

*INCORPORATED 1757*

**TOWN OF HOPKINTON  
RHODE ISLAND**

***LAND DEVELOPMENT AND SUBDIVISION  
REGULATIONS***

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**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 assure 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 Community 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 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;
- 1.2.5 Promote 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 state of the art practices that protects 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 so as to allow for the maximum preservation of existing natural features and agricultural land or operations;
- 1.2.11 Insure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting;

ARTICLE I – AUTHORITY AND INTENT

- 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 Community 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 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;

ARTICLE I – AUTHORITY AND INTENT

**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 existing street pattern of adjoining subdivisions, and Terrain (reference 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 *Comprehensive Community 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**

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 – CONTINUATION OF PRIOR REGULATIONS

Subdivisions which have been submitted to the Planning Board for approval under the provisions of the Regulations in effect prior to September 3, 2014, may be continued to be reviewed by the Planning Board and approved under those Regulations in accordance with the following:

### 1.6.1 Master Plan Approvals

Any subdivision or development which, at the time of adoption of these amendments, has received Master Plan approval or Master Plan approval with conditions from the Planning Board may continue to be reviewed in accordance with the Subdivision Regulations in effect at the time.

### 1.6.2 Preliminary Approvals

Any subdivision which, at the time of adoption of these amendments, has received Preliminary approval or Preliminary approval with conditions from the Planning Board may continue to be reviewed by the Planning Board in accordance with the Subdivision Regulations in effect at the time Preliminary approval was granted, provided that any one of the following conditions have been met:

- A. The Final plat, including all material required in the Final Plat Checklist, is filed with the Planning Department within one year from the date of Preliminary approval; or,
- B. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM) and the Preliminary plans, as approved by the Planning Board, have been filed with RIDEM for approval as required by the Freshwater Wetlands Act; or,
- C. The applicant has expended significant monies in the preparation of Preliminary subdivision plans in an amount that, if Preliminary approval were to become void and re-application under the revised subdivision regulations were to be required, a significant economic hardship would result. The Planning Board shall determine what constitutes “significant economic hardship.”

### 1.6.3 Final Approvals

Any subdivision which, at the time of adoption of these amendments, has received Final approval, or Final approval with conditions from the Planning Board, may initiate or construct any part of the development, or record said plans in accordance with the Subdivision Regulations in effect at the time Final approval was granted. The Planning Board may, in its discretion, grant extensions to any such Final approval, in accordance with the procedure for such extensions, as set forth in the Regulations in effect at the time of Final approval.

Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Board of Appeal as herein provided.

### 1.6.4 Vested Rights Guidelines

Vesting is triggered by the issuance of a “Certificate of Completeness” by the Town Planner.

ARTICLE I – AUTHORITY AND INTENT

- A. Pre-application meetings and concept review DO NOT require formal action of the Planning Board. Furthermore, Pre-application discussions are intended for the guidance of the applicant when a project is in its formative stages. Submissions in accordance with the Checklist for Pre-application Meetings and Concept Review do not constitute an application for Planning Board approval. Therefore, vested rights are not triggered by Pre-application and concept review.
- B. An applicant for a Minor Land Development Plan project or Minor Subdivision shall have rights vested in accordance with all local regulations in effect when the Town Planner certifies that a Preliminary Plan application is complete.
- C. An applicant for a Major Land Development Plan project or Major Subdivision shall have rights vested in accordance with all local regulations in effect when the Town Planner certifies that a Master Plan application is complete.



## 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:

**Abutter** – One whose property abuts, that is, adjoins the applicant’s land under review by the Planning Board, at a border, boundary, or point with no intervening land.

**Administrative Officer** – The Town Planner.

**Administrative Subdivision** – Subdivision of existing lots that yields no additional lots for development and involves no creation or extension of streets. Such subdivision shall only involve divisions, mergers, or adjustments of boundaries of existing lots.

**Affordable Housing** – Residential housing that is “affordable” as defined by the *Rhode Island Housing Resources Act of 1998*. R.I.G.L. § 42-128.8.1 (d)(1).

**Agriculture Land** – Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.

**Agriculture Operations** – Any commercial enterprise which has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, dairy farming, or aquaculture, or the raising of livestock, furbearing animals, poultry or bees; or as such definition may be revised from time to time in *The Rhode Island Right to Farm Act*. R.I.G.L. § 2-23-4.

**Applicant** – A person who files an application for review by the Planning Board or the Town Planner.

**Application** – All completed forms and all accompanying documents, exhibits, plans, checklists, and fees required by these Regulations for approval.

**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.

**Area of Special Flood Hazard** – Areas designated on the Official Zoning Map as being within a High Flood Danger (HFD) zoning district; areas designated on the Town’s Official Flood Insurance Rate Maps as being located within Zones V1 – V30, and Zone A.

**As-Built Drawings** – Drawings that provide the dimensions, location and specifications 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, and/or achieve other desired goals.

**Board of Appeal** – The Hopkinton Zoning Board of Review acting as the Platting Board of Review.

**Bond** – A type of improvement guarantee. See Improvement Guarantee.

ARTICLE II – DEFINITIONS, Con't.

**Buffer** - Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding area properties, rights-of-ways, 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 for the use(s) permitted on the site under the *Zoning Ordinance* is considered practicable by the Planning Board, 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 and which is defined by regulations governing building setbacks, maximum height, bulk, or other regulations, and/or any combination thereof.

**Certificate of Completeness** – A notice issued by the Town Planner informing the applicant that the application is complete and meets the requirements of these Regulations, and that the applicant may proceed with the approval 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.

**Conventional Yield Plan** – A plan of a conventional subdivision or land development project that depicts the maximum number of single family building 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.

**Cul-de-Sac** – 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. See Article XVII.

**Dedication, Fee in-Lieu-of** – Payment of money when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

**Density** – Number of dwelling units or buildings per unit of land.

**Development Plan Review** – A process whereby local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the *Town of Hopkinton Zoning Ordinance*. See Article IX, Section 9.4.

**Development Regulation** – Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control, or any other governmental regulation of the use and development of land.

**Division of Land** – A subdivision.

**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.

ARTICLE II – DEFINITIONS, Con't.

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

**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.

**Endorsement** – The signature of the Town Planner or the Planning Board Chairperson on an approved plat, permitting recording of the plat or as further provided in Article X of these regulations and the Rhode Island General Law § 45-23-64.

**Environmental Constraints** – Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. *See also Physical Constraints to Development.*

**Erosion** – The wearing away of the land surface by water, wind, ice, and/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. See R.I.G.L. § 45-23-43.

**Final Plat** – The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described and the Regulations and/or required by the Planning Board.

**Floodplain or Flood Hazard Area** – The low lands adjoining the channel of a river, stream, or water-course, lake or other body of standing water, which have been or may be inundated by flood water. The channel of a stream or watercourse is part of the flood plain; an area that has one percent (1%) or greater chance of inundation in any given year, as delineated by the FEMA pursuant to the *National Flood Insurance Act of 1968*, as amended (P.L. 90-448) [42 U.S.C. 4011 et. Seq.]. See R.I.G.L. § 45-220.2-4.

**Flood Frequency** – A statistical expression of the average time period of a flood equaling or exceeding a given magnitude. A 100-year flood has a magnitude expected to be equaled or exceeded on the average of once every one hundred years; such a flood has a one percent (1%) chance of being equaled or exceeded in any given year.

**Fresh Water Wetlands** – See R.I.G.L. § 2-1-21, as amended.

**Full Landscape Screen** – A type of visual and audio screening which includes natural plant materials, fences, walls and berms to create total maximum effective screening.

**Grade** – The slope of a street, surface material, or other public ways, specified in percentage (%) terms.

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

**Hammerhead** – a rectangular turn-around for vehicles at the terminus of a cul-de-sac. See Article XVII.

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

**Homeowner's Association** – An organization that is formed for a development in which individual owners share ownership and responsibilities for costs and upkeep of common open space and improvements intended for the entire homeowner's association.

**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 man-made item, that becomes part of, is placed upon, or is affixed to land.

**Improvement Guarantee** – A security instrument in a form acceptable to the Town to ensure that all improvements, facilities, or work required by these Regulations or required as a condition of approval will be completed in compliance with the approved plans and specifications of a development.

**Inclusionary Zoning** – A regulatory technique applicable to residential subdivisions and/or land development projects that requires a percentage of units within the development to be affordable to households of low and moderate income (refer to Affordable Housing, above). Such inclusionary units must meet the definition of "Low and Moderate" income housing as defined in this ordinance and in R.I.G.L. § 45-53-3.

**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 a complex of uses, units or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the *Hopkinton Zoning Ordinance*.

**Land Disturbing Activity** – Any land development activity that includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources or similar activities.

**Land Suitable for Development** – The total land area, less land unsuitable for development.

**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. Fresh water wetlands, including that area of perimeter wetland within 50 feet of the edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by *Rhode Island General Law* § 2-1-20 (1987), as amended;
- b. Areas within a High Flood Danger Zone, as defined by Section 33 of the *Hopkinton Zoning Ordinance*, as amended;
- 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 which do not dominate over the use of organic plant materials.

**Local Regulations** – The adopted *Land Development and Subdivision Regulations* and all related ordinances and rules.

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**Lot** – A parcel of land whose boundaries have been established by a legal instrument, such as a recorded deed or recorded map and which 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 be considered to meet minimum frontage requirement.

**Low and Moderate Income Housing** – Housing that is “low to moderate” as defined by R.I.G.L. § 45-53-3.

**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 Plan** – Any land development project not classified as a minor land development plan and any land development project that includes non-residential development.

**Major Subdivision** – Any subdivision not classified as either an administrative subdivision or a minor subdivision.

**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 giving full engineering details, but may include general site information. It is required for review of major land development projects and major subdivisions.

**Minor Land Development Plan** – A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this act. All nonresidential land development projects shall be considered as major land development plans.

**Minor Subdivision** – A plan for a residential development that requires the subdivision of land into buildable lots, does not propose more than five lots or dwelling units, and does not require any waivers from or modifications pursuant to these Regulations.

**Modification of Requirements** – See Section 45-23-62 of the *State Enabling Act*.

**Non-Buildable Lot** – A parcel of land recorded in the Land Evidence Records that is constrained such that a structure cannot be built on it.

**Open Space** – Any parcel or area of land dedicated, designated, or reserved for public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; that area that may be improved with only those buildings, structures, streets and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land and as may be 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 that is used by vehicles for access, circulation, parking, loading and unloading.

**Performance Standards** – A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

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**Permitting Authority** – The local agency of government 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 or sold as lots at a particular time, as part of an effort to coordinate population growth with the availability of facilities and services.

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

**Physical Constraints to Development** – Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also *Environmental Constraints*.

**Planning Board** – The official planning agency of the Town of Hopkinton.

**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 necessary information as specified in these Regulations.

**Preliminary Plan** – The stage of land development and subdivision review that requires detailed engineered drawings and all required state and federal permits.

**Prime Farmlands and Farmlands of Statewide Importance** – Those lands which meet the criteria, as established by the Soil Conservation Service. Specific map units are listed in the Soil Conservation Service fact sheet, *Identification of Important Farmlands*, issued 1980, as amended. See "Agriculture Land."

**Private Street** – A right-of-way established for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards that is not 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 meeting of the Planning Board or governing body preceded by a notice that is open to the public and at which the public may be heard.

**Public Improvement** – Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for whose maintenance and operation, the Town of Hopkinton or other governmental entity either is now responsible, or will become responsible, upon municipal acceptance.

**Public Informational Meeting** – A meeting of the Planning Board preceded by a notice that is open to the public and at which the public is heard.

**Recharge Area** – An area in which water is absorbed and added to the groundwater reservoir.

**Residential Development** – Development consisting entirely of dwelling units.

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

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

**Right-of-Way** – An easement giving right of passage over the land for a designated use.

**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 or Lines** – A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

**Significant Natural Features** – Inland rivers, streams, creeks, freshwater wetlands and marshes, wildlife habitats, beaches, islands, ponds, aquifers and recharge areas, drainage basins, historic features and public open space.

**Site Plan** – The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot.

**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.

**Specimen Vegetation** – Rhode Island Natural Heritage program plant species listed as either state endangered, state threatened, state interest species of concern, or state extirpated; plant species providing habitat for animal species listed by the Heritage program in the above mentioned categories; species such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*) which are at the limits of their natural range; any species such as American Elm (*Ulmus Americana*) and American Chestnut (*Castenata dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.

**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.

**Storm Water Retention** – A provision for storage of storm water runoff.

**Street** – A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. Also, any right-of-way designated, intended or necessary to provide public access to a lot, tract or parcel of land. See Street Classification.

**Street, Access to** – An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

**Street, Classification** – A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, 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;

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- 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; or,
- c. *local* – streets whose primary function is to provide access to abutting properties.

**Street, Limited Access Highway** – A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

**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 reserved to provide access to future development, which may provide for utility connections.

**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 who:

- a. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who
- b. directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot, parcel, site, unit, or plat in a subdivision; or who
- c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

**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 of a recorded lot by any means shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

**Temporary Improvement** – Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

**Topography** – General term to include characteristics of the ground surface such as plains, hills, degree of relief, steepness of slope, and other physiographic features.

**Undeveloped Land** – Land in its natural state before development.

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

**Unmitigated Impact** – A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site for development or off-site property or facilities.

**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.

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**Viewshed** – The primary area which 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.

**Waiver of Requirements** – See Section 45-23-62 of the *State Enabling Act*.

**Wellhead Protection Area** – The critical portion of a three-dimensional zone, surrounding a public well or well field through which water will move toward or reach such well or well field as designated by the RIDEM.

**Zoning Districts** – The basic land unit in zoning, either mapped or unmapped, to which a uniform set of regulations apply, or a uniform set of regulations for a specified use. The districts include but are not limited to commercial, manufacturing and residential.



## ARTICLE III - PROCEDURAL OVERVIEW

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### 3.1 GENERAL REQUIREMENTS

3.1.1 The Planning Board 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 Town Planner 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, as defined in R.I.G.L. § 45-23-32, may be filed:

- A. Administrative Subdivision;
- B. Minor Subdivision or Minor Land Development Plan, NO Public Improvements;
- C. Minor Subdivision or Minor Land Development Plan WITH Public Improvements;
- D. Major Subdivision or Major Land Development Plan.

For all other matters to be brought to the Planning Board, the applicant shall submit a written request to the Town Planner 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. See Article XVIII, Section 18.7 for 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 Town Planner. An Administrative Subdivision Authorization Form, see Article XVIII, Section 18.6 will also be completed.

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

3.1.5 **A. Alternative Development**

Where deemed possible and practical, the Planning Board may require the submission of appropriate plans to demonstrate the feasibility of creating other types of subdivisions. If the Planning Board 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 may require an approved alternative type of development in instances where the following goals of the *Comprehensive Plan* will be further realized:

1. Land use policies that maintain quality of life and rural character of the town;
2. Encourage development of residential uses, light industry, small business and public facilities into village areas;
3. Encourage agricultural uses and the preservation of wildlife habitat;
4. Preserve the smaller villages and the surrounding undeveloped areas;
5. Encourage the acquisition adjacent to existing large open space parcels;
6. Promote 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 OTHER LOCAL PERMITTING AUTHORITIES**

**3.2.1 Zoning Board**

A. Where an applicant requires both a variance from the *Zoning Ordinance* and Planning Board approval, the applicant shall:

1. *First*, obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous;
2. *Second*, obtain conditional Zoning Board relief; and
3. *Third*, return to the Planning Board for subsequent required approval(s).

B. Where an applicant requires both a special use permit under the *Zoning Ordinance* and Planning Board approval, the applicant shall:

1. *First*, obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous;
2. *Second*, obtain a conditional Special Use Permit from the Zoning Board; and
3. *Third*, return to the Planning Board for subsequent required approval(s).

### **3.2.2 Town Council**

Where an applicant requires both Planning Board approval and Town Council approval for a Zoning Ordinance or Zoning Map change, the Applicant shall first obtain an advisory recommendation on the zoning change 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 Change from the Town Council, and then return to the Planning Board for subsequent required approval(s).

## **3.3 CERTIFICATION OF COMPLETENESS**

**3.3.1** An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Town Planner.

**3.3.2** Certification of a complete application shall be made in writing by the Planner upon a form entitled "Certificate of Completeness." A copy of said certificate shall be provided to the Applicant. In the event such certification of the application is not made within the time specified in these Regulations for the type of plan being proposed, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in the appropriate checklist, and the Town Planner has notified the Applicant, in writing, of the deficiencies in the application.

**3.3.3** Aside from the above subsections, 3.3.1 and 3.3.2, the Planning Board may subsequently require the Applicant to correct any information found to be in error and/or to submit additional information specified in the Regulations but not required by the Planner prior to certification, as is necessary to make an informed decision.

**3.3.4** Where the review is postponed with the consent of the Applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Planner or the Planning Board determines that the required application information is complete.

## **3.4 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 and/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 which may bear upon the proposed development project and also provide the Planning Board's input in the formative stages of a conceptual design.

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

### 3.5 REQUIRED FINDINGS

The requirements listed below shall be apply to all subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, the Board 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 which discloses the nature and character of the observations.

The Planning Board shall make positive findings on the following standard requirements as part of the proposed project:

- 3.5.1 The proposed development is consistent with the *Comprehensive Community Plan* and/or has satisfactorily addressed the issues where there may be inconsistencies;
- 3.5.2 The proposed development complies with the *Hopkinton Zoning Ordinance*;
- 3.5.3 There will be no significant negative environmental impacts from the proposed development as shown on the Final Plan, with all required conditions for approval;
- 3.5.4 The subdivision, 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;
- 3.5.5 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;
- 3.5.6 The proposed development provides for safe circulation of pedestrian and vehicular traffic, for surface water run-off control, for suitable building sites, and for preservation of natural, historical and cultural features that contributes to the attractiveness of the community; and,
- 3.5.7 The design and location of streets, building lots, utilities, drainage improvements and other improvements in the proposed development minimizes flooding and soil erosion.

### 3.6 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.

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

**FEE SCHEDULE**

<b><u>TYPE OF APPLICATION</u></b>	<b><u>FEE</u></b>
<b><u>Administrative Subdivision</u></b>	\$150
<b><u>Administrative Planning Board Review</u></b>	\$150
<b><u>Minor Subdivision (5 lots or less)</u></b>	
Pre-application & Concept Review	\$300 + \$30 per unit
Preliminary Plan	\$750 + \$150 per unit
Final Plan	\$150 + \$30 per unit
<b><u>Major Subdivision (more than 5 lots)</u></b>	
Pre-application & Concept Review	\$300 + \$30 per unit
Master Plan	\$750 + \$150 per unit
Preliminary Plan	\$750 + \$150 per unit
Final Plan	\$150 + \$30 per unit
<b><u>Plan Believed Not to Require Approval</u></b>	\$30
<b><u>Amendment to Approved Plats and Plans</u></b>	
Minor Change	\$300
Major Change	\$750 + \$150 per unit
<b><u>Development Plan Review Fees</u></b>	As in Ordinance
<b><u>Project Review Fees</u></b>	Fee to Cover Cost
<b><u>Recording of Subdivision Plan</u></b>	As per Town Clerk
<b><u>Inspection Fees</u></b>	2% of total estimated costs of required improvements
<b><u>Engineering Review</u></b>	Fee to Cover Cost
<b><u>Extension Fees</u></b>	\$300
<b><u>Reinstatement Fee</u></b>	\$300 + \$30 per unit

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<b><u>Appeals to Platting Board of Review</u></b>	As established by Zoning Ordinance for appeals
<b><u>Workshops &amp; Special Meetings Requested by applicant</u></b>	\$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 Town Planner.

**3.6.1 Project Review Fees**

**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 which require, in the judgment of the Planning Board, 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 ultimately equal the actual cost to the Town for such consultant.

The Town may engage engineers, planners, lawyers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, 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 *Comprehensive Plan*; determining the economic, archaeological, traffic or environmental impact of a development proposal; review of unique site features including trees; or, for monitoring a project or site for compliance with the Board's decisions or 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 an outside consultant is needed. Consultants will not be engaged until the fee is received by the Town.

**C. Handling of Project Review Fees**

The project review fee is to be 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.

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3. The Finance Director shall prepare a report for the Planner on activity in the escrow account upon request.
4. An accounting of an applicant's funds held in the escrow account may be requested by the Applicant 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.
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 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 (25%) of the initial project review fee as imposed above, the Planning Board may consider whether to require a supplemental project review fee to cover the cost of the remaining project review.

### 3.6.2 Disqualification

- A. The choice of a consultant hired by the Town for the review of an application may be contested under on the following three grounds:
  1. **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;
  2. **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
  3. **Business Relationship** – the consultant has conducted business with an applicant within the past eighteen (18) months.

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

**3.6.3 Comprehensive Permits**

The Planning Board shall review all comprehensive permits in a manner consistent with R.I.G.L. 45-53-1, et. seq. Comprehensive permit fees 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.

If an application is received as a comprehensive permit and the applicant requests a waiver of fees, time for approval of the application does not start until the application is certified “complete.” Time is suspended when the application is certified “incomplete.”

If the Planner gets a request for a waiver of fees and has not received the fee as yet, the Planner certifies the application as incomplete for failure to pay the fee. The Planner then brings it before the Board, suspending the time. If the Board agrees to the waiver, the time then begins. If the Board does not grant the waiver, the application is incomplete until the fee is paid.

**3.7 TIME PERIODS**

The following time periods are hereby established for these Regulations:

<u>Submission</u>	<u>Certificate of Completion Within</u>	<u>Approval or Denial</u>	<u>Approval Expires</u>
<i>Administrative Subdivision</i>			
Administrative Review	15 days	15 days	90 days
Planning Board Review	15 days	65 days	90 days
<i>Minor Plan</i>			
Preliminary – no street creation	15 days	65 days	90 days
Preliminary – with new street, hearing required	25 days	95 days	3 years
<i>Major Plan</i>			
Master Plan – Public Informational Meeting required	60 days	120 days	2 years
Preliminary Plan – Public Hearing required	60 days	120 days	3 years
Final Plan	25 days	45 days	1 year

### **3.8 RECORDING**

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

### **3.9 EXPIRATION OF APPROVAL PERIODS**

If an applicant allows an approved project to expire, the vested rights no longer apply. The Applicant would then be required to begin the subdivision or land development approval process at the Pre-application stage under the Regulations in effect at the time of resubmittal.

**3.9.1** Any person, firm or corporation making any subdivision of land shall complete all public improvements in connection with such subdivision within three years after the approval of the plan for such subdivision, which completion date shall be noted on the plan by the Chairman of the Board at the time of the approved plan.

**3.9.2** Failure to complete all public improvements within such three year period shall result in automatic expiration of the approval of such plan, and shall state such expiration on the subdivision plan on file in the office of the Town Clerk. No lots shall be conveyed in the subdivision by the subdivider or his/her successor in interest as such subdivider except with approval by the Board of a new application for the subdivision of the subject land.



## 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;

ARTICLE IV – SPECIAL REQUIREMENTS / PROVISIONS, Con't.

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.
- 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 (see 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.

**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 Community 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:

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

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.

**1. Number of DU's in the Subdivision**

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

**2. Persons per Dwelling Unit**

The Applicant may provide an estimate of the projected number of persons per dwelling unit (D.U.) 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.

**3. Land Need**

The actual need for open space, conservation and open space land, as expressed in acres per 1,000 population in the Plan for Recreation, Conservation and Open Space. 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, in 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.

$$\text{Fee-in-lieu of land dedication} = \text{Fair Market value per acre of developed land} \times \text{Amount of land to be dedicated}$$

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 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,

- B. The Town of Hopkinton for active recreational purposes after all improvements have been completed; or,
- C. A private Homeowner's 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 assure 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 homeowner's 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:

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



**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 by 36 inch black or blueline copies, and ten, 11 inch by 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. It 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 V – PRE-APPLICATION / CONCEPTUAL REVIEW CHECKLIST, Con't.

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 right-of-ways
- \_\_\_ 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 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

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, to clearly portray
- \_\_\_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 of 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 A above plus the following:

- \_\_\_ 1. Filing Fee - \$300 + \$30 per unit
- \_\_\_ 2. General Application for Subdivision Review (see 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 (see 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.



**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. See 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

ADMINISTRATIVE SUBDIVISION CHECKLIST, Con't.

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 and 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 & MINOR SUBDIVISIONS

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### 7.1 MINOR LAND DEVELOPMENT PROJECTS AND MINOR SUBDIVISIONS

Any subdivision of a parcel of land into at least two but no more than five lots which meet all applicable area and dimensional requirements of the *Zoning Ordinance*, and which do not require waivers or modifications, is a Minor Subdivision and shall be reviewed under this Article.

Subdivisions described above which create more than five lots shall be classified as a Major Subdivision and shall be reviewed according to the provisions of Article VIII.

#### 7.1.1 Review Stages

Minor plan review shall consist of at least two stages: (1) Preliminary, which may include a site visit; and (2) Final. If a street creation or extension is involved, 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.

Upon request by the applicant, the Planning Board may vote to combine the approval stages, provided that requirements for all stages so combined have been met by the applicant to the satisfaction of the Planning Board.

#### 7.1.2 Submission Requirements

Any applicant requesting Preliminary approval of a proposed Minor Subdivision or Minor Land Development Project, as defined in these Regulations, shall submit to the Town Planner the plans and supporting materials provided in the Preliminary Plan Checklist for Minor Land Development Project and Minor Subdivisions as provided in this Article in Section 7.4.

#### 7.1.3 Certification of Preliminary Plat

The application shall be certified complete or incomplete by the Town Planner within 25 days of its receipt, or within 15 days of its receipt if no street creation or extension is required, according to the provisions of Section 45-23-36(b) of the *State Enabling Act*. The running of the time period set forth in this section will be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Planner and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Planner be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.

#### 7.1.4 Site Visit

After preparing the Existing Conditions and Proposed Conditions Maps (see 7.4.B and 7.4.C) and before the Preliminary plan is approved, the Planning Board may schedule a site visit to the property. In order 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. 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. It is strongly encouraged that the site visit be attended by members of the Planning Board, Town Officials, the Applicant and/or the Applicant's representatives. Owners of property within the notice area specified in Section 7.1.6 below shall also be notified by the

Applicant and invited to attend. The site visit shall be considered a public meeting and shall be conducted in accordance with the Town's normal procedures for compliance with the *State Open Meetings Law*.

Lack of a quorum of the Planning Board in attendance at this visit shall not constitute a failure on the part of the Applicant to satisfy the requirements of a site visit. In the event that the Planning Board does not schedule a site visit, or that a scheduled site visit is not conducted within the prescribed time period through no fault of the Applicant, the Applicant shall not be found to be deficient in the application process and shall be allowed to proceed with the application.

The purpose of the 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. Comments made by Town Officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendation can be offered and no official decisions can be made at the site visit. Minutes of the site visit shall be kept in accordance with Title 42, Chapter 46 of the *Rhode Island General Laws* entitled "Open Meetings."

#### **7.1.5 Re-assignment to Major Review**

The Planning Board may re-assign a proposed Minor Land Development or Minor Subdivision to Major review only when the Planning Board is unable to make the positive findings required in R.I.G.L. 45-23-60.

#### **7.1.6 Informational Notice of Preliminary Submission**

Postcard notice shall be mailed by the Applicant 14 days prior to the date of the meeting, to inform all property owners within the notice area of the submission of a Preliminary Plan to the Planning Board. The distance for notice shall be 500 feet from the perimeter of the parcel being subdivided in all zoning districts. The applicant is responsible for determining the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the most current names and addresses listed by the Hopkinton Tax Assessor.

The applicant shall compile and submit to the Town Planner a complete list containing the name and mailing address of all current owners within the notice area and shall bear the cost of all such notice and advertising.

#### **7.1.7 Decision**

If no street creation or extension is required, the Planning Board shall approve, deny or approve with conditions, the Preliminary Plan within 65 days of certification of completeness or within any further time that is agreed to by the Applicant and the Board, according to the requirements of R.I.G.L. 45-23-63.

If a street extension or creation is required, the Planning Board shall hold a public hearing prior to any action, according to the requirements set forth in Section 7.3 of this Article and the Planning Board shall approve, deny, or approve with conditions, the Preliminary plan within 95 days of the Planner's issuance of the Certificate of Completeness. This deadline may be extended by agreement between the Applicant and the Board.

**7.1.8 Failure to Act**

Failure of the Planning Board to act within the period prescribed in subsection 7.1.7 of this Article, shall constitute approval of the Preliminary 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.

**7.1.9 Expiration of Approval**

Where no construction or public improvements and/or infrastructure are required, approval of a Minor Land Development or Minor Subdivision plan expires 90 days from the date of approval unless within that period, a Final plat or plan that conforms with the Planning Board's approval, is submitted for signature and recording as specified in R.I. G. L. 45-23-64. Validity may be extended for a longer period for cause shown, if requested by the Applicant in writing, and approved by the Planning Board.

Where the construction of public improvements and/or infrastructure are required, the Preliminary Plan for Minor Land Development Projects and Minor Subdivisions shall be valid for two years. Validity may be extended for a longer period, for cause shown, if requested by the Applicant in writing, and approved by the Planning Board.

**7.1.10 Completion of Improvements**

All public improvements and infrastructure shall be completed to the satisfaction of the Director of Public Works by the Applicant within two years from the initial date of Preliminary Plan approval and prior to the approval and recording of the Final Plan of a Minor Land Development Project or Minor Subdivision, unless otherwise authorized by the Planning Board. A Final plat must be endorsed 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. In unique and limited circumstances, the Planning Board may allow the construction of public improvements and infrastructure to be bonded, only where there is clear and convincing evidence that the failure to construct said improvements will not adversely affect property owners in the land development project or subdivision. In instances where the Planning Board approves bonding, the Planning Board shall set a specific date for the completion of all public improvements and infrastructure.

**7.1.11 Final Plan**

The Planning Board may delegate Final Plan review and approval to the Town Planner, who shall report his/her actions to the Planning Board at its next regular meeting, to be made part of the record. The Planner shall be authorized to sign (endorse) the Final plat or plans for recording as specified in Article X. Endorsement of the Final plat or plans by the Town Planner shall constitute the act of "Final Approval."

**7.1.12 Expiration of Final Approval**

Final approval of a Minor Land Development or Minor Subdivision plan shall expire 90 days from the date of Final approval unless within such period a plat or plan in conformity with such approval is submitted for signature and recording as specified in Article X. Validity may be extended for a longer period for cause shown, if requested by the applicant in writing, and approved by the Planning Board.

## 7.2 MINOR SUBDIVISIONS INVOLVING NO STREET CREATION OR EXTENSION

### 7.2.1 Minor Subdivisions Involving the Creation of Two (2) Lots

Minor Subdivisions described above, involving the creation of no more than two lots (one original lot plus one new lot), shall first be reviewed by the Town Planner in accordance with the procedure established in Section 7.1. The applicant shall be required to submit to the Town Planner all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions, Section 7.4 of this Article.

If the Town Planner determines that the parcel being subdivided has the potential, under the existing applicable *Zoning Regulations*, to be developed for no more than two lots (one original lot plus one new lot), the application shall be forwarded to the Planning Board. The Planner, in forwarding the application to the Planning Board, may also recommend conditions for approval as provided in Subsection 7.2.1.B, entitled "Lot Development Standards," below.

Any further subdivision of either of the two lots created hereunder at any time after the effective date of these Regulations, whether immediate or future, shall be considered to be a Minor Subdivision of three or more lots, or a Major Subdivision and shall be reviewed under the applicable provisions of these Regulations.

#### A. Criteria for Review

The following criteria shall be used by the Planning Board in their review of any 2-lot Minor Subdivision:

##### 1. *Potential for Further Subdivision*

The Planning Board shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable *Zoning Regulations*. If it has such potential, the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided in Section 7.2.1.B below as necessary to mitigate such impacts.

##### 2. *Adequacy of the Street on which the Proposed Lots Front*

- a. The lots must have access to a street which is adequate for access for vehicular traffic; and,
- b. The frontage must provide safe and adequate access to a public street.

##### 3. *Adequacy of the Access from the Lots onto the Street*

- a. The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and,
- b. The lots must be physically accessible from the street upon which they front, i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street, subject, however, to the Planning Board's authority to modify or waive the provisions according to Article XI.

**4. *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 RI General Laws Sec. 24-15-9.

**5. *Conformity to Zoning***

The proposed lots must conform with all applicable *Zoning Ordinance* requirements. The Planning Board may require in addition that building set-backs from the street be varied in length. Set-backs from the street may exceed the minimum requirements of zoning.

**6. *Conformity with the Comprehensive Plan***

The proposed lots shall conform with the Town's *Comprehensive Community Plan* with regard to access from local roads and preserving visual quality and rural character along local streets.

**7. *Relationship to Adjacent or Nearby Uses***

The proposed lots and access thereto 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**

Standards which may be imposed by the Planning Board on any 2-lot Minor Subdivision as a condition of approval may include 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 and/or driveway from adjacent streets shall be required;
5. Preservation of any existing unique natural and/or historic features, including but not limited to, trees or stone walls shall be required; and
6. Provisions shall be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

**7.2.2 Minor Subdivisions Involving the Creation of Three to Five (3 to 5) Lots**

Minor Subdivisions involving the creation of 3, 4, or 5 lots for the purpose of development, shall

first be reviewed by the Town Planner in accordance with the procedure established in Section 7.1. The Applicant shall be required to submit to the Planner all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivision in Section 7.4.

Any further subdivision of any lot(s) at any time after the effective date of these Regulations, whether immediate or future, so as to create a total of six lots or more from the original lot, shall be considered to be a Major Subdivision and shall be reviewed under the provision of Article VIII.

**A. Criteria for Review**

In their review of any 3 to 5 lot Minor Subdivision, the Planning Board shall use the same criteria for review of a 2 lot Minor Subdivision involving no street creation or extension as provided in 7.2.1 A, entitled "Criteria for Review" above. In addition, the Planning Board may also consider the following:

**1. *Preservation of Agricultural Land***

The preservation of land in agricultural use or which contains Prime Farmland or Farmland of Statewide Importance Soils shall be maximized wherever possible by means of clustering lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

**2. *Feasibility of Internal Access Streets***

Where deemed possible and practical, lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector street. In such cases, the Planning Board may require the applicant to submit appropriate alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as a 3 to 5 lot Minor Subdivision with an internal street, a Residential Compound, a Residential Cluster Development, or a conventional subdivision. If the Planning Board determines that such an alternative development is feasible, practical and preferable, the creation of frontage lots shall be prohibited, and the applicant shall be required to develop the property in an approved alternative fashion.

**B. Lot Development Standards**

If the creation of 3 to 5 frontage lots is not prohibited under the provisions of Section 7.2.2(A)(2), the Planning Board shall review the proposed frontage lots as a 3 to 5 lot Minor Subdivision. Standards which may be imposed by the Planning Board as a condition of approval of any 3 to 5 lot Minor Subdivision involving no street creation or extension may include the following:

Any of the standards for the development of a 2 lot Minor Subdivision as provided in Section 7.2.1(B) and respective subsections above, plus any of the following:

1. Improvements to the street on which the proposed lot(s) front may be required in order to provide safe vehicular access. Provided, however, that 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. Provided however, that such standards shall not exceed those standards required by Article XVII for construction of streets in Minor Subdivisions;
3. Easements may be required to be granted to the Town to prohibit individual driveway access from lots onto frontage streets if adequate provision is made for access from individual lots to service roads required in 2 above;
4. Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the Planning Board. Such provisions may include the following:
  - a. preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;
  - b. reservation of land or easements to provide for future access from access streets to contiguous land; and/or,
  - c. temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future streets in subdivisions of contiguous land.
5. Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required.
6. Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required.

### **7.3 MINOR SUBDIVISIONS INVOLVING STREET CREATION OR EXTENSION**

Any subdivision of a parcel of land into at least two but not more than five lots that requires the creation or extension of a public or private street shall be considered a Minor Subdivision and shall be reviewed by the Planning Board in accordance with the procedures set forth in this Article. A public hearing shall be required for a Minor Land Development project or Minor Subdivision where a street extension or creation is involved. A stenographer shall be present at the hearing which shall be paid for by the Applicant. A hard copy and an electronic copy of the transcripts are to be submitted to the Planning Board. Standards for the designs and required improvements of such Minor Subdivisions shall be as follows:

#### **7.3.1 Creation or Extension of a Public Street**

Any Minor Subdivision which proposes the creation or extension of a public street shall be required to meet the design improvement standards for public streets as provided in Article XVII.

**7.3.2 Creation or Extension of a Private Street**

Only Minor Subdivisions developed as a Residential Compound shall be allowed to create a private street. Street design and improvement standards shall be as provided in Article XVII for local streets in Minor Subdivisions. Where common driveways are required for 2-lot Minor Subdivisions, the minimum improvement standards for the driveway shall be used as established in these regulations. The Planning Board may prohibit individual driveway access to the public street and require that a 30 foot wide right-of-way, or access easement for a common driveway, be created.

- A.** Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of Section 6 of the *Zoning Ordinance*. The area of the private street shall not be included in the calculation of the minimum required area of any lot.
  
- B.** As a condition of final 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 the private streets within the parcel that do not meet the engineering and design requirements for Town accepted streets, for a minimum of 99 years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total 99 years.



**7.4 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; 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 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.). In addition, 10 legible, reduced sets of all said plans, shall be submitted and reduced to a sheet size of 11 inches by 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

PRELIMINARY PLAT CHECKLIST – MINOR LAND DEVELOPMENT & MINOR SUBDIVISIONS

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. See Article XVIII, Section 18.2
- \_\_\_ 19. A notarized form indicating the property owner is allowing the developer to develop the property. See 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
- \_\_\_ 21. Proof of paid up-to-date property taxes from the Tax Collector

PRELIMINARY PLAT CHECKLIST - MINOR LAND DEVELOPMENT & MINOR SUBDIVISIONS, Con't.

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

- \_\_\_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

**C. PRELIMINARY SUBMISSION – PROPOSED CONDITIONS MAP(S) To show the following:**

- \_\_\_ 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.

PRELIMINARY PLAT CHECKLIST - MINOR LAND DEVELOPMENT & MINOR SUBDIVISIONS, Con't.

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

- \_\_\_ 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. See 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 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 be then 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

PRELIMINARY PLAT CHECKLIST - MINOR LAND DEVELOPMENT & MINOR SUBDIVISIONS, Con't.

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

- \_\_\_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
- \_\_\_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

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

- \_\_\_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
- \_\_\_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. See 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:

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

*"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.
  
- \_\_\_ 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

PRELIMINARY PLAT CHECKLIST - MINOR LAND DEVELOPMENT & MINOR SUBDIVISIONS, Con't.

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

\_\_\_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:

- |                                |            |
|--------------------------------|------------|
| ___ 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 _____ |

\_\_\_23. 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.

\_\_\_24. Owner Authorization Form (See Article XVIII, Section 18.7)

\_\_\_25. Application Notification List (See Article XVIII, Section 18.2)



**7.5 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 blueline 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

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

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 plans
  - \_\_\_ 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

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

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

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

\_\_\_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 a 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_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

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 & MAJOR LAND DEVELOPMENT

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Major plan review is required of all applications for land development and subdivision approval unless classified as an Administrative Subdivision or as a Minor Land Development or a Minor Subdivision, and is approved by the Planning Board in the same manner as provided in these Regulations for subdivisions.

In all subdivisions, except residential compounds, that consist of six or more lots or six or more dwelling units for residential development, and in all land development projects containing residential development that create six or more principal dwelling units, low-and-moderate-income units *must* be provided. (refer to the *Town of Hopkinton Inclusionary Zoning Ordinance*, Chapter 214).

Residential Cluster Developments, as authorized by the Hopkinton Planning Ordinance, are subject to the provisions of these Regulations and are encouraged by the Planning Board. The Applicant shall prepare Pre-application plans for developing the land as a conventional subdivision and several plans as a residential cluster subdivision. The Applicant shall proceed with the Board's preferred design plan unless the subdivider can demonstrate to the Board at the Public Information Meeting on the Master Plan that such a development would be clearly inferior to a conventional subdivision and is in the best interests of the residents of Hopkinton. To this end, the Planning Board may require that the subdivider provide and supply other documents and studies as may be deemed necessary by the Board.

Land Development Projects shall be reviewed and approved by the Planning Board in the same manner as provided in these Regulations for subdivisions. For such Land Development Projects where no subdivision of land is proposed, the Board may waive requirements of these Regulations determined by the Board to be applicable only to subdivisions. The Board may also modify or waive other requirements of these Regulations provided that in granting such waivers, the Board shall make findings in writing as provided in Article XI.

### 8.1 REVIEW STAGES

Major Plan review shall consist of four stages of review:

1. Pre-application Meeting(s)
2. Master Plan
3. Preliminary Plan
4. Final plan

The Planning Board 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 the Applicant has met all necessary requirements for all stages so combined.

### 8.2 SUBMISSION REQUIREMENTS - PRE-APPLICATION

Any applicant requesting approval of a Major Subdivision or Major Land Development shall first submit to the Town Planner, the plans and supporting materials provided in the Pre-application Checklist for Major Land Development and Major Subdivisions as provided 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 – Major**

The Board recommends that subdivision applicants come to a Board meeting for discussion prior to submitting a formal application. Persons wishing to do so should notify the Town Planner. 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.

- 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 need be 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 and/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  
MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS**

Any applicant requesting approval of a proposed Major Subdivision or Major Land Development, shall first submit to the Town Planner plans and supporting materials provided in the Master Plan Checklist for Major Land Development and Major Subdivision as provided 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. At the Pre-application meeting, the Planning Board may determine whether a project review fee will be required as provided in Article III, subsection 3.6.1.

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.

Initial comments on the Master Plan shall be solicited from local agencies (including the Planning Department, 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 appropriate, as required in the Master Plan Checklist.

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

### **8.3.1 Certification of Master Plan Application**

The application shall be certified complete or incomplete by the Town Planner within 60 days of its receipt or as otherwise provided in R.I.G.L. 45-23-40(b). The running of the time period set forth herein this section shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Town Planner and shall recommence upon the resubmission of a corrected application by the Applicant. However, in no event shall the Town Planner be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.

### **8.3.2 Master Plan Site Visit**

Before the Master Plan is approved, the Planning Board may schedule a site visit. In order 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 Master Plan Informational Meeting**

A Public Informational Meeting shall be held prior to the Planning Board decision on the Master Plan. If the Master Plan and Preliminary Plan approvals are being combined, the Master Plan Public Informational Meeting shall be optional, at the Planning Board's discretion. Review stages may be combined only after the Planning Board determines that the Applicant has met all necessary requirements for all stages so combined.

At the Master Plan Informational Meeting, minutes will be recorded by a court stenographer at the Applicant's expense.

#### **A. Public Notice**

Public notice for the Informational Meeting is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the Town. The placement and scheduling of all newspaper notice shall be the responsibility of the Applicant. The content of all notices shall be prepared by the Applicant and conform to the sample notice in Article XVIII, Section 18.9, and approved by the Town. Postcard notice shall be mailed by the Applicant to all property owners within the notice area. The notice area for informational meetings shall be 500 feet from the perimeter of the parcel being subdivided in all zoning districts. The Applicant is responsible for determining the correct names and addresses of all property owners required to be notified and shall, at a minimum, be as accurate as the most current names and addresses listed by the Hopkinton Tax Assessor.

**B. Informational Meeting – Presentation**

At the Public Informational Meeting the Applicant shall present the proposed development project for the benefit of the Planning Board and the public. The Planning Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

**8.3.4 Master Plan Decision**

The Planning Board shall, within 120 days of certification of completeness of the Master Plan application, or within such further time as may be consented to by the Applicant, approve of the Master Plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of R.I.G.L. 45-23-63.

**8.3.5 Failure to Act on Master Plan**

Failure of the Planning Board to act within the period prescribed in Section 8.3.4, shall constitute approval of the Master 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.

**8.3.6 Expiration of Master Plan Approval**

The approved Master plan is vested for a period of two years, with the right to extend for two one year extensions upon written request by the Applicant, who must appear before the Planning Board for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the Applicant, in writing, and approved by the Planning Board. Master plan vesting includes the zoning requirements, conceptual layout and all conditions shown on the approved Master plan drawings and supporting materials.

The initial four year vesting for the approved Master plan constitutes the vested rights for the development as required in R.I.G.L. 45-24-44.

**8.4 PHASING OF MAJOR LAND DEVELOPMENTS & 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. The Planning Board may also establish a schedule governing the

timing of construction for units to be constructed off-site, and/or other remedies for Inclusionary Zoning in lieu of such unit construction. (refer to Inclusionary Zoning Ordinance).

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 and/or Final review and/or 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; and,
- 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 Master Plan Checklist for Major Land Developments and Major Subdivisions, a copy of the Master Plan narrative report for their 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 Informational Meeting. If comments are not received by the Town Planner by that date, the applicant will provide the Town with a written explanation.

If the Public Informational Meeting on the Master Plan and the Public Hearing on the Preliminary Plan are combined as provided in this Article, comments from reviewing agencies shall be received prior to the date of the public hearing.

#### **8.4.3 Comments from Required Notified Agencies – Content and Format**

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

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

All such written forms and supplementary material shall be delivered to the Town Planner by the applicant within the time limits prescribed.

**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/or 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 relative to the following:

- A. for determining the physical limits of phases;
- B. completion schedules and guarantees;
- C. for allowing progression to additional phases;
- D. for allowing two or more phases to proceed in review or construction simultaneously;
- E. for interim public improvements or construction conditions;
- F. for changes to Master and Preliminary plans; and
- G. may include 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.



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

MASTER PLAN CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

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.
- \_\_\_ 20. Proposed public dedications
- \_\_\_ 21. Tentative construction phasing

MASTER PLAN CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

- \_\_\_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:
  - \_\_\_ 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)

MASTER PLAN CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

- \_\_\_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
- \_\_\_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

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

- \_\_\_59. Quantities and locations of proposed use and storage of hazardous materials
- \_\_\_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

**D. MASTER PLAN SUBMISSION – SUPPLEMENTARY INFORMATION**

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

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

- \_\_\_ 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
- \_\_\_ 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

MASTER PLAN CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

- \_\_\_ 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
- \_\_\_ 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: _____ |

MASTER PLAN CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

**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) \_\_\_\_\_

\_\_\_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 MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS**

The applicant of a proposed Major Subdivision or Major Land Development shall submit to the Town Planner 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 perimeter survey;
- D. All permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, floodplains, preliminary suitability for OWTS, public water systems and connections to state roads;
- E. The Town Planner shall solicit final written comments and/or approvals of the Department of Public Works, the Town Engineer, the Town Solicitor, other local government departments, commissions or authorities as appropriate; and,
- F. 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 complete or incomplete by the Town Planner within 60 days of its receipt according to the provisions of Section 3.3 of Article III, (see also, R.I.G.L. 45-23-36(b)). The running of the time period set forth herein shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Town Planner and shall recommence upon the resubmission of a corrected application by the Applicant. However, in no event shall the Town Planner be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.

### **8.6.2 Preliminary Plan Public Hearing and Notice Requirements**

Prior to a decision on the Preliminary Plan, the Planning Board shall hold a Public Hearing which adheres to the requirements for notice described in subsections 8.6.2 and 8.6.3 of this Article. (see also R.I.G.L. 45-23-42).

A stenographer shall be present at the Public Hearing at the Applicant's expense.

- A. The applicant will provide public notice of the hearing at least 14 days prior to the date of the hearing in a newspaper of general circulation in the Town. Newspaper advertisements shall be printed in the legal section of the classifieds or the display section of the news-paper, using a type size at least as large as the normal type size used by the newspaper in its news articles and shall contain the information specified below. (see Sample Notice in Article XVIII, Section 18.9)

- B. Written notice shall also be sent by the applicant, to each owner of property within the notice areas, as specified in Section 8.6.3 below. The applicant shall compile and submit to the Town Planner a complete list of abutters containing the name and mailing address of all current owners within the notice area and shall bear the cost of all such notice and advertising.
- C. Written notice shall be mailed by certified mail, return receipt requested, not less than ten days prior to the date of the hearing. As proof of such mailing, a copy of all return receipts shall be provided to the Planning Department by the Applicant prior to or at the time of the Public Hearing.
- D. The content of all notices shall be prepared by the Applicant and conform to the sample notice in Section 18.9 below. All mail and newspaper notices required by this subsection shall specify the following information:
  - 1. Date, time and place of Public Hearing;
  - 2. Assessor's plat and lot number(s) of the subject property(ies);
  - 3. Street address(es) of the subject property(ies), or, if no street address is available, the name of the street(s) on which, or near which, the subject property is located, and the distance and direction from the nearest existing street intersection in tenths of a mile;
  - 4. Advise interested parties where and when a copy of the plans of the proposed Major Subdivision or Major Land Development project may be examined;
  - 5. Include a statement that the proposed Major Subdivision or 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 Hearing; and,
  - 6. The Board may require a supplemental notice, that an application for development approval is under consideration, be posted at the location in question. Such posting shall be for informational purposes only and shall not constitute required notice of a public hearing.

**8.6.3 Notice Area**

The distance for notice of the public hearing shall be 500 feet from the perimeter of the parcel being subdivided in all zoning districts. The applicant is responsible for determining the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the most current names and addresses listed by the Hopkinton Tax Assessor.

**A. Watersheds**

The Applicant shall also send notice by mail to those entities which fall within watersheds as required in R.I.G.L. 45-23-53 (b) and (c) where applicable.

**B. Adjacent Municipalities**

Notice of the public hearing shall be sent by the Applicant to the Town Planner of an adjacent municipality if:

1. the notice area extends into the adjacent municipality; or
2. the development site extends into the adjacent municipality, or
3. in the opinion of the Planning Board, there is a potential for significant negative impact on the adjacent municipality.

**C. Costs**

The cost of all such mail notice and legal advertising shall be borne by the Applicant.

**8.6.4 Public Improvement Guarantees**

Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the Planning Board at the time of Preliminary Plan approval.

Where the construction of public improvements and infrastructure are required, the Preliminary Plan for Major Land Development Projects and Major Subdivisions shall be valid for two years, unless otherwise authorized by the Planning Board.

All public improvements and infrastructure shall be completed to the satisfaction of the Director of Public Works by the developer within two years from the initial date of Preliminary Plan approval and prior to the approval and recording of the Final Plan of a Major Land Development Project or Major Subdivision, unless otherwise authorized by the Planning Board. A Final plat must be endorsed 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.

In unique and limited circumstances, the Planning Board may allow the construction of public improvements and infrastructure to be bonded, only where there is clear and convincing evidence that the failure to construct said improvements will not adversely affect property owners in the land development project or subdivision. In this instance, the Planning Board shall set a specific date for the completion of all public improvements and infrastructure. In the event that any public improvements, infrastructure, or any part thereof, is not completed by the date set by the Planning Board, the Town shall call the bond and complete the bonded items according to the approved plan.

**8.6.5 Decision on Preliminary Plan**

The Planning Board shall, within 120 days of certification of completeness of the Preliminary Plan application or within such further time as may be consented to by the applicant, approve of the Preliminary Plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements Article III, Section 3.5.

**8.6.6 Failure to Act on Preliminary Plan**

Failure of the Planning Board to act within the period prescribed in Article III, shall constitute approval of the Preliminary 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.

**8.6.7 Vesting**

The approved Preliminary Plan for Major Land Development Projects and Major Subdivisions is vested for two years. Two, one year extensions, shall be granted upon timely written request by the Applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Board. The vesting for the Preliminary Plan approval includes all general and specific conditions shown on the approved Preliminary Plan drawings and supporting material.



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

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

**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

PRELIMINARY CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

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

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

PRELIMINARY CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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
- \_\_\_ 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)

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

- \_\_\_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
- \_\_\_ 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

PRELIMINARY CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

- \_\_\_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  
  
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 \_\_\_\_\_

PRELIMINARY CHECKLIST - MAJOR LAND DEVELOPMENT & MAJOR SUBDIVISIONS, Con't.

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

\_\_\_ 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**

### ***MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS***

Any applicant requesting Final approval of a proposed Major Subdivision or Major Land Development shall submit to the Town Planner the plans and supporting materials in the Final Plat Checklist for Major Land Development and Major Subdivisions in Section 8.9, in addition to any material required by the Planning Board when the application was given Preliminary approval.

#### **8.8.1 Certification of Final Plat**

The application for Final plan approval shall be certified complete or incomplete by the Town Planner within 25 days of its receipt according to the provisions of R.I.G.L. 45-23-36(b). This time period may be extended to 45 days by written notice from the Planner to the Applicant where the final plans contain changes to or elements not included in the Preliminary Plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Planner and shall recommence upon the resubmission of a corrected application by the Applicant. However, in no event shall the Planner be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission. If the Planner certifies the application as complete and does not require submission to the Planning Board as per subsection 8.8.2 below, the Final Plan shall be considered approved.

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

In instances where there may be only minor adjustments required by the Planning Board, the Board may delegate Final Plan review and approval to the Town Planner, at the request of the Applicant. The Planner shall report such actions to the Planning Board at its next regular meeting, to be made part of the record.

If the Town Planner determines that an application for Final approval does not meet the requirements set by these Subdivision Regulations or by any other local regulations, or by the Planning Board at Preliminary approval, the Planner shall refer the Final Plans to the Planning Board for review. The Planning Board, shall, within 45 days after the issuance of the Certificate of Completeness of the application for Final Plan approval by the Planner, or within such further time as may be consented to by the Applicant, approve or deny the Final Plan as submitted.

#### **8.8.3 Failure to Act**

Failure of the Planning Board to act within the period prescribed in subsection 8.8.2 of this Section, shall constitute approval of the Final 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.

#### **8.8.4 Recording / Expiration of Final Plan**

The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the Applicant, who must appear before the Planning Board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording as specified in R.I.G.L. 45-23-64. Thereafter, the Planning Board may, for good cause shown, extend the period for recording for an additional period.

For phased projects, the Final Plan for phases following 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 Hopkinton Town Council accepts the completed public improvements as constructed in compliance with the Final plans.

**8.8.6 Validity of Recorded Plans**

The approved Final Plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in Section 45-23-65 of the General Laws of Rhode Island, as amended, or a new plan is approved by the Planning Board.



**8.9 FINAL PLAN CHECKLIST**

**MAJOR LAND 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

FINAL PLAT CHECKLIST - MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS, Con't.

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

- \_\_\_ 4. Signature block indicating Planning Board approval, to be signed and dated by the Planning Board Chairman (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

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
  
- \_\_\_33. Notation of any permits and agreements with state and federal reviewing agencies, if any

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

- \_\_\_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 blueline 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, including plans of any additional improvements as required by the Planning Board as a condition of approval
- \_\_\_ 2. Certification by a Registered Professional Engineer

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

- \_\_\_ 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 documents. Specify:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_ 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

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

- \_\_\_ 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 \_\_\_\_\_
  - Date of Expiration of Surety (Bond) \_\_\_\_\_
- \_\_\_ 4. Fees in-lieu-of land dedication – Amount \_\_\_\_\_
- \_\_\_ 5. Inspection fee – Amount \_\_\_\_\_

FINAL PLAT CHECKLIST - MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS, Con't.

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

\_\_\_ 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 parcel of land containing lots for single family development and having a maximum average density of one dwelling per five acres of land that is not unsuitable for development. The Town of Hopkinton encourages residential compounds to be constructed on private roads where such low density development is in the best interests of the town. A residential compound shall be considered in the best interests of the town when it is found to fulfill the following objectives:

- A. To preserve the town's rural character; or
- B. To provide for moderate development around the village centers and to make it affordable for more persons to own larger parcels of land suitable for small farms or homesteads; or
- C. To provide for limited development in areas of poorly drained soil and remote sections of town; or
- D. To more readily permit the subdivision of large family homesteads for distribution among family members; and
- E. At the discretion of the Planning Board, any or all of the above objectives.

#### 9.1.2 Future Development Restricted

Parcels which have been the subject of any legal subdivision procedure after the effective date of the ordinance from which these regulations were derived may be developed as a residential compound provided that: (1) a feasible Development Plan, as sufficiently justified by accompanying Master Plan level data, shall be submitted to and approved by the Planning Board, which will constitute a form of agreement between the Applicant/Owner of the subject property and the Planning Board, for the configuration and arrangement of proposed lots of all subsequent subdivision of said subject parcel as future phases; and, (2) that the creation of additional residential road frontage subdivision lots shall be prohibited from any future subdivision actions, except that future compound lots may have frontage on existing town roadways, but require access off interior compound roads. No lot which has been developed as a residential compound lot 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 therein shall not be altered after having received final approval from the Planning Board. (Ch. 88, § 2, Art. B(2), 2-287)

#### 9.1.3 Minimum Size of Lots, Density

Each building lot created as part of the residential compound shall contain at least two acres of land, so long as the density of the residential compound does not exceed one single-family dwelling unit per five acres of land suitable for development situated therein. No more than one single-family dwelling unit may be situated on any building lot, and in no case shall a residential compound 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.

**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**

Minimum Lot Size _____	2 acres
Minimum Frontage on Private Right-of-Way _____	30 feet
Minimum Front Setback _____	75 feet
Minimum Side Setback _____	40 feet
Minimum Rear Setback _____	40 feet

The land area of the parcel in excess of that necessary to meet the minimum lot area requirements shall be designated for one of the following purposes and conditions:

- A. Excess area may be part of one or more of the residential housing lots; or,
- B. Excess area may be a separate lot or lots devoted to one or more of the open space uses.

**9.1.6 Use**

All building lots in residential compounds shall be limited to single family dwellings only, in conformance with all applicable requirements in the *Zoning Ordinance*.

**9.1.7 Frontage on Streets**

Each building lot shall have either frontage on a public street or on a private street by a legal right-of-way, so that all owners of lots in the residential compound shall have access to a public street. The subdivider shall provide the Planning Board with satisfactory documentation of the legal basis of any private right-of-way to be used for access. The private right-of-way shall be shown on the Final plat in its entirety from the public street to the building lots in the residential compound. The private right-of-way must have a minimum of 50 feet of frontage on a public dedicated roadway.

**9.1.8 Standards for Private Rights-of-Way**

The minimum road standards for a private right-of-way in a residential compound are specified in Article XVII. 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.

Streets and drainage improvements within the parcel to be developed as a residential compound shall be privately owned and maintained in common by the residents of the residential compound.

Private streets are to be constructed and maintained to allow access for emergency vehicles. Minimum right of way width is 50 feet and minimum roadway width is 20 feet.

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

The Planning Board may set construction standards for a private right-of-way, with the assistance of experts as the Board deems appropriate, relating to, but not necessarily limited to: pavement surface, pavement surface width, depth below finished grade for removal of boulders and ledge, grade of ascent and descent, surface water runoff control, natural water flow protection and drainage provision. The developer shall be informed in writing of any standards so imposed. Any such improvements shall be shown on a plan certified by a Professional Engineer, and such plan shall be included in the submission requirements for Final Plan approval and recorded with the endorsed plat. No approved plat shall be endorsed or recorded until such required improvements are completed.

Streets and drainage improvements within the parcel to be developed as a residential compound shall be privately owned and maintained in common by the residents of the residential compound.

**9.1.9 Improvements**

All required improvements, both roadway and drainage, shall be completed before the residential compound approved final plat is accepted for recording in the Land Evidence Records of the Town. The approved Final plat, certified by the appropriately Licensed Design Professional, when presented to the Town Clerk for recording, shall be accompanied by a letter of certification from the Design Professional that all such improvements have been completed in conformance with the approved design specifications.

**9.1.10 Sharing of Private Right-of-Way**

No more than two residential compounds shall share a private right-of-way (minimum standards). If a second compound is proposed, the Planning Board may impose further upgrading of the private right-of-way and drainage as provided in subsection 9.1.8 above. If the private right-of-way is upgraded to meet the design and construction standards of a public right-of-way, the Planning Board may allow additional residential compounds to share the right-of-way.

**9.1.11 Open Space**

Any land within the boundaries of the residential compound not designated as a building lot or right-of-way, shall be designated as open space. Such land may only be used for: conservation, outdoor recreation facilities of a non-commercial nature, agriculture, preservation of scenic or historic sites or structures, and structures accessory to any of the above uses. It is preferable to design residential compound open space so as to incorporate unique characteristics associated with the parcel that may include, but not be limited to, topography, scenic vistas, agricultural activities and/or areas of historical interest. Access to open space shall be provided for all residential compound residents. Accesses at least 30 feet in width shall be provided to each parcel of open space from the right-of-way within the compound. The location and number of accesses so provided shall be approved by the Planning Board.

The Planning Board shall approve all proposed uses of the open space parcel(s), taking into consideration the adequacy of access to the open space, the characteristics of the land, and the characteristics of the adjacent land. The Planning Board shall approve the location of all proposed buildings, structures, parking areas or impervious improvements associated with the open space.

**9.1.12 Deed Restrictions**

Assurances through deed restrictions shall be given so that the Town will not be requested to accept or maintain the roadway, drainage system, open space, or any other improvement within the compound, unless and until such improvements have been constructed to current town standards at the sole expense of those persons with rights in the same.

The open space land shall be protected against development and unauthorized alteration in perpetuity by appropriate deed restrictions and by the grant of a conservation easement to the Town of Hopkinton. The Planning Board shall approve the form and content of any such restrictions at the time of final approval of the subdivision plat.

If the subdividers or their successors in interest fail to maintain the open space and any improvements, the Town of Hopkinton may perform any necessary maintenance and enforce the payment for such reasonable cost, attorneys' fees, plus interest, as provided by law.

All private rights of way/roadways shall remain private in perpetuity by appropriate deed restrictions and it shall be noted on the final plan that the Town of Hopkinton shall not be requested to assume the private rights of way/roadways or improvements. (Ch. 88, §2, Art. B (9), 2-2-87)

**9.1.13 Homeowner's Association**

A homeowner's association will be formed in accordance with Rhode Island General Laws, 1956, prior to the recording of the residential compound in the Land Evidence Records. The homeowner's association shall be responsible for all maintenance of common property, including the private right-of-way, open space, drainage structures, and access ways to the open space. The open space lot(s) shall not be separately assessed for land value purposes, but added to the value of each individual compound lot, even if the open space is altered later.

**9.1.14 Approval of Final Plat**

The approved Final plat of the residential compound shall contain the following statement:

*“These premises are subject to restrictions and conditions which are contained in the instruments recorded contemporaneously with this plat, and are incorporated herein by reference.”*

**9.1.15 Statement Accompanying Final Plat**

The developer shall submit with the final plat a statement in writing duly executed and acknowledged, and binding upon the developer, and the developer’s heirs, devisees, executors, administrators, and assigns, which statement shall be approved by the Planning Board, and thereafter recorded contemporaneously with the recording of the Final plat in the Land Evidence Records with the Town Clerk, and shall contain the following:

- A. That the land lies within the approved residential compound;
- B. That the development of the land is permitted only in accordance with the land use approved by the Planning Board;
- C. That no further development of the land or lots therein shall be permitted;
- D. A statement in compliance with Sections 9.1.12 and 9.1.13 above;
- E. A statement detailing the method of ownership, maintenance and utilization of common property, including but not limited to streets, drainage systems, and open space;
- F. A statement specifying the nature and location of any private right-of-way which is used for access to the residential compound building lots from a public street;
- G. Such further restrictions, conditions, and easements which the Planning Board may direct, provided, however, that this provision shall not restrict the developer from imposing appropriate subdivision restrictions at the developer’s initiative;
- H. All private rights-of-way shall remain private in perpetuity by appropriate deed restrictions and it shall be noted on the final plan that the Town of Hopkinton shall not be requested to assume the private rights of way/roadways or improvements (Ch. 88, §2, Art. B (12), 2-2-87);
- I. Copies of any proposed management policies and existing deed restrictions or covenants running with the land in the development if any exist or are proposed;
- J. A description of existing easements, covenants or restrictions affecting land within the development and an instrument conveying any easements required as a condition of approval to the Town;
- K. All other procedural requirements or supporting material set forth in the subdivision and development regulations not mentioned in this section, which are applicable to any compound development;

## 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.

Residential Cluster Developments are encouraged by the Planning Board unless the subdivider can demonstrate to the Board at the Public Information Meeting on the Master Plan, that a conventional subdivision would be clearly superior and is in the best interests of the residents of Hopkinton. To this end, the Planning Board may require that the subdivider provide an alternative plan or plans for developing the plat as a conventional subdivision and supply other documents and studies as may be deemed necessary by the Board.

Plans shall be conceptual in nature, employing Master Plan data and shall demonstrate a realistic development. As part of the Master Plan consideration, the Planning Board may then disallow the Residential Cluster Development design, but may allow the applicant to proceed at the Preliminary plat stage with another form of subdivision, including, but not limited to, an alternative Residential Cluster Development design, or a conventional design, based upon the Planning Board's design suggestions.

### 9.2.2 Uses, Lot Area and Dimensional Regulations

#### A. Uses

The following uses, as shown in the Use Table of the Zoning Ordinance, are permitted in a Residential Cluster Development: Uses # 01, 02, and 03. Use # 8 is permitted by special permit only, granted by the Zoning Board of Review, and requires, as a deed restriction, notification of the Homeowner's Association and each individual homeowner of the intent to operate a customary home occupation in the Residential Cluster Development:

01 – Single Family

02 – Two Family

03 – Multi Family

08 – Customary Home Occupation

**B. Site Ownership and Minimum Area**

The site proposed for a Residential Cluster Development shall be no less than ten acres in area and shall be under a single owner or group of owners acting jointly to seek approval, unless the Planning Board finds that property of less acreage is suitable by virtue of its unique historical character, topography or land features.

**C. Area, Density and Dimensional Requirements for a Residential Cluster Development**

**1. Gross Density**

A maximum gross development density of one residential dwelling unit per 80,000 square feet shall be observed in all Residential Cluster Developments which shall only be allowed in the RFR-80 zone. The total number of residential dwelling units to be permitted on any site proposed for a Residential Cluster 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 ten percent of the total site acreage will be subtracted as allowance for roads, 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 to be permitted in the cluster development

**2. Density Bonus**

The Planning Board may grant a Density Bonus of up to ten percent on the final value of U (# of permitted units) if the applicant is willing to legally bind the additional units for permanent “affordable housing” units as defined in R.I.G.L. 45-53-1, et.seq., or other methods acceptable to the Town of Hopkinton.

**3. Lot Size**

In designing a site plan for a Residential Cluster Development, the following shall be the minimum permissible lot size for each type of use:

<u><i>Type</i></u>	<u><i>Minimum Lot Size</i></u>
Single-Family Detached Dwelling Structure	40,000 sq. ft.
Two-Family or Duplex Dwelling Structure	60,000 sq. ft.
Townhouse or Row House or Other Multifamily Dwelling Structure	80,000 sq. ft.

**4. Reduced Lot Size**

With the installation of a verifiable central water supply and construction of a central water distribution system to service the cluster subdivision, the Planning Board will consider a reduction of lot size as follows:

<u>Type</u>	<u>Minimum Lot Size</u>
Single-Family Detached Dwelling Structure	30,000 sq. ft.
Two –Family or Duplex Dwelling Structure	50,000 sq. ft.
Townhouse or Row House or Other Multifamily Dwelling Structure	70,000 sq. ft.

**5. Reduced Lot Size**

With the installation of a verifiable central water supply and construction of a central water distribution system to service the cluster subdivision, and with the installation of a denitrification sewage disposal system, or a community OWTS system, the Planning Board will consider a reduction of lot size as follows:

<u>Type</u>	<u>Minimum Lot Size</u>
Single-Family Detached Dwelling Structure	20,000 sq. ft.
Two-Family or Duplex Dwelling Structure	40,000 sq. ft.
Townhouse or Row House or Other Multifamily Dwelling Structure	60,000 sq. ft.

**Note:** All sewerage disposal systems located in the common open space area shall be owned and maintained by the homeowner’s association.

**6. Unsuitable Land**

No land unsuitable for development, as defined in Article II shall be included within the minimum lot size as required in subsection 9.2.2(C) above.

**7. Dimensional Requirements**

a. Minimum setbacks of structure from street right-of-way or access drive (front yard depth):

All units \_\_\_\_\_ 40 feet  
 Reduced lot size \_\_\_\_\_ 25 feet

b. Maximum height of structures:

Single-family and two-family dwelling structure \_\_\_\_\_ 35 feet  
 Townhouse or other multifamily structure \_\_\_\_\_ 35 feet  
 Accessory structure \_\_\_\_\_ 15 feet

- c. Minimum setback distance:
  - 1. Side yard setback
    - Single-family \_\_\_\_\_ 20 feet, each side
    - Two-family \_\_\_\_\_ 15 feet, each side
    - Townhouse or Row House \_\_\_\_\_ 15 feet each side, except where units share a wall in common
  - 2. Rear yard depth:
    - Residential structures \_\_\_\_\_ 40 feet
    - Nonresidential structures \_\_\_\_\_ 60 feet
- d. Lot width at minimum front setback line:
  - 1. Standard Lot Size
    - Single-family \_\_\_\_\_ 120 feet
    - Two-family \_\_\_\_\_ 60 feet per unit
    - Townhouse \_\_\_\_\_ 120 feet
  - 2. Reduced Lot Size (with central water system)
    - Single-family \_\_\_\_\_ 100 feet
    - Two-family \_\_\_\_\_ 50 feet per unit
    - Townhouse \_\_\_\_\_ 100 feet
  - 3. Reduced Lot Size (with central water system & alternate sewerage disposal)
    - Single-family \_\_\_\_\_ 80 feet
    - Two-family \_\_\_\_\_ 40 feet per unit
    - Townhouse \_\_\_\_\_ 100 feet
  - 4. Units Per Individual Cluster or Pod
    - Single Family \_\_\_\_\_ up to 8 units
    - Duplex Units \_\_\_\_\_ 4 - 12 units
    - Multi-Family \_\_\_\_\_ 4 - 12 units

**D. Special Criteria for Duplex, Townhouse or Row House Structure**

No attached row shall contain more than four townhouse units. Each townhouse shall have on its own lot, one yard containing not less than 500 square feet, reasonably secluded from view from streets or from neighboring property. Such yards shall not be used for off street parking, garages, driveways, or any accessory building.

The minimum distance between any two rows of townhouse buildings shall be 80 feet. The minimum distance between the abutting ends of townhouses in the same general plane or row shall be 30 feet.

In regards to density and mix of types of units, the Planning Board will consider a maximum of 50% of a cluster for duplex or townhouse units. The balance would be for single family units.

If duplexes and/or townhouses are proposed, the applicant must submit detailed drawings indicating type of construction, sizes of units, style, location on lots, driveways and landscaping.

**E. Criteria for Multifamily Dwelling Structures**

Except for standards specifically provided for in this article, all multifamily structures constructed within a cluster residential development shall conform to the standard densities, dimensions and intensities shown in the *Zoning Ordinance* governing dimensional and area requirements for multifamily structures in the residential development.

**F. Requirements for Open Space in a Residential Cluster Development**

In any residential cluster development, at least 30% of the total area of the development, exclusive of the development's roads, and exclusive of wetlands, ponds, marshes, protected natural areas and areas classified as unique, shall be set aside as open space. This open space shall conform to the following requirements:

1. The open space may be one or more parcels of a size, shape and location determined by the Planning Board to be 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;
2. If any or all of the dwelling units in the district are designed to be in individual ownership, the approved open space shall be conveyed to a registered homeowner's association, which shall be responsible for maintenance of said open space and the operation of any approved facilities thereon.
3. If, in the judgment of the Planning Board, the goals and policies of the *Comprehensive Community Plan* call for town acquisition of all, or a portion of, the proposed open space for future community facility, recreation or conservation use, the Town Council may require that said open space, or portion thereof, be conveyed to the Town of Hopkinton for that purpose. Open space that is provided for public or common use shall either be conveyed to the Town of Hopkinton 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.
4. If the open space is conveyed to an association or if the open space is retained by the developer or owner where the district is to remain under single ownership and units are to be leased to prospective occupants, said open space shall be protected against future building development by conveying to the Town of Hopkinton, as one of the conditions for project approval, an open space easement over said open space restricting the area against any future building or use except where it is consistent with the provision of landscaped open space for aesthetic and recreational satisfaction of the surrounding residences. If the owners or their successors or assigns fail to maintain the open space, the Town of Hopkinton may perform any necessary maintenance and enforce the payment for such reasonable costs, attorneys' fees, plus interest, as provided by law.

Building(s) or uses for noncommercial recreational or cultural purposes compatible with the open space objectives may be permitted only after approval by the Planning Board.

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5. Accesses at least 30 feet in width shall be provided to each parcel of open space from streets or drives within the district. The location and number of accesses so provided shall be approved by the Planning Board.
6. Up to 20% of the open space may be devoted to paved areas or structures used to provide recreational or cultural facilities for the residents of the open space and approved by the Planning Board.
7. There is a requirement for a 100 foot buffer around the entire perimeter of the site. Lots on the outer perimeter of the proposed Residential Cluster Development which are directly adjacent to a public street must be separated from said public street by an open space buffer of at least 50 feet in width along the entire street frontage, except for any necessary access streets. The Planning Board could decrease that distance if the property abutted a permanent open space area or if a substantial physical buffer exists. If there is a lack of vegetation in the proposed buffer area, the applicant shall install some type of visual barrier, either vegetation or fencing of an acceptable material approved by the Planning Board. The Planning Board may eliminate the required perimeter buffer if other acceptable arrangements can be made which reduce the overall impact of the project.
8. No portion of the dedicated open space lot(s) may be sold, except in conjunction with the sale of the subdivision lots. The open space lot(s) shall not be separately assessed for land value purposes, but added to the value of each individual cluster lot.
9. At the time of Master Plan review by the Planning Board, the applicant shall submit a separate open space use plan containing:
  - a. the general location and area of all proposed open spaces;
  - b. the general proposed use(s) of the open space;
  - c. existing topography and existing ground cover of open space areas;
  - d. the location and nature of any buildings, structures, stone walls, cemeteries, or other natural and/or historic features;
  - e. areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
  - f. generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas;
  - g. areas proposed to be left in their existing natural states without any disturbance; and
  - h. permanent monumentation to indicate open space from development lots.

At the time of Preliminary review by the Planning Board, a more detailed open space use plan shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.

The Planning Board shall require Final construction plans to show proposed open space use(s) and alterations required as a condition of Final approval.

**G. Streets**

All streets in a Residential Cluster Development which are intended or required for dedication to the Town 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 within the cluster subdivision. Streets, driveways, ways and other paved areas intended to remain in private ownership shall be approved as to design and construction standards by the Planning Board.

**H. Off-street Parking**

Facilities for off-street parking shall be provided in a residential cluster development at two spaces per unit which may include a garage or carport in accordance with the standards contained in Section 28 of the *Hopkinton Zoning Ordinance*.

**I. Signs**

Signs erected, installed or displayed in a Residential Cluster Development shall conform to the requirements of Section 27 of the *Hopkinton Zoning Ordinance*.

**J. Drainage Facilities**

Stormwater drainage facilities, including above-ground detention or retention areas and their associated conveyance ditches or channels, may be located within designated open space areas within residential cluster developments. Approval of placement of these facilities is contingent upon Planning Board approval and providing that the minimum required open space area, as provided in subsection 9.2.2(F) of this Article is met. Provided, however, that the Planning Board may prohibit any drainage facilities from required open space areas if it finds that such facilities are in conflict with the intent and purpose of the Residential Cluster Development as stated in subsection 9.2.1 of this Article or with the general purposes of these Regulations.

Those portions of stormwater detention areas submerged during the peak of a 100-year frequency storm shall not be considered open space and are not eligible for consideration in meeting minimum open space area requirements.

When drainage facilities are located within open space areas and in instances where the roads shall be public, they shall be owned and maintained by the Town of Hopkinton, and a drainage easement shall be granted to the Town where applicable.

When drainage facilities are not located within the street or within open space areas, they shall be located on a lot or lots specifically set aside for that purpose, and shall be owned and maintained by the Town of Hopkinton.

**K. Required Certificates or Documents**

The following certificates or documents shall be submitted at the time of submission of the final plan for review, approval, and recording:

1. A written agreement or contract to be executed between the developer and the Town of Hopkinton 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 into said development and perform such necessary maintenance work and charge the cost, including attorney fees to the owner, successors or assigns;
  - b. That the owner or developer will construct the development and install improvements in accordance with the approved site plan;
  - c. That this contract 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 by the Planning Board.
2. A certificate from the Tax Collector of the Town of Hopkinton that all taxes due on the land within 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 said 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, within 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 a project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Zoning Ordinance. A Planned Unit Development is developed according to plan as a single entity containing one or more structures and/or uses with appurtenant common areas. Establishment of a Planned Unit Development requires action on the part of both the Town Council and the Planning Board.

A complete description of the Planned Unit Development application process is contained in Chapter 13.5, Article II of the *Town of Hopkinton Code of Ordinances*.

### **9.4 DEVELOPMENT PLAN REVIEW**

Development Plan Review is a process whereby local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the *Town of Hopkinton Zoning Ordinance*. Development Plan Review of applications is required for any permitted use other than single-family and two family residential and accessory structures thereto, with the review body being the Planning Board. A complete description of the development plan review process, including application requirements and design standards, is contained in Chapter 13.5, Article III, of the *Town of Hopkinton Code of Ordinances*.

**9.4.1 Subdivision and Development Plan Review – Combined**

Any Subdivision or Land Development Project that is also subject to Development Plan Review, as provided above, shall be subject to only one combined review, provided that the Planning Board has made an affirmative finding of fact that both the Subdivision/Land Development Project and the Development Plan Review have met the intent and spirit of the requirements of this section. In such cases, the combined review shall follow the applicable procedures for subdivision review and approval.

**9.4.2 Review Procedure and Scope**

The review shall be conducted by the Planning Board as set forth in the Chapter 13.5, Article III, of the *Town of Hopkinton Code of Ordinances*. The decision by the Board shall be binding upon the Zoning Enforcement Officer. Such decision shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. The permitting authority may not issue a permit contrary to the decision of the Planning Board, but such decision may be appealed to the Zoning Board of Review, pursuant to the procedures set forth for the review of a decision of the Planning Board.

**9.4.3 Required Guidelines, Findings and Improvements**

Prior to granting Development Plan Review approval, the Planning Board shall find that:

- A. The granting of approval will not result in conditions detrimental to the public health, safety, and welfare;
- B. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area of zoning district;
- C. The plans for such project comply with all the requirements of the *Zoning Ordinance* and these Regulations;
- D. The plans for such project are consistent with the Comprehensive Plan; and,
- E. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

**9.4.4 Development Plan Contents**

Every development plan submitted in accordance with this Section shall contain the information in the Development Plan Review Checklist in Section 13.5-72 in the Hopkinton Code of Ordinances.

**9.4.5 Drainage Plan**

The Planning Board may also require the submission of a proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer for any use of facility subject to the provisions of this Section where, in the opinion of the 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."

**9.4.6 Waivers and Modifications**

The Planning Board may waive or modify any information or site plan requirement(s) it judges to be unnecessary to the review of the application. Requests for such waivers shall be heard by the Planning Board according to the provisions of Article XI of these Regulations.

**9.4.7 Required Improvements**

The review by the Planning Board shall be based on the specific and objective guidelines or standards which are set forth in the *Zoning Ordinance* and by the policies provided in the *Hopkinton Comprehensive Community Plan*. The following revisions to the development plan and improvements may be required by the Planning Board:

- A. Modifications to the location of any off-street parking area or loading area, building or structure upon the lot;
- B. Provisions for pedestrian, bicycle and/or vehicular circulation upon the lot and to/from adjacent properties or public or private streets;
- C. Provisions for the location and/or screening of trash disposal facilities, dumpsters, etc.;
- 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 and/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/or historic features, including stone walls; and,
- L. Provisions for exterior lighting.



**DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST**  
(From Article III of the Hopkinton Code of Ordinances)

**APPLICATION PROCEDURE**

**A. Pre-application Conference**

For all plans to be viewed by the Planning Board, a pre-application conference must be held with the Town Planner. At this conference the following items may be discussed: the land involved, the proposed type of development, the requirements of this ordinance, and scheduling for the Planning Board's agenda. At this time the Town Planner may review those applications which meet the Hopkinton Zoning Code in full, do not merit a full board review, and provide a staff review of the project. Please refer to the *Hopkinton Code of Ordinances* for complete information.

**B. Plan Submission**

**1. Fees**

All submissions for site plan approvals shall be accompanied by a fee to pay for the costs of the planning review. The fee shall be as follows:

- a. Residential Development - \$50.00 per unit
- b. Nonresidential development - \$100.00 per 1,000 square feet of gross floor area.
- c. The cost of any specialized studies or independent outside review of said studies ordered by the Council or Board, shall be borne by the applicant.

The Town Planner shall forward the filing fee to the Town Clerk together with a summary sheet indicating in specific detail what materials have been filed with the Town Planner and where such materials are located.

**2. Exceptions**

For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed in Section 4 below, *Plan Submission*.

**3. Duties of the Planning Board**

The Planning Board shall review the site development plan and act upon the application within 45 days from the time of submission to the Town Planner. Failure on the part of the Planning Board to act shall be deemed to constitute approval, unless the time limit is extended by stipulation with the applicant.

In reviewing the site plan, the Planning Board shall take into consideration: the public health, safety, and general welfare; the comfort and convenience of the public in general and of the residents of the immediate neighborhood; and, shall set any appropriate conditions and safeguards of the general purpose and intent of these regulations and the general criteria and standards set forth herein.

DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

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

The decision of the Planning Board on the site plan will be forwarded to the Town Council for consideration.

**4. Plan Submission**

Upon completion of the pre-application conference, the site plan submission for the Planning Board shall include eight copies of the site plan at a scale no smaller than 1 inch = 40 feet, prepared by a professional engineer or surveyor registered under the provisions of R.I.G.L., Title 5, Chapter 8. The following information shall also 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 II standard as adopted by the Rhode Island Society of Professional Land Surveyors and a statement to such effect must appear on the site plan. Bench marks must be shown on plan with vertical datum.)
- \_\_\_ 2. Zoning classification
- \_\_\_ 3. Area of parcel
- \_\_\_ 4. Abutting property owners within two hundred (200) feet
- \_\_\_ 5. Assessor's plat and lot number(s)
- \_\_\_ 6. Name and width of all abutting streets and associated right-of-ways
- \_\_\_ 7. Contours at two-foot intervals
- \_\_\_ 8. Existing structures
- \_\_\_ 9. Existing paved areas, curb cuts (on site and within 200 feet) and percent of impervious site coverage

DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

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

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

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

**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)
- \_\_\_ 9. All revisions of data shall be submitted to the planning board for approval.

**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

DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

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:

*"...that said professional has inspected the site and no wetlands features have been observed on month/day/year."*

**C. Design Standards**

The following criteria, as well as the Soil and Erosion Control Standards, are to be used by the Planning Board in judging applications for Development Plan Review. The design standards set forth in this section shall serve as the minimum requirements for approval of the site plan application.

Participation by the Planning Board shall be restricted to a reasonable, professional review and full responsibility for design shall be retained by the Applicant. In all instances the burden of proof that all design standards have been met shall be on the applicant. The burden of proof shall include the production of evidence necessary to complete the application, including the following:

**1. Ecological Considerations**

- \_\_\_ a. There has been minimal degradation of unique or irreplaceable land types and minimum adverse impact upon the critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils, areas with a high water table, mature stands of vegetation, and extraordinary wildlife nesting, feeding, or breeding grounds
- \_\_\_ b. Conforms with existing geological and topographical features for most appropriate use of the land
- \_\_\_ c. All applicable local, state, and federal pollution control standards have been observed relative to waste disposal. The Planning Board shall require the applicant to provide written certification from the appropriate agencies that such standards are met

DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

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

**2. Landscape**

- a. The landscape has been preserved in its natural state as practicable by minimizing tree removal, disturbance of the soil, and retaining the existing vegetation
- b. Landscaping shall be installed according to the landscaping design shown on the site plan
- c. All signs must conform with Section 27 of the Hopkinton Zoning Ordinance.

**3. Municipal Services**

- a. The development shall not have an adverse impact on the municipal road system, fire district, police department, solid waste program, schools, open spaces, recreational programs and facilities, as well as public utilities.

**4. Parking and Circulation.**

- a. The site layout provides for safe access to and from public and private roads
- b. Site distances, turning lanes, and traffic signals when required by existing and projected flow on the municipal road systems
- c. Safe and accessible emergency access to all proposed structures on the site at all times
- d. Written certification that the local police, fire, and ambulance services have reviewed the proposed site plan and approve of its design
- e. Written approval of the proposed site plan from the Public Works Director

**5. Soil Erosion and Stormwater Control.**

- a. Development minimizes effects upon the natural or existing topography and soil conditions and erosion
- b. Development is oriented on the site so grading and site preparation is kept to a minimum
- c. Erosion and sediment control measures are in place
- d. Natural vegetation is retained and protected wherever feasible
- e. Development strives for retention/enlargement of the natural features and qualities of the site.
- f. Sediment basins are to be installed where determined necessary, in conjunction with the initial grading operations and maintained through the development process
- g. Water run-off will be minimized and retained on site to facilitate groundwater recharge.
- h. Retention facilities shall use natural topography and natural vegetation

DEVELOPMENT PLAN REVIEW GUIDELINES & CHECKLIST

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

- \_\_\_ i. Lots maximize the amount of natural drainage to percolate into the soil to minimize overland run-off into adjoining streets and water courses.
- \_\_\_ j. Grading shall not be done so as to divert water onto the property of another landowner without the expressed consent of that landowner and the Planning Board.

**6. *Visual Buffers***

- \_\_\_ a. Exposed areas, service areas, loading docks, utilities, lighting, and the proposed structures have sufficient setbacks and screening to provide a buffer sufficient to minimize any possible adverse impact on other adjacent land

**7. *Visual Relationship of Buildings.***

- \_\_\_ a. Proposed structures are harmonious to the terrain and to existing buildings in the vicinity with special attention paid to the bulk, location, and height of structures

**8. *Unique and Cultural Areas***

- \_\_\_ a. The site plan does not impose any adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.



## ARTICLE X – RECORDING APPROVED PLATS & 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.

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 infield 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;

- 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 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 AND MODIFICATIONS

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### 11.1 WAIVER OF DEVELOPMENT PLAN APPROVAL

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

The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.

### 11.2 WAIVER OR MODIFICATION OF REGULATIONS

11.2.1 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 the regulations would be impracticable and would exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver and/or modification of the regulation is in the best interest of good planning practice and/or design as evidenced by consistency with the *Comprehensive Community Plan* and the *Zoning Ordinance*; and
- C. The waiver does not reduce the standard to less than the requirements of the *Hopkinton Zoning Ordinance*.

### 11.3 REINSTATEMENT OF APPLICATIONS

11.3.1 When an applicant fails to meet a deadline established by these regulations or by a Planning Board approval for particular actions, thereby rendering a development application or approval invalid, the application may be reinstated by the Planning Board if it finds that:

- A. The development or subdivision remains consistent with the *Comprehensive Community Plan*;
- B. The zoning of the subject parcel is substantially the same as it was at the time of original approval;
- C. The *Subdivision Regulations* are substantially the same as they were at the time of original approval;

- D. Physical conditions on the subject parcel are substantially the same as they were at the time of original approval;
- E. Any applicable State or Federal regulations are substantially the same as they were at the time of original approval and all applicable state and federal approvals have not expired; and
- F. The Board shall condition the reinstatement on the payment of any fees in effect at the time of reinstatement.

- 11.3.2 The Planning Board shall reinstate applications and/or approvals meeting the conditions listed above as of the date on which they expired.
- 11.3.3 Application for reinstatement of a previously-approved development shall be made to the Planning Board in writing by the Applicant, stating the amount of time requested and the reasons for such request. The Planning Board, in approving or denying the request for an extension or reinstatement, shall make findings of fact which shall be made part of the record.

#### **11.4 DECISIONS ON WAIVERS AND MODIFICATIONS**

- 11.4.1 The Planning Board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:
  - A. The Planning Board's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the Planning Board, unless the applicant waives that deadline; or
  - B. The Planning Board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in Article III.



## 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 development plan that has been approved by the Planning Board or the Town Planner shall be in violation of these Regulations.
- 12.1.2 The Town Planner shall report any suspected violations to the Planning Board and Town Manager for further action.
- 12.1.3 Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the *Land Evidence Records*, shall be in violation of these Regulations.
- 12.1.4 Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received Preliminary approval from the Planning Board or the Town Planner, shall be in violation of these Regulations.

The phrase “*beginning construction of the subdivision*” shall mean construction of improvements required by these Regulations as a condition of subdivision approval, but specifically excluding preparatory work such as ground water level testing, soil/water percolation testing, surveying and mapping and clearing of vegetation.

### 12.2 PENALTIES FOR VIOLATIONS

The Planning Board reserves the right to call an applicant back to discuss violations of an approved plan.

Any person adjudged in violation of these regulations shall be liable to the Town for penalties not to exceed \$500 per day for each violation, and each day of existence of a violation shall be deemed a separate offense.

### 12.3 INJUNCTIVE RELIEF

- 12.3.1 The Town of Hopkinton 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 An action for injunctive relief brought by the Town of Hopkinton in the Superior Court may be consolidated with an action seeking penalties for violations of these regulations.



## 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 Town Planning Board. Notice of a Public Hearing on any proposed adoption or amendment shall be published in a newspaper of general circulation within the town 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 newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles. 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.

Notwithstanding anything contained in this article, amendment of these Regulations shall be in accord with R.I.G.L. Section 45-23.

#### 13.1.2 Notice of Public Hearing

Notice of the Public Hearing shall be sent to the following:

- A. Written notice, which may be a copy of the newspaper advertisement, shall be mailed to the Statewide Planning Program of the Rhode Island Department of Administration, at least two weeks prior to the public hearing;

- B. The city or town Planning Board of any municipality 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 Hopkinton's boundaries, including Westerly, Exeter, Charlestown, Richmond and North Stonington and Voluntown, Connecticut. Said notice shall be sent by first class mail;
- C. 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 and/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 and/or watersheds, and parcels of land within 2,000 feet of the areas of surface water resources and/or watersheds, pursuant to R.I.G.L. Section 45-24-53(E); and
- D. Electronic notice to those in the registry.

No defect in the form of any notice under this section shall render any regulations invalid. The requirements in this section are to be construed as minimum requirements.

## **13.2 AVAILABILITY**

- 13.2.1 Printed copies of these regulations, including all appendixes, are available to the general 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 Planning Division of the Rhode Island Department of Administration, and 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 THE BOARD OF APPEAL

Appeals of decisions of the Planning Board or the Town Planner on matters of review and approval of land development and subdivision projects shall be made to the Board of Appeal in accordance with the provisions of Title 45, Chapter 23 of the *General Laws of Rhode Island* and with Article XV of these regulations.

### 14.3 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 3.6 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.

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

### **14.4.1 Records**

All records of Planning Board proceedings and decisions shall be documented and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the Planning Board shall also be available for public review.

### **14.4.2 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.

### **14.4.3 Written Comments**

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

### **14.4.4 Votes and Decisions**

All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership.



## ARTICLE XV – APPEALS

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### 15.1 PROCEDURE FOR APPEAL TO THE BOARD OF APPEAL

#### 15.1.1 Appointment

Pursuant to the *Rhode Island Land Development and Subdivision Review Enabling Act of 1992*, the Town Council has established the Zoning Board of Review to be the *Board of Appeal* to hear appeals of decisions of the Planning Board and Town Planner on matters of review and approval of land development and subdivision projects

#### 15.1.2 Powers of the Board of Appeal

The Board of Appeal shall have the following powers: to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Board or the Town Planner in the enforcement of the Regulations.

#### 15.1.3 Use of Powers

In exercising its powers, the Board of Appeal may reverse or affirm, wholly or partly, or may modify the decision appealed from and make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Planning Board or Town Planner from whom the appeal was taken.

#### 15.1.4 Right of Appeal

Any party aggrieved by a decision of the Planning Board or the Town Planner, shall have the right to appeal that decision to the Board of Appeal by the following procedure:

- A. The appeal must be received within 20 days of the date the decision is recorded and posted in the Town Clerk's Office.
- B. The appeal shall be in writing, on a form provided by the Clerk of the Board of Appeal, and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.
- C. The appeal shall be either mailed by certified mail return receipt requested, or hand-delivered, to the office of the Clerk of the Board of Appeal. The Town Clerk shall accept delivery of an appeal on behalf of the Board of Appeal.
- D. Upon receipt of an appeal, the Clerk of the Board of Appeal shall require the Planning Board or the Town Planner to transmit forthwith to the Board of Appeal all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.

#### 15.1.5 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action being appealed.

## **15.2 PUBLIC HEARINGS ON APPEALS TO THE BOARD OF APPEAL**

- 15.2.1** The Board of Appeal shall conduct a public hearing on each appeal within 45 days of receipt of the appeal by the Board's Clerk. The public hearing shall be conducted at a meeting called and advertised especially for that purpose, and shall be conducted separately from any Zoning Board of Review meeting that may be advertised for the same date and place. The Board of Appeal shall maintain a complete record of all its proceedings, including minutes of meetings and records of votes taken, which shall be separate from the minutes and records of the Zoning Board of Review.
- 15.2.2** Notice of the public hearing shall be published in a newspaper of general circulation within the Town at least 14 days before the date of the Public Hearing. Notice shall be sent by first class mail to the parties to the appeal and to those persons required to be notified by Article VIII, subsection 8.6.2 of these regulations. The party who filed the appeal shall bear the cost of advertising and notice.
- 15.2.3** At the Hearing, any party may appear in person or by an agent or attorney.
- 15.2.4** The Board shall render a decision on the appeal in the following manner:
- A.** The Board shall not substitute its own judgment for that of the Planning Board or Town Planner, but shall consider the issue upon the findings and record of the Planning Board or Town Planner. The Board shall not reverse a decision of the Planning Board or Town Planner except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
  - B.** The concurring votes of three of the five members of the Board of Appeal sitting at the hearing shall be necessary to reverse any decision of the Planning Board or Town Planner.
  - C.** In the instance where the Board of Appeal overturns a decision of the Planning Board or Town Planner, the proposed project application shall be remanded to the Planning Board or Town Planner, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Town Planner and/or for final disposition, which shall be consistent with the Board of Appeal's decision.
  - D.** The Board of Appeal shall render a decision within 10 days of the close of the Public Hearing and shall keep complete records of all proceedings including a record of all votes taken. The decision shall be in writing and shall include reasons for the decision.

## **15.3 APPEALS TO THE SUPERIOR COURT**

### **15.3.1 Appeals of Decisions of the Board of Appeal**

#### **A. Aggrieved Parties**

An aggrieved party may appeal a decision of the Hopkinton Board of Appeal to the Washington County Superior Court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the Office of the Town Clerk. When the complaint is filed by someone other than the original applicant or appellant,

the original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings.

**B. Filing by Town with Court**

Within 30 days after being served with a copy of the complaint, the Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court.

**C. Stays of Proceeding**

The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other appropriate orders as it deems necessary for an equitable disposition of the appeal.

**D. Court Review Process**

The court shall review the appeal pursuant to the R.I.G.L. Section 45-23-71. The review shall be conducted by the Superior Court without a jury. The court shall consider the record of the hearing before the Planning Board and, if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

The court shall not substitute its judgment for that of the Planning Board as to the weight of the evidence on questions of fact. The court may affirm the decision of the Board of Appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

1. In violation of any constitutional, statute, ordinance or Planning Board regulation;
2. In excess of the authority granted to the Planning Board by statute or ordinance;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
6. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.



## 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:
  - 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 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 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*, 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**

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.
- G. The following predominant, exterior building materials, are discouraged:
  - 1. Pre-fabricated 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.
- 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.
- 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 (land-owners and home-owners). 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 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

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:
  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.
- 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:
    - 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.

3. The minimum amount of interior parking lot landscaping shall be provided in accordance with the following table:

Total Area of Parking Lot	Minimum Percent of the Total Parking Lot Area that must be an Interior Landscaping Area
<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;
  - 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.
- 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 APPENDIXES

### 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.

- 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

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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 tremuliodes</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 virginiana</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

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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.

<u>Common Alder</u> - <i>Alnus serrulata</i>	<u>Indigobush Amorph</u> - <i>Amorpha fruticosa</i>
<u>Bearberry</u> - <i>Arctostaphyls uva-ursi</i>	<u>Red Chokeberry</u> - <i>Aronia arbutifolia</i>
<u>Black Chokeberry</u> - <i>Aronia melanocarpa</i>	<u>Purplefruit Chokeberry</u> - <i>Aronia prunifolia</i>
<u>Eastern Baccharis</u> – <i>Baccharis halimifolia</i>	<u>Jerseytea Ceanothus</u> – <i>Ceanothus americanus</i>
<u>Common Buttonbush</u> - <i>Cephalanthus occidentalis</i>	<u>Leatherleaf</u> - <i>Chamaedaphne calyculata</i>
<u>Summersweet Clethra</u> - <i>Clethra alnifolia</i>	<u>Sweetfern</u> - <i>Comptonia peregrine</i>
<u>Silky Dogwood</u> - <i>Cornus amomum</i>	<u>Bunchberry Dogwood</u> - <i>Cornus canadaensis</i>
<u>Grey Dogwood</u> - <i>Cornus racemosa</i>	<u>Roundleaf Dogwood</u> - <i>Cornus rugosa</i>
<u>American Filbert</u> - <i>Corylus Americana</i>	<u>Beaked Filbert</u> - <i>Corylus cornuta</i>
<u>Atlantic Leatherwood</u> - <i>Dirca palustris</i>	<u>Trailing Arbutus</u> - <i>Epigaea repens</i>
<u>Checkerberry Wintergreen</u> - <i>Gaultheria procumbens</i>	<u>Inkberry</u> - <i>Ilex glabra</i>
<u>Common Winterberry</u> – <i>Ilex verticillata</i>	<u>Common Juniper</u> - <i>Juniperus communis</i>
<u>Lambkill Kalmia</u> - <i>Kalmia angustifolia</i>	<u>Mountainlaurel Kalmia</u> - <i>Kalmia latifolia</i>
<u>Bog Kalmia</u> - <i>Kalmia polifolia</i>	<u>Common Spicebush</u> - <i>Lindera benzoin</i>
<u>He-huckleberry</u> - <i>Lyonia ligustrina</i>	<u>Northern Bayberry</u> - <i>Myrica pensylvanica</i>
<u>Scrub Oak</u> - <i>Quercus ilicifolia</i>	<u>Sweet Azalea</u> - <i>Rhododendron arborescens</i>
<u>Pinxterbloom Azalea</u> - <i>Rhododendron nudiflorum</i>	<u>Swamp Azalea</u> - <i>Rhododendron viscosum</i>
<u>American Black Currant</u> – <i>Ribes americanum</i>	<u>Carolina Rose</u> - <i>Rosa carolina</i>
<u>Allegheny Blackberry</u> - <i>Rubus allegheniensis</i>	<u>Blackcap Raspberry</u> - <i>Rubus occidentalis</i>
<u>Fragrant Thimbleberry</u> – <i>Rubus odoratus</i>	<u>American Red Raspberry</u> – <i>Rubus strigosus</i>
<u>Prairie Willow</u> - <i>Salix humilis</i>	<u>Shining Willow</u> - <i>Salix lucida</i>
<u>American Elder</u> – <i>Sambucus canadensis</i>	<u>Scarlet Elder</u> - <i>Sambucus pubens</i>
<u>Hardhack Spirea</u> - <i>Spiraea tomentosa</i>	<u>Canada Yew</u> - <i>Taxus canadensis</i>
<u>Lowbush Blueberry</u> - <i>Vaccinium angustifolium</i>	<u>Highbush Blueberry</u> – <i>Vaccinium corymbosum</i>
<u>Cranberry</u> - <i>Vaccinium macrocarpum</i>	<u>Mapleleaf Viburnum</u> - <i>Viburnum acerifolium</i>
<u>Hobblebush Viburnum</u> – <i>Viburnum alnifolium</i>	<u>Witherod Viburnum</u> - <i>Viburnum cassinoides</i>

ARTICLE XVI - DESIGN GUIDELINES, Con't.

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 luminaires.
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:

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, that 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).

**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.

#### **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**

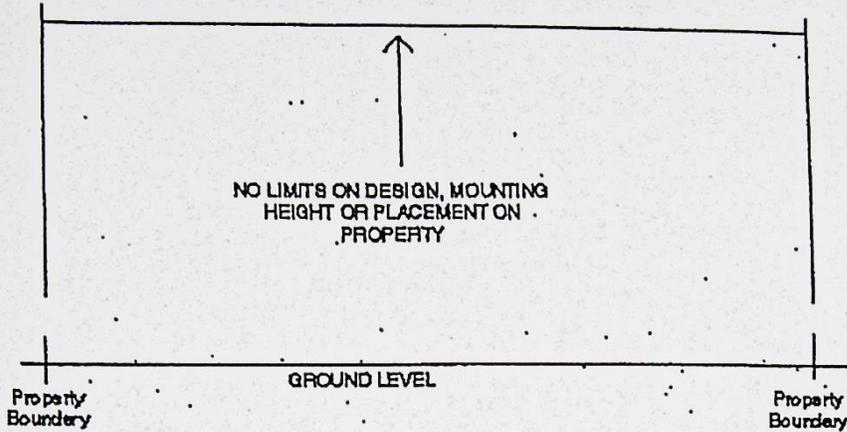
1. Lighting used primarily for sign illumination may be mounted at any height to a maximum of fifteen (15) feet.
2. Except as otherwise prohibited herein, signs may be illuminated by any fixed steady light source, of such nature and in such manner that the brightness of the sign face does not exceed 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), 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.

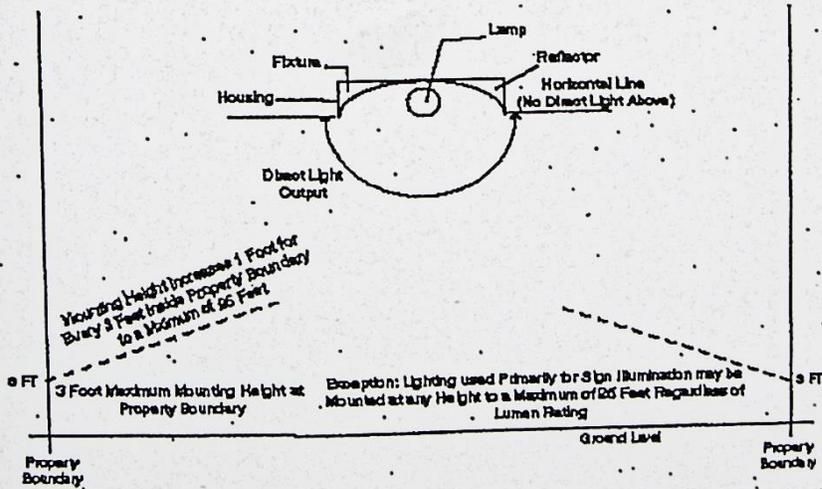
Adopted: April 5, 2010

### ILLUSTRATION A

Any luminaire with 1800 lumen output or less, or any flood type luminaire with nine hundred (900) lumen output or less:



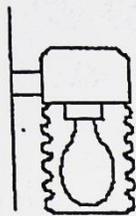
Any fixture with over 1800 lumen output or any flood type fixture with more than nine hundreds (900) lumen output:



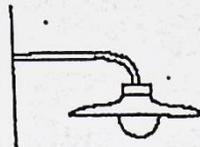
**ILLUSTRATION B**

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:**



1 - 60 watt Incandescent



1 - 100 watt Incandescent

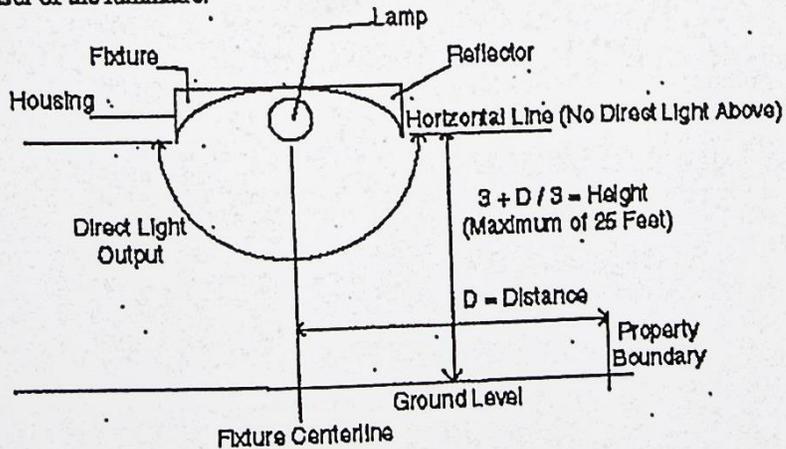


1 - 28 watt compact fluorescent

or 1 - 13 watt compact fluorescent

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.



### 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.

**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
- 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.

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 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.
- 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 SUBDIVISION 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**

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, 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:

### **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.
- 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.

**Table 1**

**PAVEMENT & RIGHT-OF-WAY DIMENSIONS ALONG  
ROADWAYS AND AT ENTRANCES, CUL-DE-SACS AND HAMMERHEADS**

	"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

**17.4.6 Geometric Data**

Table 2 below shall be used as a guide in designing streets within a subdivision.

**Table 2**

	Local Streets (Public)	Residential Compound (Private)	Collector Street (Public)
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

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 so 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. 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

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'.

**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.

**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 outcroppings; 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,

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:
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. 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 shall be installed subsurface including electric, 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.

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
- 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 rip-rap, 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.

#### 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

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
- B. Water supply systems
- C. Roadways
- D. Sidewalks
- E. Bicycle paths
- F. Drainage systems
- G. Recreation areas

### 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.

#### 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.
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.
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;
  - 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

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.
  - 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 APPENDIXES**

**APPENDIX A**

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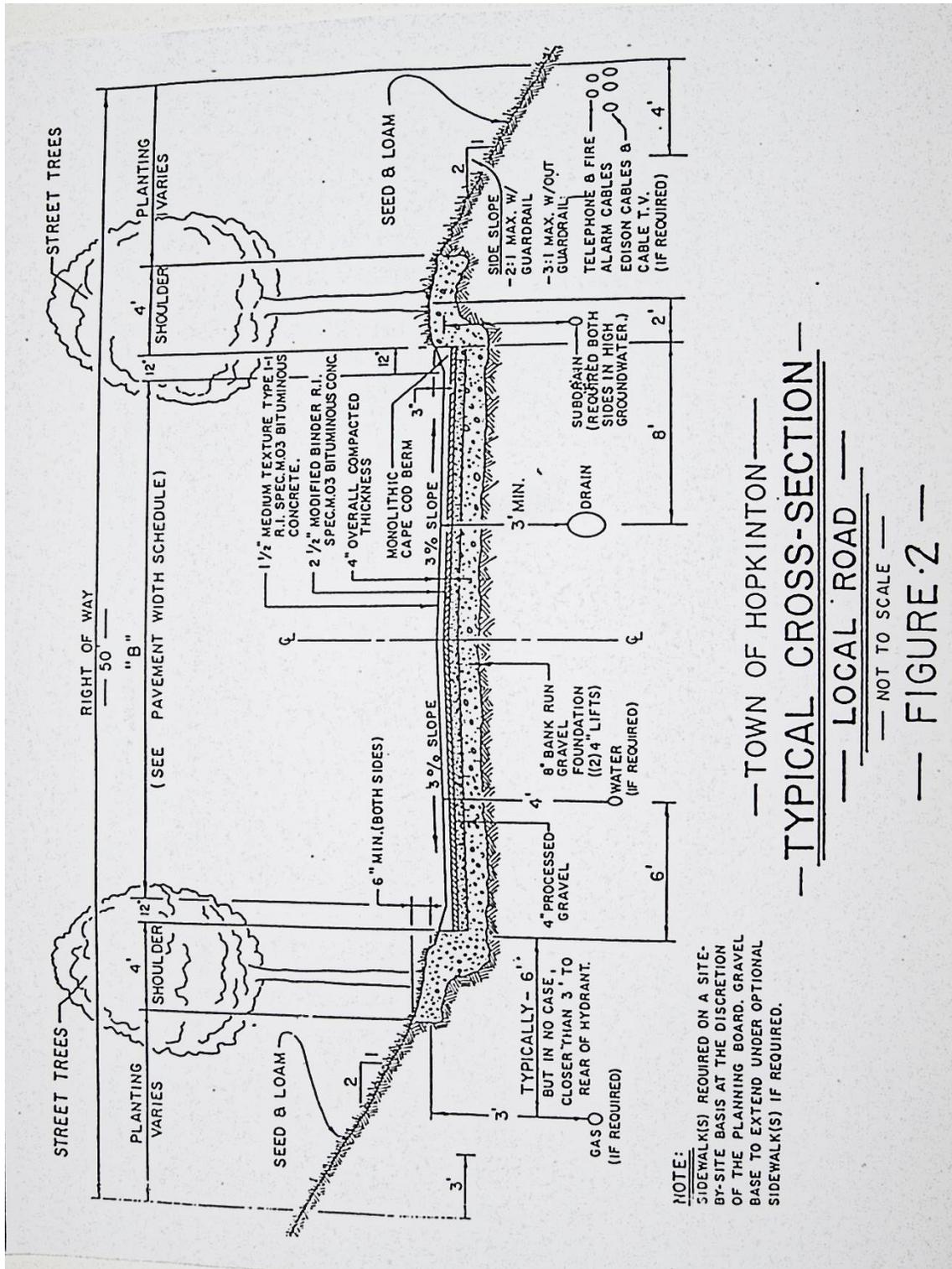
Appendix A - Table 1

Table 1  
PAVEMENT & RIGHT-OF-WAY DIMENSIONS ALONG  
ROADWAYS AND AT ENTRANCES, CUL-DE-SACS AND HAMMERHEADS

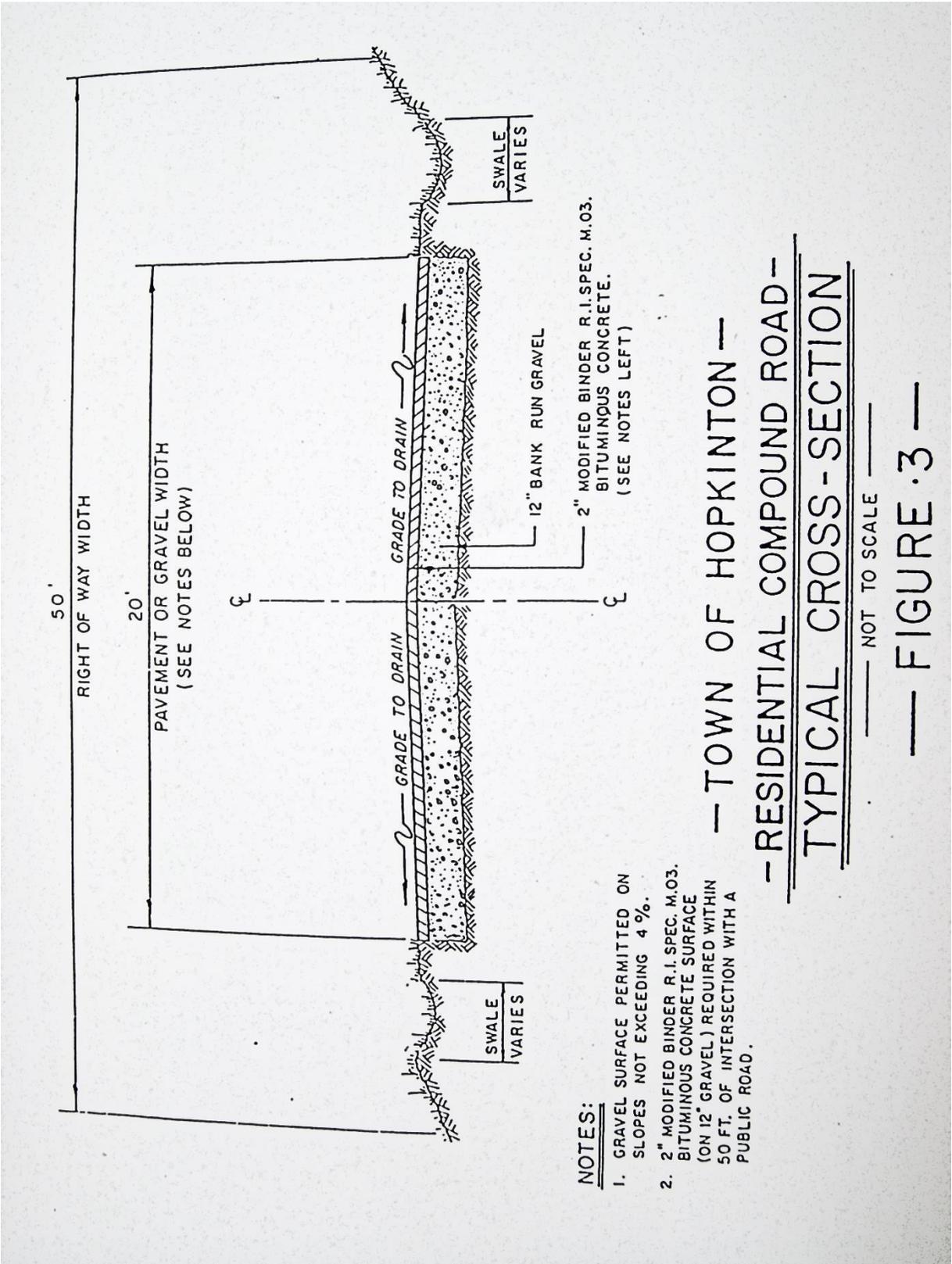
	"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"	Road Intersection	Road Intersection
Type of Road	Road R.O.W.	Road Pavement	Cul-de-Sac	Cul-de-Sac	Hammerhead	Hammerhead	Cul-de-Sac Fillet	Cul-de-Sac Fillet	Fillet Radius	Fillet Radius
	Width	Width	R.O.W. Radius	Outside Pavement Width	R.O.W. Radius	Pavement Radius	Radius @ 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



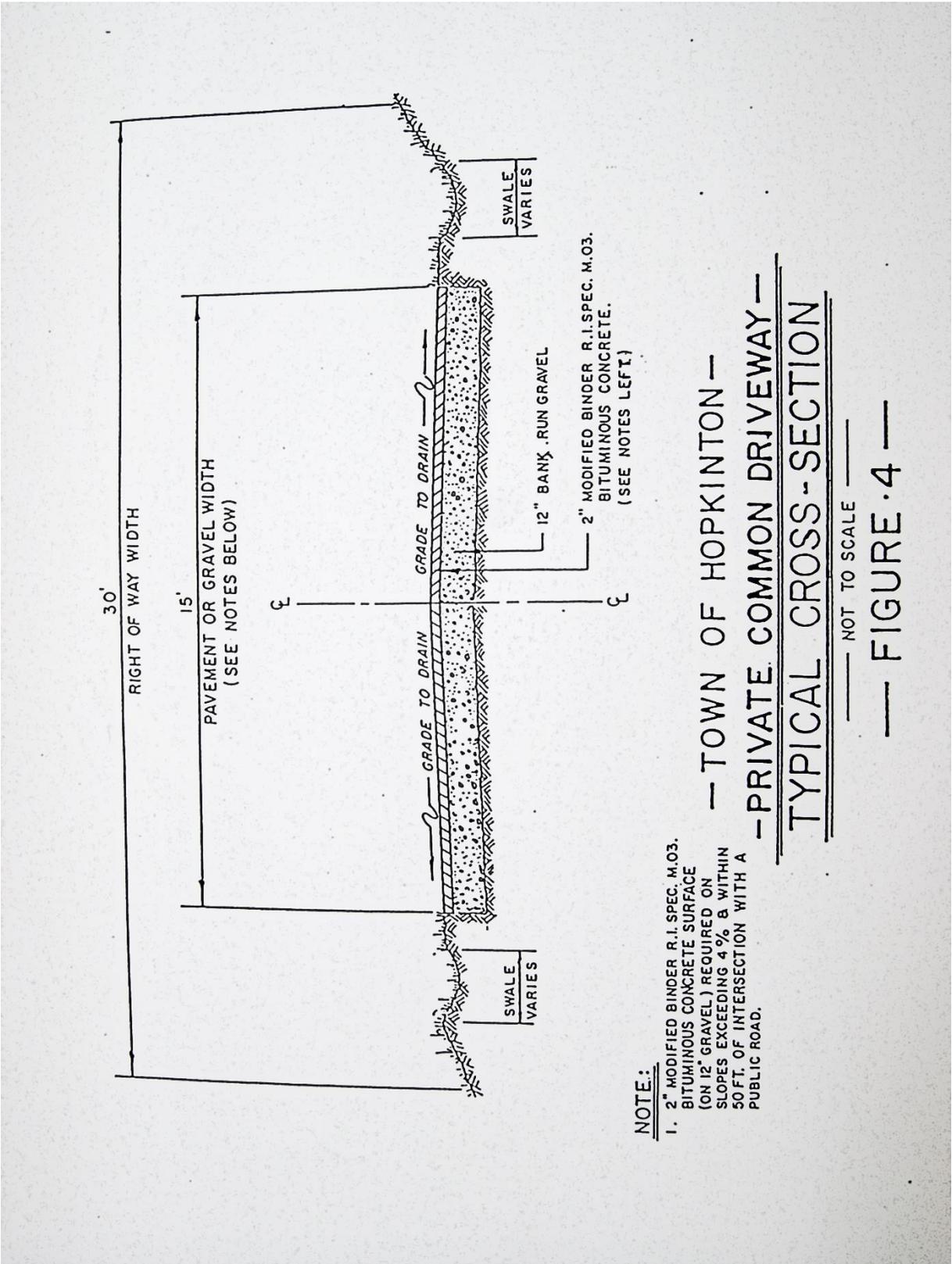
Appendix A - Figure 2



Appendix A – Figure 3



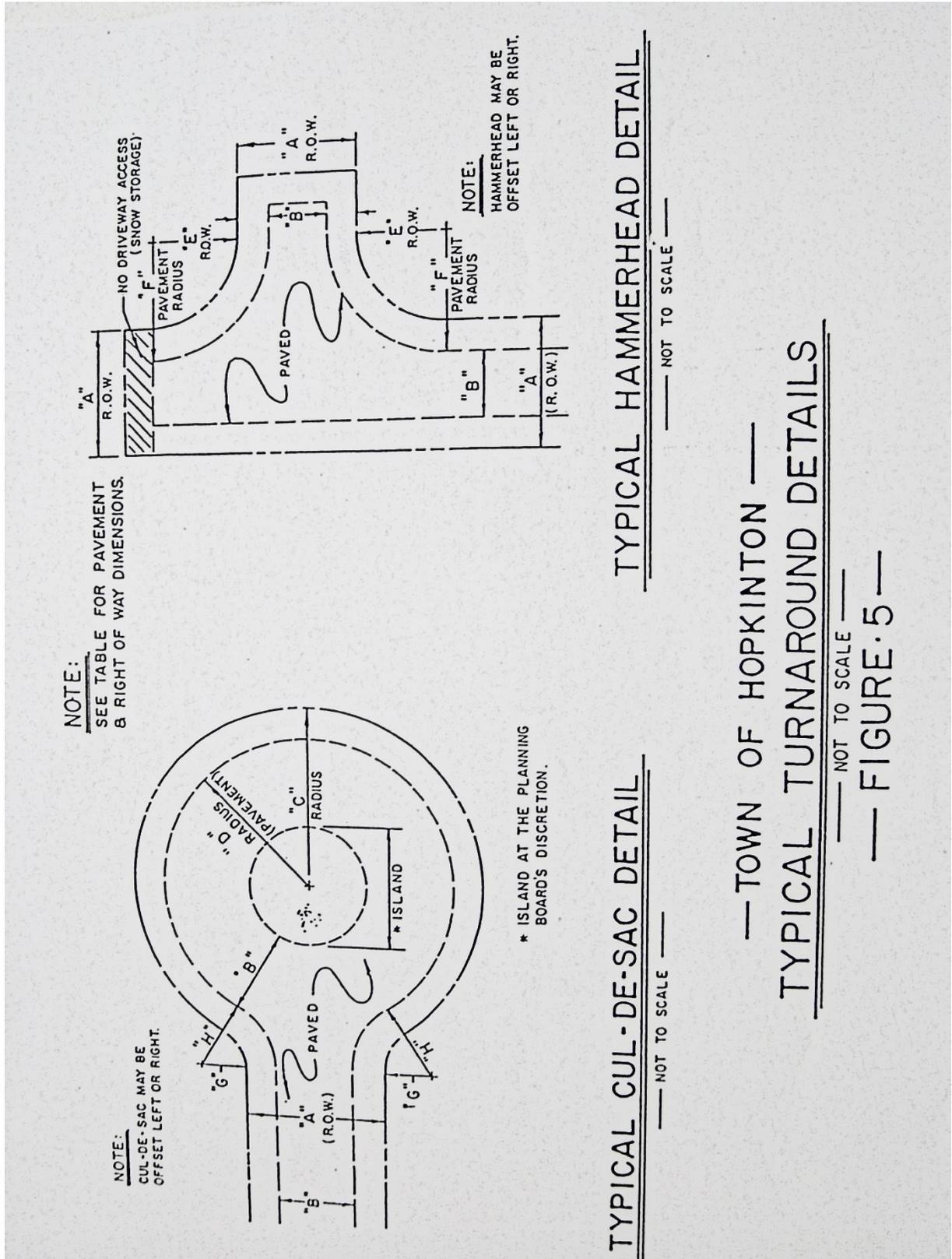
Appendix A – Figure 4



**NOTE:**

1. 2" MODIFIED BINDER R.I. SPEC. M.03. BITUMINOUS CONCRETE SURFACE (ON 12" GRAVEL) REQUIRED ON SLOPES EXCEEDING 4% & WITHIN 50 FT. OF INTERSECTION WITH A PUBLIC ROAD.

Appendix A – Figure 5



— TOWN OF HOPKINTON —  
**TYPICAL TURNAROUND DETAILS**  
 — NOT TO SCALE —  
**— FIGURE 5 —**

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  
395 Woodville Road  
Hopkinton, Rhode Island 02833  
(401) 377-7790**

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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: \_\_\_\_\_

<b>Approve</b>	<b>Reject</b>	
		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  
(401) 377-7790

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Director of Public Works:

\_\_\_\_\_

**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 & PUBLIC IMPROVEMENT STANDARDS, Con't.

- \_\_\_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:** \_\_\_\_\_

**ATTACHMENT A – FINAL INSPECTION CHECKLIST FOR ROADWAY CONSTRUCTION**

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**  
RHODE ISLAND

**Planning Department**

**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: \_\_\_\_\_



**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*



**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:** \_\_\_\_\_



**18.4 SIGNATURE BLOCKS**

FOR LAND EVIDENCE RECORDS:

*RECEIVED FOR RECORD*

*HOPKINTON, Rhode Island \_\_\_\_\_, 20 \_\_\_\_*

*AT \_\_\_\_\_ O'CLOCK \_\_M,*

*AND*

*RECORDED IN BOOK NO. \_\_\_\_\_ PAGE \_\_\_\_\_ OF*

*THE LAND EVIDENCE RECORDS*

\_\_\_\_\_

*ELIZABETH COOK-MARTIN*  
*WITNESS TOWN CLERK*

FOR THE PLANNING BOARD:

*APPROVED BY THE HOPKINTON PLANNING BOARD*

\_\_\_\_\_

*CHAIRMAN*                      *DATE*

FOR THE ADMINISTRATIVE OFFICER:

*APPROVED BY THE ADMINISTRATIVE OFFICER*

\_\_\_\_\_

*ADMINISTRATIVE OFFICER*                      *DATE*



Sherri Desjardins  
E911 Coordinator  
401- 377-7771

Town of Hopkinton  
E911 Coordinator  
395 Woodville Road  
Hopkinton RI 02833  
401-377-7771

**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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



**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: \_\_\_\_\_



**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 \_\_\_\_\_



**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



**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.

Alfred W. DiOrio, 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.

Alfred W. DiOrio, Chairman  
Hopkinton Planning Board



**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 \_\_\_\_\_



**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**  
RHODE ISLAND

**Office of the Tax Assessor**

**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

18.13 SURVEY RECORDING FORM



**Hopkinton Planning Department**  
**One Town House Road, Hopkinton, Rhode Island 02833**

**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 September 3, 2014. 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** \_\_\_\_\_



**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**  
RHODE ISLAND

**Planning Department**

**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*