

**CONSERVATION DEVELOPMENT ADOPTED BY
THE CHARLESTOWN TOWN COUNCIL ON AUGUST 31, 2022**

§218-52. Residential Conservation Development.

- A. Purpose. The purpose of conservation development is to allow the flexibility to design residential development to achieve the following objectives, not listed in any order of priority, pursuant to the Charlestown Comprehensive Plan as it relates to resource protection, land use and community services:
1. To conserve and link sensitive natural resources, including but not limited to forests, waterbodies, riparian areas, aquifers and habitat areas;
 2. To protect the quality of the town's groundwater drinking water sources and surface waters for public health and environmental quality;
 3. To develop a greenway system of connected areas of protected open space to be used for passive recreation and wildlife corridors;
 4. To protect historical and archaeological resources, and to conserve and create scenic view and preserve the rural character of the town;
 5. 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;
 6. 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;
 7. 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;
 8. 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;
 9. To encourage more sustainable and resilient development;
 10. To create neighborhoods with direct visual and/or physical access to open space land; and
 11. To provide for the appropriate management of protected open space.

- B. **Applicability.** Conservation development is required for any major subdivision, and is encouraged but not required for all subdivisions of three (3) or more lots. The Charlestown Planning Commission may, at its discretion, permit a conventional subdivision where a conservation development would otherwise be required if the applicant can prove to the satisfaction of the Planning Commission that a conventional subdivision will serve the best interests of the town, and where such conventional subdivision is found to be consistent with the intent and purposes of these regulations, is not based on economic considerations, and will provide the best site layout and design.
- C. **Subdivision Approval Required.** No clearing of vegetation, land disturbance, or construction within a conservation development subdivision shall begin until the preliminary plan has been approved by the Charlestown Planning Commission. Land that has been environmentally disturbed or damaged, for example, by removal or excavation of soil or mineral resources, must be restored to a condition satisfactory for redevelopment prior to final plan approval.
- D. **Standards.**
1. **Permitted Uses.** Single-family detached homes and accessory uses, agricultural and forest land preserved within open space, and open space/recreation areas shall be permitted in a conservation development subdivision.
 2. **Zoning Districts.** Conservation development subdivisions are allowed in the R-40, R-2A and R-3A residential zoning districts.
 3. **Density.**
 - (a) 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 the Charlestown Subdivision and Land Development Regulations, and accepted by the Planning Commission.
 - (b) In no case shall the number of developable lots be greater than the number permitted under a conventional subdivision, and no requirement or standard contained in this ordinance or the Subdivision and Land Development Regulations shall be applied in a manner that reduces the number of lots permitted under a conventional subdivision.
 - (c) When calculating the maximum number of allowable lots on any parcel, constraints to development as defined in this ordinance shall be deducted from the total acreage of the parcel. Such land may be included in any yield plan lot in a subdivision or land development project, provided, however, that such land shall not be counted toward the minimum lot size.
 4. **Minimum Lot Size.** The minimum lot size for a residential conservation development lot in the R-40, R-2A and R-3A Districts shall be 20,000 square feet of land considered suitable for development.

5. Modification of Lot Requirements. 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 lot dimensions shown below and contained in the Dimensional Table (§218-41) are the minimum allowed for all conservation development lots regardless of zoning district.

Lot Area:	20,000 sq. ft.
Lot Frontage and Width	50 feet
Front Yard	40 feet
Rear Yard	
Primary Structure	50 feet
Accessory Structure	10 feet
Side Yard	
Primary Structure	20 feet
Accessory Structure	10 feet
Building Coverage	15 %

If requested or agreed to by the applicant, the Planning Commission is authorized to reduce the lot frontage and lot width of newly created lots in a conservation development subdivision on any public or approved private street to a minimum of twenty (20) feet, if doing so achieves the purposes of these regulations.

6. Shared Wells and On-Site Wastewater Treatment Systems. Individual private wells and onsite wastewater treatment systems (OWTS) are to be located on the house lots they serve. Shared private wells are to be discouraged. Public wells, which are defined as wells serving more than twenty-four (24) persons, shall be properly installed in compliance with RI Department of Health (DOH) public drinking water regulations and all other applicable state regulations. Public wells and OWTS which serve two (2) or more households and approved by RI DEM, may be permitted in a conservation development subdivision if the Planning Commission determines that such shared use will result in greater protection of open space. In order to facilitate their establishment, the open space set aside in the conservation development subdivision may be utilized for the protected area required by a community well or for a community leach field.
7. Open Space. Land permanently protected from development as part of the conservation development subdivision shall be designated as open space. Protected open space lots, within an approved conservation development subdivision, may have zero-frontage on a street, as long as the Planning Commission approves access to the open space by easement or other means.
- (a) The amount of land area set aside as open space may vary depending upon the characteristics of the land. Although the area designated as open space may include wetland and areas defined as having constraints to development, it shall include a minimum percentage of the total developable land area (land that is considered suitable

for development, as defined in this ordinance) of the parcel according to the zoning district.

R-40 District: 40%

R-2A District: 50%

R-3A District: 60%

The Planning Commission shall have the flexibility to reduce the percentage of developable land to be protected as open space in any conservation development subdivision in order to better achieve the purposes of these regulations, except however, the required open space cannot be used to reduce the number of residential lots shown in the accepted yield plan.

- (b) The Planning Commission shall allow up to fifteen percent (15%) of the required open space area to be used for active recreation, if said recreational uses do not negatively impact the conservation values of the open space to be protected. Not more than ten percent (10%) of the required open space shall be made impervious. Permeable materials are encouraged for uses such as parking areas, and bike paths to the extent possible.
- (c) Access to common open space shall be made readily available to all residents of the conservation development subdivision by providing suitable access corridors. Such access corridors shall be clearly posted to distinguish the corridors and commonly owned space area from private property.
- (d) Ownership of the open space within a conservation development subdivision shall be vested in one or more legally constituted organizations that shall be responsible for the use and maintenance of the open space. Ownership is to be determined by the applicant and conveyed as follows, with no preference given as to the order presented:
 - (1) To remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the Charlestown Comprehensive Plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources; or
 - (2) To the Town of Charlestown and accepted by it for park, open space, agricultural or other specified use or uses; or
 - (3) To a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or
 - (4) To a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units.

- (e) Documents specifying ownership shall be submitted to the Planning Commission along with the application for approval. The Planning Commission may request, but not require, that specific areas of open space contribute to a connecting greenway system or provide public access to open space, as provided in the Charlestown Comprehensive Plan.
- (f) Where the land is not conveyed to the Town of Charlestown, a conservation easement or restriction enforceable by the town shall be recorded by the applicant providing that the land shall be kept in open space, not built upon for accessory uses such as parking or roadways and requires Planning Commission approval for alterations. The *Rhode Island Conservation Easement Guidance Manual* (RIDEM 2009) shall be used to meet the requirements for preparing a conservation easement for the protected open space.
- (g) If the open space option (d)4 is used the following standards shall apply:
 - (1) The deed to each lot shall include a fractional interest in the common open space in an amount inversely proportional to the number of lots or dwelling units in the development. The deed shall also include all covenants, restrictions or easements that shall be imposed upon the use, management or maintenance of the open space.
 - (2) The applicant shall provide for and establish a homeowners' association or request the Planning Commission's approval of an alternate method for the care and maintenance of all open space lands and any improvements thereon. Membership in the homeowners' association shall be mandatory for all landowners within the development.