shall be obtained from all appropriate local officials~~
31 ~~and agencies including the town solicitor, the public works department, and other town~~
32 ~~departments or boards and commissions, or other authorities as appropriate.~~
33
34 c. ~~The technical review committee, if established, shall review the application and shall comment~~
35 ~~and make recommendations to the planning board.~~
36
37 d. ~~A public hearing, which adheres to the requirements for notice described in section 23-14, must~~
38 ~~be held prior to planning board decision on the preliminary plan.~~
39
40 a. Certification of Completeness. The application will be certified as complete or incomplete by
41 the administrative officer within twenty-five (25) days so long as a completed checklist of
42 requirements are provided with the submission. The running of the time period set forth herein
43 will be deemed stopped upon the issuance of a certificate of incompleteness of the application
44 by the administrative officer and will recommence upon the resubmission of a corrected
45 application by the applicant. However, in no event shall the administrative officer be required

1 to certify a corrected submission as complete or incomplete less than ten (10) days after its
2 resubmission.

3
4 b. Comments and Permits:

5
6 1. At the preliminary plan review phase, the administrative officer shall solicit final, written
7 comments and/or approvals of the department of public works, the Tiverton engineer, the
8 Tiverton solicitor, and other local government departments, board and commissions, or
9 authorities as appropriate.

10
11 2. Prior to approval of the preliminary plan, copies of all legal documents describing the
12 property, proposed easements, and rights-of-way shall be received by the planning board.

13
14 3. Prior to approval of the preliminary plan, an applicant must submit all permits required by
15 state or federal agencies, including permits related to freshwater wetlands, the coastal zone,
16 floodplains, preliminary suitability for individual septic disposal systems, public water
17 systems, and connections to state roads.

18
19 a. For a state permit from the Rhode Island department of transportation, a letter
20 evidencing the issuance of such a permit upon the submission of a bond and insurance
21 is sufficient, but such actual permit shall be required prior to the issuance of a building
22 permit.

23
24 c. Variance and/or Special Use. If the applicant is requesting alteration of any variances and/or
25 special-use permits granted by the planning board at the master plan stage of review pursuant
26 to adopted unified development review provisions, and/or any new variances and/or special-
27 use permits, such requests and all supporting documentation shall be included as part of the
28 preliminary plan application materials, pursuant to Appendix B – Land Development and
29 Subdivision Regulations, Article XV (see § 45-23-50.1).

30
31 d. Technical Review Committee. The technical review committee shall review the application
32 prior to the first planning board meeting and shall comment and make recommendations to the
33 planning board.

34
35 e. Public notice. Prior to the first planning board meeting on the preliminary plan, public notice
36 shall be sent to abutters within 200' of the perimeter of the property, only, at least fourteen
37 (14) days before the hearing.

38
39 1. In the case of a combined master plan and preliminary plan hearing, notice shall be in
40 accord with the public notice requirements for master plan approval.

41
42 f. Public improvement guarantees. Proposed arrangements for completion of the required public
43 improvements, including construction schedule and/or financial guarantees, shall be reviewed
44 and approved by the planning board at preliminary plan approval.

1
2
3 **Section 23-32. – Decision of the board – Preliminary plan.**
4

- 5 a. ~~The planning board shall approve, approve with conditions, or deny the preliminary plan within~~
6 ~~120 days of the certification of completeness, or within such further time as may be consented~~
7 ~~to by the applicant and the board.~~
8
- 9 b. ~~Prior to approval of the preliminary plan, the following shall be submitted to and approved by~~
10 ~~the planning board:(1)Copies of all legal documents describing the property, proposed~~
11 ~~easements and rights of way.(2)Proposed arrangements for completion of the required public~~
12 ~~improvements, including construction schedule and/or financial guarantees.~~
13
- 14 c. ~~Failure of the planning board to act within the period prescribed shall constitute approval of~~
15 ~~the preliminary plan and a certificate of the administrative officer as to the failure of the~~
16 ~~planning board to act within the required time, and the resulting approval, shall be issued on~~
17 ~~request of the applicant.~~
18
- 19 a. Decision. A complete application for a major subdivision or development plan shall be
20 approved, approved with conditions, or denied, in accordance with the requirements of
21 Appendix B – Land Development and Subdivision Regulations, Article IX, Sections 23-45
22 and 23-46 (see R.I. Gen. Laws §§ 45-23-60 and 45-23-63), within ninety (90) days of the date
23 when it is certified complete, or within a further amount of time that may be consented to by
24 the developer through the submission of a written waiver. Provided that, the timeframe for
25 decision is automatically extended if evidence of state permits has not been provided, or
26 otherwise waived in accordance with this section.
27
- 28 b. Failure to act. Failure of the planning board to act within the prescribed period constitutes
29 approval of the preliminary plan and a certificate of the administrative officer as to the failure
30 of the planning board to act within the required time and the resulting approval shall be issued
31 on request of the applicant.
32
- 33 c. Vesting. The approved preliminary plan is vested for a period of two (2) years with the right
34 to extend for two (2), one-year extensions upon written request by the applicant, who must
35 appear before the planning board for each annual review and provide proof of valid state or
36 federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good
37 cause shown, if requested, in writing by the applicant prior to expiration of the vesting period,
38 and approved by the planning board. The vesting for the preliminary plan approval includes
39 all general and specific conditions shown on the approved preliminary plan drawings and
40 supporting material.
41

42 **Section 23-33. Final plan submission requirements.**
43

44 ~~Any applicant requesting approval of a proposed major subdivision or major land development~~
45 ~~final plan shall submit to the administrative officer those items as required in attachment 8 of these~~
46 ~~regulations.~~

1
2
3 a. Submission requirements.
4

- 5 1. The applicant shall submit to the administrative officer the items required by the checklist
6 for the final plan, as well as all material required by the planning board when the
7 application was given preliminary approval.
8
9 2. Arrangements for completion of the required public improvements, including construction
10 schedule and/or financial guarantees.
11
12 3. Certification by the tax collector that all property taxes are current.
13
14 4. For phased projects, the final plan for phases following the first phase, shall be
15 accompanied by copies of as-built drawings not previously submitted of all existing public
16 improvements for prior phases.
17

18 **Section 23-34. -Final plan review and approval procedure.**
19

- 20 a. ~~A final plan application shall be certified as complete or incomplete by the administrative~~
21 ~~officer within a 25 day period from the date of its submission. This time period may be~~
22 ~~extended to 45 days by written notice from the administrative officer to the applicant where~~
23 ~~the final plan contain changes to or elements not included in the preliminary plan approval.~~
24 ~~The time period will be deemed stopped by the issuance of a certificate of incompleteness and~~
25 ~~will recommence upon submission of a corrected application. However, in no event will the~~
26 ~~recommenced time period be less than a 14-day period.~~
27
28 b. ~~If certified complete, the administrative officer shall refer the final plans to the planning board~~
29 ~~for review. The planning board shall approve or deny the final plan as submitted, within 45~~
30 ~~days after the certification of completeness, or within such further time as may be consented~~
31 ~~to by the applicant and the board.~~
32
33 c. ~~Failure of the planning board to act within the period prescribed shall constitute approval of~~
34 ~~the final plan and a certificate of the administrative officer as to the failure of the planning~~
35 ~~board to act within the required time, and the resulting approval, shall be issued on request of~~
36 ~~the applicant.~~
37
38 a. Certification. The application for final plan approval shall be certified complete or incomplete
39 by the administrative officer in writing, within fifteen (15) days, so long as a completed
40 checklist of requirements are provided with the submission. This time period may be extended
41 to twenty-five (25) days by written notice from the administrative officer to the applicant where
42 the final plans contain changes to or elements not included in the preliminary plan approval.
43 The running of the time period set forth herein shall be deemed stopped upon the issuance of
44 a certificate of incompleteness of the application by the administrative officer and shall
45 recommence upon the resubmission of a corrected application by the applicant. However, in
46 no event shall the administrative officer be required to certify a corrected submission as

1 complete or incomplete less than ten (10) days after its resubmission. If the
2 administrative officer certifies the application as complete and does not require submission to
3 the planning board, the final plan shall be considered approved.
4

5 b. Decision. The administrative officer, or if referred to the planning board, shall review, grant,
6 grant with conditions or deny final plan approval. A decision shall be issued within forty-five
7 (45) days after the certification of completeness, or within a further amount of time that may
8 be consented to by the applicant. If referred to the planning board, notice shall be sent to
9 abutters within 200' of the property at least fourteen (14) days prior to the hearing.
10

11 c. Failure to act. Failure of the administrative officer or, if referred to it the planning board, to act
12 within the prescribed period constitutes approval of the final plan and a certificate of the
13 administrative officer as to the failure to act within the required time and the resulting approval
14 shall be issued on request of the applicant.
15

16 d. Expiration of approval. The final approval of a major subdivision or land development project
17 expires one year from the date of approval with the right to extend for one year upon written
18 request by the applicant, who must appear before the planning board for the annual review,
19 unless, within that period, the plat or plan has been submitted for signature and recording.
20 Thereafter, the planning board may, for good cause shown, extend the period for recording.
21 The request to extend the expiration period must be made prior to expiration of the approval.
22

23 e. Acceptance of public improvements. Signature and recording constitute the acceptance by the
24 municipality of any street or other public improvement or other land intended for dedication.
25 Final plan approval shall not impose any duty upon the municipality to maintain or improve
26 those dedicated areas until the Tiverton Town Council accepts the completed public
27 improvements as constructed in compliance with the final plans. See also, Appendix B – Land
28 Development and Subdivision Regulations, Articles X and XI.
29

30 f. Validity of recorded plans. The approved final plan, once recorded, remains valid as the
31 approved plan for the site unless and until an amendment to the plan is approved in accordance
32 with Appendix B – Land Development and Subdivision Regulations, Article IX, Section 23-
33 50, or a new plan is approved by the planning board.
34
35

36 **Adopted by the Tiverton Town Council on November 30, 2023. Effective January 1, 2024.**
37