



*INCORPORATED 1757*

**TOWN OF HOPKINTON  
RHODE ISLAND**

***LAND DEVELOPMENT AND SUBDIVISION  
REGULATIONS***

**Adopted: November 29, 1995**

**Revised: August 16, 2000**

**Revised: September 3, 2014**




**Revised: December 14, 2023**

**BY: THE HOPKINTON PLANNING BOARD**



# LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

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## ARTICLE I - AUTHORITY AND INTENT

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### 1.1 AUTHORITY

To ensure the orderly and environmentally sound growth of the Town of Hopkinton, the following Regulations governing land development and the subdivision of land are hereby adopted by the Hopkinton Planning Board pursuant to the *Rhode Island Land Development and Subdivision Review Enabling Act of 1992* (R.I.G.L.45-23-74) (the “Enabling Act”).

### 1.2 PURPOSE

The purpose of these Regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the *Hopkinton Comprehensive Plan*, the *Hopkinton Zoning Ordinance*, and other applicable federal, state, and local land use regulations, accomplish the following:

- 1.2.1 Protect the public health, safety, and welfare;
- 1.2.2 Provide for the orderly, thorough, and expeditious review and approval of land developments and subdivisions;
- 1.2.3 Promote high quality and appropriate design and construction of land developments and subdivisions;
- 1.2.4 Promote protection of the existing natural and developed environment, and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- 1.2.5 Promote the design of land developments and subdivisions which are well integrated with the surrounding neighborhoods with regard to natural and manmade features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- 1.2.6 Provide local design and improvement standards that are appropriate to the community and that reflect the intent of the *Hopkinton Comprehensive Plan* with regard to the physical character of the various neighborhoods, districts, and special critical areas of the Town;
- 1.2.7 Promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials and qualified consultants;
- 1.2.8 Provide local requirements for dedication of public land;
- 1.2.9 Direct the development of land consistent with practices that protect the Town’s distinctive rural character while at the same time accommodating economic growth;
- 1.2.10 Guide land development with an emphasis on siting subdivision improvements to allow for the maximum preservation of existing natural features and agricultural land or operations;

## Article I – Authority and Intent

- 1.2.11 Ensure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting;
- 1.2.12 Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development and subdivision review, approval, and construction; and,
- 1.2.13 Promote affordable housing in the Town in accordance with the goals and policies of the *Hopkinton Comprehensive Plan's* Housing Element.

### 1.3 POLICIES

The Planning Board will base its actions on all land developments and subdivisions on the following considerations:

- 1.3.1 **Comprehensive Community Plan**  
Conformance with the *Hopkinton Comprehensive Plan*;
- 1.3.2 **Zoning Ordinance**  
Conformance with the *Hopkinton Zoning Ordinance*;
- 1.3.3 **Site Design Standards**  
Adherence to modern standards of site design to provide for adequate, safe, and free flowing circulation of pedestrian and vehicular traffic and emergency services; control and minimize soil erosion and storm water runoff for suitable building sites; provide adequate sewage disposal; and preservation of natural features which contribute to the attractiveness of the neighborhoods, districts and the community at large;
- 1.3.4 **Open Space**  
Provision of open space to accommodate the projected intensity of use, as determined by the population density and composition of the proposed site, and for the preservation of the rural character of the Town;
- 1.3.5 **Water Resources**  
Protection of the Town's surface and groundwater resources, subsurface aquifers, and other water resources, to prevent degradation of water quality, interference with availability, and where possible, to improve water quality;
- 1.3.6 **Public Improvements and Services**  
Adequacy of existing public improvements and services in the area, including but not limited to: roads, water, sewer, drainage, schools, fire and police protection, and recreational facilities, to accommodate the projected intensity of use of the proposed subdivision, or evidence that such facilities and services will be provided as part of the proposed subdivision;
- 1.3.7 **Landscape Protection**  
Preservation of natural terrain, vegetation, soils, historical resources, floodplains, wetlands, drainage flow, and reducing the need for cutting and filling on steep grades and other natural

## Article I – Authority and Intent

assets which reduce flooding and/or soil erosion, as well as the protection of the existing natural and developed environment, and the mitigation of all significant negative impacts of any proposed development on the existing environment;

### **1.3.8 Economy**

Design of a subdivision in a manner that minimizes the costs of necessary roads, utilities and land usage;

### **1.3.9 Streets**

Conformance of the design of the streets to the existing street pattern of adjoining subdivisions, and Terrain (Article XVII); and,

### **1.3.10 Wetlands**

Conformance with State and Federal Laws designed to protect wetlands, minimizing flood damage and the potential thereof, with particular attention to all areas as shown on the official *Flood Insurance Rate Maps* for the Town of Hopkinton.

## **1.4 CONSTRUCTION AND INTENT**

**1.4.1** These Regulations shall be construed in a manner which is consistent with the *State Enabling Act*.

**1.4.2** These Regulations are intended to be interpreted so as to be consistent with, and further the implementation of the *Hopkinton Comprehensive Plan*.

**1.4.3** Articles I, III and Articles X through XIX of these Regulations are intended to provide *general* requirements applicable to **all** subdivisions and land development projects.

Articles IV through IX of these regulations concern special requirements governing Administrative Subdivisions, Minor and Major Subdivisions and Land Development Projects, and Special Land Development categories, and are intended to provide regulations that are supplementary to the general requirements. In the event of a conflict between general regulations and a regulation applicable to a specific type of subdivision, the more specific regulation shall control.

**1.4.4** If any section or subsection of these Regulations is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of these Regulations.

**1.4.5** Where the term “subdivision” appears in these regulations, it is intended to include land development projects also. These regulations cover land development projects as well as subdivisions.

**1.4.6** These Regulations are the minimum requirements. More stringent requirements may be instituted if, in the Planning Board’s opinion, they are necessary to promote the public health, safety, general welfare, and protection of the rural character of the Town.

## **1.5 EFFECTIVE DATE**

## Article I – Authority and Intent

These Regulations shall take effect upon passage and shall supersede all other subdivision regulations in effect at the time of such adoption.

### **1.6 VESTED RIGHTS**

A vested right is the right to have a development reviewed, approved, and constructed according to ordinances or regulations that were in effect at an earlier stage of review and approval despite the subsequent amendment of those ordinances or regulations.

#### **1.6.1 Certification of a complete application**

An application for approval of a land development project is vested under the zoning ordinance and the land development and subdivision regulations in effect on the date that the Administrative Officer certifies the application as complete.

#### **1.6.2 Minor subdivisions and major land development projects**

- A.** An approved Preliminary Plan for a minor subdivision or land development project is vested while the Preliminary Plan remains valid. The zoning ordinance and the land development and subdivision regulations provisions under which the Preliminary Plan approval was granted are vested until the Preliminary Plan expires or the Final Plan submission is certified as complete.
- B.** The zoning ordinance and the land development and subdivision regulations provisions under which a Final Plan for a minor subdivision or land development project was approved are vested until the Final Plat is recorded or the Final Plan approval expires.

#### **1.6.3 Major subdivisions and major land development projects**

- A.** An approved Master Plan for a major subdivision or land development project is vested while the Master Plan remains valid. The zoning ordinance and the land development and subdivision regulations provisions under which the Master Plan approval was granted are vested until the Master Plan expires or the Preliminary Plan submission is certified as complete.
- B.** An approved Preliminary Plan for a major subdivision or land development project is vested while the Preliminary Plan remains valid. The zoning ordinance and the land development and subdivision regulations provisions under which the Preliminary Plan approval was granted are vested until the Preliminary Plan expires or the Final Plan submission is certified as complete.

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- C. The zoning ordinance and the land development and subdivision regulation provisions under which a Final Plan for a major subdivision or land development project was approved are vested until the Final Plan approval expires or the Final Plat is recorded.



## ARTICLE II - DEFINITIONS

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The following words or phrases, when used in these Regulations, shall have the following meaning, unless otherwise specifically provided:

**Administrative Officer** –The municipal official who administers the land development and subdivision regulations, reviews and approves qualified applications, and coordinates the planning activities among local boards and commissions, town staff and state agencies. The Town Planner is the Administrative Officer. The chairperson of the Planning Board shall serve as the acting Administrative Officer if the Administrative Officer is absent or unavailable.

**Administrative Subdivision** – Subdivision of existing lots that yields no additional lots for development and involves no creation or extension of streets. Administrative subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officer or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in R.I.G.L. § 45-23-37.

**Affordable Housing** – Year-round housing built with a federal, state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate income or less, as defined by R.I.G.L. § 42-128-8.1(d), and that will remain affordable through a deed or land lease for at least 30 years. Synonymous with low- or moderate-income housing.

**Agriculture land** - Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes, including land designated as prime farmland or additional farmland of statewide importance by the Soil Conservation Service of the U. S. Department of Agriculture.

**Applicant** - An owner or authorized agent of the owner submitting an application or appealing an action of any official or board.

**Application** - The completed form or forms and all accompanying documents, exhibits, and fees an applicant is required to submit for approval or permitting.

**Aquifer** - A body of rock or soil that contains sufficient saturated, permeable material to conduct groundwater and to yield significant quantities of groundwater to wells and springs.

**As-built drawings** - Drawings that provide the location, specifications, and, where applicable, the dimensions of all roadways, utilities, services, curb cuts, telephone poles, guys, structures, and facilities as they have been constructed and note any deviation from the Final approval plans.

**Berm** - An earthen mound designed to provide visual interest, screen undesirable views, decrease noise, or achieve other desired goals.

**Board of Appeal** - The Zoning Board of Review serves as the Board of Appeal.

**Bond** - A type of improvement guarantee.

**Buffer** - Land maintained in either a natural or landscaped state that is used to screen or mitigate the impacts

## Article III – Procedural Overview

of development on surrounding area properties, rights-of-way, or uses. A buffer may be a combination of physical space and vertical elements such as plants, berms, fences, or walls.

**Buildable lot** - A lot where construction is considered practicable, considering the physical constraints to development of the site as well as the requirements of pertinent federal, state, and local regulations.

**Building** - Any structure used or intended for supporting or sheltering a specific use or occupancy.

**Building envelope** - The three-dimensional space within which a structure is permitted to be built upon a lot under regulations governing building setbacks and maximum height.

**Certificate of Completeness** - A notice issued by the Administrative Officer informing the applicant that the application is complete and meets the requirements of these Regulations, and that the applicant may proceed with the review process.

**Concept Plan** - A drawing with accompanying information showing the basic elements of a proposed subdivision or land development plan, as used for Pre-application meetings and early discussions.

**Conventional subdivision** - A residential subdivision in which all land being subdivided is dedicated to either development lots or streets, with no common open space.

**Cul-de-Sac street** - A street that has only one outlet, laid out to provide a circular or other type of turn-around for vehicles at the closed end (Article XVII).

**Density** - The number of dwelling units or buildings per unit of land.

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

- a. A change in use at the property where no extensive construction of improvements is sought;
- b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
- c. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
- d. Development in a designated urban or growth center;
- e. Institutional development design review for educational or hospital facilities; or
- f. Development in a historic district.

**Dwelling unit** - A structure or portion thereof, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

**Easement** - The right of a party to use all or part of the property of another for a specific purpose.

## Article III – Procedural Overview

**Electronic files** - Files containing digitized graphic or text information, arranged in a coded form and a specific file format. In Hopkinton, these are CAD dxf. or dwg. files that include basic information of the plan to include angles and distances. Copyrighted or privileged information is not required.

**Endorsement** - The signature of the Administrative Officer or the Planning Board Chairperson on an approved plat, permitting recording of the plat.

**Erosion** - The wearing away of the land surface by water, wind, ice, or gravity.

**Erosion and Sediment Control Plan** - Land use treatment measures, including a schedule for installation and future maintenance, which will effectively minimize or eliminate soil erosion and sedimentation.

**FEMA** - The Federal Emergency Management Agency.

**Final Plan** - The final stage of subdivision and land development review.

**Final Plat** - The final drawing(s) of all or a portion of a subdivision to be recorded and any required accompanying documents.

**Floodplain or flood hazard area** - As defined in R.I.G.L. § 45-22.2-4(9), as amended.

**Grade** - The slope of a street, surface material, or other public ways, specified as a percentage.

**Gross floor area** - The sum of the horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

**Groundwater** - As defined in R.I.G.L. § 46-13.1-3.

**Hammerhead** - A rectangular turnaround for vehicles at the terminus of a cul-de-sac street.

**Historic features** - Any site feature having importance to the history of the Town, including archaeological features.

**Homeowners' association** - An incorporated or unincorporated organization of property owners who are responsible for maintenance of streets, open space, or other facilities in a land development project.

**Hydric soils** - Soils that are saturated, flooded or ponded with water long enough during the growing season to develop anaerobic conditions in the upper soil layer.

**Improvement** - Any natural or built structure, facility, or vegetative material required to be placed upon, planted, affixed to, or maintained on real property by these Regulations or by a decision of the Planning Board or the Administrative Officer made pursuant to these Regulations.



## Article III – Procedural Overview

**Improvement guarantee** - A security instrument in a form acceptable to the Town to ensure that all improvements required as a condition of approval will be completed in compliance with the approved plans and specifications of a development.

**Land development project** - A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to a planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses.

**Land disturbing activity** - Any land development activity, including but not limited to clearance of vegetation, moving or filling of land, or removal or excavation of soil or mineral resources.

**Land unsuitable for development** - When calculating the number of residential building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the total acreage of the parcel:

- a. Freshwater wetlands;
- b. Flood hazard areas, as defined by the zoning ordinance
- c. Land within any publicly or privately held easement on which utilities, including but not limited to electrical transmission lines, are constructed.

**Landscaping** - Natural material including but not limited to grass, trees, shrubs, flowers, vines, or other living native plant materials. Also includes water bodies or the use of planters, brick, stone, or similar man-made features that do not dominate over the use of organic plant materials.

**Lot** - A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed or recorded map and is recognized as a separate legal entity for purposes of transfer of title.

**Lot Frontage** - That portion of a lot abutting a street. Lot frontage must be contiguous to meet minimum frontage requirements.

**Low- and moderate-income housing** - Synonymous with affordable housing.

**Maintenance guarantee** - A security instrument in a form acceptable to the Town to ensure that all necessary improvements, facilities, or work required by these Regulations or as a condition of approval will function as required for a specific period of time.

**Major land development project** - A land development project which exceeds the thresholds for a minor land development project as set forth in R.I.G.L. § 45-23-32 and these Regulations. The process by which major land development projects are reviewed by the local planning board, commission, technical review committee or administrative officer is set forth in R.I.G.L. § 45-23-39.

**Major subdivision** - A subdivision that creates ten or more buildable lots.

**Master Plan** - An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than

## Article III – Procedural Overview

giving full engineering details. It is the first formal review stage for a major land development project or subdivision and the stage in the review process at which the public hearing is held.

**Minor land development project** - A land development project involving any one the following:

- a. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- b. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or
- c. Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or
- d. Multi-family residential or residential condominium development of nine (9) units or less; or
- e. Change in use at the property where no extensive construction of improvements are sought;
- f. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;
- g. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.

The process by which minor land development projects are reviewed by the local planning board, commission, technical review committee and/or administrative officer is set forth in R.I.G.L. § 45-23-38.

**Minor subdivision** - A subdivision that creates nine or fewer buildable lots.

**Non-buildable lot** - A lot on which construction is impracticable due to physical constraints, or a lot on which construction is prohibited by a recorded instrument.

**Open space** - A lot or parcel of land reserved for public or private use and enjoyment that may be improved only with structures and other improvements permitted by these Regulations.

**Parcel** - A lot, or contiguous group of lots in single ownership or under single control.

**Parking area or lot** - All that portion of a land development project used by vehicles for access, circulation, parking, loading, and unloading.

**Permitting authority** - The local agency of government, meaning any board, commission, or administrative officer specifically empowered by state enabling law and local ordinance to hear and decide specific matters pertaining to local land use.

**Phase** - A portion of a subdivision or land development to be developed at a particular time.

**Phased development** - Development, usually for large-scale projects, where construction of public or private improvements proceeds in phases as shown on the approved Master Plan for the entire site. Preliminary and Final plans for each phase are approved separately after Master Plan approval.

## Article III – Procedural Overview

**Physical constraints to development** - Characteristics of a site or area, either natural or man-made, that present significant difficulties to construction or would require extraordinary construction methods.

**Plat** - A drawing or drawings of a land development project or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other information required by these Regulations.

**Preliminary Plan** - The stage of land development and subdivision review that requires detailed engineered drawings.

**Private street** - A street established as a separate tract for the benefit of multiple, adjacent properties that meets the improvement standards in these Regulations and is not owned or maintained by the Town. Driveways are excluded from this definition.

**Public street** - All public property dedicated to and maintained by the Town or State for vehicular traffic.

**Public hearing** - A Planning Board meeting for which the required notice has been given that is open to the public and at which the public may be heard.

**Public improvement** - Any improvement that is or will be owned and maintained by the Town.

**RIDEM** - The Rhode Island Department of Environmental Management.

**RIDOT** - The Rhode Island Department of Transportation.

**Right of way** - An easement for the purpose of passing through or crossing property belonging to another.

**Runoff** - That portion of precipitation that flows off the land without infiltrating into the soil.

**Screen** - A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**Sediment** - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice.

**Setback line** - A line parallel to a lot line at the minimum required yard depth for the zoning district that establishes the area within which a structure must be erected or placed.

**Site plan** - The development plan for one or more lots on which is shown the existing and proposed conditions.

**Specimen tree** - A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

**Storm water detention** - A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or a storm.

## Article III – Procedural Overview

**Storm water retention** - A provision for storage of storm water runoff.

**Street** - A public or private thoroughfare used for passage or travel by motor vehicles.

**Street classification** - A method of roadway organization that identifies a street hierarchy according to function,

types of vehicles served, and anticipated volume, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:

- a. Arterial - a major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
- b. Collector - a street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- c. Local - streets whose primary function is to provide access to abutting properties.

**Street right of way** - The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

**Street stub** - A portion of a street right of way reserved to provide access to future development.

**Structure** - A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

**Subdivider** - A person or entity applying for subdivision approval.

**Subdivision** - The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels. Any adjustments to existing lot lines shall be considered a subdivision.

**Topography** - The characteristics of the ground surface such as plains, hills, steepness of slope, and other physiographic features.

**Unit** - A part of the property intended for a specific use that is independent from any other uses that may be on the property.

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

### Article III – Procedural Overview

**Viewshed** - The primary area that can be viewed from a defined observation point. To determine the extent of the viewshed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the viewshed.

**Yield Plan** - A plan of a conventional subdivision that depicts the maximum number of lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development such as wetlands or other land unsuitable for development.



## ARTICLE III - PROCEDURAL OVERVIEW

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### 3.1 GENERAL REQUIREMENTS

- 3.1.1 The Planning Board or the Administrative Officer shall consider each application according to the procedures set forth in these Regulations, unless otherwise specifically provided.
- 3.1.2 For an application to be placed on a Planning Board agenda, an Application for Land Development and Subdivision of Land (see Article XVIII, Section 18.1), along with all other materials required by these Regulations, must be submitted to the Planning Office by the second Friday of the month preceding the next regularly scheduled meeting. Only applications certified complete by the Administrative Officer will be placed on a Planning Board agenda. The Planning Board may limit the number of items to be considered at any monthly meeting.

The following types of applications may be filed:

- A. Administrative Subdivision;
- B. Minor Subdivision or Minor Land Development Project, no public improvements;
- C. Minor Subdivision or Minor Land Development Project, with public improvements;
- D. Major Subdivision or Major Land Development Project;
- E. Development Plan Review.

For all other matters to be brought to the Planning Board, the applicant shall submit a written request to the Administrative Officer describing the requested action to be taken by the Planning Board. If appropriate, the matter will be placed on the next available agenda of the Planning Board.

- 3.1.3 If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a notarized written statement from the owner authorizing such application ( Article XVIII, Section 18.7 - Owner Authorization Form). The signatures of the owners of all lots involved in an administrative subdivision shall appear on the plan for recording prior to endorsement by the Administrative Officer. An Administrative Subdivision Authorization Form (Article XVIII, Section 18.6) is also required.

## Article III – Procedural Overview

**3.1.4** Any application for subdivision that requires a public hearing shall be accompanied by an Application Notification List (Article XVIII, Section 18.2).

**3.1.5** A. Alternative Development

Where deemed possible and practical, the Planning Board or the Administrative Officer may require the submission of appropriate plans to demonstrate the feasibility of creating other types of subdivisions or land development projects. If the Planning Board or the Administrative Officer determines that such an alternative development is in the best interest of the Town, the applicant may be required to develop the property in an approved alternative fashion.

B. Criteria

The Planning Board or the Administrative Officer may require an approved alternative type of development in instances where the following goals of the Comprehensive Plan will be further realized:

1. Maintenance of the quality of life and rural character of the town;
2. Development of residential uses, light industry, small business, and public facilities into village areas;
3. Encouragement of agricultural uses and the preservation of wildlife habitat;
4. Preservation of the smaller villages and the surrounding undeveloped areas;
5. Acquisition of property adjacent to existing large open space parcels;
6. Promotion of controlled residential growth that serves the needs of the community while preserving Hopkinton's environmental and historic assets and scenic quality.

### **3.2 PROCEDURE FOR APPROVALS BETWEEN PLANNING BOARD AND TOWN COUNCIL**

Where an applicant requires both Planning Board approval and Town Council approval for a Zoning Ordinance or Zoning Map amendment, the applicant shall first obtain an advisory recommendation on the zoning ordinance amendment from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning ordinance amendment from the Town Council, and then return to the Planning Board for subsequent required approval(s).

### **3.3 UNIFIED DEVELOPMENT REVIEW**

Unified development review authorizes the Planning Board, rather than the Zoning Board of Review, to approve a variance, a special use permit, or an aquifer protection permit that is requested concurrently with an application for approval of a subdivision, development plan, or land development project.

## Article III – Procedural Overview

- 3.3.1 An applicant for a land development project, subdivision, or development plan approval may initiate unified development review by submitting an application form for a variance, a modification, a special use permit, or an aquifer protection permit with the application for the first stage of development approval.
- 3.3.2 An application for a modification is transmitted to the zoning enforcement officer. If the application is denied, the Planning Board considers the application as a request for a dimensional variance.
- 3.3.3 When considering an application for a variance, special use permit, or aquifer protection permit, the Planning Board is bound by the same legal requirements and the same criteria for relief that would apply to Zoning Board of Review consideration of the application. The Planning Board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law.
- 3.3.4 An application for a variance, a special use permit, or an aquifer protection permit requires a public hearing. If these Regulations require a public hearing for the land development project application, the application for zoning relief shall be heard at the same public hearing. The Planning Board shall consider the request for zoning relief before the land development project review takes place. The Planning Board's approval of an application for zoning relief shall be conditional on Final Plan approval of the land development project or development plan.
- 3.3.5 The time period within which the Planning Board must act on the application or applications for zoning relief is the same as the time period for decision on the stage of review and approval for land development project or development plan review application.
- 3.3.6 An applicant for approval of a major land development project that has received zoning relief as part of Master Plan approval may request a change to the relief granted, and may request additional variances or special use permits, as a result of the more detailed planning and engineering required for the preliminary plan submission. If such a request is made, a public hearing to consider the additional zoning relief must be conducted during Preliminary Plan review. If the additional zoning relief is granted, it is conditional on Final Plan approval of the land development project or development plan. If the additional zoning relief is denied, the Planning Board may remand the application to Master Plan review or, with the applicant's consent, the Preliminary Plan approval period may be extended to allow the applicant to provide additional evidence to support the request for zoning relief.
- 3.3.7 An appeal from a decision by the Planning Board on a variance, special use permit, or aquifer protection permit may be taken pursuant to R.I.G.L. § 45-23-71.

### 3.4 CERTIFICATION OF COMPLETENESS

- 3.4.1 An application shall be complete for purposes of commencing the applicable time period or action when so certified by the Administrative Officer.



## Article III – Procedural Overview

- 3.4.2 The Administrative Officer must certify as complete, in writing, an application for each stage of approval of a subdivision or land development project before the application will be reviewed. Certification of a complete application begins the time period within which the Administrative Officer or the Planning Board must review and act on an application.
- 3.4.3 If an application is incomplete, the Administrative Officer shall provide the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Office shall have at least 10 days from the day the missing material is submitted to recertify the application.
- 3.4.4 If a written certificate of completeness is not issued within the time required by these Regulations, the application is considered complete for the purpose of beginning the review period; provided, however, that during review of the application, the Administrative Officer or the Planning Board may require an applicant to correct any information found to be in error or to submit any material required by these Regulations but not included in the application.

### 3.5 PRE-APPLICATION MEETING AND CONCEPT REVIEW

Pre-application meetings for an informal conceptual plan review shall be held for Administrative and Minor applications upon request of either the Town or the Applicant. Pre-application meetings shall allow the Applicant to meet with appropriate officials, boards, or commissions, planning staff, and, where appropriate, state agencies to classify the project, for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards that apply to the proposed development and also provide the Planning Board's input in the formative stages of a conceptual design.

Applicants seeking a Pre-application meeting shall submit the general, conceptual materials to the Planning Office in advance of the meeting requested by Town officials.

Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the Applicant and shall not be considered approval of a project or its elements.

### 3.6 REQUIRED FINDINGS

The requirements listed below will apply to all subdivisions and land development projects submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, the Planning Board or the Administrative Officer shall make positive findings on all of the standards listed below, as part of the proposed project's record. A negative finding for any of these standards shall be grounds for denial of the application.

Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record that discloses the nature and character of the observations.

## Article III – Procedural Overview

The Planning Board or the Administrative Officer shall make positive findings on the following standard requirements to approve the proposed project:

- 3.6.1 The proposed development is consistent with the *Comprehensive Community Plan* or has satisfactorily addressed the issues where there may be inconsistencies;
- 3.6.2 The proposed development complies with the Zoning Ordinance;
- 3.6.3 There will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, with all required conditions for approval;
- 3.6.4 The subdivision or land development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots, according to pertinent regulations and building standards, would be impracticable. Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
- 3.6.5 All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
- 3.6.6 The proposed development provides for safe circulation of pedestrian and vehicular traffic, for surface water runoff control, for suitable building sites, and for preservation of natural, historical, and cultural features that contribute to the attractiveness of the community; and,
- 3.6.7 The design and location of streets, building lots, utilities, drainage improvements and other improvements in the proposed development minimizes flooding and soil erosion.

### 3.7 ADMINISTRATIVE FEES

Administrative Fees shall be paid to the Town of Hopkinton at the time of the submittal of an application. Any application filed without these fees shall be deemed incomplete and no review work by the Town shall commence until the fee has been paid in full.

Expenses for advertising, notices, engineering, stenographic services, and professional planning review, as well as construction, inspection, recording and filing of documents, shall be borne by the Applicant.

All reasonable and necessary costs, fees, and expenses, without limitation, incurred by the Planning Board pursuant to review, inspection and testing of the subject of any application, subdivision, development or required off-site improvement at any stage, before or after approval, shall be charged as an additional fee by the Planning Board to the Applicant, developer, or other person or firm requesting approval or requiring the advisory review of the Board.

The following administrative fees are required to be paid by an applicant for the review and approval of

### Article III – Procedural Overview

any subdivision and land development project, for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon:

# Article III – Procedural Overview

**TABLE 1. ADMINISTRATIVE FEE SCHEDULE**

Type of Application	Fee
Administrative Subdivision	\$150
Administrative Planning Board Review	\$150
Minor Subdivision (9 lots or fewer)	
Pre-application and Concept Review	\$300 + \$30 per unit
Preliminary Plan	\$750 + \$150 per unit
Final Plan	\$150 + \$30 per unit
Major Subdivision (10 or more lots)	
Pre-application and Concept Review	\$300 + \$30 per unit
Master Plan	\$750 + 150 per unit
Preliminary Plan	\$750 + \$150 per unit
Final Plan	\$150 + \$30 per unit
Plan Believed Not to Require Approval	\$30
Amendment to Approved Plats and Plans	
Minor Change	\$300
Major Change	\$750 + \$150 per unit
Development Plan Review Fees	
Administrative	\$750 + \$150 per unit
Formal	
Preliminary Plan	\$750 + \$150 per unit
Final Plan	\$150 + \$30 per unit
Project Review Fees	Fee to Cover Cost
Recording of Subdivision Plan	As per Town Clerk
Inspection Fees	2% of total estimated costs of required improvements
Engineering Review	Fee to Cover cost
Extension Fees	\$300
Reinstatement Fee	\$300 + \$30 per unit
Appeals to Board of Appeal	As established by Zoning Ordinance for appeals
Workshops and Special Meetings Requested by Applicant	\$300

All filing fees specified above shall be paid to the Town of Hopkinton by the applicant at the time of filing the application for subdivision approval with the Administrative Officer.

### 3.8 PROJECT REVIEW FEES

#### 3.8.1 A. Applicability

In addition to the Administrative Fee applicable to subdivisions and land development projects, including Comprehensive Permit applications, the Planning Board may impose a project review fee on those applications that, in the judgment of the Planning Board, require review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. The fee shall equal the actual cost to the Town for such consultant. The Town may engage engineers, planners, lawyers, landscape architects, architects, or other appropriate professionals to assist the Planning Board and to ensure compliance with all relevant ordinances and regulations. Such assistance may include, but shall not be limited to, analyzing an application; design review of applications to determine consistency with the *Hopkinton Comprehensive Plan*; determining the economic, archaeological, traffic or environmental impact of a development proposal; review of unique site features including trees; or monitoring a project or site for compliance with the Board's decisions or these Regulations.

Project review fees are separate from, and in addition to, fees imposed by the Town for inspecting a project during construction or implementation.

#### B. Submittal

Initial project review fees shall be submitted when the Planning Board determines that an outside consultant is needed. Consultants will not be engaged until the Town receives the fee.

#### C. Handling of Project Review Fees

The project review fees are held in an escrow account as established by the Finance Director. No interest shall accrue on any funds held in this escrow account.

1. Outside consultants retained by the Town to assist in the review of an application shall be paid from this account.
2. Project review fees may be used by the Town for the purposes stated in Subsection A, above, at any time during the review process.
3. The Finance Director shall prepare a report for the Administrative Officer on activity in the escrow account upon request.
4. The Applicant may request an accounting of the applicant's funds held in the escrow account at any time. The Finance Director shall respond to the request in a timely manner.
5. An applicant may request the Planner to provide an estimate of bills pending from consultants for work completed or in progress, but not yet invoiced.

## Article III – Procedural Overview

6. Excess fees in the escrow account shall be returned to the Applicant or the Applicant's successor in interest. For the purpose of this section, any person or entity claiming to be the Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest. Excess fees shall be returned upon the latest of the following:
  - a. Disapproval of a subdivision or land development plan;
  - b. Final Plan approval of a subdivision or land development plan;
  - c. If fees are proposed to be used to monitor the construction of a site, the release of the performance bond or other financial guarantees at the end of construction; or,
  - d. If no financial guarantee is used, and if fees are proposed to be used to monitor the construction of a site, with the final inspection and approval of construction by the Town.

### D. Replenishment

When the balance in an applicant's escrow account falls below twenty-five percent of the initial project review fee as imposed above, the Planning Board may require a supplemental project review fee to cover the cost of the remaining project review.

### 3.8.2 Disqualification

A. The choice of a consultant hired by the Town for the review of an application may be contested under on the following grounds:

- a. Conflict of interest – A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit from the outcome of the pending review process;
- b. Lack of appropriate qualifications – A consultant shall possess the minimum required qualifications which shall consist of either an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field; or
- c. Business relationship – The consultant has conducted business with an applicant within the past eighteen months.

B. The required time limits for action upon an application by the Planning Board shall be suspended for the duration of the contest.

### 3.8.3 Comprehensive Permits

Project review fees for Comprehensive Permit applications shall be consistent with but may not exceed fees that would otherwise be assessed for a project of the same scope and type, provided, however, that the imposition of such fees shall not preclude a showing by a non-profit applicant that the fees make the project financially infeasible.

## Article III – Procedural Overview

If an applicant who has not yet paid project review fees requests a waiver of those fees, the application will be certified as incomplete for failure to pay the fee. The Administrative Officer shall then present the waiver request to the Planning Board. If the Planning Board approves the waiver, the time within which the application must be certified as complete resumes running. If the Planning Board denies the waiver, the application will be considered incomplete until the project review fee is paid.

### **3.9 RECORDING**

All approved final plans shall be recorded in accordance with Article X of these Regulations.



## ARTICLE IV - SPECIAL REQUIREMENTS / PROVISIONS

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### 4.1 DEDICATION OF LAND FOR PUBLIC PURPOSES

#### 4.1.1 Subdivider Must Provide Open Space

The Planning Board may require that major land developments and subdivisions dedicate a portion of the land for open space, conservation, park, and recreational land and/or facilities to serve present and future residents of the proposed land development or subdivision. Open space, conservation and recreation lands shall be suitable for such use considering factors such as size, shape, topography, wetlands, geology, historical or archeological features, access, and location.

A. Open space may provide for:

1. protection and conservation of natural features;
2. protection and conservation of community resources;
3. establishing greenbelts and other linkages that connect open spaces;
4. parks, playgrounds, and other active and passive recreation areas;
5. supplementing existing open space areas;
6. protection or enhancement of local trails;
7. protection and preservation of agricultural land and uses;
8. protection and preservation of the rural character of the Town of Hopkinton by retaining natural open space areas and scenic views where they are most visible from public roads, and by providing natural buffers;
9. protection and preservation of forest resources;
10. protection and preservation of natural resources including ledge outcroppings, stands of unique trees, unusual or unique wildlife habitats and other unusual and unique topographical and physical features;
11. protection and preservation of historical and cultural resources, including historic and prehistoric archaeological sites, stone walls, trails, and cemeteries;
12. protection of ground water, watersheds, aquifers, and other aquatic resources; and/or
13. protection of important ecological resources.

B. This open space requirement may, with approval of the Board, be met through:

1. dedication of land within the proposed subdivision to the Town or by conveyance of a conservation easement;
2. dedication of land acceptable to the Board elsewhere in Hopkinton;
3. a fee in lieu of land donation;
4. dedication of land and a fee in lieu of land donation; or
5. some other arrangement that shall be found by the Board to be acceptable, such as a scenic preservation easement, a trail easement, a conservation easement, or similar proposal.



## Article IV – Special Requirements/Provisions

- C. The Board may solicit or accept comment regarding the proposed land dedication from any Town board or commission, Town official, Land Trust, or qualified consultant with respect to:
1. the need for a land dedication in the subdivision;
  2. the land resources available;
  3. the implications of a dedication in relation to open space systems in the Town; and/or,
  4. preferred ownership.
- D. In determining the appropriateness of an area proposed for open space or other public purposes, the Board shall consider:
1. the presence or absence of any existing or potential dedicated open spaces in the area;
  2. the opportunities to interconnect existing, proposed, and future open space dedications into a comprehensive greenway and trail system;
  3. the size of the subdivision; and
  4. responses to any referrals regarding need, resources, connection to the open space system of the Town and preferred ownership.
- E. The Board may require that any land have direct access to a public road via a right-of-way dedicated to public use and that it be graded and improved to allow for pedestrian access.
- F. Land areas to be dedicated for open space shall not be used as a disposal site for brush, stumps, earth, building materials, or debris, except as may arise from activities permitted under a conservation easement.
- G. Whenever the Board has required land areas to be dedicated for open space, standard markers shall be placed in the field delineating the area. No endorsement of the approved plans shall occur, and no mylars shall be recorded with the Town Clerk, until the applicant has submitted a Bounds Certificate (Article XVIII, Section 18.14) verifying that the markers have been installed and the Board, or its delegated representative, has field verified the installation.
- H. Where land reserved for open space abuts land used for residential purposes or other uses, its boundaries shall be set in the field and marked by permanent, readily visible markers at the intersection of any lot line, road, or perimeter lines and at intervals along the boundaries of all open space parcels deemed sufficient by the Board to protect the open space land from encroachment and ensure that its boundaries are identifiable.
- I. Where open space or easements are provided without frontage or other public access, a right-of-way shall be granted to the recipient of the open space or easement for the purpose of maintenance and monitoring.
- J. Unless waived or modified by the Board, the area reserved to meet the minimum dedication requirement shall not have a greater proportion of land unsuitable for development than the parcel as a whole. Such information shall be provided for the overall parcel and the proposed open space by an appropriate design professional licensed in the State of Rhode Island.

## Article IV – Special Requirements/Provisions

### 4.1.2 Relationship to Comprehensive Plan

No dedication of land to the public, or payments in lieu of such dedications, shall be required unless the need for such is identified and documented in the adopted *Hopkinton Comprehensive Plan*, the *Hopkinton Recreation, Conservation and Open Space Plan*, or the *Capital Improvement Program* (CIP). The requirement for dedication of land for open space, conservation, park, and recreation facilities shall be based upon the policies and standards set forth in the above plans or in the CIP and shall reflect the character defined for the neighborhood or district in which the subdivision is located by the Comprehensive Community Plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use.

### 4.1.3 Amount of Land to be Dedicated

The minimum amount of land to be dedicated shall be based upon the following formula:

$$\begin{array}{ccccccc} \text{Amount of} & & \text{Number of DUs} & & \text{Persons} & & \text{Land} \\ \text{Dedicated Land} & = & \text{of DUs in the} & \times & \text{per} & \times & \text{Need} \\ \text{(Acres)} & & \text{Subdivision} & & \text{DU} & & \text{(.01 acres)} \end{array}$$

In the event that the above formula results in land less than two acres, the applicant will be required to dedicate a minimum of two acres.

#### A. Number of DUs in the Subdivision

The maximum number of dwelling units in all phases of the land development project or subdivision.

#### B. Persons per Dwelling Unit

The Applicant may provide an estimate of the projected number of persons per dwelling unit (DU) in the proposed land development project or subdivision and shall state the basis for such estimate. The Planning Board shall review and approve of such estimate. Otherwise, the figure of 2.56 persons per household from the 2010 Census shall be used.

#### C. Land Need

The actual need for open space, conservation, and open space land, as expressed in acres per 1,000 population in the *Hopkinton Recreation, Conservation and Open Space Plan*. The 1994 Town- wide needs average ten acres per 1,000, or .01 acres per person.

### 4.1.4 Fee in Lieu of Land Dedication

The Planning Board may, at its discretion, require the payment of a fee in lieu of land dedication, or a combination of land dedication and payment of a fee as an alternative to the dedication of land. The amount of such fee shall be based upon the fair market value of the amount of developed land which would otherwise be required to be dedicated.

## Article IV – Special Requirements/Provisions

$$\begin{array}{ccccc} \text{Fee in lieu} & & \text{Fair Market} & & \text{Amount of land} \\ \text{of land dedication} & = & \text{value per acre} & \times & \text{to be dedicated} \\ & & \text{of developed land} & & \end{array}$$

If payment in lieu of land dedication is required, it shall be used at the discretion of the Town Council.

- A. Where dedication of land as open space will not meet the purposes of this section, the Board may:
  - 1. authorize the applicant/developer to pay a fee to the Town or pay a fee to the Town and transfer land to the Town in lieu of any requirement to provide land; or,
  - 2. request the applicant/developer pay a fee to the Town or pay a fee to the Town and transfer land in lieu of the requirement to provide land.
- B. If payment of a fee in lieu of open space is proposed by the applicant/developer, the Board may refuse such fee if it determines, in its sole discretion, that there are acceptable areas on the subdivision for preservation by one of the methods set forth in these Regulations.
- C. The fee in lieu of open space shall be paid in one lump sum by the applicant/developer prior to the recording of the final plat.

### 4.1.5 Fair Market Value

Fair Market Value of the land shall be established by the Hopkinton Tax Assessor, who shall base the valuation, assuming approval of the subdivision plat, at the time of filing of the Final plan.

The Tax Assessor shall review recent sales of comparable vacant land in Hopkinton and nearby towns to establish Fair Market Value of the dedication land. If a subdivider objects to such amount of valuation, he/she may obtain an appraisal of the property by a qualified real estate appraiser which appraisal may be acceptable to the Planning Board and the Hopkinton Tax Assessor if found to be reasonable.

### 4.1.6 Ownership of Land

Fee title or a conservation easement shall be deeded in perpetuity and the applicant shall designate who it is proposed will own the fee title or conservation easement to ensure its permanent protection as provided in these Regulations. Land dedications required by this section may be made by transfer of fee simple ownership to any of the following, as determined by the Planning Board:

- A. The Town of Hopkinton for conservation or other purposes; or,

## Article IV – Special Requirements/Provisions

- B. The Town of Hopkinton for active recreational purposes after all improvements have been completed; or,
- C. A private Homeowners Association consisting of the owners of the lots within the subdivision for specified recreational or conservation purposes, upon such terms and conditions as approved by the Board that will protect the public welfare and ensure the continued use of the open space for the purpose intended. A copy of the homeowner's deed and the by-laws of the homeowner's association shall be submitted with the application; or,
- D. A recognized private organization legally constituted to accept and to maintain land for conservation purposes, such as a land trust, under terms acceptable to the Board; or,
- E. A private, non-profit recreation group.

Fee title or a conservation easement deeded to a private organization, or a homeowners association shall provide in such deed that ownership shall revert to the Town for recreational or conservation purposes if such corporation or association shall cease to exist or shall relinquish ownership. If the land in question has been preserved as open space prior to the filing of the application via a conservation easement, it shall be sufficient that the existing conservation easement contains a reverter clause to a recognized private organization legally constituted to accept and to maintain land for conservation purposes, such as a land trust, or is otherwise satisfactory to the Board.

### **4.2 IMPACT STATEMENT**

#### **4.2.1 Authority to Require Impact Statement**

The Planning Board shall have the authority to require the Applicant to prepare an Impact Statement to assess the potential short- and long-term effects of the proposed subdivision or land development project. An Impact Statement shall be required if the Board finds that there is a reasonable expectation that the proposed subdivision or land development project will have a significant negative environmental impact on natural and/or manmade systems located on the property that is the subject of the application, or upon nearby properties, upon natural systems, or upon nearby manmade resources.

#### **4.2.2 Findings of Fact**

The Board shall make findings of fact in writing and shall identify the environmental resources and manmade resources it finds to be potentially threatened. The Board's findings shall be made a part of the record of the application.

#### **4.2.3 Contents of Impact Statement**

An impact statement required under this section shall include research and documentation describing and assessing short- and long-term environmental impacts which may include, but not be limited to, impacts upon the following:

## Article IV – Special Requirements/Provisions

* freshwater wetlands	* traffic/roads	* police/fire/lighting
* natural heritage sites	* soils	* schools
* noise and air quality	* vegetation	* nutrient levels
* solid waste generation	* wildlife	* groundwater
* historic/archaeological areas	* dark sky	* agriculture lands
* impact on open space	* surface water	* scenic view shed

### 4.2.4 Notification to Applicant

If an impact statement is required, the applicant shall be so informed at the Preliminary meeting for a Minor subdivision, or the Master Plan stage for a Major subdivision and shall be advised at that meeting as to the specific information that the impact statement must contain (Section 4.2.3).

### 4.2.5 Impacts on Development Plan Approvals

For any subdivision or land development project for which an impact statement is required, the Board shall have the authority to impose conditions on approval that, based on the findings and analysis of the impact statement, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.

### 4.2.6 Referral for Review and Comment to Conservation Commission

All impact statements shall be referred to the Hopkinton Conservation Commission for their review and comment.

### 4.2.7 If Impact Cannot be Mitigated

If, in the opinion of the Board, impacts identified in the impact statement cannot be adequately mitigated so as to achieve compliance with each of the General Requirements specified in this Article, the Board shall have the authority to deny approval of the proposed development design.



## ARTICLE V – PRE-APPLICATION / CONCEPTUAL REVIEW

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### 5.1 PRE-APPLICATION MEETING AND CONCEPT REVIEW

The Board recommends that subdivision applicants meet with the Town Planner for discussion prior to submitting a formal application. A Pre-application/Concept Review discussion is not a substitute for a formal application, and neither an applicant, the Planner, or the Board, is bound by the comments made during a Pre-application discussion. The Board can only make binding decisions after a formal application is submitted.

- 5.1.1 An applicant wishing to obtain subdivision approval shall first contact the Town Planner to arrange a meeting with the Planner and other Town staff. At the staff meeting, the applicant and the Planner shall determine if a Pre-application meeting with the Planning Board is required by these Regulations or is desired by either the Applicant or the Town.
- 5.1.2 If a Pre-application meeting is required or requested, the Applicant shall submit all the information required by the Checklist for Pre-application Meetings and Concept Review (Section 5.2). The Planner will review and comment on the checklist information and, if determined to be complete, will schedule the application to appear before the Planning Board.
- 5.1.3 If no Pre-application meeting is required or requested, the Applicant will be advised by the Town Planner as to the requirements of the Subdivision Regulations and the procedure to be followed by the Applicant for subdivision approval.
- 5.1.4 One or more Pre-application meetings shall be held before the Planning Board for all Major Land Development or subdivision applications. Pre-application meetings may be held for Administrative Subdivisions and Minor Land Development and Minor Subdivision applications, upon request of either the Town Planner or the Applicant.

Pre-application meetings shall allow the Applicant to meet with the Planning Board for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commissions, planning staff and state agencies shall be notified of the Pre-application meetings and invited to provide comments on the proposed subdivision or land development plan.

- 5.1.5 At the Pre-application stage, the Applicant may request an informal concept plan review for a development. The purpose of the concept plan review is also to provide the Planning Board with input in the formative stages of subdivision and land development concept design.
- 5.1.6 Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development.

Meetings should include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the *Hopkinton Comprehensive Plan* with regard to preserving the character of the land, the natural environment, and the ability of the Town to provide essential services. Pre-application discussions are intended for the guidance of the Applicant and shall not

## Article VI – Administrative Subdivisions

be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the Pre-application meeting.

- 5.1.7** If at least one Pre-application meeting has been held for a major land development or subdivision application, or if 60 days has elapsed from the filing of the Pre-application submission without a Pre-application meeting being scheduled to occur within that 60-day period, an applicant may thereafter file and proceed with an application for a land development or subdivision project.



## Hopkinton Planning Department

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### 5.2 PRE-APPLICATION / CONCEPTUAL REVIEW CHECKLIST

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

This is the initial stage of Land Development and Subdivision Review in which proposals are discussed informally and receive comments and direction from municipal officials.

The applicant shall submit to the Town Planner, ten 24-inch x 36-inch black or blueline copies, and ten 11-inch x 17-inch reduced copies of Pre-Application maps in a scale that shall be sufficient to clearly show all of the information required below and shall be subject to the approval of the Town Planner. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The plans must illustrate all parcels involved in the proposed subdivision or land development, in their entirety. Plans shall include a certification that all plans and proposed improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration of Land Surveyors.

#### A. PRE-APPLICATION SUBMISSION - PRE-APPLICATION DRAWING(S)

A map or plan of the proposed subdivision parcel showing the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. The map should be drawn at a scale sufficient to clearly show all of the information required, depending on the size and complexity of the property. Much of this information could be shown based on USGS maps and/or orthophotos available from RIGIS. Applicants seeking a pre-application meeting, or an informal concept plan review shall submit general, conceptual materials, in advance of the meeting(s), as requested by the Town Planner and which may include any of the following:

- \_\_\_ 1. Name of proposed development
- \_\_\_ 2. Name and address of property owner and applicant
- \_\_\_ 3. Name, address and telephone number of person or firm preparing the Pre-application plan
- \_\_\_ 4. Date of plan preparation, with revision date(s) if any
- \_\_\_ 5. Graphic scale and North arrow
- \_\_\_ 6. Assessor's plat and lot number(s) of the land being subdivided
- \_\_\_ 7. Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
- \_\_\_ 8. Zoning certificate from the Building/Zoning Official



## Article VI – Administrative Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 9. Location of perimeter boundary lines and dimensions of existing and proposed property lines of the subdivision, drawn so as to distinguish them from other boundaries and all other existing property lines within or immediately adjacent to the parcel(s) being developed, including existing easements and rights-of-way.
- \_\_\_ 10. Area of the subdivision parcel and proposed number of buildable lots, dwellings, or other proposed improvements
- \_\_\_ 11. Location and names of existing streets within and immediately adjacent to the subdivision parcel
- \_\_\_ 12. Location of wooded areas and notation of existing ground cover
- \_\_\_ 13. Estimated location of land unsuitable for development, including wetlands, ponds, watercourses and/or wetland buffers including rivers, streams, lakes, ditches, drains, special aquatic sites and vernal pools, present on or within 200 feet of the property being subdivided, as available from existing information
- \_\_\_ 14. Size and approximate location of public or private water lines
- \_\_\_ 15. Location of electrical, telephone, and cable service
- \_\_\_ 16. Existing utility easements and power line rights-of-way
- \_\_\_ 17. Width and surfacing material of existing road(s) at access points
- \_\_\_ 18. Table stating minimum area and building setback dimensions required for the zoning district
- \_\_\_ 19. Areas of agricultural use
- \_\_\_ 20. Existing site analysis map including topography with approximated contour intervals of two feet, locations of significant existing natural and manmade environmental features including wooded areas, wetlands, steep slopes, rock out crops, easements, on or immediately adjacent to the subdivision
- \_\_\_ 21. Location and approximate size of existing buildings, proposed buildings and/or significant above-ground structures on or immediately adjacent to the subdivision
- \_\_\_ 22. Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and Onsite Wastewater Treatment Systems (OWTS) are proposed
- \_\_\_ 23. Location of historic cemeteries on or immediately adjacent to the subdivision, if any
- \_\_\_ 24. General location of any unique natural, cultural and/or archeological and historic features or sites, including stone walls, trails, and landscapes
- \_\_\_ 25. Scenic road corridors and state-designated scenic areas
- \_\_\_ 26. Applicant has referred to the *Town of Hopkinton Design Review Standards* for this application

## Article VI – Administrative Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_27. Conceptual layouts including streets, lots, lot lines, approximate lot areas and dimensions, and showing approximate areas of alteration. Proposed lot lines shall be drawn so as to distinguish them from existing property lines, on a separate drawing, if necessary.
- \_\_\_28. Base flood elevation data from FEMA maps
- \_\_\_29. Proposed open space areas (Residential Cluster Developments and Residential Compounds)
- \_\_\_30. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_31. Street index box
- \_\_\_32. Proof of paid up-to-date property taxes from the Hopkinton Tax Collector
- \_\_\_33. Copy of a Certificate of Authorization issued by the Board of Design Professionals of the State of Rhode Island
- \_\_\_34. Proof of current registration with the State Board of Registration for Professional Land Surveyors of the State of Rhode Island
- \_\_\_35. Notation on plan if the subdivision parcel(s) is (are) located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Prime farmland soils
  - \_\_\_ Groundwater Protection Overlay District (Town)
  - \_\_\_ State, regional or community greenways and greenspace priorities
  - \_\_\_ 100-year floodplains as shown on federal flood protection maps
  - \_\_\_ Unfragmented forest tracts
  - \_\_\_ Land in active agricultural use
- \_\_\_36. An estimate of the approximate population of the proposed subdivision
- \_\_\_37. An estimate of the number of school-aged children to be housed in the proposed subdivision
- \_\_\_38. Existing hiking, biking, and bridle trails within and adjacent to the site
- \_\_\_39. Boat launches, lake and stream access points, beaches, and water trails
- \_\_\_40. Existing playfields, playgrounds, and recreational resource areas adjacent to the site
- \_\_\_41. Any other information or data which is relevant to good planning and design

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

**B. PRE-APPLICATION SUBMISSION - SUPPORTING MATERIALS**

The applicant shall submit to the Town Planner copies of a narrative report (actual number of copies to be determined by the Planner) providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant. The narrative report shall include reduced copies of all plans required in Section A, above plus the following:

- \_\_\_ 1. Filing Fee - \$300 + \$30 per unit
- \_\_\_ 2. General Application for Subdivision Review (Article XVIII, Section 8.1)
- \_\_\_ 3. An aerial photograph or a black line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area
- \_\_\_ 4. A copy of the soils map of the subdivision parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed, including information on approximate water table elevations and flood potential. If any prime agricultural soils are within the subdivision parcel(s), the soils map shall be marked to show the location of said prime agricultural soils
- \_\_\_ 5. A vicinity map drawn to a scale of 1 inch = 400 feet or as necessary to show the area within one-half mile of the subdivision parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use
- \_\_\_ 6. Any other information or data which is relevant to good planning and design

**Note:** The Planning Board, at its discretion, may vote to combine review stages and to modify and/or waive requirements as specified in Article XI. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant.



## ARTICLE VI - ADMINISTRATIVE SUBDIVISIONS

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### 6.1 PROCEDURE FOR REVIEW AND APPROVAL

- 6.1.1 Any applicant seeking an Administrative Subdivision, as herein defined, shall submit to the Town Planner the items required by the Checklist for Administrative Subdivisions in Section 6.3 of this Article.
- 6.1.2 When two or more property owners are involved in an Administrative Subdivision, an Administrative Subdivision Authorization Form (Article XVIII, Section 18.6) must be signed by each of the property owners, notarized and submitted to the Town Planner.

### 6.2 THE REVIEW PROCESS

- 6.2.1 The application shall be certified as complete or incomplete by the Town Planner within 15 days from the date of its submission.
- 6.2.2 Within 15 days of certification of completeness, the Town Planner shall review the application and approve, deny, or refer it to the Planning Board with recommendations. The Planner shall report this action to the Planning Board at its next regular meeting, to be made part of the record.
- 6.2.3 If the Town Planner does not act within 15 days, the application shall be placed on the agenda of the next regular Planning Board meeting.
- 6.2.4 If referred to the Planning Board, the Board shall consider the application and the recommendations of the Town Planner and shall either approve, approve with conditions, or deny the application within 65 days of certification of completeness. Failure of the Planning Board to act within the period prescribed shall constitute approval of the Administrative Subdivision plan and a certificate of the Town Planner 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.
- 6.2.5 Denial of an application by the Town Planner shall not be appealable and shall require the plan to be submitted as a Minor Subdivision application.
- 6.2.6 Any approval of an Administrative Subdivision shall be evidenced by a written decision which will be filed and posted at the office of the Town Planner.
- 6.2.7 Approval of an Administrative Subdivision shall expire 90 days after the date of approval unless within that period a plat in conformity with such approval is submitted for signature and recording as provided in Section 45-23-64.
- 6.2.8 The approved Administrative Subdivision plan along with all required documentation and an electronic version of the approved plan, to the Town Planner before recording.



## Hopkinton Planning Department

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### 6.3. ADMINISTRATIVE SUBDIVISION CHECKLIST

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

The applicant shall submit to the Town Planner, one 24-inch X 36-inch, fixed-line Mylar copy; five 24-inch X 36-inch, black or blue-line copies; and ten 11-inch X 17-inch copies of the proposed plat. The scale shall be sufficient to show all of the information required and shall be subject to the approval of the Town Planner.

The plans must illustrate all parcels in their entirety involved in the proposed subdivision. Plans shall include a certification that all plans and proposed improvements conform to all existing and amended standards of the Board of Registration for Land Surveyors, as appropriate.

At a minimum, the following information shall be provided:

- \_\_\_ 1. Name, address, and telephone number of the property owner and applicant
- \_\_\_ 2. Name, address and telephone number of person or firm preparing plan
- \_\_\_ 3. Date of plan preparation with revision date(s) if any
- \_\_\_ 4. Graphic scale and North arrow
- \_\_\_ 5. Plat and Lot numbers of the parcel being subdivided
- \_\_\_ 6. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown.
- \_\_\_ 7. An Administrative Subdivision Authorization Form when two or more applicants are involved in an Administrative Subdivision. This form is a written confirmation of ownership and must be signed and notarized by each of the applicants and submitted to the Town Planner (Article XVIII, Section 18.6).
- \_\_\_ 8. The signature(s) of owner(s) of all existing lots involved in the subdivision shall appear on the Mylar plat in a signature box, prior to endorsement by the Planner
- \_\_\_ 9. Existing property lines, easements, and rights-of-way
- \_\_\_ 10. Proposed property lines, drawn so as to distinguish them from existing property lines
- \_\_\_ 11. Existing and proposed area(s) of the parcel(s) being subdivided, for the entire extent of all lots included in the Administrative Subdivision
- \_\_\_ 12. Approximate location of wooded areas and wetlands if any

## Article VI – Administrative Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_13. Location and size of existing buildings, structures, utilities, and improvements
- \_\_\_14. Location, width and names of existing public and private streets within or immediately adjacent to the parcel being subdivided
- \_\_\_15. Certification stamp by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations as Prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended.
- \_\_\_16. Filing fee (\$150) made payable to the Town of Hopkinton
- \_\_\_17. Deed descriptions for each lot and one for the area to be conveyed
- \_\_\_18. RIDEM or RIDOT approvals, if necessary
- \_\_\_19. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_20. Street index box
- \_\_\_21. Proof of paid up-to-date property taxes from the Hopkinton Tax Collector
- \_\_\_22. Copy of a Certificate of Authorization issued by the Board of Design Professionals of the State of Rhode Island
- \_\_\_23. Proof of current registration with the State Board of Registration for Professional Land Surveyors of the State of Rhode Island
- \_\_\_24. Certificate from the Hopkinton Tax Assessor stating whether property is *or* is not in farm, forest and open space program
- \_\_\_25. An electronic version of the Final Plan



## **ARTICLE VII – MINOR LAND DEVELOPMENT PROJECTS AND MINOR SUBDIVISIONS**

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### **7.1 GENERAL REQUIREMENTS**

#### **7.1.1 Review Stages**

Minor subdivision or land development project approval takes place in two stages: (1) Preliminary, which may include a site visit; and (2) Final, which is administrative. If the application proposes creation or extension of a street or includes a request for a variance, a special use permit, or an aquifer protection permit, a public hearing is required. A Concept Review/Pre-application meeting may also be held as provided in Article V, at the request of either the applicant or the Town.

#### **7.1.2 Submission Requirements**

An applicant requesting Preliminary Plan approval of a minor subdivision or land development project shall submit to the Administrative Officer the plans and supporting materials required by the Preliminary Plan Checklist for Minor Land Development Projects and Minor Subdivisions.

#### **7.1.3 Final Plan Approval**

Final Plan approval of a minor subdivision or minor land development project is administrative. To initiate Final Plan approval, the applicant shall submit the information required by the Final Plan checklist. The Administrative Officer shall certify an application as complete within 25 days if the application proposes creation or extension of a street or requests zoning relief, and within 15 days if the application does not propose creation or extension of a street or request zoning relief.

Approval of a Final Plan expires one year from the date of approval unless during that time the applicant submits a Final Plat for recording that conforms to the Final Plan approval. The Administrative Officer may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the Final Plan approval was granted are vested while the final plan approval remains valid.

#### **7.1.4 Recording and Completion of Improvements**

The Final Plan approval and the Final Plat are recorded in the land evidence records when all required improvements have been completed and an inspection has confirmed that the improvements were constructed in conformity with these Regulations and with the approved plans, or when the applicant has submitted an improvement guarantee.

### **7.2 CRITERIA FOR CREATION OF LOTS IN MINOR SUBDIVISIONS**

## Article VII – Minor Land Development Projects and Minor Subdivisions

### 7.2.1 Minor Subdivisions Involving the Creation of Two Lots

#### A. Criteria for Review

The Administrative Officer or the Planning Board shall review applications for subdivision of a lot into two lots using the following criteria:

1. Potential for further subdivision: If the parcel being subdivided has the potential for further subdivision under the current zoning ordinance, the Administrative Officer or the Planning Board shall consider the impacts from that potential development in review of the proposed subdivision and may impose any or all of the lot development standards below as necessary to mitigate such impacts.
2. Adequate physical access: Each lot must have direct physical access to a public street that is sufficient for use by fire, police, and other public safety vehicles.
3. Relationship to scenic highways: Adequate provision shall be made to preserve scenic values along the road frontage of State-designated Scenic Highways and in those areas designated as having unusually high value according to the Rhode Island Landscape Inventory (RIDEM 1990), in accordance with standards adopted by the State Scenic Highway Board pursuant to R.I.G.L. § 24-15-9.
4. Relationship to nearby uses: The proposed lots shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves, or other similar existing features.

#### B. Lot Development Standards

The Administrative Officer or the Planning Board may impose conditions related to the following:

1. The location of the proposed access driveway along the road frontage may be modified or relocated.
2. The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited.
3. Driveways of adjacent lots or groups of contiguous lots may be combined, and the use of common driveways shall be required where feasible.
4. Screening, buffering, and landscaping of the lot or driveway from adjacent streets shall be required.
5. Preservation of any existing unique natural or historic features, including but not limited to, trees or stone walls shall be required.
6. Provisions shall be made for ensuring adequate sight distances from the proposed access



## Article VII – Minor Land Development Projects and Minor Subdivisions

7. driveway along adjacent public streets to alleviate any potentially hazardous situation.

### 7.2.2 Minor Subdivisions Involving the Creation of Three to Nine Lots

#### A. Criteria for Review

The Administrative Officer or the Planning Board shall review applications for subdivision of a lot into three to nine lots using the criteria in Section 7.2.1, above. In addition, the following factors may be considered:

1. Preservation of Agricultural Land  
The preservation of land in agricultural use or land classified as agricultural land shall be maximized wherever possible by locating lots for development on land not classified as agricultural land or on land not being used for agriculture.
2. Feasibility of Internal Access Streets  
Creation of lots with frontage on collector or arterial streets should be avoided whenever possible.

#### B. Lot Development Standards

In addition to the lot development standards in Section 7.2.1(B), above, the Administrative Officer or the Planning Board may consider the following:

1. Improvements to the street on which the proposed lot(s) front may be required in order to provide safe vehicular access. The standards for construction or upgrading of any such access street(s) shall not exceed those standards required by Article XVII of these Subdivision Regulations for construction of streets in Minor subdivisions.
2. Provisions shall be made for construction of a private common driveway to provide vehicular access to multiple frontage lots from a common access point (or points) on to the public streets on which the lots front. Driveways of adjacent lots, or groups of contiguous lots, may be combined and the use of common driveways may be required where feasible. Minimum standards for the design and construction of such common driveways may be imposed by the Planning Board in order to provide safe vehicular access. Such standards shall not exceed those standards required by Article XVII for construction of streets in Minor Subdivisions.
3. If common driveways are required, the developer may be required to convey an easement to the Town that prevents direct access from one or more lots to frontage streets.
4. Preservation of any existing unique natural or historic features such as trees or stone walls may be required.

### **7.3 MINOR SUBDIVISIONS OR LAND DEVELOPMENT PROJECTS INVOLVING NO STREET CREATION OR EXTENSION**

#### **7.3.1 Certification of Preliminary Plan**

The Administrative Officer shall certify the application as complete within 15 days of the day it is submitted. If the application is incomplete, the Administrative Officer shall provide the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Officer shall have at least 10 days from the day the missing material is submitted to recertify the application.

#### **7.3.2 Review and approval**

An application that does not propose creation or extension of a street and is not accompanied by an application for a variance, a special use permit, or an aquifer protection permit shall be reviewed by the Administrative Officer. The Administrative Officer shall approve, approve with conditions, or deny the application within 65 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time.

#### **7.3.3 Expiration**

A Preliminary Plan expires one year from the date of approval. The Administrative Officer may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the Preliminary Plan approval was granted are vested while the Preliminary Plan approval remains valid.

### **7.4 MINOR SUBDIVISIONS OR LAND DEVELOPMENT PROJECTS INVOLVING STREET CREATION OR EXTENSION**

#### **7.4.1 Creation or Extension of a Private Street**

Private streets are permitted only in Residential Compounds. Private streets shall be created as separate lots. Public and private streets and common (shared) driveways shall be constructed in compliance with the standards in Article XVII of these Regulations. The Planning Board or the Administrative Officer may prohibit individual driveway access to a public street and require creation of a 30-foot-wide right of way or access easement for a common driveway.

As a condition of Final Plan approval, the applicant shall be required to record a covenant, binding on his successors and assigns, that the Town of Hopkinton shall not be asked or required to accept or maintain a private street not constructed in compliance with the standards for public streets for 99 years from the date of recording of the covenant.

#### **7.4.2 Certification of Preliminary Plan**

## Article VII – Minor Land Development Projects and Minor Subdivisions

The Administrative Officer shall certify the application as complete within 25 days of the day it is submitted. If the application is incomplete, the Administrative Officer shall provide the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Officer shall have at least 10 days from the day the missing material is submitted to recertify the application.

### 7.4.3 Site Visit

The purpose of a site visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designed open space lands, buildings, and street alignments.

After submission of the Existing Conditions and Proposed Conditions Maps, and before the Preliminary Plan is approved, the Planning Board may schedule a site visit to the property. The Existing Conditions and Proposed Conditions Maps shall be distributed at the site visit to those Town Officials in attendance if it has not been distributed earlier. The Planning Board may require the applicant to provide field locations of proposed streets, improvements, or site features. The applicant and one or more of his development professionals should be present. Town officials are encouraged to attend.

The site visit shall be considered a meeting of a public body pursuant to the R.I. Open Meetings Act. The time and location shall be posted; the applicant shall send notice of the site visit to the owners of property within 1,000 feet; members of the public are permitted to attend; and minutes shall be recorded. However, the Planning Board will take no formal action during the site visit, and any comments made by Planning Board members, or any other public officials shall not be construed as decisions or determinations.

Lack of a quorum of Planning Board members at the site visit, or failure to conduct a site visit for a reason other than the unavailability of the applicant, shall not affect the status of the application.

### 7.4.4 Public Hearing

The Planning Board shall conduct a public hearing in compliance with Section 8.3.3 of these Regulations. If the applicant has requested a variance, a special use permit, or an aquifer protection permit, the Planning Board shall approve or deny the variance, special use permit, or aquifer protection permit before considering the Preliminary Plan application. Approval of zoning relief shall be conditional on approval of the Final Plan.

### 7.4.5 Decision

The planning board shall approve, approve with conditions, or deny the application and any requested zoning relief within 95 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time. If the Planning Board fails to act on the application within 95 days of the day it was certified as complete, the applicant may request and receive from the Administrative Officer a certification of Preliminary Plan approval.

**7.4.6 Expiration of Preliminary Plan approval**

A Preliminary Plan expires one year from the date of approval. The Planning Board may extend the approval period for cause upon receipt of a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the Preliminary Plan approval was granted are vested while the Preliminary Plan approval remains valid.



## Hopkinton Planning Department

RHODE ISLAND



### 7.5 PRELIMINARY PLAT CHECKLIST MINOR LAND DEVELOPMENT AND MINOR SUBDIVISIONS

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

#### A. PRELIMINARY SUBMISSION - PLAT MAP(S)

The Preliminary stage is the first stage of Minor Land Development and Subdivision Review that includes, but is not be limited to: engineering plans depicting existing site conditions; engineering plans depicting the proposed development project; a property line survey; and all permits required by State or Federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplain, preliminary suitability for OWTS, public water systems, and connections to state roads. This is the stage when written comments and/or approvals are received from reviewing agencies.

The applicant shall submit to the Town Planner 10 black or blueline copies of the Preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Planner. Each sheet shall be no larger than 24 inches x 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). In addition, 10 legible, reduced sets of all said plans shall be submitted and reduced to a sheet size of 11 inches x 17 inches, with the reduced scale identified.

If the application for a Minor Subdivision includes a road, a Public Hearing is required. At the Public Hearing, minutes will be recorded by a Court stenographer. The cost of the stenographer will be billed to the applicant for each application. A hard copy and an electronic copy of the transcripts are to be submitted to the Planning Board.

Plans shall include certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of land being subdivided have been designed to meet a minimum of a Class II survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended.

All maps required by this Checklist shall show the following information, as applicable:

#### B. PRELIMINARY SUBMISSION – EXISTING CONDITIONS MAP

- \_\_\_ 1. Name of proposed subdivision
- \_\_\_ 2. Name, address and telephone number of property owner and applicant
- \_\_\_ 3. Name, address and telephone number of engineer or land surveyor

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 4. Date of plan preparation with revision date(s) if any
- \_\_\_ 5. Graphic scale and North arrow
- \_\_\_ 6. Plat and lot number(s) of land being subdivided
- \_\_\_ 7. Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
- \_\_\_ 8. Perimeter boundary lines of the subdivision drawn so as to distinguish them from other property lines
- \_\_\_ 9. The applicant has referred to the *Hopkinton Design Guidelines and Standards* included in Article XVI of these Regulations
- \_\_\_ 10. All information as depicted on the Pre-application/Conceptual Plan, if presented, and conditions and revisions as required by local, state and/or federal reviewing agencies
- \_\_\_ 11. Area of the subdivision parcel(s) and proposed number of buildable lots, dwellings or other proposed improvements
- \_\_\_ 12. Location and dimensions of existing property lines, within or forming the perimeter of the subdivision parcel(s) immediately adjacent to the parcel being subdivided
- \_\_\_ 13. Location of existing and proposed permanent bounds and noting any disparities between existing monumentation and record data
- \_\_\_ 14. Easements and rights-of-way within or adjacent to the subdivision parcel(s)
- \_\_\_ 15. Location, width, and names of existing streets within and immediately adjacent to the subdivision parcel
- \_\_\_ 16. Street index box
- \_\_\_ 17. Names, addresses, assessor's plat and lot number of each of the abutting property owners and property owners immediately across any adjacent streets. In the event of a street creation or extension, name, address, assessor's plat and lot for property owners located within the required notice area.
- \_\_\_ 18. A completed Application Notification List (Article XVIII, Section 18.2)
- \_\_\_ 19. A notarized form indicating the property owner is allowing the developer to develop the property (Article XVIII, Section 18.7)
- \_\_\_ 20. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_21. Proof of paid up-to-date property taxes from the Tax Collector
- \_\_\_21. Proof of paid up-to-date property taxes from the Tax Collector
- \_\_\_22. Verification from the Hopkinton Tax Assessor that property is **not** in Farm, Forest or Open Space Program
- \_\_\_23. Location of wooded areas and notation of existing ground cover
- \_\_\_24. Location of wetlands, watercourses or wetland buffers with on/or within proximity of the perimeter of the subdivision parcel as determined by a RIDEM- qualified wetlands biologist according to RIDEM regulations
- \_\_\_25. Base flood elevation data and the identification of any portion of property located in flood zones as determined by FEMA maps
- \_\_\_26. Areas of agricultural use, if any
- \_\_\_27. Existing contours at intervals of two feet
- \_\_\_28. Location and approximate size of existing buildings or significant above ground structures on or immediately adjacent to the subdivision
- \_\_\_29. Location of existing wells on subdivision site and within proximity to the proposed project
- \_\_\_30. Location and dimension of all existing utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other above or underground utilities
- \_\_\_31. Location of historic cemeteries on or immediately adjacent to the subdivision parcel(s), if any
- \_\_\_32. Location of any unique natural, cultural and/or historic features, including stone walls, existing natural and manmade environmental features including wooded areas, wetlands, steep slopes, rock outcrops, ledge, embankments, retaining walls or easements
- \_\_\_33. Notation on plan if the subdivision parcel(s) are located within any of the following areas:
- \_\_\_ Natural Heritage Areas (RIDEM) \_\_\_ Zoning Overlay Districts, if any

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

**C. PRELIMINARY SUBMISSION – PROPOSED CONDITIONS MAP(S)**

- \_\_\_ 1. A notarized statement from the property owner allowing the developer to develop the property. See Article XVIII, Section 18.7, for form.
- \_\_\_ 2. Applicant has referred to the *Hopkinton Design Guidelines and Standards* before proceeding with this application
- \_\_\_ 3. Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
- \_\_\_ 4. Grading plan in sufficient detail to show proposed contour levels at two-foot intervals for all grading proposed for on and off-site street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements
- \_\_\_ 5. Identification of storm water controls, proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer, if required by the Planning Board
- \_\_\_ 6. Soil erosion and sediment control plan (Article XVII, Section 17.7, of these Regulations).
- \_\_\_ 7. Location and dimension of all proposed utilities, within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or proposed above or underground utilities, as applicable
- \_\_\_ 8. Yield Plan, modified from pre-application review, if necessary
- \_\_\_ 9. Location, dimension and area of any land proposed to be set aside as open space (residential cluster developments or residential compounds) with location, dimensions and area of any land proposed to be set aside as open space
- \_\_\_ 10. Roadway construction drawings are required for all developments with new streets or extension of existing streets, with the number of copies as specified by the Town Planner. Refer to these Regulations, Article XVII, for design and construction guidance standards.
- \_\_\_ 11. Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical, depicting all appurtenant stormwater drainage structures and below grade utilities
- \_\_\_ 12. Cross-section and profiles of any proposed impervious surface construction, if intended as a public



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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

improvement. Profiles of proposed streets shall include existing and proposed street grades, underground utilities and drainage facilities.

- \_\_\_13. Computation of impervious lot coverage in accordance with the *Zoning Ordinance*
- \_\_\_14. Street cross-section showing placement of all underground utilities
- \_\_\_15. Written performance bond estimate developed by a Rhode Island Registered Professional Engineer in an amount sufficient to cover the cost of all required public construction improvements throughout and off-site, where applicable
- \_\_\_16. Proposed street name(s) are to be submitted on the Street Name Form which is to be completed and submitted to the Building and Zoning Official and the 911 Coordinator. The approved form, found in Article XVIII, Section 18.5, will then be submitted to the Planner by the applicant
- \_\_\_17. Location, dimensions and model numbers of proposed external lighting to include type of lighting and a point-by-point foot candle study equal to scale of plan by a qualified Lighting Professional
- \_\_\_18. A landscaping plan, if required by the Planning Board, shall be prepared by a Registered Landscape Architect showing all significant proposed clearing of land, removal of vegetation and revegetation, and/or landscaping on street rights-of-way and individual lots; showing the relation of structures to topography existing and proposed planting and grading, to include detailed design of planting areas, selection of landscape materials and number of each plant and size of plant materials at the time of planting
- \_\_\_19. A general floor plan showing the proposed use and area in square feet for each building and structure and for each proposed use within the structure
- \_\_\_20. Existing natural conditions analysis of the site prepared by a Rhode Island Registered or Licensed Design Professional indicating the soil, geologic, hydrologic and vegetative conditions of the site
- \_\_\_21. Open space management plan (residential cluster developments or residential compounds) showing location, dimensions and area of any land proposed to be set aside as open space, along with any agricultural, recreational and conservation uses of the site together with a plan detailing how all common or public lands will be maintained, used and managed. Monumentation and signage delineating the bounds of the open space shall be placed within the open space area and on the plan
- \_\_\_22. Traffic impact analysis prepared by a Professional Engineer regarding existing roadway capacity and traffic counts and projected average daily vehicle trips and peak hour trips generated by the proposed project
- \_\_\_23. Location of any existing or proposed sidewalks on-site and/or intermodal transportation connections to adjacent parcels
- \_\_\_24. Identification of internal circulation patterns

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_25. Proposed street trees, if required by the Planning Board
- \_\_\_26. Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, December 2010 or latest revision
- \_\_\_27. Notation of proposed deed restrictions and covenants
- \_\_\_28. Location of off-site stump disposal areas
- \_\_\_29. If stormwater detention basin is necessary, type of fencing to be placed around it
- \_\_\_30. Ten, 24-inch X 36- inch, black or blue-line copies of the proposed subdivision plan; ten copies reduced to no smaller than 11 inches X 17 inches; and electronic drawing files in a pdf. or dwg. format, sent electronically to the Town Planner
- \_\_\_31. Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended
- \_\_\_32. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_33. Copy of a Certificate of Authorization for all Design Professionals of the State of Rhode Island
- \_\_\_34. Proof of current registration for all Design Professionals from the State of Rhode Island
- \_\_\_35. Conservation easement form, if required by Planning Board. See Article XVIII, Section 18.10
- \_\_\_36. Any other information which is relevant to good planning and design

### D. PRELIMINARY SUBMISSION - SUPPORTING MATERIALS

The following materials (10 copies) shall be submitted with a Preliminary Plan application for a Minor Subdivision:

- \_\_\_1. Filing Fee - \$750 + \$150 per unit, plus required mailing, advertising and stenographer expenses, including providing one copy of the official transcript of the meeting to the Town Planning Department

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 2. A Vicinity Map, drawn to a scale of 1 inch = 400 feet or as necessary to show the area within one-half mile of the subdivision parcel showing the locations of all streets, existing lot lines and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use
- \_\_\_ 3. List of all federal and/or state permits required for this proposal
- \_\_\_ 4. Draft copies of all pertinent legal documents to include deeds conveying any land or easements which may be deeded to the Town as well as any proposed restrictive and protective covenants
- \_\_\_ 5. Completed Application Notification List (Article XVIII, Section 18.2)
- \_\_\_ 6. Soils map of the area. If any prime agricultural soils are within the subdivision parcel(s) the soils map shall be marked to show location of said prime agricultural soils
- \_\_\_ 7. Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service, if proposed

Water Company or District \_\_\_\_\_ Date of Letter \_\_\_\_\_

- \_\_\_ 8. A notation will be included on all plans stating:

*"The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as such may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant's sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton."*

- \_\_\_ 9. Written confirmation that the Town Department of Public Works has reviewed plans for proposed sewer service, and indicating whether sewer service is or is not available and will or will not be required
- \_\_\_ 10. When Onsite Wastewater Treatment Systems are proposed, the applicant shall provide either of the following in a manner conforming to the *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems, July 2010*, or as may be amended (See RIDEM):
  - a. Subdivision Site Suitability Certification, or
  - b. the submission of approved OWTS applications for all individual lots.

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_11. Open space management plan showing agricultural, recreational and conservation uses of the site together with a management plan detailing how all common or public lands will be maintained, used and managed
- \_\_\_12. Written confirmation from the Rhode Island Department of Environmental Management pursuant to the *RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act*, and any subsequent amendments thereto, that plans for the proposed subdivision, including any required off-site construction, have been reviewed, and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration
- \_\_\_13. In lieu of Item 12 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within the property being subdivided.
- \_\_\_14. A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to, or construction work within, a State highway or other right-of-way
- \_\_\_15. Preliminary Subdivision suitability Determination by the Department of Environmental Management for the use of Onsite Wastewater Treatment Systems
- \_\_\_16. Affidavit of Notice for mailed hearing notices (See Sample Notices in Article XVIII, Section 18.9. Refer to Section 7.1.6 for notice requirements)
- \_\_\_17. Newspaper copy, newspaper ad, notice
- \_\_\_18. Notice to anyone on right-of-way beyond 500 feet whose property must be passed through to reach Applicant's property
- \_\_\_19. The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations
- \_\_\_20. Draft copies of all legal documents describing the property, proposed easements and rights-of-way dedications, restrictions, or other required legal documents. Specify:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_21. Final written comments on the Preliminary Plan, plus the following as requested:

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

___ a.	Planning Department	Date _____
___ b.	Public Works	Date _____
___ c.	Building/Zoning Officer	Date _____
___ d.	Solicitor	Date _____
___ e.	Conservation Commission	Date _____
___ f.	Fire Department	Date _____
___ g.	Police Department	Date _____
___ h.	Other (specify) _____	Date _____

- \_\_\_22. A court stenographer is required for the Preliminary Stage Public Hearing for a project with a road, with the cost to be paid by the Applicant. A hard copy and an email copy of the recordings are to be made available to the Planning Board.
- \_\_\_23. Owner Authorization Form (Article XVIII, Section 18.7)
- \_\_\_24. Application Notification List (Article XVIII, Section 18.2)



## Hopkinton Planning Department

RHODE ISLAND



### 7.6 FINAL PLAT CHECKLIST MINOR LAND DEVELOPMENT AND MINOR SUBDIVISIONS

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

The Final plans for a Minor Subdivision or a Minor Land Development shall include all modifications and special conditions of approval directed by the Planning Board during the Preliminary stages of review. All changes and modifications should be clearly identified.

#### A. FINAL SUBMISSION - PLAT PLANS TO BE RECORDED

This is the Final stage of Minor Land Development and Subdivision Review. The Applicant shall submit to the Town Planner final plans and supporting materials as indicated below unless the final plan is being reviewed by the Planning Board.

Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended, shall be included.

One copy of the Final plat plan on fixed line mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Town Planner. In addition, five black or blue line copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

- \_\_\_ 1. All information as depicted on the Pre-application Plan, Master Plan and Preliminary Plan, containing conditions and revisions as required by local, state and/or federal reviewing agencies
- \_\_\_ 2. Name of the proposed subdivision
- \_\_\_ 3. Notation that the subdivision is located in the Town of Hopkinton, Rhode Island
- \_\_\_ 4. Name and address of property owner and applicant
- \_\_\_ 5. Name, address and telephone number of engineer and/or land surveyor
- \_\_\_ 6. Date of plan preparation with revision date(s), if any
- \_\_\_ 7. Graphic scale and North arrow

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 8. Plat and lot number(s) of the parcel being subdivided
- \_\_\_ 9. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
- \_\_\_ 10. Signature Block indicating Planning Board approval to be signed and dated by the Planning Board Chairman (see Article XVIII, Section 18.4, for sample signature block)
- \_\_\_ 11. A notarized statement from the property owner allowing the developer to develop the property (see Article XVIII, Section 18.7)
- \_\_\_ 12. All information as depicted on the Pre-application Plan and Preliminary Plan, containing conditions and revisions as required by local, state and/or federal reviewing agencies
- \_\_\_ 13. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
- \_\_\_ 14. Location and dimensions of existing and proposed property lines, easements and rights-of-way, project boundaries and building structures, within or immediately adjacent to the parcel being subdivided
- \_\_\_ 15. Location and exterior dimensions of all existing buildings and structures on abutting lots with an indication of setbacks and/or distances to all property lines as necessary to indicate conformity to applicable provisions of the *Zoning Ordinance*
- \_\_\_ 16. Location of all existing and proposed utilities, including water, sewer, gas, electric or other communications lines
- \_\_\_ 17. Location of existing wells on subdivision site and within proximity to the proposed project
- \_\_\_ 18. Identification of any portion of property located in flood zones as determined by FEMA maps
- \_\_\_ 19. Preliminary site suitability determination by RIDEM
- \_\_\_ 20. If an existing sewerage system is being used, an approved septic system suitability report by RIDEM that the OWTS is suitable for the proposed use
- \_\_\_ 21. Location, width and names of proposed and existing streets within, and immediately adjacent to, the parcel being subdivided. The plan shall specifically note the street(s) or road(s) upon which the subject property abuts. This information may be found in R.I.G.L. 42.23.1
- \_\_\_ 22. Location of wetlands and/or watercourses on or in the proximity of the perimeter of the subdivision parcel as determined by a qualified wetlands biologist according to RIDEM regulations
- \_\_\_ 23. A location map showing the physical relationship of the proposed project to the area within a radius of one-half mile. Said location map shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs and public wells within 1000 feet of the project

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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_24. Location and identification of soil testing
- \_\_\_25. Existing site analysis map including contours, locations of significant existing natural and manmade environmental features including wooded areas, wetlands, steep slopes, rock outcrops, stone walls, easements and historic cemeteries
- \_\_\_26. Landscaping plan prepared by a Rhode Island Registered Landscape Architect showing all significant proposed clearing of land, removal of vegetation and revegetation, and to include detailed design of planting areas, selection of landscape materials and number of each plant and size of plant materials at the time of planting
- \_\_\_27. Landscaping plans, when required, shall also show planting and landscaping elements listed as follows:
- \_\_\_ Location, general type and quality of any significant existing vegetation, specimen trees, stone walls or natural areas on the site
  - \_\_\_ Existing trees of three-inch caliper or greater to be saved and incorporated into the landscape plan
  - \_\_\_ Locations and keyed labels of all proposed plants
  - \_\_\_ Locations of all areas to be seeded and/or sodded
  - \_\_\_ Plant list or schedule to include key symbols, quantity, or corrected botanical and common names, size and condition of all proposed plants
  - \_\_\_ Location and description of other landscape improvements, such as, but not limited to, earth berms, fences, walls, walks, signs and paved areas
  - \_\_\_ Proposed exterior landscape lighting plan, indicating location, number, type and intensity of proposed lighting
  - \_\_\_ General and specific notes and/or detailed drawings to indicate or explain the design and construction procedures or materials to be used
  - \_\_\_ Stamp of a Registered Landscape Architect licensed to practice in Rhode Island
- \_\_\_28. Names of abutting property owners and property owners immediately across any adjacent streets
- \_\_\_29. Location of proposed permanent bounds
- \_\_\_30. Location of all interior lot lines and street lines with accurate dimensions indicated
- \_\_\_31. Location and number of all proposed lots, with accurate dimensions indicated
- \_\_\_32. Location and notation of type of proposed easement(s) or existing easement(s) to remain, if any, with accurate dimensions and areas indicated



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Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_33. Physical Alteration Permit (PAP) certification that all curb cuts and/or drainage proposed to be made onto state highways have been approved by the Rhode Island Department of Transportation
- \_\_\_34. Identification of stormwater controls. If new drainage structures, submit detailed drainage plan and computations in accordance with State stormwater regulations
- \_\_\_35. Location, dimensions and model numbers of proposed external lighting to include type of lighting and a point-by-point foot candle study equal to scale of plan by a qualified Lighting Professional
- \_\_\_36. Draft copies of all pertinent legal documents to include deeds conveying any land or easements which may be deeded to the Town as well as any proposed restrictive and protective covenants
- \_\_\_37. Written water notation on all plans stating:  
  
*“The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as such may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant’s sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton.”*
- \_\_\_38. Notation of special conditions of approval imposed by the Planning Board, if any
- \_\_\_39. Notation of any permits and agreements with state and federal reviewing agencies, if any
- \_\_\_40. An Application Notification List shall be submitted (see Article XVIII, Section 18.2)
- \_\_\_41. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_42. Street Index box
- \_\_\_43. Name, address, assessor’s plat and lot of each property owner within the notice area
- \_\_\_44. Written certification by a Rhode Island Registered Professional Engineer that stormwater drainage design shall conform to the *Rhode Island Stormwater Design and Installation Standards Manual*, December 2010 or latest revision
- \_\_\_45. All information as depicted on the Concept Plan and Preliminary Plan, containing conditions and revisions as required by local, state and/or federal reviewing agencies
- \_\_\_46. Two original signed copies of all legal documents and deeds describing any proposed municipal easements, rights-of-way, dedication or restrictions, and/or rules governing proposed homeowner’s associations

## Article VII – Minor Land Development Projects and Minor Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_47. Copy of a Certificate of Authorization issued by the Board for all Design Professionals of the State of Rhode Island
- \_\_\_48. Proof of current registration for all Design Professionals
- \_\_\_49. Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended
- \_\_\_50. Electronic Drawing files with linework only of the Final plan in pdf. or dwg. format, sent electronically to the Town Planner

### B. FINAL SUBMISSION - CONSTRUCTION DRAWINGS

Three black or blue-line copies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Town Planner. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

- \_\_\_1. Final construction plans as listed in the Preliminary plat checklist to include plans of any additional improvements as required by the Planning Board as a condition of approval
- \_\_\_2. Certification (stamp) of a Rhode Island Registered Professional Engineer
- \_\_\_3. Lettering shall be neat and legible and shall not be smaller than one-eighth (1/8) inch
- \_\_\_4. For phased projects, as-built drawings for the all phase(s)
- \_\_\_5. Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical, if required by the Planning Board
- \_\_\_6. Street cross-sections, if required by the Planning Board
- \_\_\_7. Proposed construction road(s) or route(s)
- \_\_\_8. Location of proposed underground utilities, if required by the Planning Board
- \_\_\_9. Proposed landscaping plan, if required by the Planning Board
- \_\_\_10. Soil erosion and sediment control plan, if required
- \_\_\_11. Fencing shown around stormwater detention basins, if any

Article VII – Minor Land Development Projects and Minor Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

\_\_\_12. Conservation Easement Form, if required by Planning Board (See Article XVIII, Section 18.10)

\_\_\_13. A notation will be included on all plans stating:

*“The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as such may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant’s sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton.”*

**C. FINAL SUBMISSION - SUPPORTING MATERIALS**

\_\_\_1. Filing Fee - \$150 + \$30 per unit

\_\_\_2. Certificate of the Hopkinton Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the Final plan and that there are no outstanding municipal liens on the parcel.

\_\_\_3. Two original signed copies of all pertinent legal documents describing the property to include: certification of incorporation of the homeowner’s association; homeowner’s association by-laws; deeds conveying any land or easements and rights-of-way; dedications to the Town of Hopkinton or other qualified group or agency; open space purposes or fee-in-lieu of open space, where applicable; and any proposed restrictive and protective covenants, restrictions, or other required legal document. Specify:

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\_\_\_4. Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes or fee-in-lieu of open space, if applicable.

\_\_\_5. Written confirmation from the Rhode Island Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration

\_\_\_6. In lieu of item 5 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within the property being subdivided

\_\_\_7. Performance bond or other financial guarantees, if applicable

Article VII – Minor Land Development Projects and Minor Subdivisions

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 8. Final street and numbering plan approved by the Town of Hopkinton 911 Director. Proof of notification to Police, Fire, Ambulance and the Planning Board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling, to be shown on plans with a square box. (see Article XVIII, Section 18.5)
- \_\_\_ 9. Two signed copies of an irrevocable offer to convey to the Town, all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas
- \_\_\_ 10. Proposed construction schedule, including phasing, as appropriate
- \_\_\_ 11. The final approved plan shall be submitted with all required maps and documentation *and* an electronic version of the Final plan
- \_\_\_ 12. Development plans for mobile and manufactured home parks and senior residential communities shall also include plan and profiles of all proposed streets drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical

**D. FINAL SUBMISSION - PAYMENT OF REQUIRED FEES**

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of Final plans:

- \_\_\_ 1. Final Plat Recording Fee – Amount \_\_\_\_\_
- \_\_\_ 2. Fees in-lieu-of land dedication, if applicable – Amount \_\_\_\_\_
- \_\_\_ 3. Inspection Fee – Amount \_\_\_\_\_
- \_\_\_ 4. Maintenance Bond for acceptance of public improvements, if applicable
  - Amount \_\_\_\_\_
  - Date of Town Council Acceptance \_\_\_\_\_
  - Description \_\_\_\_\_
  - Date of Expiration of Maintenance Bond \_\_\_\_\_



## ARTICLE VIII – MAJOR SUBDIVISIONS AND MAJOR LAND DEVELOPMENT

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A major land development project is a development that results in a greater number of dwelling units, involves construction of more gross floor area, or requires more extensive exterior site development than would be permitted for a minor land development project. A major subdivision is a subdivision that creates ten or more buildable lots.

For Master Plan review, an applicant proposing a major residential subdivision shall submit a plan for a Residential Cluster subdivision and a plan for a conventional subdivision. The property shall be developed as a Residential Cluster unless the applicant can demonstrate that development of a Residential Cluster would clearly be inferior to a conventional subdivision and that development of a conventional subdivision would be in the best interests of the Town.

If an applicant proposes a major land development project with no subdivision of land, the applicant shall not be required to provide submission materials clearly applicable only to subdivision of land. The Planning Board may waive additional requirements of these Regulations upon written request.

### 8.1 REVIEW STAGES

Major subdivision or major land development project approval shall take place in three stages after a pre-application meeting:

1. Master Plan approval, during which a public hearing is required
2. Preliminary Plan approval
3. Final Plan approval, which is administrative

The Administrative Officer may combine review stages if the applicant has met all necessary requirements for both stages.

### 8.2 SUBMISSION REQUIREMENTS - PRE-APPLICATION

An applicant for approval of a major subdivision or land development project shall submit the material required by the Pre-application Checklist for Major Land Development and Major Subdivisions in Article V, Section 5.2. The procedure and criteria for Pre-application meetings and concept review as provided in Subsection 8.2.1 below shall apply. At the conclusion of the Pre-application meeting(s) the applicant may proceed to the Master Plan stage of review.

#### 8.2.1 Pre-application Meeting and Concept Review

A Pre-application/Concept Review discussion is not a substitute for a formal application, and neither an applicant, the Planner, nor the Board is bound by the comments made during a Pre-application discussion.

## Article VIII – Major Subdivision and Major Land Development

- A. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land and any environmental or physical constraints to development. Meetings should include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.
- B. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action is taken by the Planning Board at the Pre-application meeting.
- C. One or more Pre-application meetings shall be held for all Major Land Development projects and Major Subdivision applications. Pre-application meetings shall allow the applicant to meet with the appropriate officials, boards or commissions, planning staff, and where appropriate, state agencies for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

### 8.3 SUBMISSION REQUIREMENTS - MASTER PLAN

An applicant for approval of a Master Plan shall submit the materials required by the Master Plan Checklist for Major Land Development and Major Subdivision in Section 8.5.

The purpose of the Master Plan stage of review is to provide the Applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The Master Plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

Requirements for the Master Plan and supporting material for this phase of review shall include, but are not limited to: information on the natural and man-made features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland boundaries, floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.

The Administrative Officer shall solicit initial comments on the Master Plan from local agencies (including the Department of Public Works, Fire and Police Departments, Conservation and Recreation Commissions); adjacent communities; state agencies, as appropriate, including the Departments of Environmental Management, Health, and Transportation; and federal agencies, as applicable.

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

## Article VIII – Major Subdivision and Major Land Development

### 8.3.1 Certification of Master Plan Application

The Administrative Officer shall certify the application as complete within 25 days of the day it is submitted. If the application is incomplete, the Administrative Officer shall provide the applicant with a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Officer shall have at least 10 days from the day the missing material is submitted to recertify the application.

### 8.3.2 Site Visit

Before the Master Plan is approved, the Planning Board may schedule a site visit. To facilitate the inspection of the site, the Planning Board may require field location of all proposed roads, improvements and site features consistent with the level of information required at this stage of review.

### 8.3.3 Public Hearing

The planning board shall conduct a public hearing during Master Plan review of all major subdivisions and land development projects. If the applicant has requested a variance, special use permit, or aquifer protection permit for the development, the Planning Board shall approve or deny the variance, special use permit, or aquifer protection permit before considering the Master Plan application. Approval of zoning relief shall be conditional on approval of the Final Plan.

#### A. Advertisement

The Planning Department shall advertise the public hearing at least 14 days in advance in a newspaper of local circulation in Hopkinton. The applicant shall pay for the advertisement.

#### B. Posted Notice

Notice of the public hearing shall be posted in the town clerk's office, at one other municipal building, and on the home page of the Town website at least 14 days before the date of the public hearing.

#### C. Contents of Notice

Both the advertisement and the notice shall state the date, time and location of public hearing; the assessor's plat and lot number of the property; and the street address of the property, including the street number or the distance and direction from the nearest intersection in tenths of a mile. If the applicant has requested a variance, a special use permit, or an aquifer protection permit, the type of relief sought shall be described and the applicable sections of the zoning ordinance shall be listed. The notice shall state that the application may be examined at the Planning Department, Hopkinton Town Hall, on weekdays except holidays between 8:30 a.m. and 4:30 p.m.

#### D. Individual Notice

## Article VIII – Major Subdivision and Major Land Development

The Planning Department shall send a copy of the notice by first class mail to the applicant and to the owners of property within 1,000 feet of the perimeter of the property proposed for development, and to any individual or entity holding a recorded conservation or preservation restriction on the property proposed for development. The notice shall be sent at least 10 days before the date of the public hearing. The applicant shall pay for the notices and the postage.

The Planning Department shall send a copy of the notice by first class mail to:

1. The planning board of an adjacent town if there is a public or quasi-public water source, or a private water source suitable for use as a public source, within 2,000 feet of the municipal boundary.
2. The governing body of any state or municipal water department or agency, water district, or private water company that has riparian rights to a surface water resource or watershed used for, or suitable for, a public water source located within Hopkinton or within 2,000 feet of the municipal boundary, provided that a map survey has been filed with the Building Official as specified in R.I.G.L. § 45-24-53(f).
3. The administrative officer of an adjacent town if the proposed development is within 500 feet of its boundary or if the Administrative Officer determines that the development poses a potential for significant negative impact on the adjacent town.

### **E. Testimony under oath**

For every matter in which the Planning Board's decision is appealable to the Superior Court, the Board shall take testimony under oath. A competent stenographer shall record the minutes of each such proceeding. The applicant shall be responsible for the cost of the stenographer. An appellant must order and pay for a transcript of the public hearing.

### **8.3.4 Master Plan Decision**

The Planning Board shall approve, approve with conditions, or deny the Master Plan and any requested zoning relief within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval.

### **8.3.5 Failure to Act on Master Plan**

If the Planning Board fails to make a decision within 90 days, the applicant may request and receive from the Administrative Officer a certification that the Planning Board has failed to act within the time required and that the Master Plan is approved.

### **8.3.6 Expiration of Master Plan Approval**

Master Plan approval expires two years from the date the written decision was recorded. An applicant has the right to receive two one-year extensions of Master Plan approval and may ask the Planning Board for additional extensions for good cause. An extension must be requested in writing at least 30 days



before the expiration date. The applicant must appear before the Planning Board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing. The zoning ordinance and subdivision regulations provisions under which the Master Plan approval was granted are vested while the Master Plan approval remains valid.

## **8.4 PHASING OF MAJOR LAND DEVELOPMENT PROJECTS AND MAJOR SUBDIVISIONS**

### **8.4.1 Provision for Permitting of Phasing**

When a Major Land Development or Major Subdivision is submitted for Master Plan approval as provided in this Article, the Planning Board shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the Planning Board determines that such improvements, services and facilities, including but not limited to, water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection, will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the Planning Board shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases. The Planning Board may establish a phasing rate that recognizes the growth rate contributions of all approved subdivisions in the town when establishing any subdivision's phasing plan. This may also include the establishment of a timetable, rate of phasing requirements for the construction of inclusionary dwelling units for affordable housing production.

When considering a phased development, the Planning Board will require the following:

- A. Approval of the entire site design first as a Master Plan. Thereafter, the development plans may be submitted for Preliminary Plan and Final Plan approval by phases.
- B. General standards and regulations for determining physical limits of phases, completion schedules, guarantees for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to Master or Preliminary plans, and may include other provisions as necessitated by local conditions.
- C. The Master Plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

### **8.4.2 Submissions to Required Agencies**

When an application is submitted for Master Plan approval, the applicant shall submit to the applicable municipal, state or private agency, as provided in the checklist, a copy of the Master Plan narrative report for the agency's review and comment. Each agency so notified by the applicant, proof of which shall be presented to the Town Planner, shall be requested to provide its comments in writing to the Planning Board. Comments shall be received from each agency prior to the date of the public hearing.

## Article VIII – Major Subdivision and Major Land Development

If comments are not received by the Town Planner by that date, the applicant will provide the Town with a written explanation.

### 8.4.3 Comments from Required Notified Agencies - Content and Format

Each department or agency to which a request for comment is made may submit written correspondence that may include any supplementary material that may describe:

- A. An estimate of the impact of the subdivision or land development project on the facilities and services provided by the department or agency.
- B. Whether existing facilities and services are adequate to serve the subdivisions or land development project's residents.
- C. Whether plans for the necessary improvements to existing facilities and services are included in the Town's Capital Improvement Program or are otherwise planned.
- D. An estimate of how long it would take to provide any necessary improvements to existing facilities and services.

All such written forms and supplementary material shall be submitted to the Planning Department by the applicant at least 14 days before the public hearing.

### 8.4.4 Establishment of Rate of Development for Phasing by Planning Board

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

### 8.4.5 Phasing Approval Sequence

If phasing is required, the Planning Board shall approve the entire Master Plan first. Thereafter, the applicant shall be required to submit plans for Preliminary and Final review and approval indicating the development of the entire site in two or more phases as required by the Planning Board in Section 8.4.1 of this Article, above. In such review and approval, the Board may, in its discretion, impose conditions for the following:

- A. Determining the physical limits of phases;
- B. Completion schedules and guarantees;
- C. Allowing progression to additional phases;

## Article VIII – Major Subdivision and Major Land Development

- E. Allowing two or more phases to proceed in review or construction simultaneously;
- E. Interim public improvements or construction conditions;
- F. Changes to Master and Preliminary plans; and
- G. Other provisions as necessitated by special conditions.

### **8.4.6 Master Plan Documents - Contents**

The Master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work completion schedules for approvals and construction of the phases.

### **8.4.7 Vesting - Phased Projects**

The Master Plan remains vested as long as it can be proved, to the satisfaction of the Planning Board, that work is proceeding on either the approval stages or on the construction of the development, as shown in the approved Master Plan documents. Vesting extends to all information shown on the approved Master Plan documents.

### **8.4.8 Interim Improvements**

When interim improvements are necessitated by phases, such improvements shall be part of the overall Master Plan. Interim improvements shall be approved in design and installation by the Public Works Director.



## Hopkinton Planning Department

RHODE ISLAND



### **8.5 MASTER PLAN CHECKLIST – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS**

Name of Subdivision \_\_\_\_\_ Plat \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

The second stage of Major Land Development and Subdivision Review consists of an overall plan outlining general, rather than detailed, development intentions. Full engineering details are not required at this stage.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent.

The applicant shall submit to the Town Planner, ten black or blue-line, 24-inch X 36-inch copies, of Master Plan maps required below, and ten reduced size 11-inch X 17-inch copies. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Town Planner. Plans shall include certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended.

At a minimum, the following information shall be provided with an attached written statement explaining any items marked as "N/A."

#### **A. MASTER PLAN SUBMISSION REQUIREMENTS**

The submission requirements for Master Plan applications for Major Land Development and Major Subdivisions shall consist of the following four elements and shall be prepared in accordance with the drafting standards and plan requirements set forth below:

1. Site Context Map / Existing Resources and Site Analysis Map
2. Sketch Plan Overlay Sheet
3. Supplementary information as set forth in other parts of these Regulations
4. Supporting Materials

#### **B. MASTER PLAN SUBMISSION**

##### **SITE CONTEXT MAP / EXISTING RESOURCES AND SITE ANALYSIS MAP**

Unless otherwise indicated, plans shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a 24-inch X 36-inch sheet, unless otherwise approved by the Town Planner.

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

A map or plan of the subdivision parcel shall be submitted showing the following information:

- \_\_\_ 1. Name of proposed subdivision
- \_\_\_ 2. Name, address and telephone number of property owner and applicant
- \_\_\_ 3. Name, address and telephone number of person or firm preparing Master Plan
- \_\_\_ 4. Date of plan preparation with revision date(s), if any
- \_\_\_ 5. Graphic scale and North arrow
- \_\_\_ 6. Plat and lot number(s) of the land being subdivided
- \_\_\_ 7. Completed Application Notification Form (see Article XVIII, Section 18.2)
- \_\_\_ 8. All information as depicted on the Pre-application Plan, including conditions and revisions as required by the Planning Board
- \_\_\_ 9. Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
- \_\_\_ 10. Zoning certificate indicating if property is *or* is not located in an aquifer protection area
- \_\_\_ 11. Applicant has referred to the *Town of Hopkinton Design Review Guidelines and Standards*, Article XVI of these Regulations
- \_\_\_ 12. Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
- \_\_\_ 13. Area of the subdivision parcel and proposed number of buildable lots, dwellings or other proposed improvements
- \_\_\_ 14. Location and dimensions of existing property lines within or adjacent to the subdivision parcel, including easements and rights-of-way
- \_\_\_ 15. Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
- \_\_\_ 16. Names of abutting property owners and property owners immediately across any adjacent streets
- \_\_\_ 17. Notations on plan of any existing or proposed deed or plat restrictions or protective covenants
- \_\_\_ 18. Location of wooded areas and notation of existing ground cover
- \_\_\_ 19. Location of land unsuitable for development including known surface waters, rivers, streams, lakes, ponds, vernal pools, wetlands and watercourses present.

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_20. Proposed public dedications
- \_\_\_21. Tentative construction phasing
- \_\_\_22. Potential neighborhood impacts
- \_\_\_23. Areas of prime farmland soils
- \_\_\_24. Areas of active agricultural use with annotations for cropland, pasturage, orchard, etc.
- \_\_\_25. Unfragmented forest tracts
- \_\_\_26. Large or unusual trees, shrubs or other unique vegetation
- \_\_\_27. State, regional or community greenways and greenspace priorities
- \_\_\_28. Existing topography with minimum contour intervals or two feet and proposed topographical changes showing contour intervals of two feet
- \_\_\_29. Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
- \_\_\_30. Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and OWTS are proposed; conceptual locations or existing and proposed water supply and sanitary sewer systems and/or proposed on-site wells and OWTS
- \_\_\_31. Provisions for collecting and discharging storm water
- \_\_\_32. Location of historic cemeteries on or immediately adjacent to the subdivision, if any
- \_\_\_33. Scenic road corridors and state designated scenic areas
- \_\_\_34. Location of any unique natural and/or archeological and historic features, including stone walls, structures, outbuildings, roads or trails, pedestrian sidewalks, and stormwater drainage structures
- \_\_\_35. Existing hiking, biking, and bridle trails within the site or in the vicinity where there is an opportunity to link the site with established trails
- \_\_\_36. Boat launches, stream access locations and water trails
- \_\_\_37. Existing play fields and playgrounds adjacent to the site
- \_\_\_38. Notation on plan if the subdivision parcel(s) are located within any of the following areas:

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ Natural Heritage Areas (RIDEM)
- \_\_\_ Zoning Overlay Districts, if any
- \_\_\_ FEMA designated flood hazard zone and FEMA base flood elevation data
- \_\_\_ Groundwater Protection Overlay District (town)
- \_\_\_ FAA Part 77 surfaces (See 14 CFR Part 77 – Objects Affecting navigable Airspace)

- \_\_\_ 39. Proposed improvements including streets, lots, lot lines with approximate lot areas and dimensions; schematic design and location of proposed roadways, private driveways, parking areas, pedestrian sidewalks and storm water drainage structures. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
- \_\_\_ 40. Base flood elevation data from FEMA maps, FEMA Flood Insurance Rate Map and reference and elevation boundary
- \_\_\_ 41. Open space use plan (residential cluster development)
- \_\_\_ 42. Location, dimension and area of any land proposed to be set aside as open space, or conveyed to the Town of Hopkinton, for stormwater drainage purposes
- \_\_\_ 43. Proposed construction access road(s) or route(s)
- \_\_\_ 44. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_ 45. Street index box
- \_\_\_ 46. Proof of paid up-to-date property taxes from the Hopkinton Tax Collector
- \_\_\_ 47. Verification from the Tax Assessor that property is not in the farm, forest, open space program
- \_\_\_ 48. Copy of a Certificate of Authorization for all Design Professionals from the State of Rhode Island
- \_\_\_ 49. Proof of current registration for all Design Professionals from the State of Rhode Island
- \_\_\_ 50. Number and size of existing and proposed parking spaces and handicapped spaces. In notes provide explanation of parking computations in relation to gross floor area in accordance with *Zoning Ordinance*
- \_\_\_ 51. Computation of impervious lot coverage in accordance with the *Zoning Ordinance*
- \_\_\_ 52. Identification of internal circulation patterns
- \_\_\_ 53. Location of all existing and proposed utilities
- \_\_\_ 54. If contours are being changed, identify existing and proposed contours of two feet

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_55. Location of any existing or proposed sidewalks onsite and/or intermodal transportation connections to adjacent parcels
- \_\_\_56. Location of existing private wells within 200 feet of the proposed project
- \_\_\_57. Identification of storm water controls. If new drainage structures, submit detailed drainage plan and computations
- \_\_\_58. Location of any existing and/or proposed solid waste facilities including appropriate screening
- \_\_\_59. Quantities and locations of proposed use and storage of hazardous material
- \_\_\_60. Location, dimensions and architectural style of proposed external lighting to include type of lighting and illustration of foot candles equal to scale of plan
- \_\_\_61. Location, dimensions and architectural style of proposed outdoor signs to include materials, colors, lettering type and height, and type of illumination
- \_\_\_62. Landscaping plan showing all significant proposed clearing of land, removal of vegetation and revegetation, to include detailed design of planting areas, selection of landscape materials and number or each plant and size of plant materials
- \_\_\_63. Any other information which is relevant to good planning and design

### C. MASTER PLAN SUBMISSION – SKETCH PLAN OVERLAY SHEET

- \_\_\_1. Proposed design concept
- \_\_\_2. Schematic layout indicating a general concept for land conservation and development
- \_\_\_3. Proposed open space areas
- \_\_\_4. Proposed location of buildings and major structures, parking areas and recreational facilities (not required of developments involving only single household dwellings)
- \_\_\_5. Proposed general street layout
- \_\_\_6. Proposed lot lines with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines
- \_\_\_7. Description of pedestrian facilities, including, sidewalks, footpaths, trails

### E. MASTER PLAN SUBMISSION – SUPPLEMENTARY INFORMATION



## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced copies of all plans required in A above, plus items 1 – 13 below. The number of copies shall be determined by the Town Planner.

- \_\_\_ 1. Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and OWTS are proposed, a general description of their location shall be provided
- \_\_\_ 2. Provisions for collecting and discharging stormwater
- \_\_\_ 3. Notation and description if the property being developed is located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)      \_\_\_ Zoning Overlay Districts
- \_\_\_ 4. Base flood elevation data from FEMA maps
- \_\_\_ 5. Location of water table test holes and soil percolation tests, with test hole data
- \_\_\_ 6. Proposed phasing, if any
- \_\_\_ 7. Open Space use plan
- \_\_\_ 8. Yield Plan, if modified from the Pre-application stage of review
- \_\_\_ 9. Architectural schematic drawings (if 2, 3, or 4-unit dwellings are proposed)

### E. MASTER PLAN SUBMISSION - SUPPORTING MATERIALS

The applicant shall submit to the Town Planner, copies of a narrative report (actual number of copies to be determined by the Planner) providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the project's major elements including uses and type of development proposed by the applicant.

The narrative report shall include reduced copies of all plans required in B above plus items 2 – 7 below:

- \_\_\_ 1. Filing Fee - \$750 + \$150 per unit, plus required mailing and advertising expenses
- \_\_\_ 2. Project Review Fee
- \_\_\_ 3. An aerial photograph or a black line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 4. A copy of the soils map of the subdivision parcel and surrounding area and a general analysis of soil types and suitability for the development proposed. If any USDA designated prime agricultural soils and/or hydric soils are within the subdivision parcel(s), the soils map shall be marked to show the location of said prime agricultural soils and/or hydric soils. Soil test borings and additional analysis may be required to demonstrate suitability.
- \_\_\_ 5. A completed copy of the Conservation Easement Form, if applicable (see Article XVIII, Section 18.10)
- \_\_\_ 6. An estimate of the approximate population of the proposed subdivision
- \_\_\_ 7. An estimate of the number of school-aged children to be housed in the proposed subdivision
- \_\_\_ 8. Fiscal impact statement
- \_\_\_ 9. Narrative describing details of proposed phasing, if any
- \_\_\_ 10. Existing Resources and Site Analysis Map (see Section B above)
- \_\_\_ 11. Ten copies of a 200-foot radius map depicting Assessor's map and lot of project area and name and address of property owners recorded within 200 feet of the development parcel
- \_\_\_ 12. A vicinity map drawn to a scale of 1 inch = 400 feet or as necessary to show the area within one-half mile of the subdivision parcel showing the locations of all streets, existing lot lines and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use
- \_\_\_ 13. A general floor plan showing the proposed use and area in square feet of each building and structure and for each proposed use within the structure
- \_\_\_ 14. Exterior elevation plans of proposed additions, buildings or structures, showing the front, side and rear views to include height, length, roof pitch, overhang, steps, rails, windows, doors, ramps and other building elements. Exterior elevation plans for additions shall show the entire structure, including existing, and a description of construction materials to include color and texture
- \_\_\_ 15. Draft copies of all pertinent legal documents to include deeds conveying any land or easements which may be deeded to the Town as well as any proposed restrictive and protective covenants
- \_\_\_ 16. An advisory report from a Traffic Engineer as to need for and location of traffic control signs or other traffic control devices as well as any required ordinances deemed necessary for traffic control when there is a new use for proposed property
- \_\_\_ 17. Cross-section and profiles of any proposed impervious surface construction, if intended as a public improvement. Profiles of proposed streets shall include existing and proposed street grades, underground utilities and drainage facilities

Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

\_\_\_18. The following notation must be placed on each plan:

*“The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant’s sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton.”*

\_\_\_19. The Applicant shall contact the following agencies in an effort to seek written comments on the Master Plan:

**Local Agencies**

___ A. Planning Department	Date: _____
___ B. Public Works Department	Date: _____
___ C. Building & Zoning Official	Date: _____
___ D. Conservation Commission	Date: _____
___ E. Recreation Commission	Date: _____
___ F. Police Department	Date: _____
___ G. Fire District	Date: _____
___ H. Other (specify) _____	Date: _____

**Adjacent Communities (specify)**

___ A. _____	Date: _____
___ B. _____	Date: _____

**State Agencies (as appropriate)**

___ A. Dept. of Environmental Management	Date: _____
___ B. Dept. of Transportation	Date: _____
___ C. Other (specify) _____	Date: _____

**Federal Agencies (as appropriate)**

___ A. U. S. Army Corps of Engineers	Date: _____
___ B. Other (specify) _____	

Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_20. Affidavit of mailed public hearing notices including the names and addresses of all property owners within 500 feet, including anyone on a right-of-way beyond 500 feet whose property must be passed through to reach the applicant's property, agencies, or communities requiring notification by these Regulations. Refer to subsection 8.3.3(A)
- \_\_\_21. Newspaper copy, newspaper ad, notice
- \_\_\_22. Written confirmation that the appropriate water company or district has reviewed the plan(s) and has determined it can/cannot provide water service
- Water Company or District \_\_\_\_\_  
Date of Letter \_\_\_\_\_
- \_\_\_23. The names and addresses of all property owners, agencies, or communities requiring notification as required by these regulations
- \_\_\_24. Proposed construction schedule and proposed phasing of development
- \_\_\_25. Owner Authorization Form (see Article XVIII, Section 18.7)
- \_\_\_26. Application Notification List (see Article XVIII, Section 18.2)
- \_\_\_27. Applicant and/or their representative and their engineer have walked the site of the proposed project
- \_\_\_28. A narrative from the Applicant and/or their representative describing how the proposed development plan comports with the *Design Guidelines and Standards*, as stated in Article XVI.

## **8.6 SUBMISSION REQUIREMENTS - PRELIMINARY PLAN**

An applicant for Preliminary Plan approval for a Major Subdivision or Major Land Development shall submit the plans and supporting materials listed in the Preliminary Plan Checklist for Major Land Developments and Major Subdivisions in Section 8.7 below.

Requirements for the Preliminary Plan and supporting materials for this phase of the review shall include, but are not limited to:

- A. Plans depicting the existing site conditions
- B. Engineering plans depicting the proposed development project
- C. A Class I boundary survey
- D. The Town Planner shall solicit final written comments or approvals of the Department of Public Works, the Town Engineer, the Town Solicitor, other local government departments, commissions or authorities as appropriate; and,
- E. Prior to approval of the Preliminary Plan, copies of all legal documents describing the property, proposed easements and rights-of-way.

### **8.6.1 Certification of Preliminary Plan Application**

The application shall be certified as complete within 25 days of the day it was submitted. If the application is incomplete, the Administrative Officer shall provide the applicant with a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Officer shall have at least 10 days from the day the missing material is submitted to recertify the application.

### **8.6.2 Public Improvement Guarantees**

The Final Plan approval and the Final Plat are recorded in the land evidence records when all required improvements have been completed and the Public Works Director has certified that the improvements were constructed in conformity with these Regulations and with the approved plans, or when the applicant has submitted an improvement guarantee acceptable to the Town. The Planning Board will allow the applicant to submit an improvement guarantee and construct the required improvements after the Final Plat is recorded only when the applicant submits clear and convincing evidence that construction and installation of all improvements after lots or units are sold will not adversely affect the purchasers of those lots or units.

The Planning Board shall approve a schedule for completion of the required public improvements and shall approve any improvement guarantees at Preliminary Plan approval.

## Article VIII – Major Subdivision and Major Land Development

If improvements are bonded, the Planning Board shall establish a date by which all improvement construction must be completed. If all improvement construction is not completed by the required

completion date, the Town shall have the authority to use the improvement guarantee to complete the improvements.

### **8.6.3 Additional zoning relief**

During Preliminary Plan review, an applicant shall have the right to request alteration of any variance, special use permit, or aquifer protection permit granted during Master Plan review, or to request a new variance, special use permit, or aquifer protection permit if the request results from the more detailed engineering submissions required at Preliminary Plan review. An applicant shall submit any such requests with the Preliminary Plan application. Alteration of a previously approved variance, special use permit, or aquifer protection permit, or approval of a new variance, special use permit, or aquifer protection permit requires a public hearing during Preliminary Plan review.

The Planning Board must act on the request for alteration of previously granted zoning relief or additional zoning relief before considering the Preliminary Plan application. Approval of the zoning relief shall be conditional on approval of the Final Plan.

If the Planning Board denies a request for alteration of previously granted zoning relief or additional zoning relief, the Planning Board may remand the application to Master Plan review, or, if the applicant consents to an extension of the time period for approval, the Planning Board may allow the applicant to submit additional information to support the request for zoning relief.

### **8.6.4 Decision on Preliminary Plan**

Copies of every federal, state, and municipal permit required for the development must be submitted at or before Preliminary Plan approval, provided, however, that for any permit required from the R. I. Department of Transportation, the applicant may submit correspondence confirming that a permit will be issued when a bond is posted, and evidence of sufficient insurance is provided.

The Planning Board shall approve, approve with conditions, or deny the Preliminary Plan and any requested zoning relief within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval.

### **8.6.5 Failure to Act on Preliminary Plan**

If the Planning Board does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the Administrative Officer a written certification that the Planning Board failed to act with the required time, and a written approval of the Preliminary Plan.

### **8.6.6 Expiration**

Preliminary Plan approval expires two years from the date the written decision was recorded in the land

## Article VIII – Major Subdivision and Major Land Development

evidence records. The applicant has the right to receive two one-year extensions of Preliminary Plan approval and may ask the Planning Board for additional extensions for good cause. An extension must be requested in writing at least 30 before the expiration date. The applicant must appear before the Planning Board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records. The Preliminary Plan and the zoning ordinance and subdivision regulations provisions under which the Preliminary Plan approval was granted are vested while the Preliminary Plan approval remains valid.



## Hopkinton Planning Department

RHODE ISLAND



### **8.7 PRELIMINARY PLAT CHECKLIST MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS**

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

#### **A. PRELIMINARY SUBMISSION – PRELIMINARY PLAT MAP(S)**

The third stage of Major Land Development and Subdivision Review, includes but is not limited to: engineering plans depicting existing site conditions; engineering plans depicting the proposed development project; a property line survey; all permits required by State or Federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplain, preliminary suitability for OWTS, public water systems, and connections to state roads. At this stage, final written comments and/or approvals are received from the reviewing agencies. For properties subject to Development Plan Review, additional standards as contained in Section 15 of the Zoning Ordinance may be required.

Such requirements may include, but shall not be limited to, requirements and policies for rights-of-way, open space, landscaping, connections of proposed streets and drainage system(s) with those of the surrounding neighborhood, public access through adjacent public property, and the relationship of proposed developments to natural and man-made features of the surrounding neighborhood.

The applicant shall submit to the Town Planner, ten black or blue-line copies of the Preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Planner. Each sheet shall be no larger than 24 inches by 36 inches and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The applicant shall also submit six reduced copies of the plan, no smaller than 11 inches by 17 inches. Plans shall include a certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended.

All maps required by this Checklist shall show the following information:

- \_\_\_ 1. All information as depicted on the Pre-application Plan and Master Plan, containing conditions and revisions as required by local, state and/or federal reviewing agencies
- \_\_\_ 2. Name of proposed subdivision or development, including phase number
- \_\_\_ 3. Name, address and telephone number of property owner and applicant
- \_\_\_ 4. Name, address and telephone number of engineer or land surveyor



## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 5. Date of plan preparation with revision date(s)
- \_\_\_ 6. Graphic scale and North arrow
- \_\_\_ 7. Plat and lot number(s) of the parcel being subdivided
- \_\_\_ 8. A completed Application Notification Form (see Article XVIII, Section 18.2)
- \_\_\_ 9. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
- \_\_\_ 10. Perimeter boundary lines of the subdivision or phase drawn so as to distinguish them from other property lines
- \_\_\_ 11. Certification by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet the minimum of a Class II Survey, and to conform to Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended
- \_\_\_ 12. Area of the parcel(s) being developed and proposed number of buildable lots, dwellings or other proposed improvements
- \_\_\_ 13. Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
- \_\_\_ 14. Location, width and names of existing streets within and immediately adjacent to the parcel being Subdivided
- \_\_\_ 15. Names of abutting property owners and property owners immediately across any adjacent streets
- \_\_\_ 16. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application or the subject land
- \_\_\_ 17. Phasing schedule, if any
- \_\_\_ 18. Street index box
- \_\_\_ 19. Certificate of the Tax Collector showing proof of paid up-to-date property taxes and that there are no outstanding municipal liens on the parcel
- \_\_\_ 20. Proposed street names are to be submitted on the Street Name Form (see Article XVIII, Section 18.5) which is to be completed and submitted to the Building and Zoning Official and the 911 Coordinator. The applicant will then submit the approved forms to the Town Planner.

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 21. Roadway Construction Drawings are required for all developments with new streets or extension of existing streets with number of copies as specified by the Town Planner. (Refer to Article XVII, for design and construction guidance standards)
- \_\_\_ Proposed street name(s) \_\_\_\_\_
- \_\_\_ Form completed for E911 coordinator (see Article XVIII, Section 18.5)
- \_\_\_ Street plan and profiles, at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical, depicting all appurtenant stormwater drainage structures and below ground utilities
- \_\_\_ Street cross-section showing placement of all buried utilities
- \_\_\_ Written performance bond estimate developed by a professional engineer, in an amount sufficient to cover the cost of all required public improvements
- \_\_\_ 22. A notation will be included on all plans stating:  
“The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as such may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant’s sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton.”
- \_\_\_ 23. Stormwater drainage and site grading plan at minimum contour levels of two feet, showing all proposed contours, drainage facilities, and grading upon individual lots if part of proposed development  
Improvements
- \_\_\_ 24. If stormwater detention basins are proposed, appropriate fencing around basin must be indicated
- \_\_\_ 25. A completed Conservation Easement Form, if applicable (see Article XVIII, Section 18.10)
- \_\_\_ 26. An Application Notification List shall be submitted (see Article XVIII, Section 18.2)
- \_\_\_ 27. Copy of a Certificate of Authorization issued by the Board of Design Professionals of the State of Rhode Island
- \_\_\_ 28. Proof of current registration for all Design Professionals from the State of Rhode Island
- \_\_\_ 29. Verification from Town Assessor that parcel is not in the farm, forest and open space program

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

### **B. PRELIMINARY SUBMISSION - EXISTING CONDITIONS MAP(S) to show the following:**

- \_\_\_ 1. Date of the existing conditions shown
- \_\_\_ 2. Area of the parcel being subdivided
- \_\_\_ 3. Location of wooded areas and notation of existing ground cover
- \_\_\_ 4. Areas of agricultural use, if any
- \_\_\_ 5. Location of any unique natural and/or historic features, including stone walls
- \_\_\_ 6. Location of wetlands and watercourses present on or within 200 feet of the property being subdivided
- \_\_\_ 7. Soil erosion and sediment control plan (see Article XVII, Section 17.7)
- \_\_\_ 8. Existing topography with minimum contour intervals of two feet
- \_\_\_ 9. Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
- \_\_\_ 10. Location and dimensions of all existing utilities within and immediately adjacent to the subdivision to include sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other existing above or underground utilities
- \_\_\_ 11. Location of historic cemeteries on or immediately adjacent to the subdivision, if any
- \_\_\_ 12. Base flood elevation data from FEMA maps
- \_\_\_ 13. Certification by a Registered Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II survey and to conform to Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended

### **C. PRELIMINARY SUBMISSION - PROPOSED CONDITIONS MAP(S) to show the following:**

- \_\_\_ 1. Proposed improvements to include streets, sidewalks, trails or bike paths, lots, lot lines with approximate lot area dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing lot lines.
- \_\_\_ 2. Location of permanent bounds, including bounds sufficient to delineate the location of open space areas
- \_\_\_ 3. Proposed building envelopes or build-to lines shall be shown, if applicable

## Article VIII – Major Subdivision and Major Land Development

**Name of Subdivision** \_\_\_\_\_ **Plat(s)** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_ **Phase** \_\_\_\_\_

\_\_\_ 4. Proposed stormwater drainage plan and drainage calculations prepared by a Registered Professional Engineer. The stormwater management plan should emphasize infiltration and the low impact design, and how the selected management techniques will be operated and maintained during and after construction.

\_\_\_ 5. Location and dimension of all proposed utilities within and adjacent to the subdivision to include sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other proposed above or underground utilities

\_\_\_ 6. Grading plan to show existing and proposed contours at two-foot intervals for all grading proposed for on and off-site construction, streets, drainage facilities and grading on individual lots if part of proposed subdivision improvements

\_\_\_ 7. Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation, revegetation and/or landscaping of street rights-of-way and on individual lots if part of proposed subdivision improvements. Include proposed street tree plantings with species and size indicated. All proposed plantings should use only non-invasive plants. (See URI Cooperative Extension's Sustainable Plant List" in Article XVI, subsection 16.5.1)

\_\_\_ 8. Conservation Easement Form, if required by Planning Board (see Article XVIII, Section 18.10)

\_\_\_ 9. Soil erosion and sediment control plan, including inspection and maintenance provisions (see Article XVII, Section 17.7)

\_\_\_ 10. Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical

\_\_\_ 11. Street cross-sections

\_\_\_ 12. Proposed street names

\_\_\_ 13. Proposed sidewalks or bike paths

\_\_\_ 14. Proposed street trees, if required by Planning Board

\_\_\_ 15. Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer

\_\_\_ 16. Location, dimension and area of any land proposed to be set aside as open space

\_\_\_ 17. Location of land unsuitable for development as defined in these Regulations

\_\_\_ 18. Limit of disturbance line/limit of clearing with method of tree protection, if applicable

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

\_\_\_19. Ten copies of the proposed subdivision plan reduced to no larger than 11 inches by 17 inches and a copy of the plan in pdf. or dwg. format sent electronically to the Town Planner

\_\_\_20. Open space use and management plan (Residential Cluster Developments or Residential Compounds)

\_\_\_21. Proposed construction plans for access road(s) or route(s), temporary parking and storage areas, location

of construction trailers, and stockpiles of soil, stone or waste materials

\_\_\_22. Proposed street plans and profiles drawn at a scale of 1 inch = forty feet horizontal and 1 inch = 4 feet

vertical

\_\_\_23. Proposed street cross section(s) with location of utilities indicates

\_\_\_24. Yield Plan, if modified from the Master Plan stage of review

### D. PRELIMINARY SUBDIVISION - SUPPORTING MATERIALS

The following materials shall be submitted with a Preliminary Plan application for a Major Development Plan or a Major Subdivision (12 copies). Attach a written statement explaining any items marked as "N/A" below.

\_\_\_ 1. Filing Fee - \$750 + \$150 per unit plus required mailing, advertising and stenographer expenses

\_\_\_ 2. Written confirmation from the Rhode Island Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration

\_\_\_ 3. In lieu of item 2 above, an affidavit signed by a qualified wetlands biologist, stating that there are no Freshwater wetlands present on or within the property being subdivided

\_\_\_ 4. Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service, if proposed

Water Company or District \_\_\_\_\_ Date of Letter \_\_\_\_\_

\_\_\_ 5. A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or other right-of-way, if applicable

\_\_\_ 6. Confirmation of Preliminary Subdivision Suitability Determination by the Department of Environmental Management that each proposed lot is suitable to support an on-site wastewater treatment system

Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 7. Water Quality Certification for construction activities that may temporarily affect surface waters in the vicinity of the site work to be performed, if applicable
- \_\_\_ 8. Any permits required under federal statute, including Section 404 Clean Water Act for Fill of Wetlands and Waters of the U.S. issued by the U.S. Army Corps of Engineers
- \_\_\_ 9. Architectural renderings including plans, sections, and or elevations of any proposed buildings
- \_\_\_ 10. Natural conditions analysis of the site prepared by a Registered or Licensed Professional to include indication the soil, geologic, hydrologic and vegetative conditions of the site
- \_\_\_ 11. Landscape plan prepared by a Registered Landscape Architect showing the relations of structures to topography, existing and proposed planting and grading
- \_\_\_ 12. Open space management plan showing agricultural, recreational and conservation uses of the site together with a management plan detailing how all common or public lands will be maintained, used and managed
- \_\_\_ 13. Analysis of toxic or hazardous use impacts prepared by a registered or licensed professional regarding use, containment, and disposal of any toxic or hazardous materials to be used or stored on the site
- \_\_\_ 14. Applicant has referred to the Hopkinton Design Guidelines and Standards, Article XVI
- \_\_\_ 15. Affidavit of Notice for mailed hearing notices (refer to Article XVIII, Section 18.9, for Sample Notice)
- \_\_\_ 16. The names and addresses of owners of all properties, including anyone on a right-of-way beyond 500 feet whose property must be passed through to reach applicant's property, agencies or communities requiring notification as required by these Regulations
- \_\_\_ 17. Copies of return receipts for certified mail notices of those included in 17 above
- \_\_\_ 18. Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents. Specify:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_ 19. Either of the following:
- \_\_\_ a. A letter stating it is the intent of the applicant to complete the required improvements prior to the Planning Board's endorsement of the final plat; or,
- \_\_\_ b. A letter requesting that security sufficient to cover the cost of required improvements as provided in Article XVII be set by the Planning Board

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

Initial amount set by Board \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_ 20. General application for subdivision review

\_\_\_ 21. Final written comments that the Preliminary Plan has been reviewed by the following:

\_\_\_ a. Town Appointed Engineer Date \_\_\_\_\_

\_\_\_ b. Planning Department Date \_\_\_\_\_

\_\_\_ c. Public Works Date \_\_\_\_\_

\_\_\_ d. Building/Zoning Official Date \_\_\_\_\_

\_\_\_ e. Town Solicitor Date \_\_\_\_\_

\_\_\_ f. Conservation Commission Date \_\_\_\_\_

\_\_\_ g. Land Trust Date \_\_\_\_\_

\_\_\_ h. Police Department Date \_\_\_\_\_

\_\_\_ i. Recreation Department Date \_\_\_\_\_

\_\_\_ j. Other (specify) \_\_\_\_\_ Date \_\_\_\_\_

Information shall be delivered to departments by the applicant with comments forwarded to the Planner

\_\_\_ 22. Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents

\_\_\_ 23. Proposed ownership scheme for open space areas with draft legal documents, such as Homeowner's Association Bylaws

\_\_\_ 24. Plan location and draft legal language of proposed conservation easements or restrictions to be applied to open space areas

\_\_\_ 25. Open Space Use and Management Plan, including standards and methods, specific responsibilities and funding sources

\_\_\_ 26. Newspaper copy, newspaper ad, notice

\_\_\_ 27. A court stenographer is required for the Preliminary Stage Public Hearing with the cost to be paid by the applicant. A hard copy and an email copy of the recordings are to be made available to the Planning Board.

## **8.8 SUBMISSION REQUIREMENTS - FINAL PLAN**

An applicant requesting Final Plan approval shall submit the plans and supporting materials in the Final Plat Checklist for Major Land Development and Major Subdivisions in Section 8.9, and any material required by the Planning Board at Preliminary Plan approval.

### **8.8.1 Certification of Final Plan**

The application shall be certified as complete within 15 days. If the Administrative Officer certifies the application as complete, the certification shall constitute Final Plan approval. A written Final Plan approval shall be issued within 45 days.

If the Final Plan includes changes to the approved Preliminary Plan or new elements, the Administrative Officer may have an additional 10 days to certify the application as complete, provided that the Administrative Officer notifies the applicant in writing that the additional time will be required. If the Administrative Officer determines that the Final Plan submission proposes a major change to the approved Preliminary Plan, the Administrative Officer shall notify the applicant in writing within 14 days of the day the application was submitted.

### **8.8.2 Referral to the Planning Board**

If the Administrative Officer determines that the application for Final Plan approval does not meet the requirements of these Regulations or the conditions imposed by the Planning Board at Preliminary Plan approval, or if the applicant has proposed a major change to the approved Preliminary Plan, the Administrative Officer shall refer the Final Plan submission to the Planning Board for review. The Planning Board shall approve or disapprove the Final Plan within 45 days of the day the application was certified as complete, unless the applicant agrees in writing to extend the time period for approval.

### **8.8.3 Failure to Act**

If the Planning Board does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the Administrative Officer a written certification that the Planning Board failed to act with the required time, and a written approval of the Final Plan.

### **8.8.4 Expiration of Final Plan**

Final Plan approval expires in one year unless the applicant constructs the required improvements or submits an improvement guarantee. The applicant has the right to receive a one-year extension of the Final Plan approval and may ask the Planning Board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the Planning Board to request the extension and to explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records.



## Article VIII – Major Subdivision and Major Land Development

For phased projects, the Final Plan for phases subsequent to the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

### **8.8.5 Acceptance of Public Improvements**

Final approval shall not impose any duty upon the Town to maintain or improve any street or other public improvement or other land intended for dedication until the Town Council accepts the completed public improvements.

### **8.8.6 Validity of Recorded Plans**

The approved Final Plan, once recorded, shall remain valid as the approved plan for the site unless an amendment to the plan is approved or a new plan is approved.

### **8.8.7 Appeal**

A decision to deny the application, or to approve the application with conditions that are unacceptable to the applicant, is appealable pursuant to R.I.G.L. § 45-23-71. If the appeal is from a Final Plan decision, the appeal shall be limited to elements that were not included in the Preliminary Plan decision.



## Hopkinton Planning Department

RHODE ISLAND



### 8.9 FINAL PLAN CHECKLIST MAJORLAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

This is the Final stage of Major Land Development and Subdivision Review. The applicant shall submit to the Town Planner, Final plans and supporting materials as indicated below (number of copies to be specified by the Planner). All plans shall be certified by a Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II survey and to conform to the *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended. Attach a written statement explaining any items marked as "N/A" below.

The applicant shall submit to the Town Planner copies of Final site plans and supporting materials as indicated below:

#### A. FINAL SUBMISSION - PLAT PLANS TO BE RECORDED

One copy of the Final plat plan on fixed-line, photographic Mylar, to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Town Planner. In addition, five black or blue-line copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g. sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

- \_\_\_ 1. All Final plans shall include all modifications and special conditions of approval directed by the Planning Board during the Preliminary stage of review. All changes and modifications shall be clearly identified
- \_\_\_ 2. All information as depicted on the Pre-application Plan, Master Plan and Preliminary Plan, containing conditions and revisions as required by local, state and/or federal reviewing agencies shall be included
- \_\_\_ 3. Title Block to include:
  - \_\_\_ a. Name of proposed subdivision
  - \_\_\_ b. Notation that the subdivision is located in the Town of Hopkinton, RI
  - \_\_\_ c. Name and address of property owner and applicant
  - \_\_\_ d. Name, address and telephone number of engineer or land surveyor
  - \_\_\_ e. Date of plan preparation with revision date(s), if any
  - \_\_\_ f. Graphic scale and North arrow
  - \_\_\_ g. Plat(s) and lot number(s) of the parcel being subdivided

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 4. Signature block indicating Planning Board approval, to be signed and dated by the Planning Board Chairperson (see Article XVIII, Section 18.4)
- \_\_\_ 5. Completed Application Notification Form (see Article XVIII, Section 18.2)
- \_\_\_ 6. Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown.
- \_\_\_ 7. Perimeter boundary lines of the subdivision drawn so as to distinguish them from other property lines
- \_\_\_ 8. Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
- \_\_\_ 9. Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being subdivided
- \_\_\_ 10. Location and exterior dimensions of all existing and proposed buildings and structures with an indication of setbacks and/or distances to all property lines as necessary to indicate conformity to applicable provisions of the *Zoning Ordinance*
- \_\_\_ 11. Names of abutting property owners and property owners immediately across any adjacent streets
- \_\_\_ 12. Location of proposed permanent bounds
- \_\_\_ 13. Location of all interior lot lines and street lines with accurate dimensions indicated
- \_\_\_ 14. Location and number of all proposed lots with accurate areas indicated
- \_\_\_ 15. Location and notation of type of proposed easement(s) or existing easement(s) to remain, if any, with accurate dimensions and areas indicated
- \_\_\_ 16. Location and dimension of all existing and proposed off-street parking and loading areas, driveways, and pedestrian walkways
- \_\_\_ 17. Location of existing and proposed utilities, including water, sewer, gas, electric or other communication lines
- \_\_\_ 18. Location and description of refuse disposal facilities
- \_\_\_ 19. Existing and proposed contours with a minimum two-foot contour interval
- \_\_\_ 20. Landscaping plans (when required) shall also show planting and landscaping elements as listed as follows:
  - \_\_\_ a. Location, general type and quality of any significant existing vegetation, specimen trees, stone walls or natural areas on the site

Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ b. Existing trees of three-inch caliper or greater to be saved
- \_\_\_ c. Locations of all areas to be seeded and/or sodded
- \_\_\_ d. Plant list or schedule to include key symbols, quantity, or correct botanical and common names, size and condition of all proposed plants
- \_\_\_ e. Location and description of other landscape improvements such as but not limited to earth berms, fences, walls, walks, signs and paved areas
- \_\_\_21. Locations, dimensions and model numbers of proposed exterior lighting to include type of lighting and a point by point foot candle study equal to scale of plan by a qualified lighting professional
- \_\_\_22. Schematic architectural drawings of proposed buildings
- \_\_\_23. General and specific notes and/or detail drawings to indicate or explain the design and construction procedures or materials to be used
- \_\_\_24. Location and notation of type of proposed open space areas
- \_\_\_25. Notation of special conditions of approval imposed by the Planning Board, if any
- \_\_\_26. Written confirmation from RIDEM that pursuant to the *Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act*, that the proposed development plans, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration, or that RIDEM has granted approval for the proposed site alteration
- \_\_\_27. A location map showing the physical relationship of the proposed project to the area within a radius of one-half mile. Said location map shall identify location of all brooks, streams, ponds, lakes, wetland area, public drinking water reservoirs and public wells within 1,000 feet of the project
- \_\_\_28. Written certification by a Registered Professional Engineer that all drainage structures and facilities will accommodate a 100-year frequency rainfall event
- \_\_\_29. Provisions for stormwater drainage, including a drainage plan
- \_\_\_30. A Physical Alteration Permit (PAP) issued by RIDOT for any connection to or construction work with a state highway or other state right-of-way
- \_\_\_31. Certification that all curb cuts and/or drainage proposed to be made onto state highways have been approved by the RI Department of Transportation
- \_\_\_32. Two original signed copies of all legal documents and deeds describing any proposed municipal easements, rights-of-way, dedication or restrictions, and/or rules governing proposed homeowners' associations

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_33. Notation of any permits and agreements with state and federal reviewing agencies, if any
- \_\_\_34. An Application Notification List shall be submitted (see Article XVIII, Section 18.2)
- \_\_\_35. Phasing schedule, if any
- \_\_\_36. Certification by a Registered Professional Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to meet a minimum of a Class II Survey and to conform to *Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations*, as prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended
- \_\_\_37. Record of any proceedings or decisions of the Zoning Board of Review that pertain to the application of the subject land
- \_\_\_38. Digital Parcel Data with linework only of the Final plan in pdf. or dwg. format sent electronically to the Town GIS Director
- \_\_\_39. A copy of the plan in pdf. or dwg. format, sent electronically to the Town Planner
- \_\_\_40. Street index box
- \_\_\_41. Proof of paid, up-to-date, property taxes from the Hopkinton Tax Collector
- \_\_\_42. Copy of a Certificate of Authorization for all Design Professionals from the State of Rhode Island
- \_\_\_43. Proof of current registration for all Design Professionals from the State of Rhode Island
- \_\_\_44. All final plans shall include all modifications and special conditions of approval directed by the Planning Board during the preliminary stages or review. All changes and modifications shall be clearly identified
- \_\_\_45. A court stenographer is required for the Final Stage Public Hearing with the cost to be paid by the applicant. A hard copy and an email copy of the recordings are to be made available to the Planning Board

### **B. FINAL SUBMISSION - CONSTRUCTION DRAWINGS**

Three black or blue-line copies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Town Planner. Each sheet shall be no larger than 24 inches by 36 inches and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

- \_\_\_ 1. Final construction plans, as listed in the Preliminary Plat Checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval
- \_\_\_ 2. Certification by a Registered Professional Engineer
- \_\_\_ 3. Stamp of a Registered Professional Engineer, Land Surveyor, or Landscape Architect, as may be appropriate, licensed to practice in Rhode Island
- \_\_\_ 4. For phased projects, as-built drawings for the previous phase, if applicable
- \_\_\_ 5. Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical, if required by the Planning Board. Development plans for mobile and manufactured home parks and senior residential communities shall also include plan and profiles of all proposed streets drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical
- \_\_\_ 6. Street cross-sections, if required by the Planning Board
- \_\_\_ 7. Proposed landscaping plan, if required by the Planning Board
- \_\_\_ 8. Soil erosion and sediment control plan, if required
- \_\_\_ 9. Proposed street trees
- \_\_\_ 10. Proposed construction road(s) or route(s)
- \_\_\_ 11. Proposed construction schedule, including phasing as appropriate
- \_\_\_ 12. Location of proposed underground utilities, if required by the Planning Board
- \_\_\_ 13. The Final approved plan shall be submitted with all required maps and documentation *and* an electronic version of the Final Plan at the time of recording.

### C. FINAL SUBMISSION - SUPPORTING MATERIALS

- \_\_\_ 1. Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the Final plat and that there are no outstanding municipal liens on the parcel
- \_\_\_ 2. Filing Fee - \$150 + \$30
- \_\_\_ 3. Performance bond or other financial guarantees, if applicable
- \_\_\_ 4. Two original signed copies of all legal documents describing the property, creating a Homeowner's Association, proposed easements and rights-of-way, dedications, restrictions or other required legal

## Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

documents. Specify:

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- \_\_\_ 5. Two signed copies of an irrevocable offer to convey to the Town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas
- \_\_\_ 6. Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes or fee-in-lieu of open space, where applicable
- \_\_\_ 7. Final street and numbering plan approved by the Town of Hopkinton 911 Director showing street names of all proposed streets and numbers assigned to each new unit proposed for the project. Proof of notification to Police, Fire, Ambulance and the Planning Board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling, to be shown on plans with a square box
- \_\_\_ 8. Erosion and sediment control plan
- \_\_\_ 9. Proposed construction schedule, including phasing as appropriate
- \_\_\_ 10. The following items may be required by the Planning Board if necessary in order to demonstrate conformity with the *Zoning Ordinance* and these Regulations:
  - \_\_\_ Stamp of a Registered Professional Engineer, Land Surveyor, or Landscape Architect licensed to practice in Rhode Island
  - \_\_\_ Plan and profile of all streets at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical
  - \_\_\_ Provisions for stormwater drainage, including a drainage plan
  - \_\_\_ Schematic architectural drawings of proposed buildings
  - \_\_\_ Existing and proposed contours with a minimum two-foot contour interval

### D. FINAL SUBMISSION - PAYMENT OF REQUIRED FEES

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of Final plans.

- \_\_\_ 1. Administrative Fee – Amount \_\_\_\_\_
- \_\_\_ 2. Final plat recording fee – Amount \_\_\_\_\_
- \_\_\_ 3. Performance Bond or other Financial Guarantees
  - Initial Amount \_\_\_\_\_
  - Date set by Planning Board \_\_\_\_\_

Article VIII – Major Subdivision and Major Land Development

Name of Subdivision \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Phase \_\_\_\_\_

Date of Expiration of Surety (Bond) \_\_\_\_\_

\_\_\_ 4. Fees in-lieu-of land dedication – Amount \_\_\_\_\_

\_\_\_ 5. Inspection fee – Amount \_\_\_\_\_

\_\_\_ 6. Maintenance bond for acceptance of public improvements - Amount \_\_\_\_\_

Date of recommended acceptance from Planning Board to Town Council \_\_\_\_\_

Date of Planning Board approval of public improvements \_\_\_\_\_

Date of Town Council Acceptance of public improvements \_\_\_\_\_

Description \_\_\_\_\_

Date of Expiration of Maintenance Bond \_\_\_\_\_





## ARTICLE IX – LAND DEVELOPMENT CATEGORIES

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### 9.1 RESIDENTIAL COMPOUNDS

#### 9.1.1 Definition and Purpose

A residential compound is a subdivision of no more than seven building lots with a maximum residential density of one dwelling unit per five acres where private streets provide access to lots. Residential compounds are intended to:

- A. Preserve the town's rural character.
- B. Enable residents to own larger parcels suitable for small farms or homesteads.
- C. Provide for limited development in areas of the town that are remote or have poorly drained soil.
- D. Enable families to establish large homesteads in which lots may be conveyed to family members.

#### 9.1.2 Future Development Restricted

No lot that has been developed as a residential compound may thereafter be further subdivided, provided however, this shall not prevent the development of residential compounds in incremental stages or phases, so long as each component lot shall not be altered after having received final approval from the Planning Board. The creation of additional residential road frontage subdivision lots shall be prohibited, provided that a future compound lot with frontage on an existing town street shall have access from an interior compound street.

#### 9.1.3 Density

The density of a residential compound shall not exceed one dwelling unit per five acres of land suitable for development. No more than one single-family dwelling may be situated on any building lot, and a residential compound shall not contain more than seven building lots.

#### 9.1.4 Density Calculation

For the purposes of determining the maximum number of single-family dwelling units, the following formula shall apply:

$$U = (GA - LUD) \div 5 \text{ acres}$$

U = Permissible number of single-family dwelling units. This figure shall be rounded to the nearest whole number to establish the total number of single-family dwelling units permitted in the residential compound.

GA = Gross area of the proposed development in acres and tenths of an acre.

## Article IX - Land Development Categories

LUD = The area, in acres and tenths acre, of land unsuitable for development, as the term is defined in Article II of these Regulations, shall be subtracted from the total acreage of the parcel.

### 9.1.5 Dimensional Requirements

The zoning provisions applicable to residential compounds, including the dimensional regulations, are in Sec. 14.2 of the zoning ordinance.

Any land in a residential compound in excess of that required to satisfy the density and dimensional requirements may be included in any building lot or may be used to create one or more open space lots.

### 9.1.6 Streets

Streets shall be privately owned and maintained and shall be constructed in conformity with the requirements of Article XVII of these Regulations. The minimum right of way width is 50 feet and minimum roadway width is 20 feet. The Planning Board shall have the authority to require additional improvements in order to protect the public health, safety and welfare, if warranted by the characteristics of the parcel, or if the street will be used by persons other than residents of the compound.

Stormwater management improvements shall be privately owned and maintained in common by the owners of property in the residential compound.

If the Administrative Officer or the Planning Board finds that due to the number of dwelling units in the residential compound or the density of such development, access to and from the residential compound is inadequate, the Administrative Officer or the Planning Board may require construction standards that exceed the minimum standards in Article XVII for any private street connecting the residential compound to a public street. In making such a determination, the Administrative Officer or the Planning Board shall consider the present and future uses of other land that may use the same private street as the proposed residential compound.

### 9.1.7 Improvements

All required improvements shall be completed before the approved final plat is recorded in the land evidence records. The Final plat, stamped and signed by a registered professional engineer, when presented to the Town Clerk for recording, shall be accompanied by a document signed by the registered professional engineer certifying that all improvements have been completed in conformance with the approved design specifications.

### 9.1.8 Sharing of Private Street

A private street built to the minimum standards in these Regulations shall not be used as access to the nearest public street by more than one residential compound. If a second residential compound will use the same private street, the Planning Board shall have the authority to require improvements to the street.

### 9.1.9 Open Space

## Article IX - Land Development Categories

Any land not included in a building lot or street shall be designated as open space. Open space lots should be designed to incorporate unique characteristics of the parcel, including but not limited to topography, scenic vistas, agricultural activities, or areas of historical interest. Open space may be used for conservation, noncommercial outdoor recreational facilities, agriculture, or the preservation of scenic or historic sites or structures, and structures accessory to any of those uses.

The Planning Board shall approve the proposed uses of the open space and the location of any structures on it, taking into consideration the adequacy of access to the open space, the characteristics of the land, and the characteristics of adjacent land.

Each open space lot shall have frontage of at least 30 feet on a private street in order to provide each resident of the compound with access to the open space.

### **9.1.10 Homeowners' Association**

- A. The homeowners' association shall own and shall be responsible for maintenance of the street or streets, the stormwater management facilities, any other common improvements, and the open space.
- B. The developer of property developed as a residential compound shall record a document or documents in the land evidence records contemporaneously with the recording of the final plat creating a homeowners' association and establishing its authority and responsibilities.

### **9.1.11 Documents to be Recorded**

The following documents shall be recorded in the land evidence records contemporaneously with the approved plat:

- A. A restriction executed by the owners of the property, binding on their successors, heirs, and assigns, stating that the Town of Hopkinton will not be asked or required to own or maintain any street, stormwater management structure, or any other improvement in the residential compound that was not constructed to the town standards applicable to public improvements.
- B. A restriction executed by the owners of the property, binding on their successors, heirs, and assigns, stating that the property in the subdivision was approved as a residential compound, that development in the compound is permitted only in conformity with the recorded plat and the provisions of the zoning ordinance and the land development and subdivision regulations, that no further development shall be permitted, and that the private street or streets shall remain in private ownership in perpetuity.
- C. A conservation restriction made pursuant to Title 34, Chapter 39 of the R.I. General Laws, enforceable by the Town of Hopkinton, which prevents any unauthorized use or development of the open space in the compound.
- D. An access easement binding on the successors, heirs and assigns of the owner of the property, including the homeowners' association, granting the Town of Hopkinton access to the

## Article IX - Land Development Categories

property in order to perform any necessary maintenance on streets, stormwater management facilities, or the open space if the grantors or their successors, heirs or assigns fail to perform such necessary maintenance; requiring the owners or their successors, heirs, or assigns to reimburse the Town of Hopkinton for any such work performed and granting the Town of Hopkinton the right to enforce payment for any such work, plus reasonable costs, attorneys' fees, and interest, as provided by law.

- E. A statement describing the method of ownership, maintenance and use of common property, including but not limited to streets, stormwater management systems, and open space.
- F. Instruments conveying any easements required as a condition of approval.
- G. Any other restrictions, conditions, and easements required by the Planning Board as a condition of approval; provided, however, that this provision shall not restrict the developer from imposing appropriate private restrictions on the compound lots.

### **9.2 RESIDENTIAL CLUSTER DEVELOPMENTS**

#### **9.2.1 Definition and Purpose**

A Residential Cluster Development is a parcel of land on which single family, two family, or multi-family dwellings are concentrated on a portion of the parcel, on smaller lots and with lesser dimensional requirements than otherwise permitted in the zoning district, and on which open space on the parcel is set aside for recreation, conservation, agriculture or preservation of valuable or sensitive features or structures. The overall residential density on the parcel shall not exceed that permitted in the underlying zoning district, unless otherwise specifically provided by the Zoning Ordinance.

Residential Cluster Developments are intended to promote the health, safety and welfare of the residents of Hopkinton by encouraging harmonious, efficient and convenient living environments and communities that are consistent with the Comprehensive Community Plan; increasing housing opportunities by increasing variety in residential housing types, density and design; facilitating the economical and efficient provision of necessary community services, recreational facilities and open space; preserving features and sites that have natural, ecological, cultural, historical, agricultural, scenic, or other interest or value; and encouraging innovative residential design.

The Planning Board encourages residential developments to be designed as cluster developments unless the applicant can demonstrate that a conventional subdivision would be clearly superior and is in the best interests of the residents of Hopkinton.

#### **9.2.2 Uses, Density, and Dimensional Regulations**

- A. The minimum parcel size, permitted uses, and dimensional regulations applicable to Residential Cluster Developments are in Sec. 14.1 of the Zoning Ordinance.

## Article IX - Land Development Categories

- B. The residential density of a Residential Cluster Development shall not exceed one dwelling unit for each 80,000 square feet.

The total number of residential dwelling units permitted in the development shall be computed by the use of the following procedure:

$$U = (GA - LUD) \div 80,000 \text{ square feet}$$

GA = Gross area of the proposed development in acres and tenths of acre.

LUD = The area, in acres and tenth acres, of land unsuitable for development, as the term is defined herein, shall be subtracted from the total acreage of the parcel. Also, acreage equal to 10% of the total site acreage shall be subtracted to allow for streets, utilities and drainage structures.

U = Permissible number of residential dwelling units. This figure shall be rounded to the nearest whole number to establish the total number of residential dwelling units permitted.

- C. A density increase of up to 10% may be permitted if 10% of the total number of dwelling units in the development will be low- or moderate-income housing.

### 9.2.3 Open Space Requirements

At least 30% of the total area of the development, exclusive of the streets, wetlands, ponds, marshes, protected natural areas, and areas classified as unique, shall be set aside as open space. The open space shall conform to the following requirements:

- A. The open space may be one or more parcels of a size, shape and location suitable for the intended uses or purposes. The use of the open space on the parcel shall be compatible with the natural characteristics of the parcel and the uses of property in the surrounding area or district.
- B. The open space shall be conveyed to a homeowners' association, which shall be responsible for maintenance of the open space and the operation of any approved facilities on it.
- C. If the goals and policies of the Comprehensive Community Plan call for Town acquisition of all, or a portion of, the proposed open space for a community facility, or for public recreation or conservation use, the Town Council may require that the open space, or a portion of the open space, be conveyed to the Town for that purpose. Open space that is provided for public or common use shall either be conveyed to the Town for park, open space, agricultural, or other specified use or uses, or be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space.
- D. If the open space is conveyed to an association, the open space shall be protected against future development by conveying to the Town, as one of the conditions for project approval, an open space easement that prohibits any future building or use not approved by Town. If the owners or their successors or assigns fail to maintain the open space, the Town may perform any necessary maintenance and enforce the payment for such reasonable costs, attorneys' fees, plus interest, as provided by law. Buildings for non-commercial recreational or cultural purposes compatible with

## Article IX - Land Development Categories

The open space objectives may be permitted

- E. The plan shall include a 30-foot-wide access to each open space lot from a public or private street.
- F. The plan may include building construction or pavement for recreational facilities that occupies up to 20% of the open space.
- G. The development shall be designed so that there is an open space buffer at least 50 feet wide around the entire perimeter of the development, except where street rights of way are located. If there is no existing vegetation in the buffer area, the applicant shall install a vegetative or other visual barrier. The required perimeter buffer may be reduced or eliminated where there is substantial existing vegetation, where the perimeter abuts a protected open space or conservation area, or if other acceptable arrangements can be made to reduce the impact of the development on abutting properties.
- H. No portion of the open space may be conveyed, except in conjunction with the sale of the lots. The open space shall not be separately assessed for property taxation purposes but added to the value of each individual lot.
- I. The Preliminary Plan submission shall include an open space use plan containing:
  - (1) The general location and area of all proposed open spaces.
  - (2) The general proposed use or uses of the open space.
  - (3) Existing topography and existing ground cover of open space areas.
  - (4) The location and a description of any buildings, structures, stone walls, cemeteries, or other natural or historic features.
  - (5) Areas of open space from which existing vegetation will be removed or altered and areas proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state.
  - (6) Generalized proposals for the regrading, revegetating or landscaping of proposed disturbed areas.
  - (7) Areas proposed to be left in their existing natural state.
  - (8) The locations where permanent markers will be placed to mark the boundary between open space and development lots.

The plan may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans. The Final Plan submission shall show proposed open space use(s) and

## Article IX - Land Development Categories

required open space alterations.

### **J. Streets**

All streets shall be improved in accordance with the requirements and specifications contained in Article XVII of these Regulations. If the cluster development will contain a maximum of seven lots, the developer may request private streets.

### **K. Stormwater management facilities**

Stormwater management facilities, including above-ground detention or retention areas and their associated conveyance ditches or channels, may be located in open space areas if the minimum open space area is provided. Construction of stormwater management facilities in open space areas may be prohibited if such facilities are in conflict with the intent and purpose of Residential Cluster Development or with the general purposes of these Regulations. Portions of stormwater detention areas that will be submerged during the peak of a 100-year frequency storm are not eligible for consideration in meeting minimum open space area requirements.

In a development that will have public streets or where stormwater management facilities will be located in open space, they shall be maintained by the Town, and the applicant shall convey an access easement to the Town. If stormwater management facilities are not located in a street right of way or on an open space lot, they shall be located on a separate lot specifically created for that purpose. The lot shall be conveyed to the Town and the Town shall be responsible for maintenance of the facilities.

### **L. Required Certificates and Documents**

The following certificates and documents shall be submitted at Final Plan submission for approval and recording:

- (1) A written agreement between the applicant and the Town stating:
  - a. That in the event of failure of the owners, successors or assigns to maintain any common open space, recreation areas, landscaping features or other required improvements, the Town may enter the development and perform such necessary maintenance work and charge the cost, including attorney fees to the owner, successors or assigns.
  - b. That the applicant or owner will construct the development and install improvements in accordance with the approved site plan.
  - c. That the agreement shall be binding upon the heirs, assigns, successors or receivers of the development and shall constitute a lien on the property in the development.
  - d. Any other conditions required at Preliminary Plan approval.

## Article IX - Land Development Categories

- (2) A certificate from the Tax Collector that all taxes due on the land in the development have been paid for the five years preceding the date of the filing and that there are no outstanding municipal tax liens on the land.
- (3) Copies of any existing and proposed deed restrictions or covenants running with the land in the development if any are proposed.
- (4) A description of any existing easements affecting land in the development and an instrument conveying any easements required as conditions of approval to the Town.



### **9.3 PLANNED UNIT DEVELOPMENT (PUD)**

A Planned Unit Development is characterized by a unified site design for clustered buildings, common open space, and a mixture of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development rather than on a lot-by-lot basis. It is a process that involves both Planning Board and Town Council review and approval, enabling public officials to have considerable involvement in determining the nature of the development. The review and approval process includes aspects application of both the land development and subdivision regulations and zoning regulations ordinance, including amendment to the zoning map.

The Planning Board approves a Planned Unit Development as a major land development project after conditional Town Council approval of an amendment to the zoning ordinance map. The requirements of the review and approval process are in Section 37 of the zoning ordinance.

### **9.4 DEVELOPMENT PLAN REVIEW**

#### **9.4.1 Definition**

Development plan review is a review by the Administrative Officer or the Planning Board of the design or site plan for a permitted use. Its purpose is to encourage compliance with design and performance standards under specific and objective guidelines. Development plan review may be used to approve the following projects:

- A. A change in use at the property where no extensive construction of improvements is sought.
- B. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
- C. An adaptive reuse project located in a residential zone that results in fewer than nine residential units.
- D. Development in a designated urban or growth center.
- E. Institutional development design review for educational or hospital facilities.
- F. Development in a historic district.

#### **9.4.2 Waiver of Review**

An applicant proposing a change of use of the site with no extensive exterior construction of improvements may request waiver of development plan review by submitting a written request to the Administrative Officer. The request must be accompanied by documentation of the prior use of the site, the proposed use of the site, and the impact the use will have on the site. To approve such a waiver, the Administrative Officer must find that the proposed use will not affect existing drainage, traffic or

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pedestrian circulation, relationship of buildings to each other, landscaping, buffering, or lighting, and that establishment of the new use will not require additional exterior improvements or changes to existing improvements. The decision of the Administrative Officer shall be in writing.

### 9.4.3 Waiver of Design Standards

The Administrative Officer shall have the authority to waive submission of any checklist item if the Administrative Officer finds that the item is not applicable to the proposed project.

### 9.4.4 Modifications, Variances, Special Use Permits, and Aquifer Protection Permits

Applicants for development plan review who require modifications, variances, special use permits, or aquifer protection permits must include an application for the modification, variance, special use permit, or aquifer protection permit with the development plan review application. If the Zoning Inspector denies the modification, the modification request is submitted to the Planning Board as an application for a dimensional variance. The application for development plan review and the application or applications for zoning relief shall be heard under unified development review.

### 9.4.5 Administrative Development Plan Review

- A. An application that does not include a request for a variance, a special use permit, or an aquifer protection permit and does not propose creation or extension of a street is reviewed and approved by the Administrative Officer. The applicant shall submit an application form and the documents required by the development plan review checklist. If the applicant requires a modification, an application for a modification shall be submitted with the development plan review application, and the Administrative Officer shall transmit the modification application to the Zoning Inspector. If the Zoning Inspector denies the modification, the Administrative Officer shall refer the application to the Planning Board as an application for a dimensional variance under unified development review.
- B. The Administrative Officer shall certify the application as complete within 15 days. If an application is incomplete, the Administrative Officer shall provide the applicant with a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that an application is incomplete, and resumes when the missing material is submitted, but the Administrative Office shall have at least 10 days from the day missing material is submitted to certify an application as complete.
- C. The Administrative Officer shall approve, approve with conditions, or deny the application within 25 days of the day it was certified as complete, unless the applicant consents in writing to an extension of the approval period.
- D. If the Administrative Officer fails to act on the application within the period required, the plan shall be considered approved, and the Administrative Officer shall certify the approval of the application at the applicant's request.
- E. Approval of the development plan expires two years after approval, unless within that time a plan is submitted for signature and recorded in the land evidence records. An applicant may ask the Administrative Officer to extend the approval period on a showing of good cause. A decision to

## Article IX - Land Development Categories

extend the approval period shall be in writing. The zoning ordinance and subdivision regulations provisions under which the development plan was approved are vested while the approval remains valid.

- F. A request by the applicant to make a change to the application shall be governed by the requirements of Sec. 11.5 of these Regulations.

### 9.4.6 Formal Development Plan Review

- A. An application that includes a request for a variance, special use permit, or aquifer protection permit, or proposes creation or extension of a street, is reviewed and approved by the Planning Board as a formal development plan review application. Formal development plan review takes place in two stages, Preliminary Plan approval and Final Plan approval. The applicant shall submit an application form and the documents required by the development plan review checklist. The applicant shall submit a separate application for the variance, special use permit, or aquifer protection permit with the application for development plan review. Final Plan approval is administrative.
- B. The Administrative Officer shall certify the application as complete within 25 days of the day it was submitted. If an application is incomplete, the Administrative Officer shall provide the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Office shall have at least 10 days from the day the missing material is submitted to certify the application as complete.
- C. The Planning Board shall conduct a public hearing in compliance with Sec. 8.3.3 of these Regulations. The Planning Board shall conditionally approve or deny the requested zoning relief before considering the Preliminary Plan application. Approval of the zoning relief is conditional on approval of the Preliminary Plan.
- D. The Planning Board shall approve, approve with conditions, or deny the Preliminary Plan application within 65 days of the day it was certified as complete, unless the applicant consents in writing to an extension of the approval period.
- E. The Final Plan submission shall consist of the items required by the development plan review Final Plan checklist. The Administrative Officer shall certify the application as complete within 15 days of the day it was submitted. If an application is incomplete, the Administrative Officer shall provide to the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the Administrative Officer finds that the application is incomplete, and resumes when the missing material is submitted, but the Administrative Office shall have at least 10 days from the day the missing material is submitted to recertify the application.
- F. The Administrative Officer shall approve, approve with conditions, or disapprove the Final Plan within 45 days of the day it was certified as complete, unless the applicant consents in writing to an

## Article IX - Land Development Categories

extension of the approval period. The Administrative Officer shall report the action taken on the Final Plan to the Planning Board.

- G. If the Planning Board or the Administrative Officer fail to act on the application within the period required, the plan shall be considered approved, and the Administrative Officer shall certify the approval of the application at the applicant's request.
- H. Approval of the development plan expires two years after approval, unless within that time a plan is submitted for signature and recorded in the land evidence records. An applicant may ask the Planning Board to extend the approval on a showing of good cause. A decision to extend the approval period shall be in writing. The zoning ordinance and subdivision regulations provisions under which the development plan was approved are vested while the approval remains valid.
- I. A request by the applicant to make a change the application shall be governed by the requirements of Sec. 11.5 of these Regulations.

### 9.4.7 Development Plan Decision Appeal

A decision by the Planning Board, the Technical Review Committee, or the Administrative Officer on a development plan review application shall be considered an appealable decision pursuant to R.I.G.L. § 45-23-71.

### 9.4.8 Development Plan Review Submission

Every application for development plan review shall contain the information required by the Development Plan Review Checklist in this section.

### 9.4.9 Drainage Plan

The Administrative Officer, the Technical Review Committee, or the Planning Board may also require the submission of a proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer when in the opinion of the Administrative Officer, the Technical Review Committee, or the Planning Board, there is a reasonable expectation that significant surface water runoff will be generated, or that stormwater runoff may affect abutting or nearby property or freshwater wetlands. In such cases, the drainage plan shall be prepared in accordance with Article XVII, Section 17.5 of these Regulations entitled "Drainage."

### 9.4.10 Required Improvements

The design guidelines in Section 16.3 and 16.4 of these Regulations shall apply to all development plan review applications. The Administrative Officer, the Technical Review Committee, or the Planning Board may require the following revisions to the development plan:

- A. Modifications to the location of any off-street parking area or loading area, building or structure upon the lot.

## Article IX - Land Development Categories

- B.** Provisions for pedestrian, bicycle or vehicular circulation upon the lot and to and from adjacent properties or public or private streets.
- C.** Provisions for the location and screening of trash disposal facilities, including dumpsters.
- D.** Provisions for sidewalks and easements for future sidewalks to connect buildings or facilities within the site and to adjacent sites.
- E.** Provisions for fire lanes or access for emergency vehicles.
- F.** Provisions for adequate stormwater drainage systems.
- G.** Provisions for temporary soil erosion and sediment control measures.
- H.** Provisions for landscaping, screening and buffering.
- I.** Provisions for signage.
- J.** Provisions for safe and adequate street access, including location and size of driveways and curb cuts.
- K.** Provisions for preserving or enhancing unique natural and historic features, including stone walls.
- L.** Provisions for exterior lighting.



## Hopkinton Planning Department

RHODE ISLAND



### 9.5 DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

#### APPLICATION PROCEDURE

The applicant shall submit eight copies of the site plan at a scale no smaller than 1 inch = 40 feet, prepared by a registered professional engineer or surveyor. The following information shall be submitted:

**a. General:**

- \_\_\_ 1. Completed application form
- \_\_\_ 2. Name of the proposed development
- \_\_\_ 3. Name and address of the property owners
- \_\_\_ 4. Name of registered professional preparing plan and stamp of registration
- \_\_\_ 5. Locus map at a scale of 1 inch = 1,000 feet
- \_\_\_ 6. Date, north arrow, graphic scale
- \_\_\_ 7. Zoning setbacks

**b. Existing Conditions Plan:**

- \_\_\_ 1. Boundary line All boundary information to conform to Class I standard as adopted by the R.I. Society of Professional Land Surveyors and a statement to such effect must appear on the site plan. Benchmarks must be shown on plan with vertical datum.
- \_\_\_ 2. Zoning District
- \_\_\_ 3. Area of parcel
- \_\_\_ 4. Owners of property within two hundred (200) feet
- \_\_\_ 5. Assessor's plat and lot number(s)
- \_\_\_ 6. Name and width of all abutting streets and associated rights-of-way\_\_\_0
- \_\_\_ 7. Contours at two-foot intervals
- \_\_\_ 8. Existing structures

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Project \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

- \_\_\_ 9. Existing paved areas, curb cuts (on site and within 200 feet) and percent of impervious site Coverage
- \_\_\_ 10. Existing lawns, meadows, shrubs, trees, water courses, water bodies, wetlands, rock outcrops, and other prominent physical features
- \_\_\_ 11. Existing sewers, water mains, all culverts, and other underground appurtenances within and adjacent to the tract. This must include pipe sizes, grades, manholes and locations.
- \_\_\_ 12. All developments, existing or proposed, within 200 feet of the proposed development.

**c. Access and Parking:**

- \_\_\_ 1. Location, arrangement, and dimensions of off-street loading spaces
- \_\_\_ 2. Location, arrangement, and dimensions of automobile parking spaces, bays, angle of parking
- \_\_\_ 3. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes
- \_\_\_ 4. Location and dimension of pedestrian entrances, exits, walks and walkways
- \_\_\_ 5. Location, widths, and names of all existing or prior platted streets, railroad, or utility rights-of-way, parks, and other public open spaces, permanent easements, and municipal boundary lines, within 200 feet of the proposed development

**d. Architectural:**

- \_\_\_ 1. An architectural rendering of plans and building elevations
- \_\_\_ 2. Total floor area and ground coverage of each proposed building or structure, and total percentage of lot covered by such
- \_\_\_ 3. Location and exterior dimensions of existing and proposed structures and signs.

**e. Environmental:**

- \_\_\_ 1. Flood hazard zone if applicable
- \_\_\_ 2. Proposals for providing water supply
- \_\_\_ 3. Method of septic waste disposal
- \_\_\_ 4. Method of solid waste disposal
- \_\_\_ 5. Soils information from the RI Soil Survey by the Soil Conservation Service

## Article IX - Land Development Categories

- \_\_\_ 6. Location of OWTS soil tests if such is planned

### **f. *Landscaping:***

- \_\_\_ 1. Location, type, intensity of all illumination and height of all outdoor lighting fixtures
- \_\_\_ 2. Location, dimensions of all proposed signs
- \_\_\_ 3. Finished grades, slopes, banks, and swales
- \_\_\_ 4. Landscaping retained and created, showing type, location and size of plantings and screening materials
- \_\_\_ 5. Location, height, and materials of walls, and fences

### **g. *Soil Erosion and Stormwater Control Plan***

- \_\_\_ 1. A site plan showing the grades, elevations, and contours of the land prior to disturbance and the proposed grades, elevations, and contours to be created
- \_\_\_ 2. Location and description of existing natural and man-made features on the property where the work is to be performed, on the land of adjacent owners which are within 100 feet of the property, or which may be adversely affected by the proposed operations
- \_\_\_ 3. Location and description of proposed changes on the site
- \_\_\_ 4. A schedule of the sequence of installation or application of planned, erosion and stormwater control measure, both temporary and permanent, and estimated starting and completion dates
- \_\_\_ 5. A description of methods to be employed in processing and disposing of soil and other material that is removed from the grading site
- \_\_\_ 6. A soils survey or soils engineering report
- \_\_\_ 7. A slope stabilization plan and revegetation plan
- \_\_\_ 8. An engineering hydrologic analysis of stormwater runoff (refer to the *Rhode Island Stormwater Design and Installation Standards Manual*, December 2010 or latest revision)

### **h. *Supporting Materials:***

- \_\_\_ 1. A narrative which briefly describes and summarizes the land, its history, the development proposal, the development impacts, proposed mitigations of those impacts, all existing and proposed easements, restrictions, and covenants on or proposed for the property



## Article IX - Land Development Categories

**Project** \_\_\_\_\_ **Plat(s)** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

- \_\_\_ 2. An aerial photograph of the proposed site and surrounding area within 200 feet
- \_\_\_ 3. Traffic impacts of the proposed development
- \_\_\_ 4. Proposals for all waste disposal
- \_\_\_ 5. A copy of RI DEM approval for septic system(s) if such are planned
- \_\_\_ 6. A list of all names and addresses of abutting property owners within 200 feet of the proposed development
- \_\_\_ 7. A copy of the wetlands application and approval, as submitted to the RI DEM Wetlands Section, if applicable
- \_\_\_ 8. Where no wetlands have been determined to be present on the site, the following statement shall be placed on the site plan by a qualified professional



## ARTICLE X – RECORDING APPROVED PLATS and PLANS

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### 10.1 SIGNING AND RECORDING OF APPROVED PLATS AND PLANS

A final plat must be signed and recorded in the Land Evidence Records of the Town before any lot or parcel of land indicated on the plat can be sold or conveyed. All infrastructure improvements as required in these Regulations and as specified in the preliminary approval by the Planning Board shall be installed and completed to the satisfaction of the Director of Public Works before the plat is endorsed for final approval by the Town Planner.

#### 10.1.1 Signing

No signing of plans and plats shall be made until the following has occurred:

- A. The Town Planner has certified in writing that all of the required improvements have been made; or
- B. The Town Planner has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of Article VIII, Section 8.6.4.

All approved Final plans and plats for Land Development and Subdivision projects are signed by the appropriate Planning Board official with the date of approval. Plans and plats for Major Land Developments and Subdivisions are signed by the Planning Board Chairperson, or the Secretary of the Planning Board attesting to the approval by the Planning Board. All minor land development or subdivision plans and plats are signed by the Planning Board Chairperson or Secretary or the Board's designated agent. All Final Administrative plans shall be signed by the Town Planner.

#### 10.1.2 Recording

Upon signature, all plans and plats shall be submitted to the Town Planner prior to recording and filing in the *Land Evidence Records* of the Town. The material to be recorded for all plat and plans, shall include all plat drawings and other pertinent information, with notes thereon concerning all aspects of the approved project design, the implementation schedule, special conditions placed on the development by the Town, permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board.

A copy of the written decision of the Board, signed by the appropriate Planning Board or Town Official, including all conditions of approval, shall also be recorded. No plans, plats or supporting materials shall be recorded until the Town Planner has certified, in writing, that all required fees have been paid.

Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved Master Plan and Preliminary Plans, site analyses, impact analyses, impact statements, all legal agreements, records of the Public Hearing and the entire Final approval set of drawings, shall be kept permanently by the Town departments responsible for implementation and enforcement. One copy shall be kept on file by the Planning Department.

## Article X- Recording Approved Plats and Plans

Construction drawings need not be recorded. However, a complete blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval, shall be filed with the Town Planner prior to recording of the plat. One copy of all construction drawings shall be kept by the Department of Public Works.

The Town Planner shall notify the town 911 Coordinator, who shall in turn notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

## 10.2 CHANGES TO RECORDED PLATS AND PLANS

### 10.2.1 General

For all changes to the approved plans of land development projects or subdivisions subject to these Regulations, an amendment of the Final development plans is required prior to the issuance of any building permits for construction upon the subject property. Any changes approved in the Final Plan shall be recorded as amendments to the Final Plan in accordance with the procedure established for recording of plats and plans as provided in Section 10.1.2 of this Article, above.

### 10.2.2 Minor Changes

Minor changes, as defined below, to a land development or subdivision plan, may be approved administratively by the Town Planner, whereupon a permit may be issued. The Town Planner may, at his/her discretion, authorize such changes without review and approval of the Planning Board and without a public hearing thereon. All such changes shall be made a part of the permanent record of the project application. This provision shall not prohibit the Town Planner from requesting a recommendation from the Planning Board. Denial of the proposed change(s) by the Town Planner shall be referred to the Planning Board for review as a Major change according to the procedure provided in Section 10.2.3 below. Upon written authorization of the approval of a Minor change by the Town Planner, the Building Official may issue a building permit for any proposed construction upon the subject property. No minor changes, revisions, amendments, modifications or in-field revision to Recorded Plats and Plans will be allowed without the express written approval of both the Town Planner and the Director of Public Works.

For the purpose of these Regulations, the term "minor change" shall mean any change which, in the opinion of the Town Planner, is consistent with the intent of the original approval. Such Minor changes shall include, but are not necessarily limited to, the following:

- A. Amendments to Utility Plans which are acceptable to the Town's Public Works Director or to the appropriate utility company;
- B. Lot Line Revisions which can be reviewed and approved as an Administrative Subdivision according to the provisions of Article VI;
- C. Amendments to Grading Plans or Drainage Plans which are acceptable to the Director of Public Works and which do not require approval of any state or federal reviewing authorities;

## Article X- Recording Approved Plats and Plans

- 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 Director of Public Works; or,
- F. Minor Modifications which are Required by Outside Permitting Agencies such as, but not limited to, the Department of Environmental Management, and the Department of Transportation.

### 10.2.3 Major Changes

Major changes, as defined below, to a land development or subdivision plan may be approved only by the Planning Board. The procedure for approval of any such Major changes shall follow the same review and public hearing process as required for Preliminary approval to a Major Land Development and Major Subdivision as provided in Article VIII, Subsection 8.6. (State Enabling Act 45-23-41)

For the purpose of these regulations, the term "Major Changes" shall mean changes which, in the opinion of the Town Planner, substantially modify the intent of the original approval. Such Major changes shall include, but are not necessarily limited to the following:

- A. Additional Lot Creation - Changes which would have the effect of creating additional lots or dwelling units for development;
- B. Contrary to Zoning Ordinance - Changes which would be contrary to any applicable provision of the *Zoning Ordinance*, or which require a variance, aquifer protection permit, or special use permit from the Zoning Board of Review; or,
- C. Negative Impacts in Project Vicinity - Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project
- D. Changes Not Previously Defined as Minor - Changes not previously defined by the Planning Board as minor shall be considered major changes.

### 10.2.4 Rescission Procedure

The Planning Board, only upon application by all landowners of the plat to be affected, may rescind a plat if it determines the plat is not consistent with the Town's *Comprehensive Community Plan* and is not in compliance with the standards and provisions of the *Zoning Ordinance* and/or *Land Development and Subdivision Review Regulations*, and shall hold a Public Hearing which adheres to the requirements for notice described in Section 45-23-42 of the *Rhode Island General Laws*, as amended. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of Section 45-23-63 of the *Rhode Island General Laws*, as amended. If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the *Rhode Island General Laws*, as amended, the Planning Board shall submit

## Article X- Recording Approved Plats and Plans

to the Town Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in Section 45-23-64.



## **ARTICLE XI – WAIVERS, CHANGES TO APPLICATIONS, AND REINSTATEMENT OF APPROVALS**

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### **11.1 WAIVERS OR MODIFICATION OF REGULATIONS**

- 11.1.1** The Planning Board shall have the authority to waive or modify one or more of the requirements for subdivision or land development project approval contained in these regulations if the Planning Board finds that:
- A.** The waiver or modification is reasonable and consistent with the general purposes and intent of these Regulations; and
  - B.** Literal enforcement of one or more of the provisions of these Regulations would be impracticable and would exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance, and
  - C.** The waiver does not waive or modify any provision of the Zoning Ordinance.
- 11.1.2** A Planning Board decision to waive or modify a requirement of these Regulations shall be in writing and shall include findings of fact.

### **11.2 REINSTATEMENT OF APPLICATIONS**

- 11.2.1** When an applicant fails to meet a deadline established by these Regulations or by a Planning Board approval, thereby causing approval of any stage of a subdivision, land development project, or development plan to expire, the Planning Board may reinstate the approval if it finds that:
- A.** The development or subdivision remains consistent with the Comprehensive Community Plan, and
  - B.** The zoning of the subject parcel is substantially the same as it was at the time of original approval, and
  - C.** The provisions of these Regulations applicable to the subdivision, land development project, or development plan are substantially the same as they were at the time of approval, and
  - D.** Physical conditions on the subject parcel are substantially the same as they were at the time of approval, and
  - E.** Any applicable State or Federal regulations are substantially the same as they were at the time of approval and no applicable state and federal permits have expired.

## Article XI -Waivers, Changes to Applications, and Reinstatement of Approvals

- 11.2.2** The reinstatement shall be retroactive to the date of expiration.
- 11.2.3** Application for reinstatement of an expired approval shall be in writing and shall state the reason for the request.
- 11.2.4** The Planning Board may impose any conditions on reinstatement of the approval that are consistent with the requirements of these Regulations.
- 11.2.5** The Planning Board's decision to approve or deny a request for reinstatement of an approval shall be in writing and shall include findings of fact.

### **11.3 CHANGES TO PENDING APPLICATIONS**

- 11.3.1** An applicant may make changes to an application at any stage of submission. The Administrative Officer has the authority to approve minor changes, and the Administrative Officer has the authority to approve major changes to an application if the application does not require Planning Board approval. Major changes to an application that requires Planning Board review must be approved by the Planning Board.
- 11.3.2** If the Administrative Officer determines that a requested change in a Final Plan application is a major change, the Administrative Officer shall notify the applicant in writing within 14 days of the date of submission.
- 11.3.3** If the Administrative Officer denies a request for a minor change, the request shall be submitted to the Planning Board as a request for a major change.
- 11.3.4** *Minor change.* A minor change is a change that, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Minor changes include but are not limited to the following:
1. Changes to utility plans that are acceptable to the Director of Public Works or to the appropriate utility.
  2. Lot line changes that could be approved as an administrative subdivision.
  3. Changes to grading plans or drainage plans that are acceptable to the Director of Public Works and do not require approval of any State or federal agency.
  4. Changes to construction plans required because of unforeseen physical conditions on the property.
  5. Modifications to construction plans for off-site improvements that are acceptable to the Director of Public Works.
  6. Modifications required by outside permitting agencies including RIDEM and RIDOT.
- 11.3.5** *Major change.* A major change is a change that in the opinion of the Administrative Officer clearly differs from the intent of the original approval. Major changes include but are not limited to the following:
1. Changes that would create additional lots or dwelling units for development.

## Article XI -Waivers, Changes to Applications, and Reinstatement of Approvals

2. Changes that require a variance or special use permit.
3. Changes that may have significant negative impacts on abutting property or property in the vicinity of the development.





## ARTICLE XII – ENFORCEMENT AND PENALTIES

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### 12.1 VIOLATIONS

- 12.1.1** Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision or land development plan that has been approved by the Planning Board or the Administrative Officer shall be in violation of these Regulations.
- 12.1.2** Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land in a subdivision by referring to, showing, or otherwise using a Final Plat that has not been recorded in the land evidence records shall be in violation of these Regulations.
- 12.1.3** Any person who, having submitted an application for subdivision or land development project approval, begins construction of the subdivision or land development project, or constructs any structure or improvement on the parcel before the Final Plat of the subdivision or land development project has recorded or an improvement guarantee has been posted shall be in violation of these Regulations. Site preparation work such as surveying, mapping, clearing of vegetation, or soil, groundwater, or water testing shall not be considered construction for the purpose of this section.
- 12.1.4** The Administrative Officer shall refer suspected violations to the Town Manager and the Town Solicitor for prosecution.

### 12.2 PENALTIES FOR VIOLATIONS

The penalty for violation shall reasonably relate to the seriousness of the offense and shall not exceed \$500 for each violation. Each day of existence of a violation is a separate offense. Any fine imposed shall inure to the Town.

### 12.3 INJUNCTIVE RELIEF

- 12.3.1** The Town shall have the authority to bring suit in Washington County Superior Court to restrain the violation of, or to compel compliance with, the provisions of these Regulations.
- 12.3.2** The Town shall have the authority to consolidate an action seeking the imposition of fines with an action for injunctive relief.



## **ARTICLE XIII - ADOPTION AND AMENDMENT of REGULATIONS**

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### **13.1 PROCEDURE**

The Planning Board shall adopt and amend these Subdivision and Land Development Regulations according to the following procedure:

#### **13.1.1 Public Hearing**

No regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Planning Board. Notice of a public hearing on any proposed adoption or amendment shall be published in a newspaper of local circulation in Hopkinton at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The advertisement shall:

- A. Specify the date, time and place of the public hearing;
- B. Indicate the adoption, amendment or repeal of the Hopkinton Land Development and Subdivision Regulations is under consideration;
- C. Contain a statement of the proposed amendment to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- D. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- E. State that the proposed amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, provided that any such alteration or amendment must be presented for comment in the course of the public hearing.

The Planning Board shall conduct a public hearing at the date, time and place specified in the newspaper advertisement and notices. At the hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.

#### **13.1.2 Notice of Public Hearing**

At least 14 days before the date of the public hearing, notice shall be sent by first class mail to the following:

- A. The Planning Board of any town where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of

## Article XIII – Adoption and Amendment of Regulations

- B. Hopkinton's boundaries, including Westerly, Exeter, Charlestown, Richmond and North Stonington and Voluntown, Connecticut.
  
- B. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource or a surface watershed that is used or is suitable for use as a public water source located within Hopkinton or within 2,000 feet of Hopkinton's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the Hopkinton Building Inspector, a map survey showing the areas of surface water resources or watersheds, and parcels of land within 2,000 feet of the areas of surface water resources or watersheds, pursuant to R.I.G.L. § 45-24-53(f); and

13.1.3 Electronic notice shall be sent to those in the public notice registry.

13.1.4 At least 14 days before the date of the public hearing, the notice shall be posted in the Town Clerk's office, in one other municipal building, and on the home page of the Town's website.

13.1.5 No defect in the form of any notice renders any regulations invalid, unless the defect is found to be intentional or misleading.

### 13.2 AVAILABILITY

13.2.1 Printed copies of these regulations, including all appendixes, are available to the public and shall be revised to include all amendments. There is a reasonable charge for copies.

13.2.2 Upon publication of any adoption or amendment, copies shall be sent to the State Law Library.



## ARTICLE XIV – ADMINISTRATION

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### 14.1 THE ADMINISTRATIVE OFFICER

#### 14.1.1 Administration

Administration of these Subdivision and Land Development Regulations shall be under the direction of the Town Planner, who shall report to the Planning Board.

#### 14.1.2 Appointment

Appointment of the Town Planner shall be the responsibility of the Town Manager.

#### 14.1.3 Duties and Responsibilities

The duties and responsibilities of the Town Planner shall include, but shall not be limited to:

- A. Coordination of the review, approval, recording, and enforcement provisions of these Regulations;
- B. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the Planning Board;
- C. Coordinating the enforcement efforts of the Building and Zoning Official, the Planning Department staff, the Town Engineer, the Department of Public Works, and other local officials responsible for the enforcement or implementation of any of the elements of these Regulations, Article XII;
- D. Coordinate and correspond with independent experts and consultants retained by the Planning Board to assist in the review of an application.

#### 14.1.4 Qualifications

The qualifications of the Town Planner shall be determined by the Town Manager as provided in the official job description for the Town Planner, and be based upon consideration of appropriate education, training, and/or experience in land use planning and site plan review.

### 14.2 TECHNICAL REVIEW COMMITTEE

- 14.2.1 The Technical Review Committee is a committee of Town officials, Town employees, a Town resident, and Town consultants established by Section 41 of the Zoning Ordinance that has the authority to approve, or to review and make non-binding recommendations on, applications for land development.

## Article XIV – Administration

**14.2.2** The Administrative Officer shall serve as the chair of the Committee. The other members of the Committee may include, at the discretion of the Administrative Officer:

- A. The Director of Public Works or his or her designee.
- B. The Zoning Enforcement Officer or his or her designee.
- C. A member of the Planning Board chosen by the Planning Board. The Board shall choose an alternate member to attend meetings of the Committee when the regular member is not available.
- D. A member of the Conservation Commission chosen by the Commission. The Commission shall choose an alternate member to attend meetings of the Committee when the regular member is not available.
- E. A member of the public with technical expertise in engineering, landscape architecture, or related fields. The public member shall serve as a volunteer. The town council shall appoint the public member or shall delegate the authority to appoint the public member to the planning board.
- F. The chief of the fire district in which the land proposed for development is located, or his or her designee, if applicable to the development proposal under review.
- G. A land surveyor registered in Rhode Island, a landscape architect registered in Rhode Island, or a professional engineer registered in Rhode Island who is employed by a firm on the Planning Department's list of pre-qualified engineering professionals. If the consulting professional is engaged by the Town for review or approval of a specific application, the applicant shall be responsible for reimbursing the Town for the cost of the professional's time in accordance with Section 3.6.1 of these Regulations.

**14.2.3** The Technical Review Committee shall have the following authority:

- A. To review and make a recommendation to the Planning Board on each application for Master Plan approval of a Major Subdivision or Major Land Development Project approval and each application for Preliminary Plan approval of a Major Subdivision or Major Land Development Project.
- B. To review and make a recommendation to the Planning Board on each application for Preliminary Plan approval of a Minor Subdivision or Minor Land Development Project or any application for Development Plan Review that the Administrative Officer refers to the Committee for review and recommendation.
- C. To review and approve, approve with conditions, or disapprove any application for Preliminary Plan approval of a Minor Subdivision or Minor Land Development Project that does not request zoning relief or propose creation or extension of a street, and any application for Development Plan Review that does not request zoning relief or propose creation or extension of a street, that the Administrative Officer refers to the Committee for review and decision.

## Article XIV – Administration

- D. To review and make a recommendation to the Administrative Officer, the Planning Board, or the Town Council on any other land development matter referred to the Committee by the

Administrative Officer that involves the technical requirements of the Zoning Ordinance or these Regulations.

- 14.2.4** The Committee's decisions on applications and recommendations to the Administrative Officer, the Planning Board, or the Town Council shall be in writing and shall be included in the file of the application for which they were issued. Copies of recommendations to the Planning Board shall be made available to the applicant before the meeting at which the Planning Board will first consider them.
- 14.2.5** The Committee shall post notice of its meetings and shall keep minutes of its meetings as required by title 42, chapter 46 of the R. I. General Laws.

### **14.3 THE BOARD OF APPEAL**

Appeals of decisions of the Administrative Officer concerning application and interpretation of these Regulations shall be made to the Board of Appeal.

### **14.4 ADMINISTRATIVE FEES**

Administrative Fees shall be paid to the Town of Hopkinton at the time of the submittal of an application. Any application filed without these fees shall be deemed incomplete and no review work by the Town shall commence until the fees have been paid in full. Refer to Article III, Section 3.7 for fees.

All reasonable and necessary costs, fees and expenses incurred by the Planning Board pursuant to review, including costs for independent experts and consultants, inspection and testing of any application, subdivision, development or required off-site improvement at any stage, before or after approval, shall be charged as an additional fee by the Planning Board to the applicant or developer, or other person or firm requesting approval or requiring the advisory review of the Board.

Costs incurred by the Town for stenographic services and other professional services, shall be invoiced to the Applicant and are payable upon receipt. Further application for review and final approval shall not occur until all such costs are paid in full. Copies of transcripts will be provided to the Planning Board at the Applicant's expense.

Recording fees shall be paid by the Applicant at the time of recording the plat in the Office of the Town Clerk.

### **14.5 MEETINGS, VOTES, DECISIONS AND RECORDS**

#### **14.5.1 Records**

All records of Planning Board proceedings and decisions shall be maintained and kept permanently available for public review. Applications for subdivision, land development project approval, and

## Article XIV – Administration

development plan review that the Administrative Officer has certified as complete shall also be available for public review.

### **14.5.2 Meeting Participation**

Participation in a Planning Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

### **14.5.3 Written Comments**

All final written comments to the Planning Board from the Administrative Officer, municipal departments, state and federal agencies, and local boards or commissions, shall be part of the permanent record of the development application.

### **14.5.4 Votes**

All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. Approval of a land development project or subdivision application or development plan approval shall require an affirmative vote of a majority of the Planning Board members present and voting. Approval of a variance, special use permit, or aquifer protection permit application submitted for unified development review shall require an affirmative vote by a majority of the Planning Board members who were present during the entire public hearing.

### **14.5.5 Decisions**

All written decisions of the planning board shall be recorded in the land evidence records within 20 days after the Planning Board vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant and to any objector who has filed a written request for notice with the Administrative Officer.



## ARTICLE XV – APPEALS

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### 15.1 APPEALS TO THE BOARD OF APPEAL

- 15.1.1 An appeal from a decision of the Administrative Officer concerning the administration or enforcement of any provision of these Regulations may be taken by an aggrieved party to the Zoning Board of Review, sitting as the Board of Appeal.
- 15.1.2 The appeal shall be taken within 20 days of the day the appellant received the written decision or the decision was posted in the Town Clerk's office.
- 15.1.3 The appeal shall be in writing and shall state clearly and unambiguously the issue or decision being appealed, the reason for the appeal, and the relief sought. The appeal shall be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the clerk of the Zoning Board of Review or to the Town Clerk, who shall accept delivery on behalf of the Board of Appeal.
- 15.1.4 Upon submission of an appeal, the Administrative Officer shall transmit forthwith to the Board of Appeal copies of all papers, documents and plans constituting the record of the action being appealed.
- 15.1.5 An appeal shall stay all proceedings in furtherance of the action being appealed.
- 15.1.6 The Board of Appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal.
- 15.1.7 Notice of the public hearing shall be advertised in a newspaper of local circulation in Hopkinton at least 14 days before the date of the public hearing. The clerk of the Board of Appeal shall send notice by first class mail to the appellant; to the property owner, if the appellant is not the property owner; and to any person who received notice during the matter under appeal. The appellant shall pay for the advertising and postage.
- 15.1.8 The Board of Appeal shall conduct the public hearing at a meeting called specifically for that purpose rather than during a meeting of the Zoning Board of Review. Separate notice shall be posted, and separate minutes shall be recorded. At the hearing, any party may appear in person, or may be represented by an agent or attorney.
- 15.1.9 The Board of Appeal shall not substitute its own judgment for that of the Administrative Officer but shall consider the issue upon the findings and record of the Administrative Officer. To reverse a decision of the Administrative Officer, the Board must make a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- 15.1.10 The Board shall render a decision within 10 days of the close of the public hearing. The concurring votes of three of five members of the Board of Appeal are necessary to reverse any decision of Administrative Officer. The Board's decision shall be in writing and shall include the name of each voting board member and how that member voted, and the reasons for the decision.



## Article XV – Appeals

- 15.1.11** If the Board of Appeal overturns a decision of the Administrative Officer, the application shall be remanded to the Administrative Officer at the stage of processing from which the appeal was taken, for further review by the Administrative Officer or for final disposition consistent with the Board of Appeal's decision.

### **15.2 APPEALS TO THE SUPERIOR COURT**

#### **15.2.1** Appeal of a decision of the Board of Appeal

A person aggrieved by a decision of the Board of Appeal may appeal the decision to the Washington County Superior Court within 20 days of the day the decision was recorded and posted pursuant to R.I.G.L. § 45-23-71.

#### **15.2.2** Appeal of adoption of or amendment to the Land Development and Subdivision Regulations.

- A.** Any legal resident of Hopkinton, any owner of property in Hopkinton, or any association of residents or property owners in Hopkinton may appeal the adoption of or amendment to the Land Development and Subdivision Regulations pursuant to R.I.G.L. § 45-23-72 by filing a complaint in Washington County Superior Court within 30 days of the day the adoption or amendment took effect.
- B.** The complaint shall state with specificity the area or areas in which the adoption or amendment is not consistent with Title 45, Chapter 22.2 of the General Laws, the comprehensive planning and land use act; Title 45, Chapter 24 of the General Laws, the zoning enabling act; the Hopkinton comprehensive plan; or the Hopkinton zoning ordinance.
- C.** The appeal does not stay the enforcement of the land development and subdivision regulations as adopted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make any other orders that it deems necessary for an equitable disposition of the appeal.

#### **15.2.3** Appeal of a decision by the Planning Board or the Administrative Officer.

- A.** An aggrieved party may appeal a decision of the Planning Board or the Administrative Officer approving or denying any application to the Washington County Superior Court pursuant to R.I.G.L. § 45-23-71.
- B.** If the Planning Board held a public hearing on the application, an appeal from a decision granting or denying approval of a Final Plan shall be limited to elements of the approval or disapproval not contained in the Planning Board's decision on the Preliminary Plan.



## ARTICLE XVI – THE DESIGN GUIDELINES

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### 16.1 INTRODUCTION

The Town of Hopkinton is the southern gateway to the State of Rhode Island. As Hopkinton grows, the Town has recognized the need for a commercial design review process to preserve its scenic qualities and historical significance. It is critical to the Town to have guidelines to retain the lifestyle of the residents, the visual appeal of the community, the image visitors have of the Town and the region, as well as commercial appeal.

Interchange Exits 1 and 2 on Route I-95 will provide opportunities for economic development that will produce fiscal benefits to the Hopkinton community and create job opportunities for its residents. Planning and cooperation can insure that Hopkinton will benefit economically without causing haphazard and inefficient commercial development or degradation of the built and natural environment.

These DESIGN GUIDELINES are intended to facilitate and promote high quality, safe and healthy economic expansion that will preserve the scenic, natural, and cultural resources of Hopkinton while encouraging the functional and attractive long-term economic growth of the Town.

The Planning Board shall be the permit granting authority for development proposed under these Regulations. Applicants shall comply with the procedures for site plan approval and permits listed elsewhere in Town Regulations.

### 16.2 THE DESIGN REVIEW PROCESS - THE PROCEDURE FOR APPLICANTS

#### 16.2.1 PROJECTS FOR DESIGN REVIEW

If the proposed or existing place of business or building is located in any Manufacturing, Neighborhood Business, Commercial, or Planned Unit Development Zone, the Applicant must present for review by the Town Planner and the Planning Board, any of the following:

- A. NEW CONSTRUCTION, including new structures, changes in use or changes in site design, whenever a building permit is required;
- B. ADDITIONS, ALTERATIONS OR RENOVATIONS of an existing building, site, or landscape that affect the exterior appearance of a building or site, or that are visible from the exterior of the property.
- C. IN ADDITION, the same Planning Board review applies to properties in any other zoning district, where:

## Article XVI – The Design Guidelines

1. The specific use of the property would otherwise be permitted only in any non-residential zone, but has been allowed as a variance or special permit, or
2. The use is a legal non-conforming use.

### 16.2.2 STEPS IN DESIGN REVIEW

#### A. CONSULT WITH THE PLANNING STAFF

Applications shall contain background information of the project, the owner and the applicant, and a description of how the project addresses each of the Fourteen General Design Guidelines listed in Section 16.3.2 of this document.

The filing fees and time frames for an application are consistent with the Town of Hopkinton Land Development and Subdivision Regulations for Major Land Developments. All reasonable and necessary costs, fees and expenses, without limitation, incurred by the Planning Board pursuant to review, inspection, and testing of the subject of any application, subdivision, or development, at any stage before or after approval, shall be borne by the applicant or developer, or other person or firm requesting approval or requiring the advisory review of the Board. Plan review by the Planning Board may include, but not be limited to, environmental engineering, civil engineering, landscape architecture, architecture, and professional land use planning expertise at all stages of review of a project submitted to the Planning Board for approval.

The Planning Board may, in its discretion, retain one or more persons or firms to inspect, review and test, the project to determine compliance with its orders, approvals, the Land Development and Subdivision Regulations, any pertinent ordinance or regulation of the Town or any pertinent state or federal law. Such reviews, tests, and inspections may include, but are not limited to: construction methods and materials; groundwater testing; soil analysis; gravel analysis; asphalt testing; sediment and erosion analysis; drainage and wastewater disposal; energy and light analysis; ADA compliance; or, any other procedure determined by the Board to be appropriate. The Board may retain a Registered Professional Engineer or other qualified person or professional as deemed by the Board to be appropriate to perform the inspection or testing. The Town shall issue no approvals or permits until all required application, review, and inspection fees have been paid in full.

#### B. SUPPORTING INFORMATION

The applicant must give the Town Planner at least ten copies of any site plan which the Applicant is required to submit to the Planning Board. The Town Planner may request additional copies depending on the size and scale of the project. The Applicant must also submit the following materials at the time of the application:

1. A drawing consistent with the Hopkinton Land Development and Subdivision Regulations, showing the location, type, size or dimensions of existing structures and site features.
2. Photographs showing the proposed site and surrounding properties. Applications for alterations and/or additions shall depict existing structures to be altered and their relationship

## Article XVI – The Design Guidelines

to adjacent property. Include a list of site features, consistent with the Hopkinton Land Development and Subdivision Regulations.

3. A drawing of the proposed structure, including color and type of surface materials, showing front, rear and side elevations, where there are not adjoining buildings, and floor plans.

### C. THE DESIGN REVIEW HEARING

The applicant is to submit the completed Design Review Application and all supporting documentation to the Planning Department. Meetings of the Planning Board are scheduled on the evening of the first Wednesday of each month. Applications shall be submitted at least three weeks before the meeting, and if complete, may be placed on that month's agenda if scheduling allows. The Planning Board may then begin its initial review of the application at this meeting. The Applicant or a representative shall attend the meeting to present the proposal. Representations of the materials shall be supplied for the meeting. Additional information, including samples of materials, may be required at the Board's discretion.

If the Planning Board determines that a particular proposal warrants additional review, the Board may request that an appropriate professional be retained, at the Applicant's expense, for a more thorough review and analysis.

## 16.3 DESIGN GUIDELINES

The Hopkinton Design Guidelines contain four general principles as well as 14 general guidelines which apply to all projects under review.

### 16.3.1 FOUR GENERAL PRINCIPLES OF DESIGN REVIEW

- A. The distinguishing original qualities of a building, structure or site and its environment shall be preserved.
- B. The removal or alteration of any historic material, architectural features or trees shall not be allowed or altered unless the applicant can prove that it is more beneficial to the Town to demolish rather than save.
- C. Distinctive, justifiable, stylistic features and/or examples of skilled or period craftsmanship which characterize a building, structure or site shall be preserved.
- D. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the surrounding environment.

### 16.3.2 FOURTEEN GENERAL GUIDELINES OF DESIGN REVIEW

These Design Guidelines include 14 general guidelines which the Planning Board is to consider, at a minimum, in the course of the design review of a proposed action. These guidelines are a minimum to be adhered to in the design and review of any project and should control whenever no more specific

## Article XVI – The Design Guidelines

guideline is set forth in the remainder of this document or in these Land Development and Subdivision Regulations.

### **A. Height**

The height of any proposed structure or alteration shall be consistent with the style and character of the surrounding buildings, within zoning requirements.

### **B. Proportions of Windows and Doors**

The proportions and relationships between doors and windows shall be consistent or compatible with the architectural style and character of the surrounding area.

### **C. Relations of Building Masses and Spaces**

The relationship of a structure to the distance between it and adjoining structures shall be compatible.

### **D. Roof Shape**

The design and pitch of the roof shall be compatible with that characteristic of New England architectural styles.

### **E. Scale**

The scale of the structure shall be compatible with its architectural style and the character of the Town. Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the large building appears compatible with that of the smaller buildings.

### **F. Façade Line, Shape and Profile**

Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal context.

### **G. Architectural Details**

Architectural details including signs, materials, colors and textures shall be treated so as to be compatible with New England architectural styles and to preserve and enhance the character of the surrounding area.

### **H. Advertising Features**

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties. Refer to the Hopkinton Sign Ordinance,

## Article XVI – The Design Guidelines

subsection 16.5.3, Appendix C.

### **I. Heritage - Historical/Cultural Impact**

The need to remove or disrupt historic or significant uses, structures or architectural elements, shall be proven to the Planning Board by the applicant. Important elements shall remain at the Planning Board's discretion.

### **J. Energy Efficiency**

To the maximum extent reasonably practicable, proposals should consider the use of energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.

### **K. Landscape**

The landscape shall improve the character and appearance of the surrounding area. Parking areas should be located to the side or rear of buildings whenever safety permits. Care of the site shall incorporate general landscape principles with regard to onsite ecological conditions as well as the areas that surround it.

### **L. Lighting and Controls**

Lighting on the site shall conform to the Hopkinton Dark Sky Lighting Ordinance, Appendix B, subsection 16.5.2

### **M. Vehicular and Pedestrian Circulation**

Public sidewalks and internal pedestrian circulation systems shall provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience, by reducing traffic impacts and providing internal pedestrian circulation systems.

### **N. Environmental Impact**

For all developments that will alter five or more acres of land, or buildings with a 30,000 square foot or greater footprint, a detailed assessment of the environmental impact, related to the development of the proposed, is required using consultants of the Planning Board's choosing and shall be at the expense of the developer. The Applicant shall be advised at the Master Plan stage meeting as to the specific information that the Environmental Impact Statement must contain.

## **16.4 APPLICATION OF GENERAL DESIGN GUIDELINES**

### **16.4.1 THE SURROUNDINGS**

## Article XVI – The Design Guidelines

New development or redevelopment shall incorporate characteristics of the surrounding area when the area exhibits a possible site layout and/or functional patterns, such as buildings close to street, shared parking and access, and generous landscaping. The Planning Board may look to the applicant to improve the area with his/her proposal and not further degrade an area.

The surroundings of a site will influence prospective development in several ways. Plans must incorporate features such as pedestrian traffic, vehicular traffic patterns, service access and parking entrances. The number of people who frequent the area will determine how a project collects visitors. The style and size of nearby buildings should dictate something about the massing and character of any new buildings and landscape elements to be provided in the new development. The orientation of the site may dictate how many windows and their location.

Adaptive reuse of historic buildings, rather than razing and rebuilding, is encouraged as a way of preserving Hopkinton's character. New developments should incorporate details of Hopkinton's historic buildings, in scale and spirit. Beyond respect for indigenous architecture, applicants for developments are encouraged to research Hopkinton's rich historical past for events which may deserve commemoration. Any new development will add greater richness to the community if it acknowledges local history.

- A. Building envelopes shall be located so that character-defining site features such as stone walls, open fields, stands of mature trees, rolling topography, ridgelines and outcrops, wetlands streams, rivers, ponds and lakes, and listed historic natural resources are preserved.
- B. Structures shall not be placed on ridgelines or hillcrests such that there is a potential for erosion, may negatively impact drainage patterns, and because they will be highly visible, will adversely impact the character of neighborhoods and scenic, natural viewsheds.
- C. Development should take advantage of natural solar radiation through southern exposure and design features in order to reduce energy usage and increase connections to the surrounding environment. Vegetation, berms and shade structures should be used to provide warmer areas during winter and cooler areas during summer.
- D. Green spaces shall be contiguous whenever possible, rather than divided into smaller areas.
- E. Buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects and recognize local character. These elements should be integral parts of the building fabric and not superficially applied trim, graphics or paint. Building facades must include a repeating pattern such as color change, texture change or material module change.
- F. Exterior building materials should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Predominant exterior building materials shall be high quality such as brick, wood, sandstone, other native stone, and tinted, textured concrete masonry units.

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- G. The following predominant, exterior building materials, are discouraged:
1. Prefabricated steel panels;
  2. Large, blank walls;
  3. Flat roofs without a decorative cornice or parapet;
  4. Unpainted concrete and cinderblock walls;
  5. Highly reflective surfaces;
  6. Square "box-like" buildings;
  7. Exposed supportive pipe columns.
- H. Parking requires both practical and visual consideration. Locate access to parking areas near the greatest volume of traffic, but not near a busy intersection where it can obstruct traffic flow. Conceal parking to the greatest extent possible. Where or when parking lots do exist on the street, plantings or attractive fences make excellent screens to hide and beautify them.
- I. Thoughtfully landscaped buffers between the street and parking areas are required. Tree-lined sidewalks at the street front should include the use of fewer trees of larger caliper over more trees of smaller caliper.
- J. Match size and massing of new buildings as closely as possible to surrounding architecture.
- K. Franchise architecture shall be avoided. Building elevations should be designed to fit into the surrounding neighborhood. Architectural gimmicks such as roof lights, distinctive roof shapes, large false cornices and parapets that sacrifice the integrity of a streetscape to promote a single structure will be avoided. Building forms shall be designed to create and define visually attractive exterior and functional spaces. Auxiliary structures should be architecturally consistent with primary structures on site.
- L. Attractive storefronts are one of the most crucial aspects in promoting a vital environment in a commercial development. Storefronts should be generous, providing ample displays and entrances and a level of design detail that establishes individuality for each shop while assuring relatedness to the complex. Provide protection from rain and snow for pedestrians through the use of covered walkways and waiting areas, vegetation and recessed entryways.
- M. Utilize the space between buildings as viable "outdoor rooms" which can function as pedestrian transition areas, provide building connections and project coherence.
- N. Hopkinton's architectural heritage includes some of the best examples of period architecture. Wherever possible adapt Hopkinton's historic buildings for re-use.



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- O. Allow neighboring architecture to influence the size, shape, style materials, and detailing of new buildings, parks, and street furnishings.
- P. Research the Town of Hopkinton's historic past for clues to significant events or fragments of history in the area. Commemorate these in new development whenever possible.
- Q. Every new building in Hopkinton should strive to contain some, if not all, of the following desirable architectural elements. Although design not containing such elements may be permitted, the architect should be prepared to explain his/her design and how it meets the intent of these standards.
  - 1. In general, base material should appear "heavier" in appearance than walls. Windows, doors and other openings should be trimmed or accented to establish them as important parts of the total composition. Design details should be employed to accentuate all entries.
  - 2. Where a flat roof, not meant to be visible from the street, is used in the building's design, decorative cornices and parapet walls should be used to screen the roof and to delineate the building's profile.
  - 3. Mechanical equipment should not be located on the roof if the building is located below grade of an adjacent road unless it can be completely hidden from view by building elements that are designed for that purpose as an integral part of the building design.
  - 4. Roofs should be an integral part of the building design and overall form of the structure and should respond to the general design and nature of other roofs along the street. Roofs shall have no less than two of the following features:
    - a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. Such parapets shall feature three-dimensional cornice treatment;
    - b. Overhanging eaves, extending no less than three feet past the supporting walls;
    - c. Sloping roofs that do not exceed the average height of the supporting walls; and/or
    - d. Three or more roof slope planes.
- R. Buildings should fit the natural topography, preserving ridge lines and scenic areas or vistas.
- S. The use of small sidewalk pavers such as cobblestones, bricks, or stamped concrete is encouraged. Asphalt sidewalks are discouraged.
- T. Within the parking lots of larger developments, the use of paving texture changes at the crosswalks, between the parking areas and the building, is required. Coarse materials such as cobblestone will define pedestrian circulation and slow traffic.
- U. For Signage, refer to the Hopkinton Sign Ordinance, Appendix C, subsection 16.5.3.

## Article XVI – The Design Guidelines

- V. Street and walkway lighting should be scaled for the pedestrian with Dark Sky compliant fixtures in all parking lots with lamp source and attending glare thoroughly shielded from all neighbors (landowners and homeowners). No floodlights, area lights or unshielded security lighting shall be allowed. All light fixtures shall be located, so as to comply with the Hopkinton Dark Sky Ordinance, Appendix B, subsection 16.5.2.

### 16.4.2 THE ARCHITECTURAL STREET

Hopkinton is characterized by beautiful streets, scenic views, trees and meadows. The amount and type of illumination chosen by individual businesses or locations further defines the shape and feel of an entire street.

Detailed facades, fences, walls, and hedges add to the street's character, providing a powerful image and the means by which we orient ourselves within it. These are public spaces where civic activities take place. For that reason, the design and maintenance of streets must be carefully considered.

- A. The use of trees, hedges, fences, walls, traditional lighting, and the occasional façade are all encouraged to define the boundaries of the street and give it a human scale and experience. Use of special accents at all entries such as monuments, uniquely textured paving, plantings, walls, sculptures, and specimen trees, are encouraged to generate visual interest.
- B. Vehicular and pedestrian circulation should be clearly organized and functional, providing safe and efficient means of access to all non-sensitive areas of the site. Vehicular and pedestrian circulation areas should be separated to ensure safety, with appropriate linkages at designated inter-modal transportation nodes. A development's circulatory system, including roadways, paths, and parking areas, provides the pattern for human experience and should be designed considering aesthetics, social and environmental issues.
- C. Access points for automobiles and pedestrians should be carefully integrated, especially within the village centers where pedestrian and vehicle traffic co-exist. Driveways are encouraged to be shared by adjacent developments to minimize curb cuts and impervious surfaces.
- D. Emergency access shall be sufficient, as required by local fire and police departments. Customer access and circulation shall be separate from service truck access.
- E. Roads and parking areas should be designed to respect natural features and topography and to present an attractive "streetscape" environment. Vast expanses of paving without visual relief are not encouraged. Materials should be harmonious with the existing surrounding environment and may include brick, granite, stone, wood and textured/colored concrete.
- F. Roads and driveways shall follow existing contours to minimize the site disturbance and be designed parallel, rather than perpendicular to existing slopes.
- G. Off-street parking shall be provided in accordance with existing ordinances; however, the Planning

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Board may recommend relief for good cause. In general, where parking areas can be reduced in size or spaces shared with adjacent businesses, it is considered beneficial to reduce impervious surface areas and maintain a more natural appearance.

- H. Lower the grade of parking lots where practical and respectful of existing topography to aid in screening views of automobiles while permitting views of buildings.
- I. Parking areas should be separated from buildings by a raised walkway or planting strip at least five feet wide. Parking areas directly abutting the building are not acceptable. Protective car stops or guardrails may be required to protect vegetation or to better delineate pedestrian areas.
- J. Buffer strips shall be planted with grass, shrubs, and shade trees of a minimum three-inch caliper diameter at four feet, and a minimum height of 12 feet, planted at least every 30 feet along the road frontage.
- K. Parking areas shall be located to the rear or sides of buildings, out of sight from passing traffic, to the greatest extent possible. Vegetative buffering, berms, walls and fences should be used to screen parking to the greatest extent possible for all surrounding areas. In all developments, pedestrian walkways should be provided through and between parking areas and separate buildings and wherever possible, to adjacent streets.
- L. Parking areas shall be softened with vegetative screens with at least one tree per five parking spaces provided. A continuous wall of green should be provided with breaks for visual safety.
- M. Decorative benches and trash containers for the convenience and comfort of the pedestrian shall be provided.
- N. Within the village centers, sidewalks and paved pathways should be a minimum of five feet wide. Clearly defined pedestrian access should be provided from parking areas to primary building entrances.
- O. Informal pathways/trails should be provided to connect adjacent natural areas with potential future regional pathways and bikeways with residential areas as well as other commercial.
- P. Crosswalks, signs or other warning cues should be used wherever pedestrians cross traffic aisles. Developments should provide ample open or green spaces for the enjoyment of pedestrians. Walkways and open areas shall be generously vegetated.
- S. Where appropriate, space and amenities for sidewalk activity such as cafes, sidewalk sales, performing arts groups, etc. is encouraged.

### 16.4.3 LANDSCAPING

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Landscaping should reflect the site as a whole, integrating the various elements of site design into the plan with the surrounding landscape elements and processes. Effort shall be made to use native plants with high wildlife value and aesthetic interest. Plants should also provide elements such as rhythm, spatial structure, color and texture to the built environment. A landscape plan certified by a Rhode Island Registered Landscape Architect shall be provided as part of any Preliminary submission involving the construction or extension of a public street.

Applicants shall use a Rhode Island Registered Landscape Architect, licensed to practice in the State of Rhode Island, when submitting landscape plans, as required by R.I.G.L. 5-51-1. A non-exclusive list of suitable plants is included in Appendix A, subsection 16.5.1, of these Design Guidelines and Standards.

- A. Landscaping shall address plant materials such as trees, shrubs, ground cover, grass, flowers, and may also include other materials such as wetlands, stone walls, paving materials, planters, signage and street furniture. Areas that may be required to provide landscaping shall include, but are not necessarily limited to the following:
  - 1. Drainage facilities such as retention/detention basins or drainage swales;
  - 2. Entrance features;
  - 3. Open space areas;
  - 4. Proposed recreation facilities;
  - 5. Buffer areas;
  - 6. Lot areas that are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
  - 7. Areas subject to re-grading or stabilization for soil erosion and sediment control purposes;
  - 8. Areas disturbed by utility installation; and,
  - 9. Parking lot islands.
- B. Trees and other existing vegetation shall be retained whenever feasible. Areas within the drip line should be temporarily fenced or otherwise protected against damage during construction.
- C. Planting installed by the applicant in the street right-of-way shall be maintained until the time of the release of the maintenance guarantee as required by the Planning Board. Any unhealthy or dead trees or landscape improvements shall be replaced at the developer's expense and shall be guaranteed for one year.
- D. All areas not covered by structures, service yards, driveways, paths, etc., should be landscaped. The following are planting design concepts that should be used whenever possible:

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1. Specimen trees in informal groupings and rows at major focal points;
  2. Use of flowering vines on walls and arbors;
  3. Use of plantings to create shadow, texture, patterns, rhythm, aroma, and color;
  4. Use of trees to create canopy and shade, especially in parking areas;
  5. Use of berms, planting and walls to screen outdoor areas from wind and noise;
  6. The development of sloped properties should follow the natural contours of the land.
- E. Terraced parking lots, stepped building pads, and larger setbacks shall be used to preserve the general topography of the site and to minimize grade differences between adjacent streets and properties, especially when adjacent downhill properties are residential. Landscaping around the entire building to soften edges and moderate scale is encouraged, particularly near parking lots, entrances, and other pedestrian areas.
- F. Plants in containers are encouraged for areas not conducive to permanent plantings.
- G. Vegetative setback yards, berms, walls and other screens provide barriers to undesirable land uses such as roadways, parking lots, utility areas, loading docks, trash pickup areas and transportation corridors. These barriers will vary in materials and dimensions depending on the intensity of adjacent land uses and other design considerations. As much buffering as possible shall be used to buffer undesirable land uses.
- H. Natural earth-like walking paths shall be encouraged outside the village centers. Asphalt (bituminous concrete) walkways shall be avoided for aesthetic and environmental reasons in such outlying areas.
- I. Fences and walls should be architecturally appropriate. Walls shall be terraced with wall sections no more than five feet in height. Chain link fencing should be avoided except where necessary for security purposes.
- J. Use berms, vegetation and walls to reduce wind speeds in and around development, particularly where development on ridges cannot be avoided and in open areas where winds could cause uncomfortable pedestrian conditions.
- K. Adjacent residential and non-residential uses should be segregated as much as possible in order to maintain a healthy residential environment through the use of berms, walls fences, buffer yards, and other barriers unless connections are for some reason desirable. A screen along the lot line should be provided consisting of either a row of evergreens at least six feet in height at planting, growing into a thick hedge, or an opaque and neatly maintained fence not less than six feet in height.

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- L. Plant materials shall conform to the requirements described in these Design Guidelines. At the time of planting, plants shall conform to the measurements specified below:
1. Small evergreen trees or large shrubs shall be at least six to eight feet high;
  2. Low shrubs shall be at least four feet high;
  3. Large shade trees shall be at least 12 feet high;
  4. Spacing of shrubs and other plant materials which are intended to provide a visual and/or audio screen shall be determined by the anticipated height and spread of the plant at maturity but shall be planted in staggered rows so as to achieve a dense appearance within one year of planting. In addition to plant materials, the Planning Board may require the placement of a six-foot-high opaque fence or other barrier if the Board determines that the initial planting will not achieve the intended screening effect within one year of planting.
  5. All plantings shall be maintained and guaranteed for a period of one year.
- M. It is preferable to place parking in the rear or side yards of the building. In cases where a parking lot or loading area adjoins a public street, or the right-of-way of a private street, which is or may be customarily used by the public as access to the parking or loading facility, a landscaped strip of land shall be constructed or maintained along the entire street frontage, except for any necessary driveways, as provided herein. The Planning Board may modify the specific design during development plan review where necessary to achieve the purposes and goals of this section.
- There are five basic options for a landscaped strip along a street as detailed below:
1. A strip of land at least ten feet wide between the right-of-way and the parking/loading facility planted as a partial landscape screen;
  2. An earth berm at least eight feet wide that is at least 2.5 feet higher than the finished elevation of the parking lot and planted as a partial landscape screen;
  3. A strip of land at least six feet wide with a minimum three-foot grade drop from the right-of-way to the parking lot and planted as a partial landscape screen;
  4. A strip of land at least four feet wide to provide a stone, brick or other masonry wall, at least three feet high, and planted as a partial landscape screen;
  5. A wooded buffer strip at least 25 feet wide of existing woodlands for adjacent rights-of-way.
- N. The perimeter of the parking lot and loading facility shall be surrounded by a landscaped strip. Specifications for the perimeter landscaping strip shall be as follows:
1. Screen parking lots and undesirable facades of building with one of the following:

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- a. Evergreen trees spaced not more than 20 feet on center;
  - b. Three- to four-foot-high evergreen hedge, fence, berm or wall; 36 inch maximum immediately in front of buildings;
  - c. Masonry walls, four feet high, consisting of stone, brick, or other similar solid masonry materials;
  - d. Wooden walls, four feet tall, and constructed of heavy wood or wood and masonry to form an opaque screen;
  - e. Depressing the parking lot so that its elevation is four feet below adjacent land use.
2. Interior areas of parking lots, exclusive of loading areas, shall also be landscaped.
- a. The minimum amount of interior parking lot landscaping shall be provided in accordance with the following:

<b>Total Area of Parking Lot</b>	<b>Minimum Percent of the Total Parking Lot Area that must be an Interior Landscaping Area</b>
<2,500 sq. ft.	No Requirements
2,500 to 20,000 sq. ft.	5%
20,001 to 50,000 sq. ft.	8%
>50,000 sq. ft.	10%

4. Interior landscaping shall be provided as a combination of any of the following:
- a. Nine foot wide by 18-foot intermediate islands: at least one tree plus at least three low shrubs or ground cover plants and/or turf grass;
  - b. 18 foot by 18-foot corner islands with at least one tree plus at least six low shrubs or ground cover plants and/or turf grass;
  - c. Nine-foot-wide center and drive islands with at least three trees per 100 linear feet plus at least six low shrubs or ground cover plants per 100 linear feet and/or turf grass;
  - d. Nine foot wide by 18-foot half end islands with at least one tree plus at least three low shrubs or ground cover plants and/or turf grass;
  - e. Nine foot wide by 36 feet full end islands with at least two trees plus at least six low shrubs or ground cover plants and/or turf grass;

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- f. Common landscaped areas used to direct vehicular or pedestrian traffic to delineate parking or to preserve existing natural features with at least one tree per 300 square feet area plus at least six low shrubs or ground cover plants and/or turf grass.

Low shrubs or turf may be substituted for trees within the interior of parking areas where existing tree cover is present, is being provided as part of required perimeter or street right-of-way landscaping or is adjacent to the parking area and is of sufficient height and density to achieve the goals and purposes of this section. Interior landscaped areas shall be distributed throughout the parking lot, as much as possible, in order to avoid large expanses of pavement, or as determined by the Planning Board at the time of development plan review.

Landscaped strips along the street or perimeter landscaping shall not be counted to meet these interior landscaping requirements.

- O. Pavement for parking areas, exclusive of loading areas and driveways, shall not directly abut the wall of any principal building facing any public street which provides lot frontage. There shall be a landscaped area between the parking surface and building wall of at least three feet wide. Landscaping shall include shrubs, ornamental trees, ground cover plants or turf grass. This requirement shall not be construed to prohibit the construction of permitted decks, porches, signs, lighting, walks or raised planters along the building wall, provided that landscaping and plant materials are incorporated into the design. In the case of corner lots, each building wall facing adjacent streets shall be so landscaped.

- 1. Off street loading spaces shall be located upon the lot so as to be hidden from direct view from adjacent public or private streets. In commercial and manufacturing zoning districts, loading facilities shall not be located in the area between the principal building and the street line. Loading facilities shall be located toward the rear of the building so as to be effectively screened from adjacent streets. If conditions do not permit such a location, loading spaces may be located on the side of the building provided that, to the maximum extent possible, they are screened from adjacent streets or abutting residential uses or zoning districts. Minimum screening for loading spaces in side yards shall be a full landscaped screen.

### 2. Alternate Methods of Compliance

Where landscaping required by this Section is not practical for reasons of available land area, conflict with overhead wires or other physical conditions, the Planning Board may permit alternative landscaping, or may waive, reduce, or otherwise modify the requirements for such landscaping. In applying for such waiver, the applicant shall propose alternative methods of providing landscaping, screening or buffering in order to meet the goals and purposes of this Section.

- P. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided at 50-foot minimum intervals along the wall. Vines should be used to break up flat surfaces. Terracing should be used when retaining walls are more than five feet high.



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- Q. Berms can be used to block wind, noise, views and other undesirable land uses or to vary soil depths above unfavorable soil conditions.
- R. A landscaped buffer strip at least ten feet wide, continuous except for approved driveways, shall be established adjacent to any public road the Planning Board deems would unduly detract from the adjacent streetscape and/or architectural character of the area.

### **16.4.4 THE BASICS OF BUILDINGS**

As technology of materials and sources advance, these Regulations are not intended to prevent the use of any design, material, or method of installation or operation not specifically proscribed by these Regulations, provided any such alternate has been approved by the Planning Board. The Planning Board may approve any such proposed alternate providing: a) it provides at least approximate equivalence to applicable specific requirements of these Regulations, and b) it is otherwise satisfactory and complies with the intent of these Regulations.

### **16.4.5 LIGHTING**

All lighting shall be in accordance with the Hopkinton Dark Sky Ordinance located in Appendix B, subsection 16.5.2.

### **16.4.6 IDENTITY - Signs and Advertising**

The installation of signs will be in accordance with the Hopkinton Sign Ordinance, Appendix C, subsection 16.5.3.

## 16.5 DESIGN GUIDELINE APPENDICES

### 16.5.1 APPENDIX A - SUITABLE PLANTS FOR THE HOPKINTON AREA

Trees shall be protected during all phases of construction and site development by chain link fencing and immovable posts placed around each tree at the drip line. Appropriate "Warning Notices" shall be placed on the fencing advising that there shall be no oils, gas, chemicals, liquid waste, solid waste, construction machinery or construction materials stored or allowed to stand for any period within the drip line of any tree. Further, no one shall enter the fence perimeter for any reason except for the purpose of monitoring the health of the tree.

- A. To reduce soil compaction from equipment, a mulch of one- to two- inch sized wood chips shall be placed at a depth of four inches on the soil where no excavation is to occur in the vicinity of trees to be protected.
- B. Low hanging limbs of saved trees shall not be pruned prior to grading or any equipment mobilization on the site. Perimeter fencing shall be placed to avoid tearing limbs by heavy equipment. Limbs that must be removed do not require prior authorization by the Town.
- C. No irrigation shall be permitted within ten feet of trunks.
- D. A tree preservation and replanting scheme is required for all development.
- E. The area under the drip line of all existing trees that are to be saved shall be fenced prior to construction. Grading operations are restricted under such trees to prevent soil compaction and to reduce root damage.
- F. Raising of the grade around the tree trunks shall not be permitted. This causes rotting of the trunk and serious damage/death to the tree.
- G. If large diameter roots (three inches or greater) are encountered within the zone of excavation, the root shall not be cut. If the root is located where a footing is to be placed, an alternative footing shall be used which bridges the roots with pilings and grade beams.
- H. When installing utilities, tunneling shall be done under large diameter roots to prevent any root damage. It is the responsibility of the developer to coordinate and to make appropriate arrangements with utility companies when trenching near trees.
- I. All exposed dirt areas shall be covered with bark or mulch, or other weed control measures included as part of final landscape installation.
- J. When constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other deleterious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area.

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- K. During grading, roots over one inch in diameter shall be cut off cleanly about 12 inches behind the line of excavation. Any exposed roots shall be kept moist by covering with backfill soil. This requirement shall be in force even if the root is outside the drip line of the tree.
- L. Species should be suitable for USDA Zone 5 hardiness and disease free. Use of native vegetation and low water use landscaping is encouraged. Scale of plants should be compatible with buildings and land use. Plants should be used to moderate changes in scale. Larger plants can be used to buffer and soften buildings while smaller plants with greater sensory interest can be used in pedestrian areas.
- M. Newly planted large shade trees should have a minimum caliper of three inches, 12 feet in height, and should be staked securely for a period of two years from the date of planting. The lowest branch should be sufficiently above finished grade to meet ADA standards.
- N. Street trees should be planted along both sides of all streets at not more than 30 feet apart, preferably closer, as long as they do not obstruct sight triangles at street intersections. Trees and large shrubs should be placed as follows:
  - 1. At least ten feet between centers of trees or large shrubs and edge of driveway, water meter or gas meter and sewer laterals;
  - 2. At least 15 feet between centers of trees or large shrubs and point of intersection of driveways and streets or walkways;
  - 3. At least 15 feet between center of trees and large shrubs to utility poles;
  - 4. At least eight feet between center of trees or large shrubs and fire hydrants and fire department sprinkler and standpipe connections.
- O. No species of plant or large shrub should be planted under the overhead lines or over underground utilities if its growth might interfere with the installation or maintenance of any public utilities.
- P. Evergreen trees should be planted no further apart than 20 feet on center, depending on the species, to screen parking lots and large commercial buildings in order to provide a visual barrier between commercial and residential areas.
- Q. No trees shall be planted within the road right-of-way.

## NATIVE TREES

Deciduous trees are used in the landscape for a variety of purposes, often to define an edge, provide shade, or create color, texture or other interesting qualities. The following categories offer ways in which deciduous trees can be used effectively in different situations, or reference may be made to the URI Sustainable Plant List.

<u>Red Maple</u> – <i>Acerrubrum</i>	<u>Silver Maple</u> - <i>Acer saccharinum</i>
<u>Sugar Maple</u> - <i>Acer saccharum</i>	<u>Hazel Alder</u> - <i>Alunus rugosa</i>
<u>Shadblow Serviceberry</u> - <i>Amelanchier canadensis</i>	<u>Alleghany Serviceberry</u> - <i>Amelanchier laevis</i>
<u>Sweet Birch</u> - <i>Betula lenta</i>	<u>Yellow Birch</u> - <i>Betula lutea</i>
<u>Gray Birch</u> - <i>Betula populifolia</i>	<u>American Hornbeam</u> - <i>Carpinus caroliniana</i>
<u>Bitternut Hickory</u> - <i>Carya cordifomis</i>	<u>Pignut Hickory</u> - <i>Carya glabra</i>
<u>Shagbark Hickory</u> - <i>Carya ovata</i>	<u>Mockernut Hickory</u> - <i>Carya tomentosa</i>
<u>American Chestnut</u> - <i>Castanea dentate</i>	<u>Pagoda Dogwood</u> - <i>Cornus alternifolia</i>
<u>Flowering Dogwood</u> - <i>Cornus florida</i>	<u>Dotted Hawthorn</u> - <i>Crataegus punctata</i>
<u>American Beech</u> - <i>Fagus grandifolia</i>	<u>White Ash</u> - <i>Fraxinus americana</i>
<u>Green Ash</u> - <i>Fraxinus pennsylvanica lanceolata</i>	<u>Common Witchhazel</u> - <i>Hamamelis Virginiana</i>
<u>Butternut</u> - <i>Juglans cinerea</i>	<u>Canada Hemlock</u> - <i>Tsuga Canadensis</i>
<u>Eastern Red Cedar</u> - <i>Juniperus virginiana</i>	<u>Tuliptree</u> - <i>Liriodendron tulipifera</i>
<u>Black Tupelo</u> - <i>Nyssa sylvatica</i>	<u>American Hophornbeam</u> – <i>Ostrya virginiana</i>
<u>Pitch Pine</u> - <i>Pinus rigida</i>	<u>Eastern White Pine</u> - <i>Pinus strobes</i>
<u>American Planetree</u> – <i>Platanus occidentalis</i>	<u>Bigtooth Aspen</u> - <i>Populus grandidentata</i>
<u>Quaking Aspen</u> - <i>Populus tremuloides</i>	<u>American Plum</u> - <i>Prunus Americana</i>
<u>Pin Cherry</u> - <i>Prunus pensylvanica</i>	<u>Black Cherry</u> - <i>Prunus serotina</i>
<u>Common Chokecherry</u> - <i>Prunus viginiana</i>	<u>White Oak</u> - <i>Quercus alba</i>
<u>Swamp White Oak</u> - <i>Quercus bicolor</i>	<u>Northern Red Oak</u> - <i>Quercus borealis</i>
<u>Scarlet Oak</u> - <i>Quercus coccinea</i>	<u>Chestnut Oak</u> - <i>Quercus Montana</i>
<u>Pin Oak</u> - <i>Quercus palustris</i>	<u>Black Oak</u> - <i>Quercus velutina</i>
<u>Rosebay Rhododenedron</u> - <i>Rhododendron maximum</i>	<u>Flameleaf Sumac</u> - <i>Rhus copallina</i>
<u>Smooth Sumac</u> - <i>Rhus glabra</i>	<u>Bebb Willow</u> - <i>Salix bebbiana</i>
<u>Pussy Willow</u> - <i>Salix discolor</i>	<u>Black Willow</u> - <i>Salix nigra</i>
<u>Common Sassafras</u> - <i>Sassafras albidum</i>	<u>American Linden</u> - <i>Tilia Americana</i>
<u>American Elm</u> - <i>Ulmus americana</i>	<u>Nannyberry Viburnum</u> - <i>Viburnum lentago</i>

## NATIVE SHRUBS and VINES

Shrubs can be evergreen plants or woody plants that grow from multiple stems from the ground or from branches near the ground. They may be used individually or in small groups for their ornamental features, as a focal point, or massed to form a screen or wall-like hedge. Tall shrubs can be defined as those with a mature above eye height, while low shrubs will allow a clear line of sight.

Common Alder - *Alnus serrulata*

Bearberry - *Arctostaphylos uva-ursi*

Black Chokeberry - *Aronia melanocarpa*

Eastern Baccharis – *Baccharis halimifolia*

Common Buttonbush - *Cephalanthus occidentalis*

Summersweet Clethra - *Clethra alnifolia*

Silky Dogwood - *Cornus amomum*

Grey Dogwood - *Cornus racemosa*

American Filbert - *Corylus Americana*

Atlantic Leatherwood - *Dirca palustris*

Checkerberry Wintergreen - *Gaultheria procumbens*

Common Winterberry – *Ilex verticillata*

Lambkill Kalmia - *Kalmia angustifolia*

Bog Kalmia - *Kalmia polifolia*

He-huckleberry - *Lyonia ligustrina*

Scrub Oak - *Quercus ilicifolia*

Pinxterbloom Azalea - *Rhododendron nudiflorum*

American Black Currant – *Ribes americanum*

Allegheny Blackberry - *Rubus allegheniensis*

Fragrant Thimbleberry – *Rubus odoratus*

Prairie Willow - *Salix humilis*

American Elder – *Sambucus canadensis*

Hardhack Spirea - *Spiraea tomentosa*

Lowbush Blueberry - *Vaccinium angustifolium*

Cranberry - *Vaccinium macrocarpum*

Hobblebush Viburnum – *Viburnum alnifolium*

Indigobush Amorpha - *Amorpha fruticosa*

Red Chokeberry - *Aronia arbutifolia*

Purplefruit Chokeberry - *Aronia prunifolia*

Jerseytea Ceanothus – *Ceanothus americanus*

Leatherleaf - *Chamaedaphne calyculata*

Sweetfern - *Comptonia peregrine*

Bunchberry Dogwood - *Cornus canadensis*

Roundleaf Dogwood - *Cornus rugosa*

Beaked Filbert - *Corylus cornuta*

Trailing Arbutus - *Epigaea repens*

Inkberry - *Ilex glabra*

Common Juniper - *Juniperus communis*

Mountainlaurel Kalmia - *Kalmia latifolia*

Common Spicebush - *Lindera benzoin*

Northern Bayberry - *Myrica pensylvanica*

Sweet Azalea - *Rhododendron arborescens*

Swamp Azalea - *Rhododendron viscosum*

Carolina Rose - *Rosa carolina*

Blackcap Raspberry - *Rubus occidentalis*

American Red Raspberry – *Rubus strigosus*

Shining Willow - *Salix lucida*

Scarlet Elder - *Sambucus pubens*

Canada Yew - *Taxus canadensis*

Highbush Blueberry – *Vaccinium corymbosum*

Mapleleaf Viburnum - *Viburnum acerifolium*

Witherod Viburnum - *Viburnum cassinoides*

**NATIVE SHRUBS and VINES (cont)**

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Arrowwood Viburnum - *Viburnum dentatum*

American Bittersweet – *Celastrus Scandens*

Virginsbower - *Clematis virginiana*

Trumpet honeysuckle - *Lonicera sempervirens*

Cat Greenbrier - *Smilax rotundifolia*

Fox Grape - *Vitis labrusca*

Possumhaw Viburnum – *Viburnum nudum*

Rock Clematis - *Clematis verticillaris*

Limber Honeysuckle - *Lonicera dioica*

Virginia Creeper - *Parthenocissus quinquefolia*

Common Poisonivy - *Toxicodendron radicans*

## 16.5.2 - APPENDIX B – DARK SKY LIGHTING ORDINANCE

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### Chapter 213

The Town Council of the Town of Hopkinton does hereby ordain the following:

#### TOWN OF HOPKINTON – DARK SKY LIGHTING ORDINANCE

##### A. Purpose

1. To preserve the rural integrity of the night sky for astronomy and enjoyment purposes.
2. To protect the residents and surrounding environment from the effects of light pollution.
3. To promote energy efficient and sustainable lighting practices and luminaries.
4. To minimize adverse off-site impacts from new and existing lighting installations.
5. To permit reasonable uses of outdoor lighting for safety, security, productivity, commerce and enjoyment.

##### B. Applicability

1. New installations. All outdoor lighting installed after the effective date of this ordinance shall conform to the standards set forth herein.
2. Existing installations. All outdoor lighting installed prior to the effective date of this ordinance shall be considered grandfathered for a period of ten (10) years, and thereafter must be replaced or retrofitted to bring it into compliance with the applicable standards of this ordinance.

Except for lamp replacement, no grandfathered fixture shall be repaired and/or modified unless the repair and/or modification brings it into compliance.

If a lamp is available which brings a grandfathered fixture into compliance then it shall be used in the next re-lamping of said fixture.

Any fixture which provides a means of aiming or glare control shall be re-aimed or retrofitted to bring it into compliance immediately.

Owners of grandfathered fixtures and installations may be asked to bring them into compliance at any time by the Building Official if such fixture or installation is found to be a hazard or an obstruction.

##### C. Exceptions

The following are not subject to the provisions of this ordinance:

## Article XVI – The Design Guidelines

1. Lighting equipment required by fire, police safety and emergency personnel.
2. Lighting equipment maintained by a local or state authority for the purpose of roadway or parking illumination.
3. Temporary holiday lighting displayed from the period between November 24 through January 31st of the following year providing each individual lamp is sixty (60) watts or less.
4. Lighting equipment used solely for security purposes providing it is glare controlled and installed with a motion sensor and/or photoelectric switch.

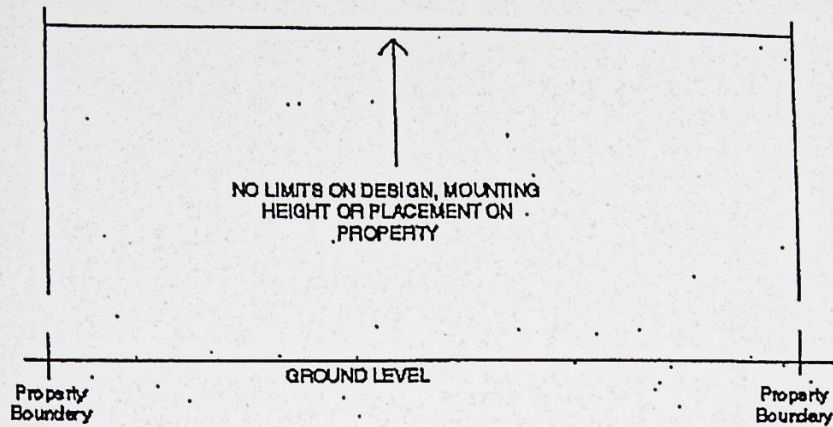
### **D. General Rules for All Outdoor Lighting**

1. All fixtures used must conform to the provisions of all local, state and federal codes for electrical, energy and building requirements.
2. All fixtures that are non-directional and use a lamp or lamps rated at eighteen hundred (1800) lumens and above are required to be of the fully shielded and/or full cutoff type.
3. All fixtures that are non-directional and use a lamp or lamps rated at eighteen hundred (1800) lumens and above are not allowed to emit any light above ninety (90) degrees vertically measured from on a line from the center of the luminous opening and the ground (See Illustration B 2).
4. All fixtures used for area illumination which are directional in type and mounted to poles, buildings and/or structures, which use a lamp, or lamps rated at nine hundred (900) lumens and above must be aimed at the ground at an angle of no more than twenty-five (25) degrees measured from the vertical line between the center of the fixture lamp or aperture and the ground.
5. Any lighting rated at a total of more than eighteen hundred (1800) lumens and all flood or spot lighting rated at a total of more than nine hundred (900) lumens, shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
6. Any lighting rated at a total of more than eighteen hundred (1800) lumens and all flood or spot lighting rated at a total of more than nine hundred (900) lumens shall be mounted at a height equal to or less than the value  $3 + (D/3)$  where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed fifteen (15) feet (See Illustration A).

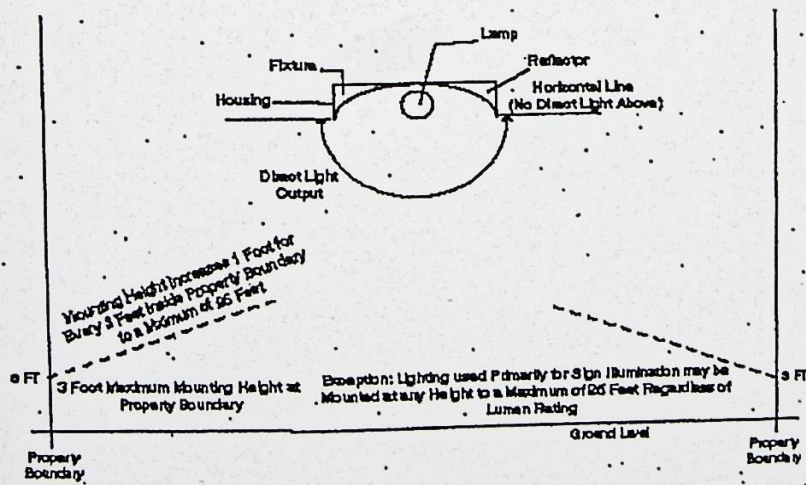


### ILLUSTRATION A

Any luminaire with 1800 lumen output or less, or any flood type luminaire with nine hundred (900) lumen output or less:

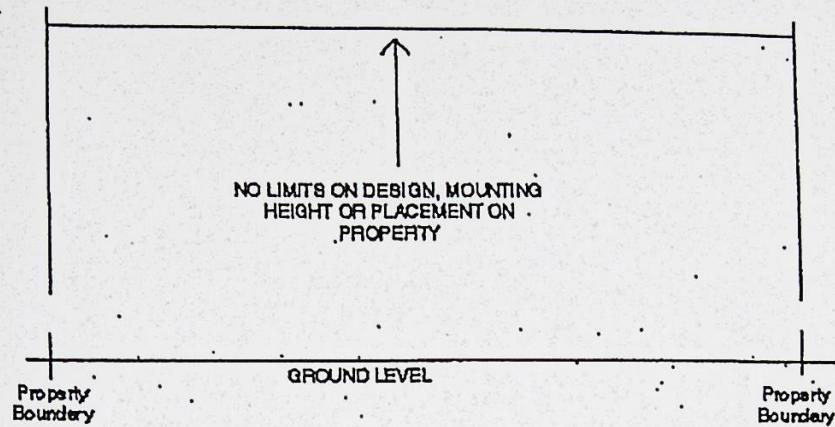


Any fixture with over 1800 lumen output or any flood type fixture with more than nine hundred (900) lumen output:

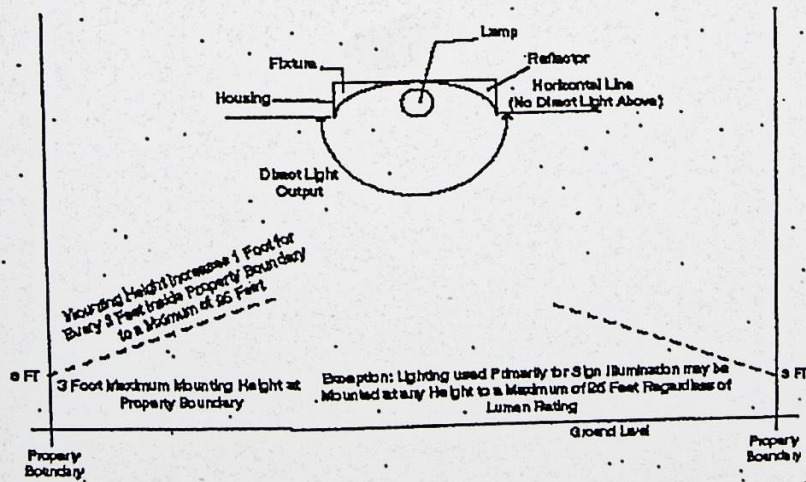


### ILLUSTRATION A

Any luminaire with 1800 lumen output or less, or any flood type luminaire with nine hundred (900) lumen output or less:



Any fixture with over 1800 lumen output or any flood type fixture with more than nine hundreds (900) lumen output:



## Article XVI – The Design Guidelines

### E. Temporary Outdoor Lighting

1. For purposes of this ordinance, “temporary lighting” shall mean lighting that is or will be in use for less than thirty (30) consecutive days and which is not permanently affixed to any structure or building.
2. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed.
3. Nonconforming temporary outdoor lighting may be permitted by the Town Council by special temporary permit. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Council with a request. A failure of the Council to act on a request shall constitute a denial of the request. In granting any permit the Council shall consider:
  - a. the public and/or private benefits which will result from the temporary lighting;
  - b. any annoyance or safety problems that may result from the use of the temporary lighting; and
  - c. the duration of the temporary nonconforming lighting.

### F. Waterfront Lighting

Outdoor lighting in and around the ponds, lakes, rivers and other waters of the Town, shall not be installed or maintained so as to create a hazard or nuisance to other property owners and shall comply with the following:

1. Lights on docks shall be no more than three (3) feet above the dock, shall be downward directed and shall be no more than five hundred fifty (550) lumens or less;
2. Lights illuminating paths, stairs, decks, etc. shall not be directed toward the waters and shall be no more than eighteen hundred (1800) lumens or less;
3. All exterior lighting shall be located, mounted and shielded so that direct illumination is not focused toward the water surface more than twenty (20) feet from shore.

### G. Architectural and Landscape Lighting

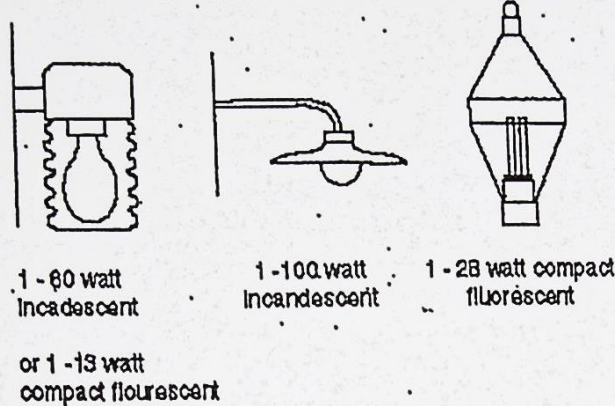
1. All fixtures must be aimed and/or shielded to illuminate only the intended target such that no stray light from the luminaire passes above the horizontal plane (See Illustration B).
2. Upward aimed façade and building lighting shall not exceed nine hundred (900) lumens per fixture or lamp and should be fully shielded and fully confined from projecting into the sky by eaves, roofs, overhangs or structures and mounted as flush to the illuminated wall as possible.
3. All lighting not required for safety and security shall be controlled by either a timer or photoelectric switch to be turned off after 11:00 p.m. local time or a time set at the request of the Planning Board, Zoning Board or Town Council.



### ILLUSTRATION B

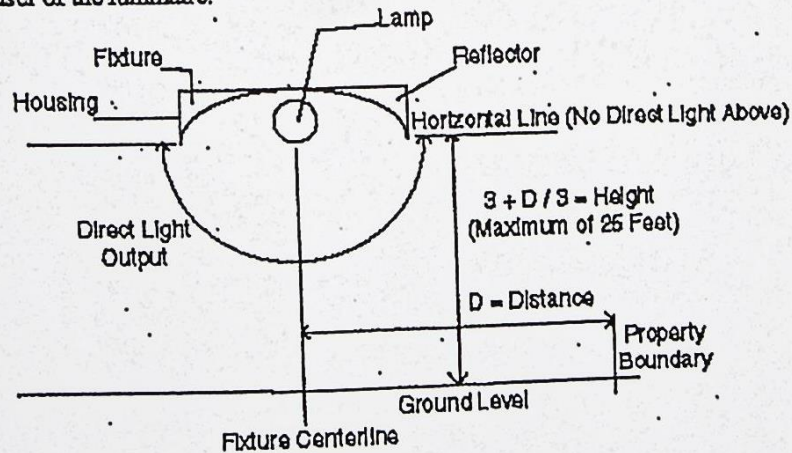
1. Any outdoor light fixture you choose to install that has a light output of 1800 lumens or less is OK in any form. Any flood light or spot light you choose to install with a light output of nine hundred (900) lumens or less is OK as long as it isn't pointed to create a nuisance.

#### SOME EXAMPLES OF LUMINAIRES UNAFFECTED BY THE REVISED OUTDOOR LIGHTING ORDINANCE:



2. Only new light fixtures with brighter lamps than in #1 must conform to certain shielding and mounting height restrictions.

**DIRECT LIGHT** is the light you actually can see coming straight from the lamp, off of any type of reflector or reflector diffuser in the luminaire or through any type of refractor, or diffuser of the luminaire.



## **H. Canopy and Service Lighting**

Outdoor sales and gas station service canopy lighting shall be aimed downward and installed such that the center of the fixture's luminous opening is flush with or recessed into the canopy ceiling. All lighting from the canopy must be substantially confined to the ground area directly beneath the perimeter of the canopy.

## **I. Light Trespass**

The maximum illumination allowed to penetrate to the point five feet inside an adjacent property line, adjacent residential parcel or adjacent right of way shall not exceed .1 horizontal foot candles or .1 vertical foot candles in residential zones and .3 horizontal foot candles or .3 vertical foot candles in a commercial or manufacturing zone. There shall be no direct line of sight to a lamp by an observer from any point on the adjacent property line viewing from a position that is level with or higher than the ground below the fixture.

## **J. Signage**

1. Lighting used primarily for sign illumination may be mounted at any height to a maximum of fifteen (15) feet.
2. Except as otherwise prohibited herein, signs may be illuminated by any fixed steady light source, of such nature and in such manner that the brightness of the sign face does not exceed one hundred (100) lumens per square foot. Except for neon type signs, where permitted, such illumination shall be so arranged that its source is not directly visible from any way, occupied building or abutting property and no illumination shall be of any color that might be confusing to traffic. This paragraph shall also apply to window signs.
3. Illuminated signs shall not cause glare distracting to drivers, nor shall they be in such a position or such color as will hamper the readability of traffic lights or traffic signs.
4. Signs allowed in conjunction with an allowed residential use, or an allowed accessory residential use shall not be illuminated.
5. Signs may be illuminated externally by a downward-directed stationary light of white or off-white color.
6. Outdoor internally illuminated signs must either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, cream or yellow) background and generally lighter text and symbols. Opaque background signs not only produce the least light pollution (usually by a wide margin), but they are also usually the most legible and therefore most effective for conveying information. Internally illuminated signs on after midnight (for example, Emergency Room entrance, other signage for health and safety, police or fire stations) shall be designed with opaque backgrounds and translucent letters and symbols.
7. The requirements of this section are intended to be applied in conjunction with the requirements specified in Section 27 of Chapter 134 of the Zoning Ordinance as amended by ordinance dated July 21, 1997. To the extent that there are any inconsistencies between this ordinance and Section 27 of Chapter 134, this ordinance shall control.

This ordinance shall be effective upon passage. Adopted: April 5, 20

### 16.5.3 - APPENDIX C – SIGN ORDINANCE

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#### TOWN OF HOPKINTON - SIGN ORDINANCE

##### *Town of Hopkinton Zoning Ordinance, Section 27 "SIGNS"*

The following regulations shall apply to all signs except those placed by a government agency as a public service in connection with highways and other public facilities.

#### **A. Residential zones.**

##### **1. Permitted uses:**

- a. Signs, not larger than three (3) square feet in area, identifying the occupant of the premises or identifying or regulating private property or private way.
  - b. Signs, not larger than twelve (12) square feet in area, identifying permitted home occupations, agricultural, religious, educational, recreational, communal, medical, professional, government or utility uses or identifying lawful nonconforming uses. This shall include temporary signs advertising the sale or lease of the premises.
  - c. Posting of land.
  - d. No billboards or outdoor advertising structure shall be permitted except that directional signs may be permitted by special use permit and shall not be larger than three (3) square feet.
2. *Location of signs.* No sign shall be placed closer than fifteen (15) feet to a side or rear lot line and five (5) feet to a front lot line. No portion of any sign shall be located within a street right-of-way.
3. *Lighting of signs.* Signs may be lighted only by continuous light, oriented to reflect away from adjacent properties. No animated, flashing or revolving signs will be permitted.

#### **B. All other zones.**

##### **1. Permitted signs:**

- a. Signs in connection with permitted or lawful nonconforming uses provided that no sign shall exceed sixty (60) square feet in area without approval of the Zoning Board as a special use permit.
- b. No billboards or outdoor advertising structures shall be permitted except that directional signs may be permitted by special use permit.
- c. Posting of land.

## Article XVI – The Design Guidelines

### 2. *Location of signs:*

- a. No sign shall project more than five (5) feet above the roof line of the main building or extend over a public sidewalk or right-of-way. The maximum height for a freestanding sign shall be twenty (20) feet from ground level, and it shall be located on the parcel on which the business is conducted, except directional signs.
- b. No sign shall be placed within forty (40) feet of a residential district boundary.

### 3. *Lighting of signs.* Signs may be lighted by any conventional method except that there shall be no illumination of a flashing, intermittent or moving type. Flood-lighting shall be so oriented that the source of light is directed away from adjacent properties and traffic arteries.

### C. *Procedure for sign approval.* A description of all proposed signs over three (3) square feet in area shall be submitted to the zoning enforcement officer for approval. Upon approval, a permit shall be obtained from the zoning enforcement officer for all such signs erected within the limits of the town.

(Ch. 134, § 27, 12-19-94)

Adopted: 1997



## ARTICLE XVII – DESIGN & PUBLIC IMPROVEMENT STANDARDS

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### 17.1 GENERAL

The Applicant at his/her own expense, shall construct all on-site and off-site improvements where required by the Planning Board in the approval of all Subdivision and Land Development projects subject to these Regulations. The design of all Subdivisions shall conform to these Regulations in consistency with the *Zoning Ordinance* and *Comprehensive Plan* of the Town of Hopkinton.

#### 17.1.1 Completion of Improvements

- A. All public improvements and subdivision infrastructure, as required in these Regulations and as specified in the preliminary approval by the Planning Board, shall be completed to the satisfaction of the Director of Public Works in order for the plat to receive final approval.
- B. All improvements shall be shown as constructed on mylar as as-built record drawings certified by a Professional Engineer licensed by the State of Rhode Island, prior to Final approval and recording.
- C. No plat shall be recorded until all public roads have been accepted by the Town Council.
- D. A final plat must be signed by the appropriate Town Official and recorded in the Land Evidence Records of the Town, as provided in Article X, before any lot or parcel of land indicated on the plat can be sold or conveyed.

#### 17.1.2 Phased Subdivisions

In the case of land development projects or subdivisions which are approved and constructed in phases, all public improvements required for any given phase shall be completed before recording of that phase. Any off-site improvements or other improvements or conditions which are not solely related to a particular phase are required to be constructed and installed prior to recording the first phase of the subdivision.

#### 17.1.3 Maintenance Guarantees

The Planning Board shall require that a maintenance guarantee be provided by the subdivider for all on-site and off-site improvements which are being dedicated to the Town for public acceptance and maintenance. The amount of the maintenance guarantee shall be ten percent of the total estimated cost of all required improvements, as calculated by the Director of Public Works. If the applicant disagrees with the estimated amount, the applicant shall have the opportunity to submit documentation of the actual cost of the completed public improvements.

Maintenance guarantees may be provided by a variety of means including, but not limited to, the following:

- A. **Letter of credit** - The subdivider may provide an irrevocable letter of credit from an FDIC insured bank with an office in Rhode Island, or other reputable institution; or



## Article XVII – Design and Public Improvement Standards

- B. Escrow account** - The subdivider may deposit cash or other instruments readily convertible into cash at face value, either with the Town or in escrow with a bank.

The Board may direct that the security be issued in the form of a savings passbook of an FDIC insured bank with an office in Rhode Island, with the Town being named as the sole owner of the account; or

- C. Security bond.** The subdivider must obtain a security bond from a surety bonding company authorized to do business in the State of Rhode Island.

The initial period for such maintenance guarantee shall be one year and shall commence upon acceptance of public improvements by the Town Council. At the end of the one-year maintenance period, the Director of Public Works shall inspect all improvements subject to the guarantee and shall certify in writing to the Town Planner as to their condition. If found to be unacceptable, the Town Planner shall recommend an extension of the guarantee period to the Planning Board, and the original funds shall not be returned to the subdivider. If public improvements are in good condition and have not been damaged due to the fault of the subdivider, or through faulty workmanship or design, the maintenance guarantee shall be returned to the subdivider. All retention basins, catch basins, drainage structures and other public improvements must be cleaned and functioning prior to the release of the maintenance guarantee.

In cases where the Planning Board finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

### 17.1.4 Acceptance of Improvements

Upon completion of all required on-site and off-site improvements, and upon acceptance of the Town Council and within ten days of the Council's acceptance of the improvements, the applicant shall convey all public improvements to the Town for ownership and maintenance.

Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the Town. The applicant shall first request the Department of Public Works to conduct a final inspection as provided in this Article in Section 17.12. The Director of Public Works shall certify to the Town Planner in writing that all required improvements have been satisfactorily completed.

The applicant must request, in writing to the Town Planner, that public improvements, streets, land easements or other facilities be accepted by the Town in order for the matter to be placed on a Town Council agenda for consideration. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the Final plat drawing(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Town Planner shall place the request for acceptance upon the next available agenda of the Town Council.

## Article XVII – Design and Public Improvement Standards

Upon conveyance to the Town Council of all improvements, all improvements shall be permanently owned and maintained by the Town as part of the municipal system and the subdivider shall be no longer responsible for their care, repair, or maintenance.

### 17.2 SITE DESIGN

#### 17.2.1 Purpose

The purpose of subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. To promote this purpose, land development projects and subdivisions shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

#### 17.2.2 Site Analysis

An analysis of the subdivision site and nearby areas shall be required by the Planning Board for all major subdivisions. The context of the area surrounding a proposed development may influence the Planning Board in applying the guidelines and standards contained in these Regulations. The scope and content of the site analysis shall be discussed during the Pre-application meeting and shall be presented by the subdivider during the Master Plan stage of review. Such an analysis may be required by the Planning Board for Minor subdivisions if the Board finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the character of the surrounding neighborhood.

Such a site analysis shall include a written Master Plan Narrative and a graphic analysis of the following characteristics of the development site: site context; geology and soil; agricultural lands; wetlands; topography; climate; ecology; existing vegetation, structures, and road networks; visual features; past and present use of the site; and a preliminary assessment describing the potential effects of the proposed project on the natural resources of the site.

#### 17.2.3 Subdivision and Site Design

- A. Design of the development shall take into consideration all existing Town and regional plans for the surrounding community.
- B. Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.

Excavation of material, including gravel, sand and rock, is prohibited unless it is necessary to accommodate the construction of subdivision roads, drainage and utility structures, driveways, sidewalks, septic systems and houses with reasonable yard areas. Grading of streets and lots shall, to the extent possible, conform to the natural topography of the area.

- C. The following specific areas shall be preserved as undeveloped open space or lot area, to the

## Article XVII – Design and Public Improvement Standards

extent consistent with the reasonable utilization of land, and in accordance with applicable state or Town regulations:

1. Unique and/or fragile areas, including freshwater wetlands;
2. Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
3. Lands in the flood plain, as defined in Article II;
4. Habitats of endangered wildlife, as identified on applicable federal or state lists;
5. Historically significant structures and sites, as listed on federal or state lists of historic places; and,
6. Agricultural lands, as defined herein.

**D.** The development shall be laid out to:

1. prevent soil erosion;
2. avoid adversely affecting ground water and aquifer recharge;
3. avoid unnecessary impervious cover;
4. prevent flooding;
5. provide adequate access to lots and sites; and,
6. mitigate adverse effects of shadow, traffic, drainage, and utilities on neighboring properties; and
7. minimize the amount of regrading and earth removal to the site and to preserve the existing natural terrain to the maximum practical extent.

### **17.2.4 Residential Development Design**

- A.** The Planning Board may vary street locations, lot shapes and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the lot areas and dimensions, yards and setbacks within the subdivision conform to the minimum dimensional requirements of the Zoning Ordinance, and provided that such standards shall be appropriate to the type of development permitted.
- B.** Residential lots shall front on local streets wherever possible.
- C.** Every lot shall have sufficient access for emergency vehicles as well as for those needing access to the property in its intended use.
- D.** The placement of dwelling units in residential developments shall follow the design principles contained in the *Rhode Island Low Impact Development Site Planning and Design Guidance Manual*.
- E.** Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets.

## Article XVII – Design and Public Improvement Standards

- F. Vegetated buffer areas may be required by the Planning Board, where necessary, to avoid adverse impacts from adjacent uses. The Planning Board may require the preservation of existing vegetation along perimeter property lines of the subdivision parcel in order to mitigate adverse impacts. The Board may also require easements along property lines wherever necessary to preserve existing or proposed vegetation.
- G. Lot lines shall follow stone walls wherever possible.

### 17.2.5 Commercial and Manufacturing Development Design

Commercial and manufacturing developments shall be designed according to the same principles governing the design of residential developments, namely, the building shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

### 17.2.6 Circulation System Design

- A. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and, to present an attractive streetscape.
- B. In a residential subdivision, the road system shall be designed to serve the needs of the neighborhood in which it is located, including the connection to vacant and/or developed adjacent properties.
- C. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street as shown in the typical street cross-sections in this Article, with exceptions permitted to preserve natural features or to provide visual interest.

## 17.3 LOT DESIGN STANDARDS

### 17.3.1 Lot Configurations

The Planning Board shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in creating residential lots with the depth to width ratio not to exceed 2.5 to 1. Unusual shapes, angles, and dimensions shall be avoided in lot layout and design. The Board may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these Regulations.

- A. To the maximum extent possible, lots shall be generally rectangular in shape with excessively deep or irregularly shaped lots avoided.
- B. Where a lot in a subdivision has frontage on, or potential access from more than one roadway, it shall be accessed by the lower intensity roadway unless alternative access is specifically approved by the Board.

### 17.3.2 Side Lot Lines

## Article XVII – Design and Public Improvement Standards

Side lot lines shall be at right angles to street lines to the extent practicable, or radial to curved street lines, unless the Planning Board determines that a variation from this rule will provide a better street or lot plan.

### 17.3.3 Developable Land Area

All lots in Residential Compounds and Residential Cluster Developments shall be designed so as to contain the minimum land area required by the *Zoning Ordinance* exclusive of Land Unsuitable for Development as defined in Article II.

### 17.3.4 Grading

The yard grade to the street shall not exceed a 3:1 slope or a retaining wall shall be required to be provided by the developer.

### 17.3.5 Easements

Easements may be required by the Planning Board where necessary for specific purposes, such as the proper location and placement of improvements or the installation and maintenance of utilities and drainage facilities, on private land as described below. The Board may, in its own discretion, require the dedication of land to the Town in lieu of easements if such dedication would provide greater control over, and access to, the intended use. Existing and proposed easements must be labeled accordingly on all plans.

Easements shall be provided for access to water, sewer, gas, communication and electrical lines, fire protection cisterns and drainage structures not accessible from a public right of way.

#### A. *Water Courses*

Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and of such width as will be adequate for the purpose.

#### B. *Sanitary Sewers*

Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The Planning Board may require permanent easements and temporary construction easements if necessary. The nominal width for a sewer easement shall be 30 feet.

#### C. *Drainage Easements*

Easements to install and maintain underground drainage facilities on private land shall be dedicated to the Town where required. The nominal width for such a drainage easement shall be 30 feet. Where above-ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the Town over the area and at a location adequate for the intended purpose. Easements into and upon aboveground drainage facilities, such as stormwater detention or retention basins,

## Article XVII – Design and Public Improvement Standards

shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is intended to be directed to such basins.

### **D. *Grading Easements***

The Planning Board may require the dedication of an easement to the Town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

### **E. *Sight Distance Easements***

Where deemed necessary by the Planning Board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the Town may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

### **F. *Bicycle or Pedestrian Access Easements***

Bicycle and pedestrian access shall be provided where required on a separate strip of land outside of the right-of-way dedicated to the Town or on an easement having a minimum width of 15 feet.

### **G. *Conservation Easement***

All land dedicated for open space or recreational uses shall be covered by a Conservation Easement to ensure its perpetual maintenance as conservation, recreation, or park land for the enjoyment of present and future residents of the Town. The easement shall be reviewed by the Town Solicitor and recorded concurrently with the Final plan.

### **H. *Other Easements***

All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 30 feet and contain at least one concrete bound.

## **17.4 STREET DESIGN AND CONSTRUCTION STANDARDS**

Construction of streets shall be in accordance with the Typical Cross Section of a street contained herein and the *Standard Specifications for Road and Bridge Construction*, current edition, as amended, published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, unless otherwise noted.

Drainage systems shall be constructed in accordance with the *Standard Specification for Drainage Systems*, as adopted herein.

Sidewalks and curbing shall be constructed in accordance with the *Specifications for the Installation of Sidewalks and Curbs* as adopted herein.

The following street design standards shall be followed where applicable in the design and construction of any subdivision:

## Article XVII – Design and Public Improvement Standards

### 17.4.1 Frontage on Improved Streets

The area to be subdivided shall have frontage on and physical access to an existing improved public street. Frontage shall be in compliance with the requirements of the *Zoning Ordinance*. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Planning Board may require the subdivider to install certain improvements along that portion of the street or roadway abutting the property or leading to the property being

subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the Planning Board. See Section 17.9 of this Article.

For purposes of these Regulations, streets platted but not improved or accepted for maintenance by the Town or State, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the Subdivision Regulation standards.

### 17.4.2 Access Improvements and Frontage Improvements

Whenever a subdivision is proposed for land accessible only by a private road, or by an existing Town Road that does not conform with the minimum requirements of grade, alignment, width and construction set forth in these Regulations, or in the *Town Road Ordinance*, and the Board determines that the subdivision plan would be contrary to the public safety unless such road was altered or improved where it fronts the proposed subdivision, the Board may disapprove such plan or may condition its approval upon alteration of such street by and at the expense of the subdivider, or may disapprove such plan until the Town Council has authorized expenditures for such improvements.

In making the determinations set forth in the preceding paragraph, the Board shall take into account the road's ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the road safely, the drainage conditions of the road, and the general ability of any vehicle to use the road safely.

### 17.4.3 Scenic Roads: Stone Walls

Frontage improvements, as described in the proceeding section, may be modified or waived by the Board in order to preserve existing stone walls or other historic items that are a part of the Town's historic character.

### 17.4.4 Street Classification

Street design within a proposed subdivision shall conform to a street hierarchy system as established herein. Requirements for right-of-way and pavement width, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to street function.

The following major categories of street classification are established:

- A. Artery** - A major public street that serves as an avenue for the circulation of traffic into, out of, or around the Town and carries high volume of traffic and provides for high levels of mobility.

## Article XVII – Design and Public Improvement Standards

- B. Collector** – A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. These streets provide a balance between land access and mobility.
- C. Local Public** – Public streets whose primary function is to provide access to abutting residential properties.
- D. Local Private** – Privately owned and maintained streets whose primary function is to provide access to abutting residential properties. Streets within residential compounds serving up to 14 residential dwellings and streets in minor residential subdivisions serving up to five residential dwellings on a private street fall within this classification.

Refer to Appendix A in Section 17.11 for the Figures referenced below:

Figures 1 and 2 illustrate typical cross-sections of collector and local public streets, respectively. Specific design criteria will be determined by the Planning Board on a case-by-case basis.

Figure 3 is a typical cross-section of a local private street proposed for a residential compound.

Figure 4 illustrates the cross-section of a private common driveway.

Figure 5 shows typical plans for turnarounds, both cul-de-sacs and hammerhead designs. Right-of-way width, pavement width, and pavement type varies depending upon the number of lots, the potential for future access and slope.

### 17.4.5 Street Rights-of-Way

Street rights-of-way and pavements shall conform to the widths and pavement details shown in Table 1 and as illustrated in Figures 1, 2 and 3. (see Appendix A, Section 17.11, in this Article) Street rights-of-way shall not be less than 50 feet wide. Street layout will be considered in relation to the existing street system and to the *Comprehensive Plan*.

Street rights-of-way, both existing and proposed, shall be continued with at least the same width through the development.



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**Table 1. Pavement and Right-of-Way Dimensions Along Roadways, Cul-de-Sacs and at Entrances**

	<b>"A"</b>	<b>"B"</b>	<b>"C"</b>	<b>"D"</b>	<b>"E"</b>	<b>"F"</b>	<b>"G"</b>	<b>"H"</b>	<b>Road Intersection</b>	<b>Road Intersection</b>
Type of Road	Road R.O.W.	Road Pavement	Cul-de-Sac	Cul-de-Sac	Hammerhead	Hammerhead	Cul-de-Sac Fillet	Cul-de-Sac Fillet	Fillet Radius	Fillet Radius
	Width	Width	R.O.W. Radius	Outside Pavement Width	R.O.W. Radius	Pavement Radius	Radius @ R.O.W	Radius @ Pavement	at R.O.W.	at Pavement
Common Access Driveways (private)	30 feet	15 feet	n/a	n/a	n/a	n/a	n/a	n/a	12.5 feet	20 feet
Residential Compound (private)	50 feet	20 feet	50 feet	40 feet	30 feet	45 feet	10 feet	25 feet	25 feet	40 feet
Local ≤ 8 Lots	50 feet	22 feet	60 feet	42 feet	30 feet	44 feet	11 feet	25 feet	25 feet	39 feet
Local > 8 Lots	50 feet	24 feet	60 feet	46 feet	35 feet	47 feet	13 feet	25 feet	25 feet	37 feet
Collector	60 feet	34 feet	65 feet	54 feet	n/a	n/a	17 feet	30 feet	30 feet	42 feet

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### 17.4.6 Geometric Data

Table 2 below shall be used as a guide in designing streets within a subdivision.

**Table 2. Street Design  
Guide**

	Local Streets ( <u>Public</u> )	Residential Compound ( <u>Private</u> )	Collector Street ( <u>Public</u> )
Maximum Grades			
- centerline	8%	8%	8%
- within 150' of centerline			
Intersections	2.5%	2.5%	2.5%
Minimum Grades			
- centerline	0.8%	0.8%	0.8%
Minimum Length for Vertical Curves	30' ABSOLUTE VALUE OF GRADE DIFFERENCE		
Minimum Radius of Centerline Curve	150' and a minimum of 100' tangent between curves	100'	150' and a minimum of 100' tangent  between curves
Minimum Design Speed	25 mph	10 mph	40 mph
Cul de Sac & Hammerhead Turnaround			
- Maximum Grade	4.5%	N/A	N/A
- Minimum Grade	2.0%	N/A	N/A
Pavement Crown (cross slope)	2%	2%	2%

### 17.4.7 Street Layout and Arrangement

The arrangement of streets shall be considered in relation to the existing street system and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic, to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; and, to create an attractive streetscape.

Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in

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major subdivisions, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required by the Planning Board, in Major Subdivisions, when determined by the Board to be feasible. Proposed streets within a Major Subdivision shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.

Where the proposed subdivision abuts an existing Town road, the applicant shall consult with the Planning Board to determine whether the right-of-way width along such road is adequate and for the possible need to deed additional land to permit its widening. All subdivision approvals shall require that all land within a minimum of 25 feet from the centerline of the traveled portion of existing roads be deeded to the Town of Hopkinton and shall be noted on the map presented to the Planning Board for approval.

Street intersections shall either coincide precisely with or be offset by at least 200 feet from other intersections. Intersections shall be at 90-degree angles. Lesser angles between 75 degrees and 90 degrees may be approved by the Director of Public Works.

### **17.4.8 Sidewalks and Trails**

Sidewalks may be required to be installed along new streets at intersections or other areas of new subdivisions at the discretion of the Planning Board in the following instances:

- A. The subdivision is located in an area within one mile of a public or private school; or
- B. The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc., where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or,
- C. The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians.

Sidewalks may also be required to be installed as off-site improvements in accordance with the provisions of Section 17.9 of this Article.

Where the Board feels a special safety hazard may be created, sidewalks may be required on both sides of said street.

If it is determined by the Planning Board that one side of the street does not require a sidewalk, the side of the street not having a sidewalk shall have an area between the back of the curb line and the right-of-way line loamed to a depth of four inches and seeded with a suitable grass seed.

Where concrete sidewalks are to be constructed, they shall be installed in the area between the back of the curb line and the right-of-way line. Such sidewalks shall be constructed over an eight-inch gravel base, shall be a minimum of four inches thick, and a minimum of four feet in width, measured from the edge of the right-of-way line, except at driveway crossings where the gravel base shall be increased to ten inches.

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Sidewalks shall not be lower at driveways except for 18 inches in from road edge.

The Planning Board may require the applicant to make provision for pedestrian and/or bicycle accessibility and circulation. This requirement may, with approval of the Board, be met through:

- A. The provision of a stone dust pathway, or other material acceptable to the Board, greenway trails within open space areas on the land being subdivided or, with approval of the landowner and the Board, on other open space areas in Hopkinton;
- B. The provision of a stone dust pathway, or other material acceptable to the Board, greenway trails on one side of the street on the land being subdivided or, with the approval of the Board, elsewhere in Hopkinton;
- C. The provision of sidewalks on one side of the street on the land being subdivided within a one-mile radius of a school or other major generator of pedestrian traffic or, with approval of the Board, elsewhere in Hopkinton;
- D. The provision of sidewalks unrelated to roads as may be required by the Board, where pedestrian access to schools, shopping, or employment centers is possible; and/or
- E. The provision of an easement to the Town of Hopkinton for future trails or sidewalks.

### **17.4.9 Private Streets**

Private streets shall not be permitted except for Residential Compounds and Residential Cluster Developments as authorized in Article IX, Sections 9.1 and 9.2 of these Regulations.

### **17.4.10 Dead-End Streets (Cul-de-Sacs)**

All dead-end streets shall end in a cul-de-sac turnaround constructed according to the Table of Geometric Data in subsection 17.4.6 above, and shall be clearly marked at their entrances. The Planning Board may limit the length of the dead-end street (cul-de-sac), to 1200 feet, where necessary, to ensure the adequate and safe circulation of vehicular traffic.

Unless otherwise approved by the Board, no permanent cul-de-sac shall be created that is less than 250 feet in length or that serves more than 25 lots or dwelling units. Streets serving more than 25 lots or dwelling units shall be provided with a secondary access, which may be an “emergency” access of a design and location approved by the Planning Board. The Board may permit more than 25 lots or dwelling units to be located on a dead-end street if, in the opinion of the Board, there is a likelihood of a future street connection to adjoining streets or properties that would provide secondary access.

The Board may, in its sole discretion, require or accept plan modifications which offset the increased development in a less accessible location, such as:

- A. Increased pavement thickness and/or road shoulders that will accommodate emergency vehicles;
- B. Increased open space preservation and/or fewer lots in the overall development; and/or

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### C. Other improvements such as significant community amenities.

All dead-end streets shall be clearly marked at their entrances. Where a dead-end street is to provide access to adjacent property, the Board may require provision for a temporary paved turn-around or “Tee” until such time as the adjacent tract is developed and the street is extended.

#### **17.4.11 Street Names**

An extension of an existing street shall have the same name as the existing street. If a proposed street extension is interrupted by a channel, private property, limited access highway, etc., and eventual connection is not probable, the segments shall bear different names.

Names of other proposed streets, which are not extensions of an existing street, shall be substantially different from any existing street name in the Town of Hopkinton and adjoining communities. Proposed names shall be easy to pronounce and spelled with commonly accepted spellings.

All newly proposed street names or street extensions shall be checked for duplication, pronunciation and other similarities and shall be approved by the Planning Board, the Fire Department, the E911 Director, and Emergency Services.

Street house numbers shall be assigned by the E911 Director.

#### **17.4.12 Access to Adjoining Property**

When considered desirable by the Planning Board to provide access to adjoining property, proposed streets shall be continued and improved to the property line (and street) only if an adjoining street already exists. The reservation of strips of land preventing such access shall not be permitted. The Planning Board may require a provision of a temporary turnaround until such time as the adjacent tract is developed.

Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the Planning Board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities, or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

#### **17.4.13 Common Driveways**

Major subdivisions which utilize road frontage on existing public roadways may be required to incorporate common driveways, a common access road or a combination thereof, in roadway areas where the Planning Board determines that public safety would be enhanced by such common means of access to the subdivision lots.

#### **17.4.14 Street Signs**

Street name and traffic signs shall be of the size, type, location and number specified by the Director of Public Works and approved by the Town Council, and shall be installed by the developer at the developer's expense.

**17.4.15 Street Lighting**

In all new subdivisions where utilities are being installed underground, provisions shall be made for street lighting connections where required by the rules and regulations in effect with the respective utility companies and approved by the Director of Public Works.

Setback requirements shall be a minimum four feet from the edge of pavement and must satisfy ADA minimum width requirements for sidewalks. All costs associated with the purchase and installation of streetlights, including but not limited to street light pole and lighting fixture shall be borne by the developer. Furthermore, the developer shall provide for the cost of providing electrification of lighting up to and through final acceptance of the roadway.

**17.4.16 Street Trees**

Where natural tree growth is determined by the Planning Board to be insufficient, the Planning Board shall may require the subdivider to plant street trees appropriate for the terrain, soil and climatic conditions encountered in the subdivision, and in accordance with the following standards:

**A. Location**

Street trees shall be located as shown in Figures 1 and 2 (see Appendix A, Section 17.11) within the street right-of-way line. Street trees shall be located so as not to interfere with overhead or underground utility lines. Trees shall be planted as far back as possible from the road to allow them more time to mature before needing trimming and shall be spaced at a minimum of 50 feet on center.

**B. Type**

The species selected are to be suitable for local climatic conditions, and may include, but are not limited to, the trees specified in the *Hopkinton Design Guidelines and Standards*. (see Article XVI, subsection 16.5.1) The Town specifically prohibits the planting of pine trees along the public right-of-way.

**C. Size**

Minimum sizes are two inches caliper, measured one foot from ground level in place, and six feet to eight feet of height in place.

**D. Quality**

Street trees shall be balled and burlaped with good root development and branching characteristics. Bare root handling for dormant trees up to two and a half inches caliper may only be allowed during the spring season. All trees shall be of licensed nursery stock; however, native trees may be used if inspected and approved by the Town Tree Warden before planting.

**E. Planting**

Trees shall be planted in good quality topsoil or soil conditioned to quality with sufficient organic matter such as peat moss and balanced fertilizer. Trees shall be securely double-staked with sturdy stakes of a minimum size of 2" X 2" X 6'.

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### F. *Screening*

Where a proposed residential development abuts an existing or proposed commercial or manufacturing area, a dense evergreen buffer at least ten feet in depth, shall be planted along the common boundary between the residential development and such commercial or manufacturing development.

### G. *Inspection*

The Town Tree Warden shall determine the suitability of the street trees being proposed before the Final application is approved, and shall certify proper planting techniques and maintenance have been followed immediately before the recording of the Final plan.

### H. *Maintenance*

Street trees shall be maintained by the subdivider from the time of planting until the time of the release of the maintenance bond following acceptance of streets by the Town Council as provided in these Regulations. If no maintenance bond is required, the Planning Board may require separate guarantee provisions for maintenance of required street trees by the subdivider for a maximum period of two years from the date of planting. Any trees which are not healthy at the end of the guarantee period shall be replaced at the subdivider's expense.

**17.4.17 Landscaping Standards** – Refer to the *Design Review Guidelines and Standards*, Article XVI, for more detail.

### A. *Landscape Design*

Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.

### B. *Landscape Materials*

Landscaping may include plant material such as trees, shrubs, ground covers, grass, flowers, etc. but may also include other materials such as rocks, wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to the following:

1. Drainage facilities, such as retention/detention basins, or drainage swales;
2. Entrance features;
3. Open space areas;
4. Proposed recreation facilities;
5. Buffer areas;
6. Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
7. Areas subject to regrading or stabilization for soil erosion and sediment control purposes.

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### **C. *Landscape Plan***

A landscape plan prepared by a Rhode Island Registered Landscape Architect shall be submitted to the Planning Board when the Board determines that:

1. Existing landscaping is insufficient;
2. The site of the proposed subdivision has been disturbed so as to require significant new vegetation; or
3. Additional landscaping is necessary to protect, preserve, or enhance significant visual features of the site.

If a landscape plan is required by the Board, the Applicant shall be advised of this requirement at the Preliminary Review Stage of a Minor Subdivision or at the Master Plan Stage of a Major Subdivision. The plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as stone walls and rock out-cropping; man-made elements such as retaining walls, fences, signs, planters, etc.; proposed grading at two-foot contour intervals; lighting; specifications for loaming, fertilizing and seeding; and other proposed landscaping elements.

The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.

#### **17.4.18 Permanent Monuments**

Permanent Monuments (concrete boundary markers) shall be paid for by the developer and placed by a Registered Professional Land Surveyor:

- A. At all corners in the exterior boundary of the development where acceptable permanent monuments are not already in place;
- B. On the street line at the beginning and end of all horizontal curves on both sides of each subdivision (public) street; and
- C. Shall not be more than 500 feet apart.

Open space and/or conservation areas must be marked with monuments as a condition of approval.

Monuments shall be set so as to be visible above finished grade. All corner perimeter monuments shall indicate the elevation of that specific elevation. Said elevation shall be based upon USGS Sea Level Data.

#### **17.4.19 Curbing**

Bituminous asphalt and Cape Cod berms shall be installed along the full radius at all street intersections and three feet either side of all catch basin apron stones.



**17.4.20 Bicycle Paths**

Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path; to intersect with proposed state bicycle facilities; to connect to an adjacent development where vehicular connections would be impractical; where adjacent or near a public or private school, recreation areas or other similar facilities that would likely generate significant bicycle traffic; or, to further the goals of the Hopkinton Comprehensive Plan.

Bicycle paths may be incorporated into sidewalk systems within developments, at the discretion of the Planning Board. Bicycle path/sidewalks shall be no less than six feet in width to accommodate both pedestrians and bicyclists.

**17.4.21 Curbing at Intersection Fillet Curves**

Straight faced precast concrete curbing meeting RI DOT Standard 7.21 may be required to be installed at all intersection fillet curves in lieu of extruded Cape Cod curbing. Precast concrete wheelchair ramp curbs shall meet RI DOT Standards 7.1.1.

**17.4.22 Engineering and Land Survey**

Wherever it is mandated by these Regulations that certain tasks associated with subdivision plans and improvements be performed by Registered Professional Engineers and/or Registered Professional Land Surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Professional Land Surveyors.

**17.5 DRAINAGE**

Stormwater management within a proposed development shall be designed to minimize the volume of water runoff, to encourage infiltration into the ground, prevent flooding, control peak discharges and provide pollutant remediation. Wherever possible, grass swales and sheet flow of storm water over unpaved areas shall be employed instead of curbs and gutters and closed or piped drainage systems. Drainage systems may be located within designated open space areas with the permission of the Planning Board. Drainage detention or retention basins shall be suitably landscaped and integrated into the overall design.

All plats shall provide for the adequate drainage of all surface and subsurface waters. Any drainage facility shall conduct water to an approved location and in a manner approved by the Board.

The drainage system shall be comprised of natural and manmade elements. These may include, but not be limited to grass swales, wet basins, vegetated filter strips, curbs, catch basins, culverts, and stormwater pipes. The use of retention/detention ponds will only be allowed as approved by the Planning Board when this is the only viable option for the development.

The subdivider shall incorporate natural elements into the drainage design using Best Management Practices (BMP) and standards of the *State of Rhode Island Storm Water Design and Installation Standards Manual*, latest edition. These elements (i.e. grass swales, wet basins, vegetated filter strips) not only collect and transport stormwater, but also mitigate pollution,

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reduce sedimentation, provide visual amenities, recreational opportunities and provide potential wildlife habitat.

Where a water course, drainage way, channel or stream is located in a plat, or where a water course, drainage way, channel or stream will be altered, relocated or otherwise changed in a subdivision plat, the developer shall make adequate provisions for existing flow, future drainage needs and upstream runoff satisfactory to the Board.

Drainage easements through lots shall be at least 30 feet wide and follow property lines wherever possible. All necessary easements for drainage shall be provided prior to plan approval.

Where a drainage plan and drainage calculations are required by the appropriate Plat Checklist, the plan and calculations shall be prepared by a Rhode Island Registered Professional Engineer. All applicable environmental permits must be obtained from state and federal regulatory agencies.

The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

**The Rational Method** – This is the preferred method for small systems of three acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis. The catch basin pipe hydraulics of all sites shall be completed using the rational method. The Rational method is not appropriate for sizing stormwater treatment or storage practices.

**TR-55** – This is the preferred method for calculating runoff volume, peak discharge rate, and flood storage requirements for site development between one acre and 2,000 acres. This is the required method for sizing stormwater treatment and storage practices.

**TR-20** – This is for large, complex watersheds and systems beyond the scope of TR-55.

The drainage plan and drainage calculations shall contain the following information:

- A. The rate and volume of storm water surface runoff presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of 2-, 10-, 25- and 100-year frequency rainfall;
- B. The rate and volume of storm water surface runoff entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of 2-, 10-, 25-, and 100-year frequency rainfall;
- C. An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the runoff as calculated under **A** and **B** above, and proposals to handle such surface runoff. Design criteria for drainage improvements shall conform to the State Specifications cited above as modified by the Town of Hopkinton. Storm sewers shall be designed to pass the 25-year frequency rainfall event without surcharge, with a minimum pipe size of 12 inches, and a minimum pipe gradient that provides self-cleaning velocity of 2.5 ft./sec. Critical structures (cross culverts, bridges, etc.) must be designed to pass the 100-year storm frequency rainfall event without surcharge;
- D. Proposals for discharge of surface runoff from the subdivision without damage to land and improvements and to the receiving water body;
- E. The drainage plan and narrative shall further indicate how the following specific requirements will be met:

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1. Drainage for each lot shall be in accord with the *Rhode Island Low Impact Development Site Planning and Design Guidance Manual*;
2. That natural drainage patterns will be maintained whenever possible;
3. That all existing watercourses will be left undisturbed, unless approval to alter is granted by the Planning Board and the Rhode Island Department of Environmental Management;
4. That all new open watercourses will employ soft-engineered systems in accord with the principles of low impact development;
5. That a continuous drainage system will be installed to a natural or manmade water course, to an existing piped storm drainage system, or to a stormwater treatment system. The ultimate destination of such continuous drainage should be a permanent natural body of water or wetland. Where the Planning Board determines that such ultimate destination is impractical, the Board shall require the construction of a retention or detention area capable of accommodating proposed stormwater volumes based on a 100-year frequency rainfall;
6. Where any part of the drainage system is proposed for location outside the public street right-of-way, proposed provisions for future maintenance must be approved by the Planning Board and Department of Public Works;
7. That all drainage easements will be obtained by the subdivider and approved by the Town Solicitor;
8. Where volume velocity of the surface runoff is 10 ft/s or greater, outlet protection shall be used to reduce flow velocities from the principal spillway to non-erosive velocities. (3.5 to 5.0 fps), in accordance with the *Rhode Island Soil Erosion and Sediment Control Handbook*, and the *State of Rhode Island Stormwater Manual*, latest editions;
9. The proposed drainage system shall be designed to manage stormwater runoff such that post construction conditions do not result in increases to peak runoff rate or total volume from pre-construction conditions (net zero increase) for all storm frequencies;
10. The plan should include an assessment of the structural integrity of proposed facilities to withstand discharge from all designed storms up to a 100-year frequency;
11. If stormwater detention or retention basins are proposed, the drainage plan shall include evidence that the size and/or number of said basins has been limited so as to avoid creation of a single large, deep basin. Alternate designs and/or other stormwater management techniques that includes dispersed treatment practices near the sources of runoff shall be investigated in the drainage plan to determine if such large basins can be avoided by creation of grassy swales and a series of smaller basins in lieu of a single large basin. In no case shall the depth of a basin exceed six feet, with side slopes not to exceed 33% (3:1). The Planning Board shall require such basins to be designed and landscaped so as to achieve a natural appearance which is aesthetically pleasing and compatible with the natural environment;
12. Where construction of stormwater detention or retention areas is required, the drainage plan shall indicate the amounts of cut and fill being proposed to the existing topography.

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The Board shall require the subdivider to demonstrate that the minimum practicable disturbance to the natural or existing grade of the site is being proposed. The Board shall require that the minimum amount of soil, topsoil, sand, gravel or other earth material will be removed from the subdivision parcel while still achieving the objectives of the drainage design.

### **17.6 UTILITIES**

All utilities that are to pass under proposed streets shall be installed prior to the binder course.

#### **17.6.1 Sanitary Sewer**

Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is required and available, in accordance with the procedures and standards set forth in Chapter 21 of the *Hopkinton Code of Ordinances*, entitled, "Utilities". Sanitary sewers shall be installed by the developer where connection to a system is feasible or where connection to a proposed municipal sewer system is feasible within five years of the filing date of the preliminary plan. Where immediate connection to an existing sewer system is not possible, sewer pipes shall be capped or plugged at the ends pending later connection.

The developer shall furnish and install the proper fittings in sewer lines and shall include branch connections to the lot lines of each lot to prevent the necessity of excavating at a later date.

#### **17.6.2 Water Lines**

When a public water system is available, and connection is desirable, water lines shall be installed and water stops shall be provided for each lot in accordance with the rules and regulations of the appropriate water utility. Water lines shall be generally located on the southerly or westerly side of the street wherever possible or as required by the Planning Board.

#### **17.6.3 Surface Gutters and Subsurface Storm Drainage Pipes and Facilities**

Surface gutters and subsurface storm drainage pipes and facilities shall be installed, connected to dry wells or storm water basins or to the public storm drain system if connection is feasible.

#### **17.6.4 Gas Lines**

Natural gas lines may be installed in any subdivision or land development project at the discretion of the subdivider, if available. If proposed, gas lines shall be located on the northerly or easterly side of the street wherever possible or as required by the Planning Board.

#### **17.6.5 Communication Lines (Electric, Telephone, and Cable TV)**

For all subdivisions creating public roads, all electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be installed underground in conformity with rules and regulations in effect within the respective utility companies. All utilities

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shall be installed subsurface including electricity, telephone and cable. In cases where underground installation is not feasible due to physical conditions of the site or other limitation, an alternative location for these utility lines shall be approved by the Planning Board, if prior approval thereof has been obtained by the utility company involved.

Communication lines are not required to be placed under ground for residential compounds or for Minor subdivisions where no public street creation is proposed. For Minor subdivisions, where a private street is proposed and the Town will not be requested to accept the street for ownership and maintenance, the Board may require communication lines to be placed underground. In making this determination, the Board shall consider the extent of existing vegetation and tree cover, the existing topography and natural features, the character of the surrounding area and the degree to which placement of communication lines underground will promote high quality and appropriate design of the subdivision.

### 17.6.6 Fire Hydrants

Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location, spacing, and water pressure shall meet the minimum requirements of the National Fire Protection Association or as directed by the appropriate Fire District, prior to recording of the Final Plan, and is to be obtained by the Applicant.

In subdivisions or land development projects that are not served by public water supply, the Planning Board may require the installation of one or more dry hydrants and related storage tanks and equipment for the purpose of providing fire suppression to serve present and future residents or patrons, based upon a recommendation from the appropriate fire district. The Planning Board may, in its discretion, with input from the appropriate Fire District Chief or his/her designee, require the payment of a fee in lieu of installing onsite fire suppression equipment.

Where required, a fire suppression cistern shall be installed, inspected, filled and deemed operational in a document signed by the Fire Chief of the appropriate fire district. A document assigning responsibility of ongoing maintenance of the cistern, related storage tanks, and all fire suppression equipment, shall be approved by the Planning Board and recorded contemporaneously with the Final Development Plan. Where necessary, the developer shall grant an easement to the appropriate Fire District for the purpose of gaining access to the fire suppression equipment.

## 17.7 EROSION AND SEDIMENT CONTROL

All soil erosion and sediment control measures required by these Regulations shall be designed and constructed in accordance with the standards and procedures set forth in the *Rhode Island*

*Soil Erosion and Sediment Control Handbook*, prepared by the United States Department of Agriculture Soil Conservation Service, the Rhode Island Department of Environmental Management and the Rhode Island State Conservation Committee, 1989, and any amendments thereto.

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All Major land developments and Major subdivisions shall submit a soil erosion and sediment control plan as required herein. Minor land developments, Minor subdivisions and Administrative subdivisions may not be required to submit such plans if the land disturbing activity involved in construction of subdivision improvements is deemed insignificant by the Planning Board and meets all of the following criteria:

- A. Construction activity will not take place within 100 feet of any wetland;
- B. Slopes at the site of land disturbance do not exceed ten percent;
- C. The total area of such activity does not exceed 10,000 square feet;
- D. Proposed grading does not exceed two feet of cut or fill at any point;
- E. The grading does not involve a quantity of fill greater than 60 cubic yards, except where fill is excavated from another portion of the subdivision parcel and the quantity of fill does not exceed 185 cubic yards;
- F. Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.

### 17.7.1 Plan Preparation

The erosion and sediment control plan shall be prepared by a Rhode Island Registered Professional Engineer, a Rhode Island Registered Landscape Architect, a Soil and Water Conservation Society Certified Erosion and Sediment Control Specialist, or a Certified Professional Soil Scientist.

### 17.7.2 Plan Contents

The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of these Regulations. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current *Rhode Island Soil Erosion and Sediment Control Handbook*, or latest revision prepared by the United States Department of Agriculture, Natural Resource Service, Rhode Island Department of Environmental Management, Rhode Island Conservation Committee, and at a minimum, shall contain:

- A. A narrative describing the proposed land disturbing activity, the soil erosion and sediment control measures, and stormwater management measures, to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site conditions, and soil maps shall be provided as required by the Planning Board;
- B. Construction drawings illustrating, in detail, all land disturbing activity including: existing and proposed contours; cuts and fills; drainage features and vegetation; limits of clearing and grading; the location of soil erosion and sediment control and stormwater management measures; detailed drawings of control measures; stock piles and borrow areas; sequence and staging of land disturbing activities; and other information needed for construction; and

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

- C. Other information or construction plans and details as deemed necessary by the Planning Board for thorough review of the plan prior to action being taken as prescribed in these Regulations.

### 17.7.3 Performance Principles

The contents of the erosion and sediment control plan shall clearly demonstrate how the principles outlined below have been met in the design and are to be accomplished by the proposed development project.

- A. The site selected shall show due regard for natural drainage characteristics and topography.
- B. To the extent possible, steep slopes shall be avoided.
- C. The grade of slopes created shall be minimized.
- D. Post-development runoff rates should not exceed pre-development rates, consistent with other stormwater requirements which may be in effect. Any increase in storm runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, porous paving, or similar techniques.
- E. Original boundaries, alignment, and slope of watercourses within the project locus shall be preserved to the greatest extent feasible.
- F. In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.
- G. All drainage provisions shall be of such a design and capacity so as to adequately handle storm water runoff, including runoff from tributary upstream areas which may be outside the locus of the project.
- H. Drainage facilities shall be installed as early as feasible prior to any additional site clearance or disturbance.
- I. Fill located adjacent to watercourses shall be suitably protected from erosion by means of riprap, gabions, retaining walls, vegetative stabilization, or similar measures.
- J. Temporary vegetation and/or mulch shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the non-growing months, November through March.
- K. Permanent vegetation shall be placed immediately following fine grading.
- L. Trees and other existing vegetation shall be retained whenever feasible; the area within the dripline shall be fenced or roped off to protect trees from construction equipment.
- M. All areas damaged during construction shall be re-sodded, re-seeded, or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.

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### 17.7.4 Maintenance of Measures

Maintenance of all erosion-sediment control devices under this ordinance shall be the responsibility of the subdivider. The erosion-sediment control devices shall be maintained in good condition and working order on a continuing basis. Water courses originating and located completely on private property shall be the responsibility of the subdivider to their point of open discharge at the property line or at a communal watercourse within the property.

### 17.7.5 Periodic Inspections

The Director of Public Works may require inspections at such intervals as he/she may deem necessary to assure proper compliance with the *Approved Erosion and Sediment Control Plan*. Copies of all inspection reports shall be made available to the subdivider upon request.

## 17.8 AREAS OF SPECIAL FLOOD HAZARD

Proposed construction in flood hazard areas, as defined in Section 33 of the *Zoning Ordinance*, should be avoided whenever possible. Any construction that is permitted must comply with the *Zoning Ordinance* and approval granted through the subdivision or land development process. The Planning Board shall examine each proposed subdivision to ensure that:

- A. If any part of the proposed subdivision is located within a flood hazard area as **defined** in Article II, it is consistent with the need to minimize flood damage. All submissions shall show the location of any portion of the plat which lies within any floodway, floodplain and flood fringe land and shall show the base flood elevation as prescribed for these areas at the specific location. Where the plat location is entirely within these zones, it shall be noted on the plat drawing;
- B. It provides for adequate protection against flood damage with respect to materials, design, and methods of construction. All plat proposals will be reviewed by the Planning Board or its agent to assure that the design of the plat is consistent with the need to minimize flood damage. Public improvements, facilities and utilities must be constructed or installed in a manner that will minimize flood damage. Adequate drainage must be provided to minimize the accumulation of water;
- C. All public utilities and facilities such as sewers, gas, electrical and water systems are elevated and constructed to minimize or eliminate damage from flooding;
- D. Adequate drainage is provided so as to reduce exposure to flood hazards. Where water courses, drainage ways, channels or streams will be altered, relocated or otherwise changed on a subdivision plat, the developer or his engineer shall provide such additional information regarding said proposed change of water course, drainage way, channel or stream and their drainage characteristics outside the immediate plat, as required by the Board.

## 17.9 OFF-SITE IMPROVEMENTS

### 17.9.1 Purpose



## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

This section is intended to ensure that applicants provide off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to new development. Off-site improvements shall reflect the character of the neighborhood. Such improvements may be required by the Planning Board if the Board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:

- |                         |                     |
|-------------------------|---------------------|
| A. Sanitary sewers      | E. Bicycle paths    |
| B. Water supply systems | F. Drainage systems |
| C. Roadways             | G. Recreation areas |
| D. Sidewalks            |                     |

### 17.9.2 Definition and Principles

As a condition of Final approval, the Planning Board may require an applicant to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The Planning Board shall provide, in its resolution of Final approval, the basis for requiring such off-site improvements. In its resolution, the Board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for the neighborhood or district by the *Comprehensive Community Plan*.

### 17.10 GENERAL CONSTRUCTION PROCEDURE

The following procedures shall be followed by the owner/developer/contractor under the direction of the developer in the construction of any subdivision, land development or related improvements.

Two percent of the total estimated cost of all required improvements, shall be paid to the Town of Hopkinton by the subdivider for inspection of Subdivision and Land Development Projects involving public improvements. The estimate shall be initially prepared by the Director of Public Works and submitted to the Town Planner, who shall review the estimate, if requested, with the subdivider. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. If the subdivider disagrees with the amount estimated by the Director of Public Works, he/she shall have the opportunity to submit documentation of the actual cost of the completed public improvements. All inspection fees shall be paid in full *before* construction begins on any improvements requiring inspection.

All required inspections shall be made by the Public Works Department at all required stages of construction as specified in this Article. The Director of Public Works may call for inspection assistance from a Registered Professional Engineer licensed by the State of Rhode Island at the expense of the Applicant.

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

### A. GENERAL PROVISIONS

1. **Plan Approvals** - No construction or installation of utilities will be permitted in the bed of any proposed street, or existing Town right-of-way, until a set of plans has officially been approved by the Planning Board, and all fees submitted and approved.
2. **Availability of Plans** - The Applicant shall have on site at all times, the most recent, signed, approved set of plans, including traffic control plans, as may be required. The plans shall be complete and be readily available for reference by the Inspector.
3. **Notification** – A pre-construction meeting shall be held with the Director of Public Works at least seven days prior to the start of construction of any subdivision improvements. The Applicant will call the Planner to arrange a pre-construction meeting with the developer, Director of Public Works and the Town Planner. The Applicant (or his duly authorized representative) and the on-site project manager shall attend this meeting.

The Director of Public Works may require inspections at any point he/she may deem necessary to assure proper construction of improvements.

Whenever an inspection is required the developer shall request the Director of Public Works to make such inspection. The Director of Public Works, or his/her representative, shall, within a reasonable time, exclusive of Saturday, Sunday and holidays, make such inspection and give to the developer written approval or disapproval of the improvements inspected by him/her. No subsequent step or phase shall commence until an inspection has been made and approval granted.

4. **Maintenance of Traffic** - The Applicant is to submit a traffic control plan for vehicular and pedestrian traffic including the installation of advance road work signs. Stop, street name, and other required signage shall be installed prior to requesting final inspection of improvements. Flag persons and “signs” are required for all work on rights-of-way whenever lane closures are necessary.

Lighted barricades are to be placed at hazardous locations. All traffic control devices shall be designed, constructed and installed in accordance with the most current *Manual on Uniform Traffic Control Devices* (MUTCD).

5. **Specifications** - The specifications for all work, methods of construction, and materials used for the construction of subdivision roads, and any construction within the existing and/or proposed right-of-way of the Town of Hopkinton, shall be in accordance with the latest editions for the *Standard Specifications Road and Bridge Construction of the Rhode Island Department of Transportation*, except as specifically stated in this manual. Construction materials and methods shall be inspected by the Department of Public Works and all construction shall meet this Department’s specifications.
6. **Compliance** - Failure to comply with the instructions and/or specifications of the Department of Public Works can result in the following:
  - a. a “Stop Work Order” and/or fine each day the violation exists; and/or,
  - b. an injunction, mandamus, abatement, or other appropriate action shall be instituted.

**B. CONSTRUCTION SEQUENCE AND SPECIAL PROVISIONS**

1. **Construction Stakeout** - A stakeout of the proposed constructions shall be performed by a duly authorized and certified Professional, licensed in the State of Rhode Island.
2. **Erosion and Sediment Control** - Prior to any grading, all sediment and erosion control measures shall be installed as required by the approved sediment and erosion control plans signed as submitted to the Town of Hopkinton as specified in the *Storm Water Design and Installation Standards Manual*, December 2010 or latest revision, and maintained until permanent stabilization of areas is achieved. The contractor will be required to follow all instructions from the appropriate authority.
3. **Clearing and Grubbing** – The entire right-of-way and easements as shown on the plat shall be cleared and grubbed to the proposed limits of disturbance, and all trees, root systems, stumps, bushes, debris, and other unsuitable material shall be removed and disposed of. Healthy trees within the right-of-way may be left standing provided they are not more than five feet from the right-of-way line.
4. **Drainage Structures** - The Applicant shall notify the Director of Public Works a minimum of 48 hours prior to the installation of drainage structures. Installation inspections shall include, but not be limited to, foundations, bedding, grade, alignment, structure size, length, backfill, compaction, cover, end treatments, etc. Drainage structures will be approved prior to backfilling. Drainage structures shall be certified for size, gauge, and/or class.
5. **Grading** - The grading of right-of-way and easement areas is to be done according to the limits and grades as shown on the approved plans.
6. **Temporary Stabilization** - All disturbed areas of the right-of-way and easements are to be temporarily stabilized after initial grading.
7. **Subgrade Stakeout** - The proposed roadway shall be staked out for line and grade of subgrade.
8. **Grading for Subgrade** - Roadway, shoulders, ditches, and slopes are to be excavated to subgrade elevation, alignment, and cross-section.
9. **Utility Installation** - All underground utilities such as water, sewer, telephone, electric, gas, cable TV, etc. and/or conduits are to be installed.
10. **Subgrade Inspection** - The Applicant shall notify the Department of Public Works a minimum of 48 hours in advance to schedule an inspection, after procedures numbers one through nine have been completed. The inspection shall include, but shall not be limited to, the following:
  - a. Proof-roll of subgrade with a loaded 20-ton dump truck;
  - b. Road, shoulder, ditch, and slope cross-section and profile;
  - c. Length of roadway; and
  - d. Sight distance.

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

11. **Gravel Base** - Upon written notification, gravel base material shall be installed to the limits of the roadway and shoulders.
12. **Gravel Base Inspection** - The Applicant shall notify the Department of Public Works a minimum of 48 hours in advance to schedule inspection. Inspection is to include, but not be limited to, the following:
  - a. Written copies of the results of the lab conducted SEIBE test and results from the Nuclear Density test, performed by a third-party inspector, which must comply with the RIDOT *Standard Specifications for Road and Bridge Construction*, 301.03.1 and 301.03.2.
  - b. Depth of granular base material;
  - c. Length of granular base;
  - d. Width of granular base; and,
  - e. Proof-roll of granular base with a loaded 20-ton dump truck.
13. **Concrete Curb** - Concrete curb is to be placed on a granular base material. Forms will be inspected for line and grade. Area to receive concrete curb shall be proof rolled with a loaded 20-ton dump truck. Concrete curb shall have the following:
  - a. Full depth template contraction joints every ten feet or one-half depth, and expansion joints every 30 feet.
  - b. Slip-form concrete curb and gutter shall have “dummy” joints every ten feet and a full depth expansion joint with expansion material every 100 feet. Expansion joint material shall be placed at tie-ins to rigid structures and for continuation of previously constructed concrete curb and gutter.
14. **Permanent Stabilization** - Topsoil (4” depth minimum), seed, fertilize and mulch all areas and easements outside of shoulder limits. Seed to be residential seed mix at the rate of two and one-half pounds per 1,000 square feet. Rip-rap, sod, curlex, etc. are to be placed in accordance with the approved plans.
15. **Traffic Control Signs** - Stop signs and street signs are to be permanently installed at all intersecting roads. Stop signs are to be High Intensity Prismatic. Minimum size is 30 inches, unless otherwise indicated. Public Street Name signs to be High Intensity Prismatic on Extruded Aluminum, color is to be green with white letters (6” upper case letters and 4” lower case letters on 9” plates), and signs must have appropriate upper- and lower-case lettering. Sign posts, speed limit and other traffic control signs shall be installed as required by the Department of Public Works or his designee. All street signs must conform to the latest edition of MUTCD. Signs must be installed prior to base asphalt paving.
16. **Pavement Markings** – Markings shall be in accordance with the approved construction plans. All transverse markings, such as crosswalks and stop lines, as well as symbols and words, shall be 125 mil thermoplastic material.
17. **Stakeout for Asphalt Base Course** - Construction stakeout for asphalt base course is required. Stakes are to be placed at 50-foot intervals on tangents and at 25-foot intervals on curves. Radii are to be staked and radii reference points are to be staked. Stakes shall be two feet off of edge of pavement.

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

18. ***Fine Grade Inspection*** – The Applicant’s representative shall notify the Department of Public Works a minimum of 48 hours in advance to schedule inspection. Inspection of granular base shall consist of, but not be limited, to the following:
- a. Granular base cross-section;
  - b. Compaction - proof-roll with a loaded 20-ton dump truck;
  - c. Visual inspection of granular material – too dry, too wet, too sandy, etc.;
  - d. Verification of the construction stakeout.
19. ***Base Course Asphalt*** - Base course asphalt may be placed only upon written notification, provided there has been no change to field conditions since the previous inspection. The Applicant’s representative shall notify the Department of Public Works a minimum of 48 hours in advance to schedule inspection of base course paving. Base course asphalt shall comply with RIDOT *Standard Specifications for Road and Bridge Construction*, Part 400, Bituminous Asphalt. The inspection shall include, but not be limited to, the following:
- a. An Inspector must be present during placement of the paving;
  - b. Equipment is to be checked by the Town Inspector prior to starting and during paving operations. If equipment is not functioning properly, the operation shall cease and repairs made and/or equipment removed from job and replaced;
  - c. The Applicant’s representative is to have sufficient manpower, tools, proper working equipment, traffic control and supply of material to properly complete the work. Two, 4–6-ton rollers are required. Paver shall be equal to a Blaw Knox 115-minimum, eight-foot screed with bolt-on, or extending screed;
  - d. Paving boxes shall not be allowed. The Inspector shall be the sole judge of what is or is not acceptable;
  - e. Temperature of material in truck and paver will be checked. Material temperature shall not be above 325 degrees Fahrenheit or below 225 degrees Fahrenheit;
  - f. All truckloads of bituminous concrete shall be covered;
  - g. Contaminated, segregated, cold, burnt, dry and/or wet mixtures will be rejected;
  - h. Loose material shall be removed from surface to be paved;
  - i. Lanes will be checked for cross-slope, alignment, width, length, radii, joints, depth and condition of finished mat;
  - j. Paving tickets for job shall be submitted;
  - k. Owner’s representative to supply equipment, personnel and material to cut and repair core samples if required;
  - l. All cold joints shall be tacked, and heels cut as directed;
  - m. The ambient air and surface temperature at time of placement of asphalt is to be at least 40 degrees Fahrenheit. Pavement shall not be started at any time temperature is predicted to go below 40 degrees Fahrenheit during the period paving is to be accomplished. The surface upon which asphalt is to be placed is to be clean and dry;

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

- n. The Contractor shall supply sufficient material and coordinate the rate of placement of material with the rate of delivery of material so as to keep time between loads at a minimum and to make the paving operation as continuous as possible. If the paver sits in one position any longer than 15 minutes, and/or the material temperature drops below 225 degrees Fahrenheit, the paver shall be removed from the road and a new joint will be cut prior to resuming paving operation, cold material will be removed from site. In-place compaction shall be completed before the mixture cools to a temperature below 225 degrees Fahrenheit. Any areas of material not rolled before the mix temperature drops below 225 degrees Fahrenheit shall be removed as directed by the Inspector;
20. ***Shoulder Adjustment*** - Shoulders are to be adjusted to base course asphalt within five working days after completion of base course asphalt.
- a. Topsoiled shoulders may be permanently stabilized at this time if surface course to be placed is one- and one-half inches or less in depth. If depth of surface asphalt course is in excess of one- and one-half inches, further adjustment shall be required.
  - b. Gravel shoulders shall be adjusted to base course and compacted and then adjusted to finished grade within five working days of completion of final asphalt course.
21. ***Surface Course Asphalt*** - Surface course asphalt shall comply with the 1982 SHA specifications for SN and 1993 specifications for SF and SC.
- a. No surface course asphalt shall be placed sooner than seven days after placement of the base asphalt course.
  - b. Inspection for placement of surface course asphalt shall be scheduled by the Applicant's representative a minimum of 48 working hours in advance of proposed
- ARTICLE XVII – DESIGN & PUBLIC IMPROVEMENT STANDARDS
- paving date. All previous items numbered 1 through 19 shall have been completed. Inspection procedures shall be those used for base course asphalt. Base course asphalt shall be tacked at a rate between .01 and .05 gallons per square yard. All cold joints shall be tacked. Tie-ins for existing entrances shall be made during surface course asphalt operations.
22. ***Completion of Paving*** – At the completion of paving and all necessary roadside work, all catch basins must be cleaned of all sediment, pavement and any other construction debris.
23. ***Field Changes and Alterations to Construction Plans*** - Any proposed field revisions to approved plans and profiles shall be submitted to the Director of Public Works for approval. For DPW directed field modifications, the Town Inspector shall clearly denote same on the Inspector's Copy of the approved plans by circling the revision in red and dating same.
24. ***Final Inspection***
- a. Final approval of construction work under any permit shall be given by the Director of Public Works once that work conforms in all aspects with the permit and plan. Attachment A shall be completed by the Public Works Director to recommending acceptance of the roadway.

## Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

- b. Requests for final inspections shall be submitted in writing.
  - c. Permanent stabilization shall be complete with a satisfactory stand of grass.
- 25. **Acceptance** - Actual acceptance into the Town of Hopkinton's Highway Maintenance System for perpetual maintenance shall be in accordance with the provisions of the *Streets Ordinance*, and only by the Town Council, upon the Director of Public Works' final approval. The applicant shall comply with all requirements of the Director of Public Works pertaining to public safety and the avoidance of unnecessary inconvenience to the public during construction and compliance with the specifications.

### 17.11 APPENDICES

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**Appendix A**

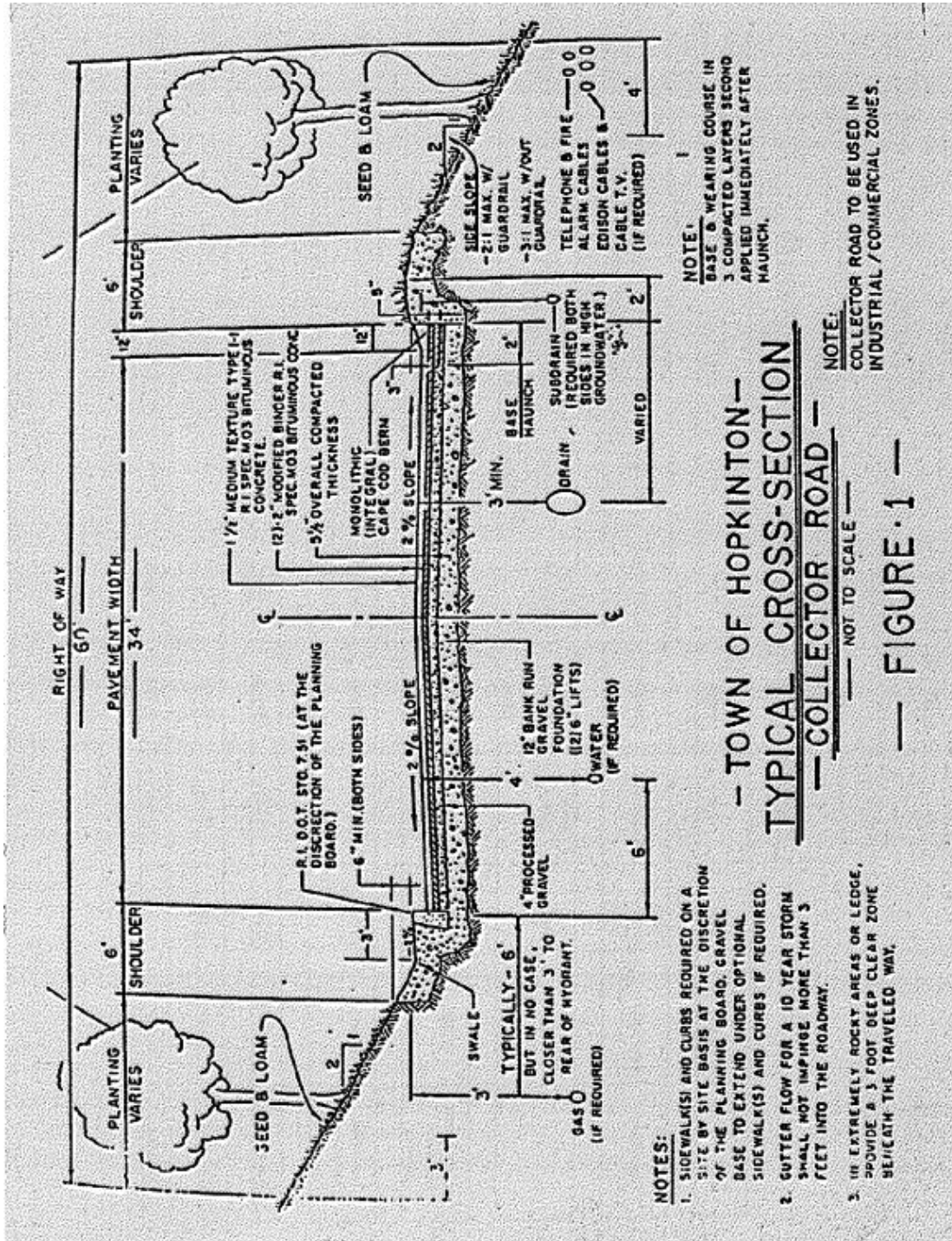
**Table 1. Pavement and Right-of-Way Dimensions Along Roadways, Cul-de-Sacs and at Entrances**

	"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"	Road Intersection	Road Intersection
Type of Road	Road R.O.W.	Road Pavement	Cul-de-Sac	Cul-de-Sac	Hammerhead	Hammerhead	Cul-de-Sac Fillet	Cul-de-Sac Fillet	Fillet Radius	Fillet Radius
	Width	Width	R.O.W. Radius	Outside Pavement Width	R.O.W. Radius	Pavement Radius	Radius @ R.O.W	Radius @ Pavement	at R.O.W.	at Pavement
Common Access Driveways (private)	30 feet	15 feet	n/a	n/a	n/a	n/a	n/a	n/a	12.5 feet	20 feet
Residential Compound (private)	50 feet	20 feet	50 feet	40 feet	30 feet	45 feet	10 feet	25 feet	25 feet	40 feet
Local ≤ 8 Lots	50 feet	22 feet	60 feet	42 feet	30 feet	44 feet	11 feet	25 feet	25 feet	39 feet
Local > 8 Lots	50 feet	24 feet	60 feet	46 feet	35 feet	47 feet	13 feet	25 feet	25 feet	37 feet
Collector	60 feet	34 feet	65 feet	54 feet	n/a	n/a	17 feet	30 feet	30 feet	42 feet



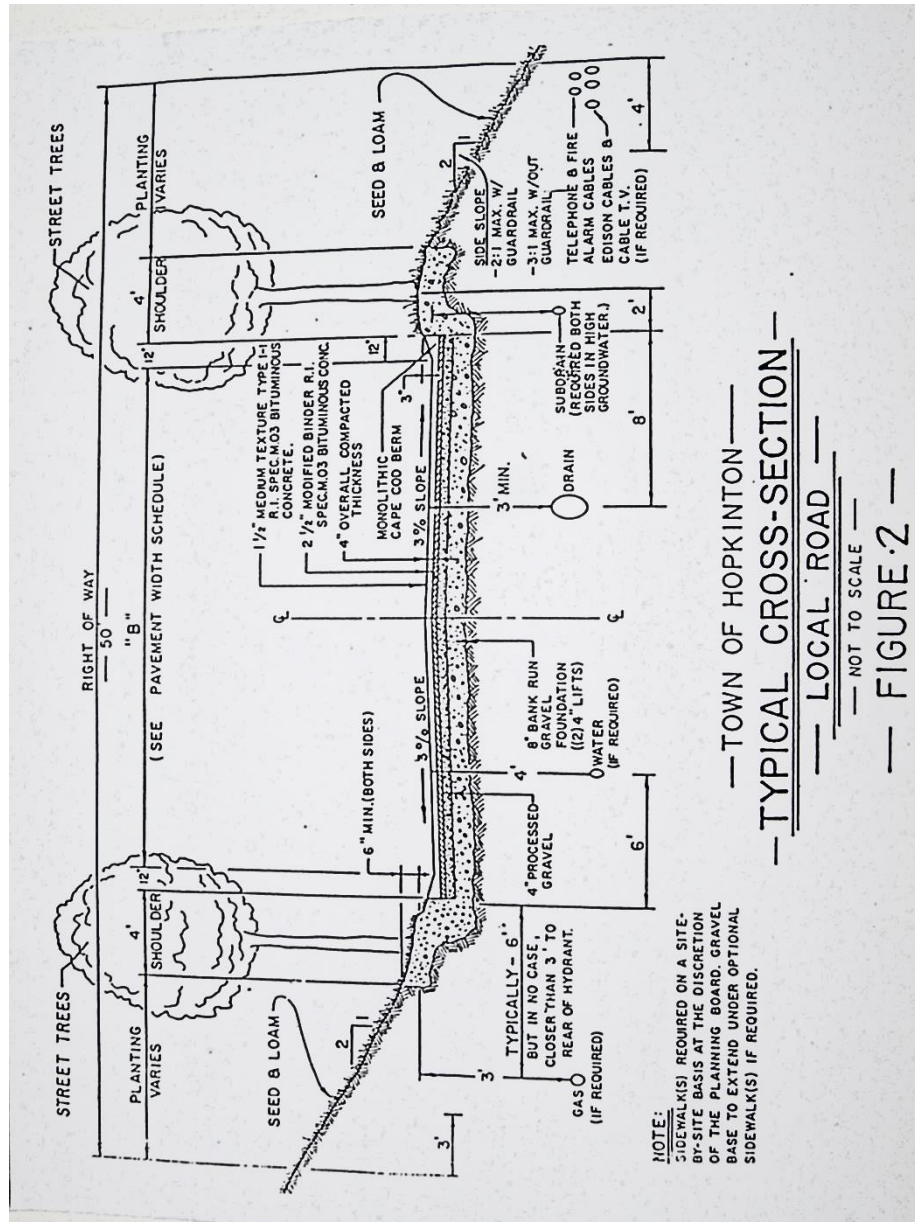
## Appendix A

**Figure 1. Typical Cross Section – Collector Road – Public**



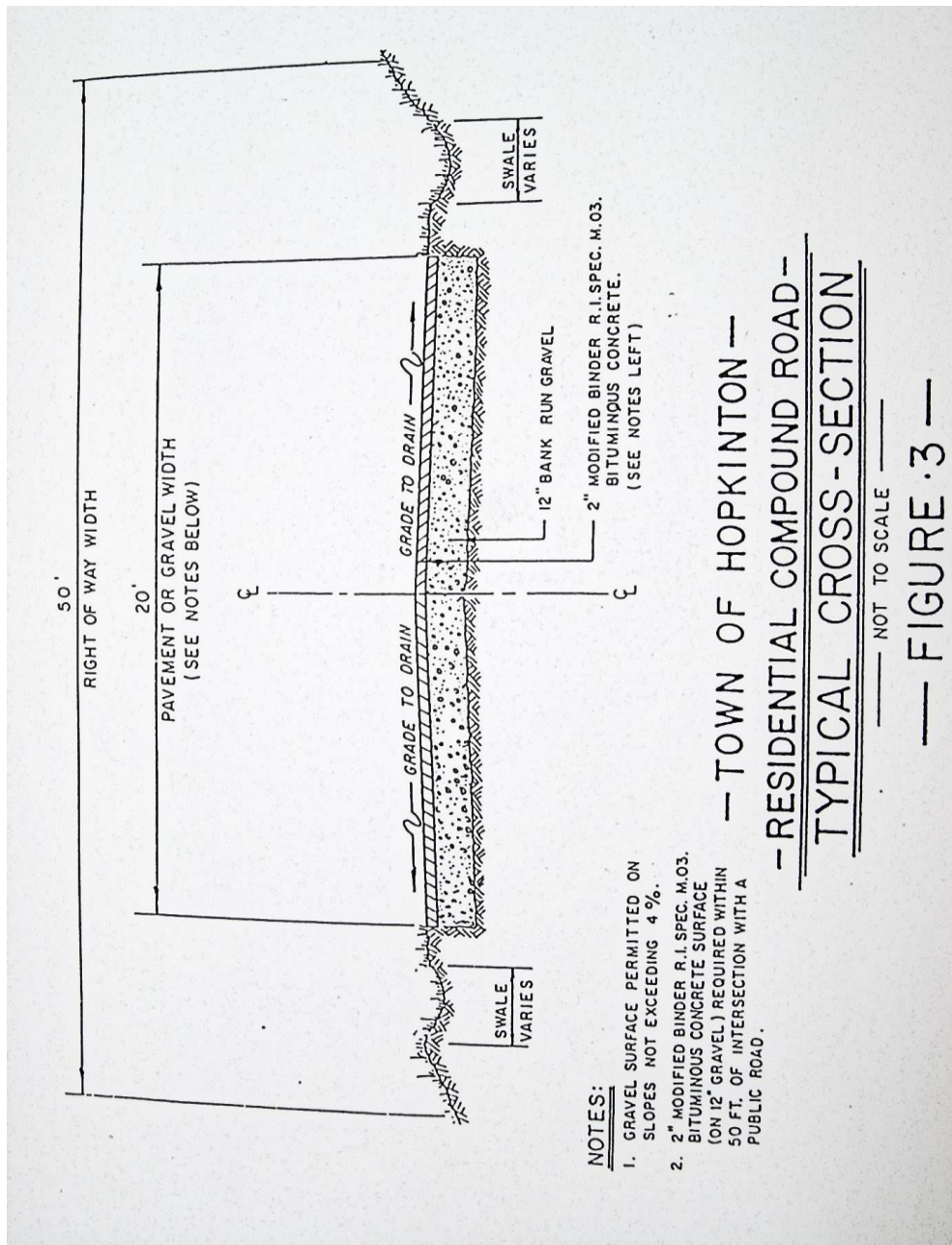
## Appendix A

**Figure 2. Typical Cross Section – Local Road - Public**



## Appendix A

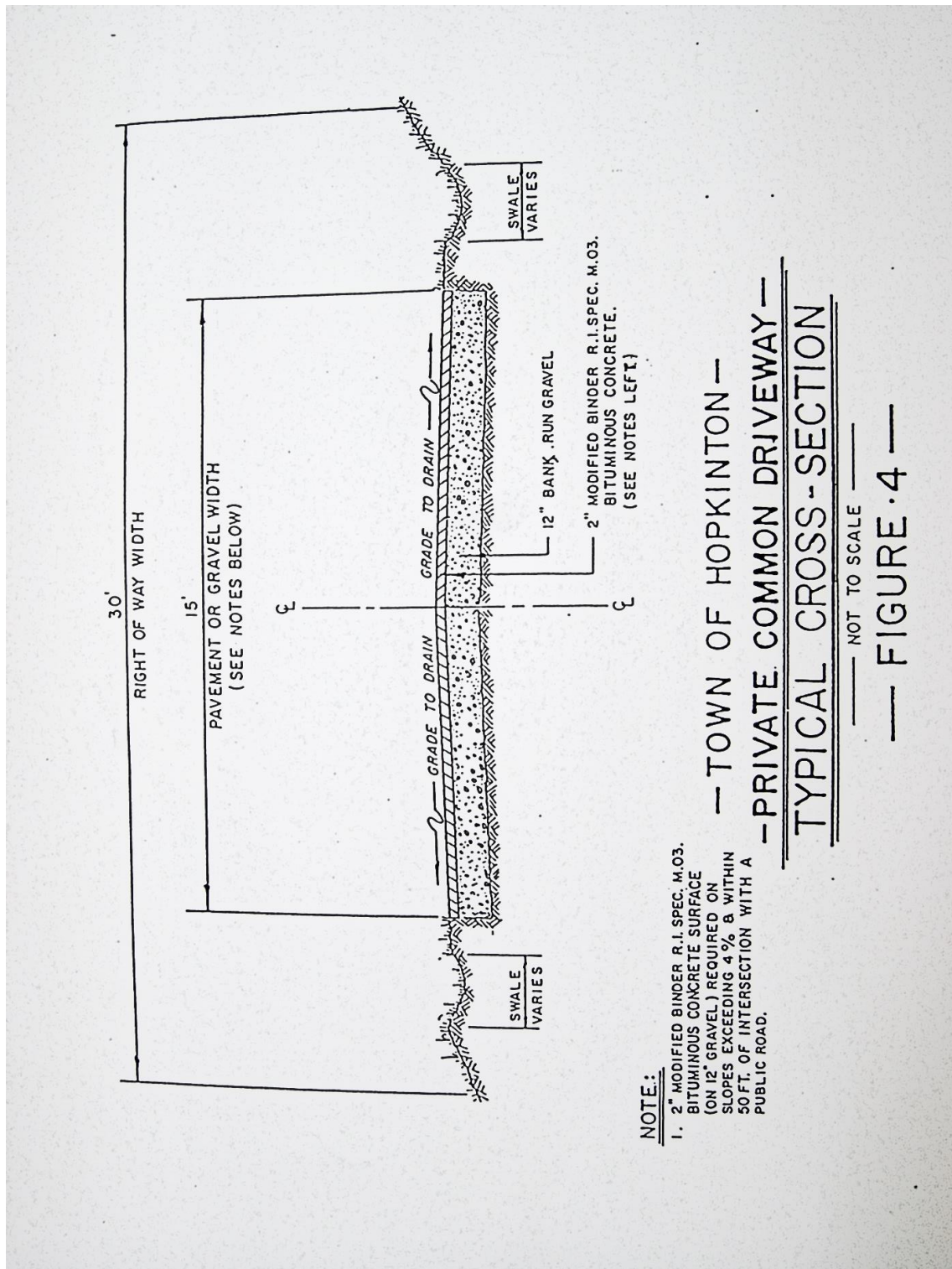
Figure 3. Typical Cross Section – Residential Compound Pavemented - Private





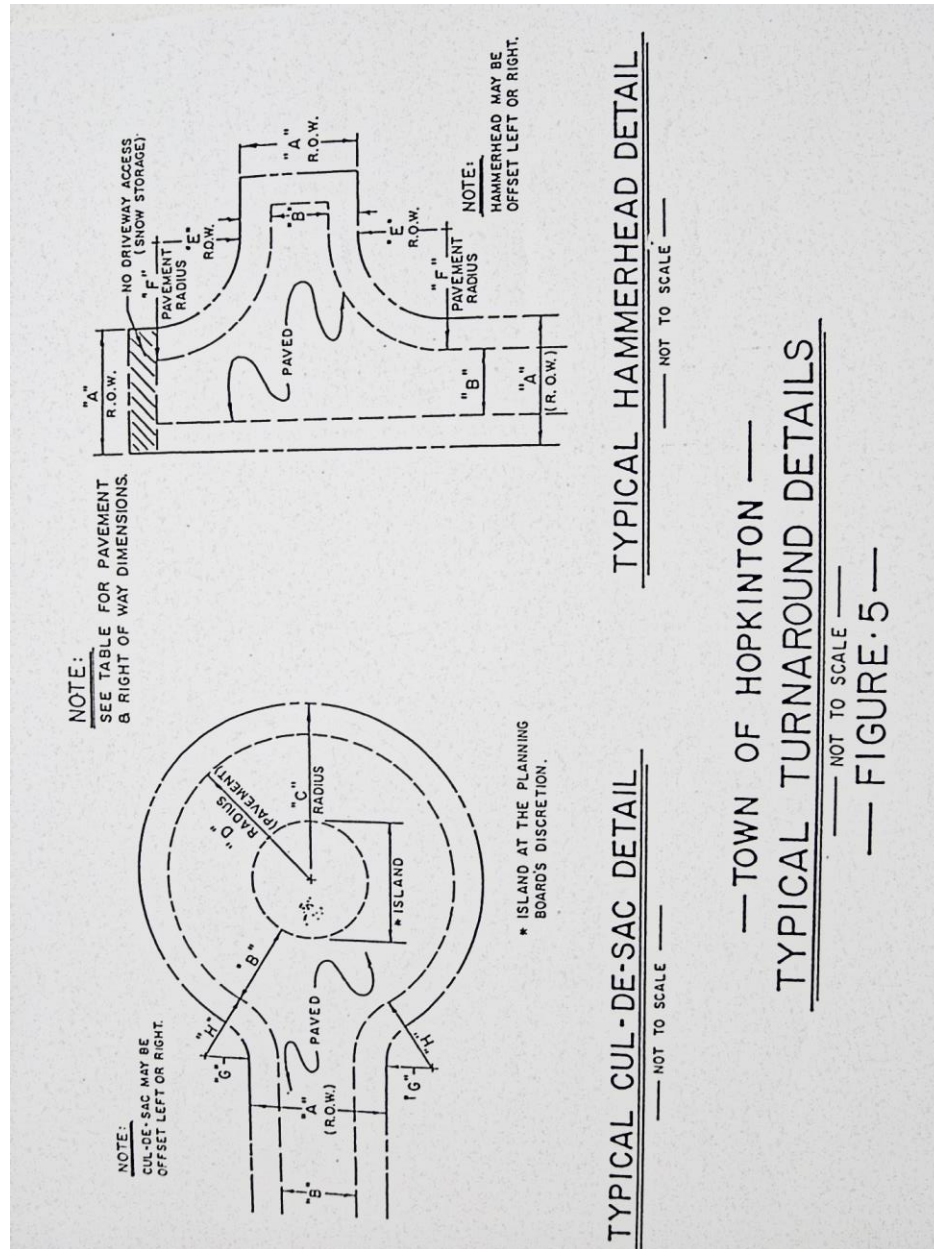
## Appendix A

Figure 4. Typical Cross Section – Private Driveway



## Appendix A

### Figure 5. Typical Turnaround Details





**Appendix B. Figure 1**

**Hopkinton Public Works Department  
395 Woodville Road  
Hopkinton, Rhode Island 02833  
(401) 377-7790**

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**PRECONSTRUCTION MEETING**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

**Present at Meeting**

TOWN REPRESENTATIVES	DEVELOPER	OTHERS

General Topics Discussed:

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Possible Problems:

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Comments:

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**Appendix B - Figure 2**



**Hopkinton Public Works Department  
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**CLEARING SUBGRADE AND UTILITY INSPECTION**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Approve	Reject	
		Clearing limits clearly staked out
		Sub grade surface of proper material and free of debris, stones, limbs, roots ,etc.
		Bedding for utilities and drainage of proper material and compaction
		Copy of delivery ticket for drainage components to verify proper size, gauge and/or class
		Drainage system and underground utilities properly installed and approved before back filling
		Sub grade properly staked out
		Check to make sure erosion control plan is being followed

Reason for any Rejection:

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Additional Comments:

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Director of Public Works:

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Appendix B - Figure 3



**Hopkinton Public Works Department**  
**395 Woodville Road**  
**Hopkinton, Rhode Island 02833**  
**(401) 377-7790**

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**GRAVEL SUB BASE INSPECTION**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Approve	Reject	
		Observe installation of material for sub base
		Surface of proper material
		Check for proper compaction of roadbed and where curbing is to be installed
		Check for proper depth of material
		Proper grade
		Check for proper slopes, ditches, and easement areas as per plan

Reason for any Rejection:

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Additional Comments:

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Director of Public Works:

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Appendix B - Figure 4



**Hopkinton Public Works Department**  
**395 Woodville Road**  
**Hopkinton, Rhode Island 02833**  
**(401) 377-7790**

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**GRAVEL BASE COURSE INSPECTION**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Approve	Reject	
		Observe installation of material for Gravel Base Course
		Surface of proper material
		Check for proper compaction
		Check for proper depth
		Proper fine grade and line inspection
		Proof rolling
		Receive copy of density test
		Stakeout of base asphalt course

Reason for any Rejection:

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Additional Comments:

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Director of Public Works:

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Appendix B - Figure 5



**Hopkinton Public Works Department**  
**395 Woodville Road**  
**Hopkinton, Rhode Island 02833**  
**(401) 377-7790**

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**ASPHALT BASE COURSE INSPECTION (BINDER)**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Approve	Reject	
		Air temperature within range for application of asphalt
		Check for proper compaction
		Check for proper depth
		Asphalt temperature within proper range
		Adequate equipment and manpower at site to perform job satisfactorily
		Town approved inspector on site during paving
		Asphalt load tickets in file and quantities verified

Reason for any rejection:

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Additional comments:

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Director of Public Works:

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Appendix B - Figure 6



**Hopkinton Public Works Department**  
**395 Woodville Road**  
**Hopkinton, Rhode Island 02833**  
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**ASPHALT FINISH COURSE INSPECTION (TOPCOAT)**

DEVELOPMENT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Approve	Reject	
		Air temperature within range for application of asphalt
		Check for proper compaction
		Check for proper depth
		Asphalt temperature within proper range
		Adequate equipment and manpower at site to perform job satisfactorily
		Town approved inspector on site during paving
		Asphalt load tickets in file and quantities verified

Reason for any Rejection:

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Additional Comments:

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Director of Public Works:

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Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

17.12 ATTACHMENT A – FINAL INSPECTION CHECKLIST FOR ROADWAY CONSTRUCTION

Name of Subdivision \_\_\_\_\_ Section \_\_\_\_\_ Phase \_\_\_\_\_

**PART I.** At a minimum, the following items shall be certified by the Department of Public Works as having been satisfactorily performed and completed in accordance with the *Subdivision Road Construction Standards and Inspection Procedures*, prior to scheduling a development project for a Final Inspection:

- \_\_\_ 1. Clearing limits verified
- \_\_\_ 2. Gravel base inspection completed
- \_\_\_ 3. Grading of slopes, ditches and easement areas as per plan (modifications noted)
- \_\_\_ 4. Sub-grade stake-out and inspection completed
- \_\_\_ 5. Need for under-drains properly evaluated
- \_\_\_ 6. Installation of utility conduit(s) at road crossings
- \_\_\_ 7. Gravel samples taken 1/1000' of roadway
- \_\_\_ 8. Granular base material sampling witnessed, and test results accepted
- \_\_\_ 9. Proof rolling properly performed
- \_\_\_ 10. Fine grade Inspection
- \_\_\_ 11. Receipt of acceptable asphalt sampling results from lab
- \_\_\_ 12. Asphalt placement and compaction approved
- \_\_\_ 13. Delivery of piping (approval stamps verified)
- \_\_\_ 14. Trenching, bedding and compaction (compacted fill density) accepted
- \_\_\_ 15. A written copy of the Nuclear Density test
- \_\_\_ 16. A written copy of the lab conducted SIEBE test
- \_\_\_ 17. Stakeout of base course asphalt
- \_\_\_ 18. Asphalt load tickets in file and quantities verified
- \_\_\_ 19. Drainage structures approved prior to backfilling
- \_\_\_ 20. Inspector present during paving operations
- \_\_\_ 21. Structures certified as to size, gauge and/or class
- \_\_\_ 22. Temperatures for paving monitored and approved

Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

**ATTACHMENT A – FINAL INSPECTION CHECKLIST FOR ROADWAY CONSTRUCTION (cont.)**

- \_\_\_23. Asphalt box samples witnessed @ 1 per 1000' of roadway per day
- \_\_\_24. Form inspection(s) for line and grade
- \_\_\_25. Gravel base depth and compaction for curbing
- \_\_\_26. Sidewalk width, separation, length and ADA ramp compliance
- \_\_\_27. Concrete samples taken and acceptable test results in file
- \_\_\_28. All catch basins have been cleaned of sediment, pavement, and construction debris
- \_\_\_29. Reinforcing requirements, if any
- \_\_\_30. Positive grade verified and areas of ponding water addressed
- \_\_\_31. Daily records and reports have been kept up-to-date w/ photographs as required

**CERTIFIED AS COMPLETE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Article XVII – DESIGN AND PUBLIC IMPROVEMENT STANDARDS

ATTACHMENT A – FINAL INSPECTION CHECKLIST FOR ROADWAY CONSTRUCTION (cont.)

Name of Subdivision \_\_\_\_\_ Section \_\_\_\_\_ Phase \_\_\_\_\_

**PART II.** At a minimum, the following items shall be re-evaluated at the time of final inspection for adequacy and acceptability and shall be certified by the Public Works Director as having been satisfactorily performed and completed in accordance with the *Subdivision Road Construction Standards and Inspection Procedures* prior to recommendation for acceptance of the roadway:

- \_\_\_ 1. Copy of approved construction and sediment control plans on-site
- \_\_\_ 2. Design errors addressed & field changes red-lined on the Inspector's plans
- \_\_\_ 3. Assessment of possible future maintenance issues by Director or Public Works
- \_\_\_ 4. Concentrated flow directed into easements as shown on plans
- \_\_\_ 5. Handling of drainage into or altered path of over-lot drainage
- \_\_\_ 6. Status of bonding (extension, reduction or release)
- \_\_\_ 7. Stabilization established within roadway construction disturbance limits
- \_\_\_ 8. Prior punch-list items adequately addressed
- \_\_\_ 9. Stop and street signs properly installed (height, color, size, placement) and inventory form completed
- \_\_\_ 10. Other warning, regulatory and guide signs installed
- \_\_\_ 11. Shoulder areas adjusted, stabilized and free from rutting
- \_\_\_ 12. Adequacy of outlet works and out-falls, evidence of standing water
- \_\_\_ 13. Line striping and / or pavement markings
- \_\_\_ 14. Installation and condition of landscaping and streetscaping
- \_\_\_ 15. Sediment control measures removed
- \_\_\_ 16. All catch basins have been cleaned of sediment, pavement, and construction debris
- \_\_\_ 17. Sidewalk ADA accessibility provisions
- \_\_\_ 18. Overall condition of improvements and rideability of pavement surface
- \_\_\_ 19. Road and Culvert Inventory completed for submission to Department of Public Works

**CERTIFIED AS COMPLETE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

### 17.13 AS BUILT DRAWINGS

Upon completion of construction of all required improvements for public streets and before the maintenance bond is accepted, the developer shall furnish two sets of transparent mylar as built drawings of required improvements to the Town Planner. The drawings shall accurately show all features listed below as designed on approved subdivision plans and as actually built and constructed in the field so that all features can be located by public and private agencies:

#### A. Department of Public Works

##### 1. *Accurate horizontal and vertical locations of:*

- a. all roads, walks and utilities within the street right-of-way
- b. all catch basins, retention and/or detention basins, manholes and pipeline shutoff valves; all overhead utility poles or underground power, telephone, cable TV and fire alarm cables and boxes
- c. all street lines (3 level profile) and spot driveway elevations at street right-of-way lines and at street center lines opposite driveways

##### 2. *Accurate monumentation*

- a. all horizontal changes in direction on both sides of subdivision streets
- b. concrete/granite monuments must be no less than 30 inches in length, approximately four inches square and installed at points indicated on record plat

##### 3. *Plans*

- a. plans must be drawn to scale as required for Final subdivision plans, including title, revision date and reference notes
- b. plans must contain Professional land Surveyor's certification that all horizontal and vertical locations are accurate
- c. plans must contain Professional Engineer's certification that all systems, including roads and utilities, were installed as designed and approved with exceptions noted



## ARTICLE XVIII - APPLICATIONS AND FORMS

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## Hopkinton Planning Department

RHODE ISLAND

### 18.1 APPLICATION FOR LAND DEVELOPMENT AND SUBDIVISION OF LAND

**APPLICANTS FOR SUBDIVISION:** Fill out only (1) below if property owner is same as applicant. Fill out (1) and (2) below if applicant is other than property owner.

(1) I, \_\_\_\_\_, hereby certify that I am the owner of property, designated as Plat(s) \_\_\_\_\_, Lot(s) \_\_\_\_\_, as shown on the Town of Hopkinton Tax Assessor's Maps.

(2) I hereby authorize the application for subdivision by \_\_\_\_\_ to be  
(name of applicant or agent)  
submitted to the Planning Department of the Town of Hopkinton for review and decision by the Planning Board.

WITNESS its name this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BY: \_\_\_\_\_  
(Signature of Owner)

#### STATE OF RHODE ISLAND

County of \_\_\_\_\_

In \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, before me personally

appeared \_\_\_\_\_ to me known and known by me to the  
(name)

party executing the foregoing instrument and acknowledged said instrument, by him/her executed, to be his free act and deed as,

\_\_\_\_\_  
(Individual, Corporation, Trustee, Partnership, Non-Profit, etc.)

Seal

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**Hopkinton Planning Department**

**RHODE ISLAND**

**18.2 APPLICATION NOTIFICATION LIST**

Please list the **Name, Address, Phone Number and Contact Person** of each of the following who will represent your application and **note with \*** whether notification of meetings/actions is required. The list is necessary to the Planning Department for proper notification of your application.

Project Name \_\_\_\_\_ Date \_\_\_\_\_

Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Applicant(s) \_\_\_\_\_

\_\_\_\_\_

Owner(s) \_\_\_\_\_

\_\_\_\_\_

Engineer \_\_\_\_\_

\_\_\_\_\_

Land Surveyor \_\_\_\_\_

\_\_\_\_\_

Architect \_\_\_\_\_

\_\_\_\_\_

Landscape Architect \_\_\_\_\_

\_\_\_\_\_

Attorney \_\_\_\_\_

\_\_\_\_\_

Other Representatives Requiring Notification \_\_\_\_\_

\_\_\_\_\_

**Owner's Certification**

I hereby certify that I have authorized the above-listed representatives to act on my behalf, and to prepare all required documentation in support of this Application; that such documentation is in accordance with the *Hopkinton Zoning Ordinance* and the *Hopkinton Land Development & Subdivision Regulations*; and, that such documentation is true, accurate and complete to the best of my knowledge.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*



**Hopkinton Planning Department**

**RHODE ISLAND**

**18.3 RECORDING CHECKLIST**

**INSTRUCTIONS:** This form will be completed by the Planning Department. The original must be provided to the Town Clerk's office when recording mylars in the Land Evidence Records. The following supporting materials shall also be recorded with the mylars, unless otherwise indicated. This form, however, need not be recorded.

Name of Development Project \_\_\_\_\_

\_\_\_ 1. Public Right of Way Deed(s) \_\_\_\_\_

\_\_\_ 2. Deeds for other facilities to be conveyed to the Town \_\_\_\_\_

\_\_\_ 3. Drainage Easements \_\_\_\_\_

\_\_\_ 4. Conservation Easements \_\_\_\_\_

\_\_\_ 5. Declaration of Restrictive Covenants \_\_\_\_\_

\_\_\_ 6. Homeowners' Association Documents \_\_\_\_\_

\_\_\_ 7. Other Documents \_\_\_\_\_

\_\_\_ 1. Dates of Approval:

\_\_\_ Master Plan \_\_\_\_\_

\_\_\_ Preliminary Plan \_\_\_\_\_

\_\_\_ Final Plan \_\_\_\_\_

\_\_\_ Other \_\_\_\_\_

\_\_\_ 2. Bond in the amount of \$ \_\_\_\_\_

Performance Bond # \_\_\_\_\_

Bank Certified Check # \_\_\_\_\_

\_\_\_ 3. Inspection Fees in the amount of \$ \_\_\_\_\_

\_\_\_ 4. Stenographer and Advertising Fee Reimbursement in the amount of \$ \_\_\_\_\_

\_\_\_ 5. Other Information/Documents \_\_\_\_\_

**Reviewed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**Hopkinton Planning Department**

**RHODE ISLAND**

**18.4 SIGNATURE BLOCKS**

**FOR LAND EVIDENCE RECORDS:**

<p style="text-align: center;"><i>RECEIVED FOR RECORD</i></p> <p style="text-align: center;"><i>HOPKINTON, Rhode Island _____, 20 ____</i></p> <p style="text-align: center;"><i>AT _____ O'CLOCK __M,</i></p> <p style="text-align: center;"><i>AND</i></p> <p style="text-align: center;"><i>RECORDED IN BOOK NO. _____ PAGE _____ OF</i></p> <p style="text-align: center;"><i>THE LAND EVIDENCE RECORDS</i></p> <p style="text-align: center;">_____ <i>WITNESS TOWN CLERK</i></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**FOR THE PLANNING BOARD:**

<p style="text-align: center;"><i>APPROVED BY THE HOPKINTON PLANNING BOARD</i></p> <p style="text-align: center;">_____ <i>CHAIRMAN</i></p> <p style="text-align: center;">_____ <i>DATE</i></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**FOR THE ADMINISTRATIVE OFFICER:**

<p style="text-align: center;"><i>APPROVED BY THE ADMINISTRATIVE OFFICER</i></p> <p style="text-align: center;">_____ <i>ADMINISTRATIVE OFFICER</i></p> <p style="text-align: center;">_____ <i>DATE</i></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Town of Hopkinton E911 Coordinator 395 Woodville Road Hopkinton RI 02833 401-377-7771</b></p>
---------------------------------------------------------------------------------------------------------------------



## Hopkinton Planning Department

RHODE ISLAND

### 18.5 APPLICATION FOR PROPOSED STREET NAME

Date \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Property Owner(s) \_\_\_\_\_

Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Subdivision Name \_\_\_\_\_

Proposed Street Name(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nearest Cross Street(s) \_\_\_\_\_

\_\_\_\_\_

Please describe street: (Thru street, cul-de-sac, private road etc.) \_\_\_\_\_

Fire District: Hope Valley/Wyoming \_\_\_\_\_ Ashaway \_\_\_\_\_

Mailing District: Hope Valley \_\_\_\_\_ Ashaway \_\_\_\_\_ Bradford \_\_\_\_\_ Hopkinton \_\_\_\_\_

Wood River Junction \_\_\_\_\_ Wyoming \_\_\_\_\_

DO NOT WRITE BELOW LINE

\_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Plan Submitted: \_\_\_\_\_

Approved By: \_\_\_\_\_

Comments:

\_\_\_\_\_

\_\_\_\_\_



Hopkinton Planning Department

RHODE ISLAND

**18.6 ADMINISTRATIVE SUBDIVISION AUTHORIZATION FORM**

Date \_\_\_\_\_

This is a statement of acknowledgement in reference to an Administrative Subdivision being proposed, and which will impact our property.

I / We, \_\_\_\_\_, attest that I/we are the owners of  
*Name of Owner(s)*

Assessor's Plat(s) \_\_\_\_\_, Lot(s) \_\_\_\_\_ at \_\_\_\_\_;  
*Address*

That I / we have reviewed the project at Assessor's Plat(s) \_\_\_\_\_, Lot(s) \_\_\_\_\_,

dated \_\_\_\_\_, and the application package dated \_\_\_\_\_, for this

Administrative Subdivision, that I / we concur with the content of those documents, and authorize the modifications depicted thereon.

\_\_\_\_\_  
*Signature(s)*

COUNTY OF \_\_\_\_\_

In the STATE OF \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

before me personally appeared \_\_\_\_\_

each and all known, and known by me to be the party(ies) executing the foregoing instrument, and said

\_\_\_\_\_ acknowledged said instrument, be them executed to be his/her/their free act and deed.

\_\_\_\_\_  
Notary Public

Seal

My Commission Expires: \_\_\_\_\_



## Hopkinton Planning Department

RHODE ISLAND

### 18.7 OWNER AUTHORIZATION FORM FOR SUBDIVISION

Project Name \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

**APPLICATIONS FOR SUBDIVISION:** Fill out *only* (1) below if property owner is same as applicant. Fill out (1) *and* (2) below if applicant is other than property owner.

(1) I, \_\_\_\_\_, hereby certify that I am the owner of  
(name of owner)

property designated as Plat(s) \_\_\_\_\_, Lot(s) \_\_\_\_\_, as shown on the Town of Hopkinton Tax Assessor's maps.

(2) I, \_\_\_\_\_, hereby authorize the application for  
(applicant)

subdivision by \_\_\_\_\_, to be submitted to the  
(name of applicant or agent)

Planning Department of the Town of Hopkinton for review and decision by the Planning Board.

WITNESS its name this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BY \_\_\_\_\_  
(signature of owner)

STATE OF \_\_\_\_\_

County of \_\_\_\_\_

In \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally

appeared \_\_\_\_\_ to me known and known to me to be the party  
(name)

executing the foregoing instrument and acknowledged said instrument, by him, her executed, to be his free act and deed.

\_\_\_\_\_  
(Individual, Corporation, Trustee, Partnership, Non-profit, etc.)

\_\_\_\_\_  
Notary Public

Seal

My Commission Expires \_\_\_\_\_



## Hopkinton Planning Department

RHODE ISLAND

### 18.8 COMPREHENSIVE PERMIT ELIGIBILITY APPLICATION

Name of Project: \_\_\_\_\_ Plat(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

**Project Type:**

Minor Subdivision \_\_\_\_\_  
Major Subdivision \_\_\_\_\_  
Minor Land Development \_\_\_\_\_  
Major Land Development \_\_\_\_\_

**Applicant/Project Engineer contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

**Project Checklist** (in addition to any Land Development and Subdivision Regulations required checklists):

\_\_\_\_\_ Letter of Eligibility from Rhode Island Housing Mortgage Finance Corporation

\_\_\_\_\_ Proof of project subsidy

\_\_\_\_\_ Proposed timetable for construction

\_\_\_\_\_ Confirmation of an approved monitoring agent

\_\_\_\_\_ Financial pro-forma

\_\_\_\_\_ Sample land lease or deed restriction

Applicant's Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

Received on: \_\_\_\_\_ by the Hopkinton Planning Department





## Hopkinton Planning Department

RHODE ISLAND

### 18.9 SAMPLE NOTICES

**NOTICE OF PUBLIC INFORMATIONAL MEETING  
HOPKINTON PLANNING BOARD  
NOTICE OF PUBLIC INFORMATIONAL MEETING**

**On Master Plan For  
(Name of Project)  
AP \_\_\_\_\_, Lot \_\_\_\_\_  
Hopkinton, Rhode Island**

Notice is hereby given that the Hopkinton Planning Board will conduct a Master Plan Information Meeting on Wednesday, \_\_\_\_\_, 20\_\_\_\_, in the Town Council Chambers, Town Hall, One Town House Road, Hopkinton, Rhode Island at 7:00 P.M. or as close to that time as possible, for the proposal of (Name of Project), (Address), Hopkinton, Rhode Island, Assessor's Plat \_\_\_\_\_, Lot \_\_\_\_\_.

At this meeting, all interested persons shall be given the opportunity to be heard and submit written materials into the record. Plans can be viewed beforehand at the Hopkinton Planning Office, One Town House Road, Hopkinton, Rhode Island, Monday through Friday from 8:30 A.M. to 4:30 P.M.

Individuals requesting interpreter services for the hearing impaired must notify the office of the Town Planner of Hopkinton at 401-377-7770, forty-eight hours in advance of the hearing date.

\_\_\_\_\_  
Chairman  
Hopkinton Planning Board

**NOTICE OF PUBLIC HEARING  
OF THE TOWN OF HOPKINTON  
PLANNING BOARD**

Notice is hereby given that there will be a Public Hearing by and before the Planning Board of the Town of Hopkinton at 7:00 P.M. on Wednesday, \_\_\_\_\_, 20\_\_\_\_, in the Town Council Chambers of the Hopkinton Town Hall, One Town House Road, Hopkinton Rhode Island, to consider and act upon the following application:

Application of \_\_\_\_\_ for Preliminary Plan approval of a major land development entitled, \_\_\_\_\_. Site Plan prepared for \_\_\_\_\_, Assessor's Plat \_\_\_\_\_, Lot \_\_\_\_\_, with a street address of \_\_\_\_\_, Hopkinton, Rhode Island.

Said application and plans are on file in the office of the Town Planner in the Town Hall and may be inspected by all interested parties during regular office hours. Said proposed major land development project may be revised by the Planning Board as a result of further study or because of the views expressed at the public informational hearing.

Individuals requesting interpreter services for the hearing impaired must notify the office of the Town Planner of Hopkinton at 401-377-7770, forty-eight hours in advance of the hearing date.

\_\_\_\_\_  
Chairman  
Hopkinton Planning Board



## Hopkinton Planning Department

RHODE ISLAND

### 18.10 CONSERVATION EASEMENT

I, \_\_\_\_\_ of \_\_\_\_\_, in the Town of Hopkinton, County of Washington, State of Rhode Island ("Grantor") do hereby grant to the Town of Hopkinton, in the State of Rhode Island ("Grantee"), a Conservation Easement in perpetuity, on the parcel of land located in said Town of Hopkinton, identified in the Land Evidence Records as Plat \_\_\_\_\_, Lot \_\_\_\_\_.

The area of this Conservation Easement is depicted on the attached map(s) which is/are incorporated herein by reference and made a part of this document. Moreover, said Conservation Easement is granted as a condition of approval by the Planning Board of the Town of Hopkinton for the subdivision project known as \_\_\_\_\_.

Grantor and his successors and assigns shall be prohibited from the cutting or damaging of trees and brush within the area of the Conservation Easement. No clearing or grading is permitted within the area of the Conservation Easement, except for approved landscape construction and/or authorized driveway/roadway/crossing areas. The Grantor shall itself enforce, as well as grant to the Grantee the right to enforce, these restrictions.

Notwithstanding the above, the Grantor, his assigns or successors shall be allowed to perform normal maintenance and removal of dead vegetation within the area of the Conservation Easement. Normal maintenance and removal of dead vegetation shall include the right to remove dead trees, diseased trees, nuisance vegetation such as poison ivy and bittersweet, and any other vegetation that may contravene the intended purpose of the Conservation Easement or may have a deleterious effect on the health, safety, and general welfare of the public. Further, the Grantor, his assigns or successors reserve the right to enter the area of the Conservation Easement in order to plant indigenous trees and native vegetation, such as those listed in the Design Review Standards contained in the Town of Hopkinton Land Development and Subdivision Regulations.

The restrictions of this Conservation Easement shall not apply to the construction of detention basins which are required to address stormwater management of this subdivision project.

The foregoing restrictions and rights are intended to predominately retain the area of the Conservation Easement in its natural, scenic and open condition and in order to protect the surrounding residences and to promote scenic enjoyment.

The Grantor agrees that the terms, conditions, restrictions, and purposes of this Conservation Easement will be binding upon the owner of the Conservation Easement, his assigns and successors in perpetuity.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

In \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Before me personally appeared \_\_\_\_\_ each and all known and known by me to be the party (ies) executing the foregoing instrument and said \_\_\_\_\_.

Acknowledged said instrument, by them executed to be his/her/their free act and deed.

\_\_\_\_\_  
Notary Public

Seal

My Commission Expires \_\_\_\_\_



## Hopkinton Planning Department

RHODE ISLAND

### 18.11 DEVELOPMENT PLAN WATER NOTATION

"The applicant and/or their representative has investigated the water source proposed to serve the approved land development depicted here on this plan and has found that an adequate supply of potable and non-potable water exists to serve the proposed land use activity, as such may be needed. The applicant acknowledges that the Town of Hopkinton has made no expressed or implicit claim that an adequate water supply presently exists or will exist at any point in the future to serve the approved land use activities associated with this development. The applicant further acknowledges that it is the applicant's sole responsibility to ensure an adequate water supply for this development, and not the Town of Hopkinton."



**Hopkinton Office of the Tax Assessor RHODE ISLAND**

**18.12 FARM, FOREST AND OPEN SPACE FORM**

Office of the Tax Assessor  
One Town House Road  
Hopkinton, RI 02833  
Phone 401-377-7781  
Fax 401-377-7788

Date \_\_\_\_\_

This certifies that property identified as Assessor's Map \_\_\_\_\_ and Lot(s) \_\_\_\_\_

Current Owner \_\_\_\_\_ is **NOT** designated as

**Farm, Forest or Open Space** as of the date on this form.

\_\_\_\_\_  
Assessor's Office



**Hopkinton Planning Department**

**RHODE ISLAND**

**18.13 SURVEY RECORDING FORM**

**To:** Town Clerk

**Date:** \_\_\_\_\_

**From:** James M. Lamphere, Town Planner

**Subject:** Transmission of Survey Documents for Recording

---

The Administrative Officer has approved the survey of the land referenced below in accordance with the November 1995 Hopkinton Land Development and Subdivision Regulations, revised December 14, 2023.

Please find the attached for acceptance by your office:

**Survey Name:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

**Plat(s)** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

**Street(s)** \_\_\_\_\_

\_\_\_\_\_ One (1) paper copy of black or blue line survey

\_\_\_\_\_ Recording fee of \$ \_\_\_\_\_

\_\_\_\_\_ One (1) set of Mylar plans

Copies of the Plans will be distributed to the following:

\_\_\_\_\_ Planning Board

\_\_\_\_\_ Tax Assessor

\_\_\_\_\_ Public Works

\_\_\_\_\_ Town Planner

\_\_\_\_\_ Building & Zoning

\_\_\_\_\_ Fire District

---

**Received by** \_\_\_\_\_ **Town Clerk's Office** **Date** \_\_\_\_\_

**Book** \_\_\_\_\_ **Page** \_\_\_\_\_



**Hopkinton Planning Department**

**RHODE ISLAND**

**18.14 BOUNDS CERTIFICATION**

Date \_\_\_\_\_

Planning Board  
Town of Hopkinton  
One Town House Road  
Hopkinton, Rhode Island 02833

To the Planning Board of the Town of Hopkinton:

I (We), the owner(s) of \_\_\_\_\_  
*Name of Plat*

hereby agree to place Granite Bounds, no less than thirty inches (30") in length and approximately four inches (4") square, at points indicated on the record plat.

\_\_\_\_\_  
*Signature(s) of Owner(s)*

•-----•

Date \_\_\_\_\_

Planning Department  
Town of Hopkinton  
One Town House Road  
Hopkinton, Rhode Island 02833

The Granite Bounds, no less than 30 inches in length and approximately four inches square, have now been bound at all the indicated positions on that recorded plat titled

\_\_\_\_\_  
*Name of Plat*

and are in the correct positions as of this date, in Compliance with the Planning Board's Regulations.

\_\_\_\_\_  
*Surveyor's Stamp and Signature*



Hopkinton Planning Department

RHODE ISLAND

**18.15 LETTER OF CERTIFICATION**

Date \_\_\_\_\_

Planning Board  
Town of Hopkinton  
One Town House Road  
Hopkinton, Rhode Island 02833

Re: \_\_\_\_\_  
*(name of project)*

To the Planning Board of the Town of Hopkinton:

I hereby certify that I am a Registered Professional Engineer and that all improvements for the above referenced project that all required improvements, both roadway and drainage, shall be completed before the final plat is approved and accepted for recording in the Land Evidence Records for the Town, and that all such improvements have been completed in conformance with the approved design specifications.

\_\_\_\_\_  
*Surveyor's Stamp and Signature*