Charlestown Land Development and Subdivision Regulations
Conservation Development Regulations Adopted by the Planning Commission
November 2, 2022

4.5 Land Development Projects.

A. Residential Conservation Development.

1. Purpose.

The purpose of conservation development is to allow the flexibility to design residential development to achieve the following pursuant to §218-52 Residential Conservation Development of the Charlestown Zoning Ordinance, and to meet the policies and actions of the Charlestown Comprehensive Plan:

a. To conserve and link sensitive natural resources, including but not limited to forests, waterbodies, riparian areas, aquifers and habitat areas;

b. To protect the quality of the town's groundwater drinking water sources and surface waters for public health and environmental quality;

c. To develop a greenway system of connected areas of protected open space to be used for passive recreation and wildlife corridors;

d. To protect historical and archaeological resources, and to conserve and create scenic view and preserve the rural character of the town;

e. To protect existing farms and forests and areas of the town with productive agricultural and forest soils for continued or future agricultural/silvicultural use by conserving blocks of land large enough to allow for efficient farm and forest operations;

f. To more effectively apply low impact development site design and stormwater management practices as the required standard to avoid, reduce and manage runoff to the maximum extent practicable;

g. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of impervious surfaces required for residential development;

h. To allow for and encourage a diversity of lot sizes and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;

i. To encourage more sustainable and resilient development;

j. To create neighborhoods with direct visual and/or physical access to open space land; and

k. To provide for the appropriate management of protected open space.

2. Applicability.

Conservation development subdivisions as authorized by §218-52 of the Charlestown Zoning Ordinance are subject to the provisions of this section. Residential conservation development is required for any major subdivision, but is encouraged for all subdivisions of three (3) or more lots.

3. General Requirements.

Application and review procedures for a conservation development subdivision shall be done in accordance with those for a minor or major subdivision, based on the number of lots or dwellings in the development, as provided in Sections 8 and 9, respectively, of these regulations.

4. Uses and Dimensional Regulations.

The permitted uses and dimensional regulations applicable to a conservation development subdivision shall be as provided in the Charlestown Zoning Ordinance under the provisions of §218-52 Residential Conservation Development and §218-41 Dimensional Table.

5. Lot Dimensions and Modifications of Lot Requirements.

The minimum lot size for a residential conservation development lot in any zoning district shall be 20,000 square feet. At the request of the applicant, lot area, shape and other dimensions permitted for a lot under a conservation development can be modified from those required for a conventional lot. However, the minimum lot dimensions, including lot frontage and width, setbacks and building coverages, are as contained in §218-52 D.5 of the Charlestown Zoning Ordinance.

6. Maximum Number of House Lots.

The number of developable lots allowed in a conservation development subdivision shall be the number of lots which would be allowed under a conventional subdivision, determined by the submittal of a yield plan, as defined in these regulations, and accepted and approved by the Planning Commission under the provisions of Section 4.3.

The Planning Commission shall complete their initial review of the yield plan and maximum number of house lots at the master plan phase for a major subdivision, and at the preliminary plan phase for a minor subdivision. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent phases of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent phases, the number of lots may be increased or be reduced. An accurate yield plan must be submitted at each phase of the subdivision.

7. Conservation Development Design Process.

   a. Pre-Application Meeting.

   The administrative officer will schedule a pre-application meeting at which the applicant and Planning Commission may informally discuss the proposed subdivision. During the pre-application conference, a site walk with the applicant will be scheduled so the Planning Commission members and other applicable municipal officials can become more familiar with the property. For pre-application meetings, the applicant shall submit the information required by the pre-application checklist (Section 14.2).

   b. Site Walk.

   Prior to the submission of a formal application, a site walk with the Planning Commission shall be undertaken to reach a consensus on the sensitive and noteworthy natural, cultural and potential recreational resources on the parcel, and to determine the best options for development which include identifying areas to be preserved or incorporated into the common open space. The site walk shall be mandatory and as required by state law, shall be open to all neighbors and interested members of the public.

   c. Ten Step Process.

   The design of a conservation development shall follow the design process specified in the following steps. Some steps can be done simultaneously, and all are integrated into the review process for a major or minor subdivision. The applicant can use existing RI Geographic Information System data for conceptual designs to be supplemented with site specific field verification of wetlands, other constraints to development and other natural, cultural and recreational site features that may be located on the parcel. As a guide in designing conservation developments, applicants are encouraged to review the provisions of the Rhode Island Conservation Development Manual, RIDEM, June 2003 in the preparation of plans. The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the master plan is submitted for a major subdivision, or the preliminary plan for a minor subdivision, the applicant shall demonstrate to the Planning Commission that this design process was considered in determining the layout of proposed streets, building locations, and open space.

Step 1 - Analyze the site. The first step is to identify and map all the constraints to development as defined in Section 2.2. Next is to inventory existing noteworthy natural, cultural and recreational site features, and determine the connection of these important features to each other, adjacent parcels and priority for protection. For the master plan phase, this information shall be submitted in the form of an existing resources and site analysis map, as specified in Subsection 8.C below.

Step 2 - Evaluate site context. The second step is to evaluate the parcel in its larger context of the neighborhood and town by identifying natural, cultural and recreational resources that may be impacted by the development of the parcel. This information shall be submitted in the form of a site context map, as specified in Subsection 8.B below.

Step 3 - Determine maximum number of house lots. At the master plan phase for a major subdivision, or at the preliminary plan phase for a minor subdivision, the applicant and Planning Commission shall agree upon a number of house lots that will be permitted in the conservation development, using the yield plan approach as described in Section 4.3. This number shall not be greater than what would be permitted under a conventional subdivision.

Step 4 - Designate potential conservation areas. The fourth step is to identify the areas on the site to be preserved as open space. The open space shall at a minimum include portions of the site that have constraints to development and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the town comprehensive plan.

Step 5 - Locate development areas and explore conceptual alternatives. As part of the pre-application submission, the applicant shall show a minimum of two alternative proposed development layouts in the form of a concept plan overlain on appropriate site mapping, as described in Subsection 8.A below. These alternative plans shall be substantially different and avoid or minimize development impacts, to the extent possible, to the potential conservation areas identified in step 4. The Planning Commission shall review how each alternative impacts the viability of the development plan, versus the benefits to the town of each approach. This concept plan shall be further refined for re-submission and discussion between the commission and applicant during subsequent phases of review, as an overlay to the existing resources and site analysis map.

Step 6 - Locate the house sites. The sixth step is to locate the most suitable location(s) for house sites, using the proposed open space as a base map as well as other relevant data on the existing resources and site analysis map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with the town's rural character.

Step 7 - Lay out streets, trails and other infrastructure. Upon designation of the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards herein and bearing a logical relationship to topographic conditions. Detailed information regarding low impact development stormwater management, water supply and wastewater treatment, trails, sidewalks and other infrastructure are also provided during this step.

Step 8 - Draw in the lot lines. Upon completion of the preceding seven steps, the next step is simply to draw in the lot lines to delineate the boundaries of individual residential lots. Where possible, lot lines shall not include any areas with constraints to development.

Step 9 - Design and program open space. Details regarding the use, design, ownership and management of proposed open spaces shall be developed throughout the review process. Starting with conceptual proposals at the early stages of review, the function of open space areas shall be developed and refined. Based on review by the Planning Commission and input from other interested and relevant parties, these concepts shall be clarified during the approval process to establish as clear an approach to the use and maintenance of open space as it does for development areas.

Step 10 - Establish ownership and management of open space and other community elements. At the preliminary plan phase for a major subdivision, or at the final plan phase for a minor subdivision, a more detailed open space use and management plan as described in Subsection 10.D below shall be submitted.

8. Mapping Requirements.

   a. Concept Plans.

   The design process described above shall be documented by the applicant and presented to the Planning Commission. To expedite this process, conceptual plan(s) for development shall be presented as overlays superimposed on top of more detailed site surveys and environmental data (at the same scale). This is a conceptual plan and should not be an engineered site plan. It may be submitted electronically.

   At the pre-application phase of review, the initial concept plans may be presented as overlays to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development.

   At the preliminary plan phase of review for minor subdivisions, and at the master plan phase for major subdivisions, the concept plan of development shall be presented as an overlay to the existing resources and site analysis map.

b. Site Context Map.

A map showing the location of the proposed development within its neighborhood context shall be submitted. The site context map, which may be superimposed on an aerial photograph, shall be drawn to a scale of 1 inch = 400 feet, or as necessary to show the area within two miles of the subdivision parcel, or at a distance determined by the Planning Commission at the pre-application phase. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, RI conservation opportunity areas, floodplains or flood hazard areas, aquifers and significant public facilities shall be indicated on this map. Topography at two-foot contour intervals shall be shown.

c. Existing Resources and Site Analysis Map.

All conservation development applications shall be required to prepare an existing resources and site analysis map (see checklists in Section 14 of these regulations). The purpose of this map is to provide the Planning Commission with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The Planning Commission shall review the map to assess its accuracy, conformance with local regulations, and likely impact upon the natural and cultural, and recreational resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a single standard size sheet (24″ × 36″). Where necessary for clarity, the map may be submitted as a series of more than one map. Upon review and approval by the Planning Commission, a composite map of all resources may be requested. The following information shall be included in this mapping:

1. Topography and Slopes.

   Topographic mapping determined by photogrammetry or on-site survey prepared by a professional land surveyor, showing contours at two-foot intervals. Slopes between fifteen percent (15%) and twenty-five percent (25%) and exceeding 25% shall be clearly indicated by shading on the map, and the area in acres indicated.

2. Natural Resources Inventory.

   a. Sensitive natural resources as identified on the site analysis map that will need a buffer from development such as cold-water streams, vernal pools, bogs and special aquatic sites, as well as sensitive or endangered plant and animal habitats.

b. Conservation opportunity areas, existing agricultural uses, prime farmland soils and soils of statewide importance, ground water reservoirs and recharge areas, well head protection areas, drinking water supply watersheds and floodplains.

c. Vegetative cover conditions on or adjacent to the property, according to general cover type including cultivated land, agricultural land, grassland, meadow, pasture, old-field, unfragmented forest of 100 acres or greater and dominant forest type such as mixed oak, oak/pine, red maple etc.

d. Soils as classified by the hydrologic soil group, depth to seasonal high-water table, and presence of restrictive layers such as hardpan and bedrock. RIGIS soil maps or other current digital soil surveys should be used (in place of the outdated 1981 Soil Survey of Rhode Island). Where onsite soil evaluation is required for OWTS suitability determination or where soil permeability and infiltration is required for stormwater treatment systems, results for seasonal high-water table, depth to restrictive layer, and hydrologic soil group shall be compared with the digital soil survey. Where the soil survey is inconsistent with the field data, the applicant shall be required to obtain a field verification of the site-specific soils by a professional soil scientist.

e. Other unique natural resources as may be determined by the Planning Commission during the site visit.

3. Cultural Resources Inventory.

   a. Location of all historically significant sites or structures on the parcel, including but not limited to, cemeteries, stone walls, cellar holes, foundations and known archaeological resources.

   b. A viewshed analysis showing the location and extent of views both from and within the proposed development parcel, as well as views into the property from adjacent public or private streets and properties.

   c. All existing man-made features including but not limited to, driveways, farm roads, logging roads, buildings, foundations, walls, wells, dumps and excavated areas.

4. Recreational Resources Inventory.

   a. Location of trails that have been in public use, as well as historic trails (pedestrian, equestrian, bicycle, etc.).

   b. Boat launches, stream access locations and water trails.

c. Existing play fields and recreation areas.

5. Utilities and Infrastructure.

    a. Location of all easements and other encumbrances of property, which are or have been filed on record with the land evidence records of the town.

    b. Location of all streets and utilities.

6. Other Resources.

Other unique resources that may be identified by the Planning Commission after the site walk.

9. Low Impact Stormwater Management.

Low impact development stormwater management is required. The objectives to achieve low impact development are described below.

a. Avoid Impacts to Natural Features and Predevelopment Hydrology:

    1. Protect as much undisturbed open space as possible to maintain existing hydrology and allow precipitation to naturally infiltrate the ground;

    2. Maximize the protection of natural drainage areas, streams, surface waters, wetlands, and their buffers;

    3. Minimize clearing and grading and avoid areas susceptible to erosion and sediment loss; and

    4. Minimize soil compaction and restore soils that were compacted due to construction or other activities.

    The preservation of open space and minimizing the clearing of existing vegetation for house lots and keeping lot lines outside of wetland jurisdictional areas, to the extent possible, helps to meet this objective.

b. Reduce Surface Impacts:

    1. Provide low maintenance, native vegetation that encourages water retention and minimizes the use of lawns, fertilizers and pesticides; and

    2. Minimize impervious surfaces to minimize stormwater volume.

Reduced road lengths and widths as well as shorter/ narrower driveways and minimizing lawns can meet this objective. Pervious pavement is encouraged for parking in common areas.

c. Manage Impacts at the Source:

1. Infiltrate precipitation as close as possible to the point it reaches the ground using vegetative conveyance and treatment systems instead of structural detention basins; and

2. Break up or disconnect the flow of runoff over impervious surfaces.

10. Open Space Requirements.

a. Open Space Protection Space Required.

Every conservation development subdivision shall provide protected open space in accordance with §218-52D.7 of the Charlestown Zoning Ordinance, including the amount of land suitable for development, as defined in the zoning ordinance and in these regulations, to be set aside, the percentage of open space to be allowed for active recreation purposes, the provisions for access to the open space, and ownership.

The Planning Commission may reduce the amount of required open space based upon the characteristics of the parcel to be subdivided if they determine that the subdivision design and amount of protected open space otherwise meets the stated purposes of a conservation development.

b. Allowable Uses.

Unless otherwise permitted and determined to be in keeping with the purposes of these regulations by the Planning Commission, the open space in a conservation development subdivision shall be devoted only to conservation or for park, recreation, forest management and agricultural purposes.

c. Open Space Plans Required.

The Planning Commission shall specifically authorize plans for the ownership, use, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirement within a conservation development shall not be excavated or re-graded, except as permitted by the Planning Commission. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the Planning Commission to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat.

d. Open Space Plan Contents.

At the time of master plan review by the Planning Commission for a major subdivision, or preliminary plan review for a minor subdivision, the applicant shall submit a separate open space use plan containing:

1. The general location and area of all proposed open space;

2. The general proposed use(s) of the open space;

3. Existing topography and existing ground cover of open space areas;

4. The location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;

5. 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;

6. Generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas;

7. The location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas, recreation areas, and pathways and trails; and

8. Areas proposed to be left in their existing natural states without any disturbance.

At the time of the preliminary plan phase of the conservation development subdivision, a more detailed management plan that specifies the use of the open space shall be submitted to the Planning Commission for review and approval. As a condition of final plan approval, the Planning Commission shall require the submittal of an open space plan which details all proposed site alterations. This plan may be combined with any required landscaping, grading, soil erosion or stormwater management plans required for final plan approval.

11. Open Space Design Standards.

a. Resources to be Conserved.

The design of open space lands in any conservation development shall reflect the standards set forth in this subsection and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant, at a minimum, should be consulting the maps for natural, cultural and recreational resources as identified in the Charlestown Comprehensive Plan.

1. Stream channels, floodplains, hydric soils, swales, springs, and other freshwater or coastal wetland areas, including adjacent buffer areas that may be required to ensure their protection;

2. Wellhead protection areas;

3. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;

4. Conservation opportunity areas as defined and mapped in the RI DEM Wildlife Action Plan;

5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;

6. Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;

7. Active agricultural uses, pastures, croplands;

8. Prime farmland soils and farmland soils of statewide importance;

9. Historic structures and archaeological sites;

10. Visually prominent topographic features such as knolls, hilltops and ridges;

11. Geologic features such as eskers or kettle holes;

12. Scenic view sheds as seen from public roads (particularly those with historic features);

13. Existing or potential trails connecting the parcel to other locations in the town; and

14. Any other natural, cultural or recreational resources determined by the Planning Commission.

b. Design Considerations.

The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:

1. They shall be free of all structures except historic buildings or structures, stonewalls, and structures related to open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.

2. They shall be large and contiguous, with meaningful value(s). Narrow, disconnected or islands of open space are discouraged.

3. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land.

4. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Commission, without interfering with adjacent dwelling units, parking, driveways, and roads.

5. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision.

6. They shall provide buffers to adjoining parks, preserves or other protected lands;

7. They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.

8. Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation.

9. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.

10. They shall be consistent with the comprehensive plan.

c. Vegetated Buffer.

As part of the protected open space, the Planning Commission may require a vegetated buffer of open space, which may include wetlands, around the entire perimeter, or a portion of the perimeter, of the conservation development subdivision. The intent is to provide a visual and audio screen between adjacent land uses, with consideration given to the presence of natural resources on an adjacent parcel that would be protected by a buffer. Perimeter buffers which comprise the majority of the required protected open space and minimize the protection of the most important site features are to be discouraged. No structure may be built in the buffer, with the exception of waterfront structures, such as docks, piers or boathouses, if approved by the Planning Commission. The width of the buffer shall be as determined by the Planning Commission, with consideration of the ameliorative effects of the following:

1. Land adjacent to the conservation development subdivision which is already designated as open space, with evidence provided of its permanent protection;

2. The existence of any substantial natural barrier on either the conservation development subdivision parcel or adjoining parcel that will serve as a permanent buffer; and/or

3. The presence of sensitive interior lands that would be better protected by perimeter development of the conservation development subdivision, determined by an environmental analysis, as required in Section 4.4 of the Subdivision Regulations.

d. Limits on Site Disturbance.

Clearing and excavation of open space areas may be permitted only for the installation of stormwater management facilities, other necessary utilities, or for permitted park, recreational, agricultural or forest management uses in accordance with a plan approved by the Planning Commission. Such uses shall not degrade the soil or make use of noxious chemicals.