

Amendment to the Land Development and Subdivision Regulations

Definitions

Add:

Cluster- A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the Zoning Ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development.

Conservation Restriction- A right to prohibit or require a limitation upon or an obligation to perform acts on or with respect to or uses of a land or water area, whether stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retain or maintain the land or water area, or is appropriate to provide the public the benefit of the unique features of the land or water area, including improvements thereon predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space, wildlife, or forest use, or in other use or condition consistent with the protection of environmental quality.

Homestead Lot-A minimum 10 acre lot created as part of a Conservation Design Development, primarily used for a private residence, with a secondary use contributing towards one or more purposes of Conservation Design Development. (An applicant may wish to include a minimum of 11 acres for a Homestead Lot so that it may qualify for the Farm, Forest, and Open Space tax program.)

Nonprofit Conservation Organization - Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

Open Space- [already in subdiv regs]

Yield Plan- a plan of a conventional subdivision or land development project that depicts the maximum number of single family building lots or units that can reasonably be built on a parcel of land under the current zoning and land development and subdivision requirements. A conventional yield plan is required for all Residential Compound and Conservation Development applications.

IV. Special Requirements

D. Conservation Design Development

1. **Definition-** Conservation Design Development is a type of residential Cluster Land Development Project, as authorized by RIGL 45-24-47, which preserves at least 50% of a property as meaningful open space, while developing the most appropriate areas within the parcel on reduced sized lots such that density remains neutral. It is an alternative to conventional residential subdivision.

2. Conservation Design Development, as provided for in the Zoning Ordinance under Article VII, Section 19, shall be reviewed and approved by the Planning Board in accordance with the procedures and requirements contained in these regulations. Additional submission requirements are noted in Article V, Section G, and have been included on the checklists.

3. The Planning Board shall have the authority to require that a major or minor subdivision which is being proposed for conventional subdivision be developed as a Conservation Design Development. The Board shall notify the applicant of such no later than the Master Plan review stage for a major subdivision, and no later than the Preliminary Plan review stage for a minor subdivision, and shall make findings of fact in writing supporting the requirement.

4. **General Criteria and Standards-** refer to Article XIII – Physical Design Requirements and Public Improvement Standards

5. **Procedure for Review and Approval-** refer to Article V- Procedure for Review and Approval of Plats and Plans.

6. **Open Space Use-** See the Zoning Ordinance, Section ** for uses allowed within the open space/conservation land. The Planning Board shall approve of the individual uses proposed for each open space/conservation land parcel as part of the plan review process. A specific land management plan may be required by the Zoning Ordinance or the Planning Board for the intended use. The approved uses shall be described in the required Open Space Use, Maintenance, and Operations Plan, which may incorporate any specific land management plan.

7. **Restrictions and Required Conditions of Approval-** (Cross-referenced from the Zoning Ordinance Article ** Section **)

- a. Further subdivision of all house lots and common open space created as part of a Conservation Design Development, including Homestead Lots, shall be prohibited in perpetuity.
- b. The required open space shall be restricted in perpetuity from future development, except in accordance with an approved Open Space Use, Maintenance, and Operation Plan.
- c. Changes in the use of the open space shall be in accordance with those uses allowable within the open space in a Conservation Design Development, as governed by the Zoning Ordinance, and shall be approved by the Planning Board as an amendment to the plan.
- d. No disturbance shall be made to the natural contours of the land nor shall any existing natural vegetation be removed or any natural or man-made features altered in any way. Clearing and excavation of open space areas shall be permitted only for the installation of stormwater drainage facilities, or for permitted disturbance associated with implementing an approved Open Space Use, Maintenance, and Operation Plan.
- e. Open space land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under Subsection 8, below.

f. A Conservation Restriction in the form of a conservation easement is required for all open space, whether privately, publicly, or commonly owned, and regardless of any other conservation easement, and shall incorporate the following requirements:

- 1) All open space shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions through the grant of a Conservation Restriction to the Town of West Greenwich, the West Greenwich Land Trust, or other non-profit conservation group, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended.
- 2) In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions. The Planning Board (Legal Counsel) shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a perpetual maintenance guarantee shall contain the following provision:

“If the owners, or their successors or assigns fail to maintain the open space, the Restriction holder may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorney’s fees, by an action at law or in equity against the owners or their successors or assigns.”

- 3) The permanent Conservation Restriction shall be duly recorded in the Land Evidence Records, and shall define the range of permitted activities, as approved by the Planning Board, and include all restrictions as noted in this Subsection 7., entitled, “Restrictions.”
- 4) In the event that the Town of West Greenwich is the proposed owner of the open space, the conservation restriction shall be held by both the Town and either the West Greenwich Land Trust, or other non-profit conservation organization.

8. Open Space Ownership (cross-referenced here from the Zoning Ordinance, Article VII, Section 19, see Zoning Ordinance for ownership requirements) Conservation land within a Conservation Development subdivision shall be doubly protected through fee simple ownership and a Conservation Restriction in the form of a Conservation Easement, at the discretion of the Planning Board. The Planning Board may require two or more conservation easement holders. Open space land shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection.

a. Open space shall be owned in fee simple by any one or more of the following entities, as further described in Article VII, Section 19, of the Zoning Ordinance :

- 1) Homeowner’s Association
- 2) Town of West Greenwich
- 3) A land trust or other non-profit conservation or recreation group
- 4) Individual owners of homestead lots, or other private individual who will use the land for open space purposes as provided by a conservation easement and conservation restriction.
- 5) Condominium Association

b. A Conservation Easement shall also be held by the Town of West Greenwich, the West Greenwich Land Trust, or other non-profit conservation group, as further described in Article VII, Section 19, of the Zoning Ordinance. Conservation Easement holders may also

include a Homeowners' Association, or any governmental body, or a charitable corporation, association, trust, or other entity whose purposes include conservation of land or water areas or of a particular area.

9. Open Space Maintenance and Management

a. The Planning Board shall specifically authorize Property Management plans for the use, management, and maintenance of all open space areas and facilities, in perpetuity, within any Conservation Development. No grading or clearing of vegetation shall be permitted within the open space land, provided however, the Planning Board may permit disturbance for installation of landscaping, parks, trails, or recreation areas; or for activities germane to agriculture, conservation, forestry, or wildlife habitat areas, as specifically authorized or required in the Property Management Plan. The applicant shall, at the time of preliminary plan submission, provide a draft Property Management Plan containing the following requirements:

1. The plan shall define ownership
2. The plan shall state the purpose of the conservation easement(s) and either include or refer to the Baseline Documentation Report.
3. The plan shall include a description of the property
4. The plan shall establish long-term management goals, along with the necessary regular and periodic operation and maintenance responsibilities, and responsible parties, for the various uses of open space (i.e. lawns, buildings, playing fields, landscaped areas, meadows, pastures, croplands, woodlands, wildlife habitat, etc.) to implement those goals.
5. The plan shall include provisions for inspections and a description of how the property will be monitored
6. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operation and maintenance costs;
7. The plan shall include an amendment procedure. Any changes to the plan at any point in time shall be approved by the West Greenwich Planning Board.

b. The plan shall be approved by the Planning Board prior to Final Plan approval

c. The cost and responsibility of maintaining the open space land shall be borne by the property owner, condominium association, homeowner association, or conservation organization.

d. In the event that the organization established to manage the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion of the open space or common facilities in reasonable order and condition, the [Town] (restriction holder) may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended. The [Town] (restriction holder) shall first serve written notice upon the responsible party noting the specific failures to maintain the open space, and shall include corrective actions and a timeline. Upon failure to comply within the time specified, the owner shall be in violation. The [Town] (restriction holder) may enter the premises and take corrective action, including extended maintenance. The costs of such

corrective action may be charged to the property owner, condominium association, homeowner association, conservation organization, or individual property owners who make up a condominium or homeowner association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the [Town] (restriction holder) in the Land Evidence Records.

Article V. Procedure for Review and Approval of Plats and Plans

G. Conservation Design Development

Conservation Design Development applications shall follow the review procedure for a Minor or Major Subdivision or Land Development Project. In addition to the requirements and procedures of this Article and the applicable checklists contained in Article XV, a Conservation Design Development application shall also include the required information and follow the design and review processes of this section.

The employment of a qualified design professional is required. Note that design and review of a Conservation Design Development is an analytical process that relies on a knowledge and understanding of the site and its resources, and the interaction of the built environment in relation to the landscape and its elements. Also, there will be cases where the benefit of private ownership and use of the property exceeds the benefit of common open space resources for the community. Therefore, evaluation and input by experts in particular resource fields (forestry, agriculture, wildlife, etc.), and by the West Greenwich Conservation Commission and Land Trust, is critical to the decision making process. Each stage of review may require two or more meetings with the Planning Board as the design and purpose of the development is further refined.

1. Application

- a. Pre-application submission materials. A Pre-application meeting and review is required for all major and minor Conservation Design Development proposals, and shall include the following materials and requirements, in addition to the items required for a conventional subdivision:
 - 1) An Existing Conditions and Site Resources map * See checklist for requirements. (Design Process items 1, 5,)
 - 2) A Context Map of the Site and its Surrounding Area * See checklist for requirements (Design Process items 2, 5,)
 - 3) A Potential Conservation Areas sketch plan to designate potential conservation areas, differentiating all of the land unsuitable for development as “Primary Conservation lands,” (or, “Constraints to Development”) and a minimum of 50% of the remaining lands as the “Secondary Conservation” lands (or, “Resources”), in accordance with the Design Process noted in 2. 3. below. (Design Process items 3, 5,)

The Planning Board shall review these maps to assess accuracy, conformance with checklist requirements, and likely impact upon the natural and cultural

resources on the property. The Planning Board will also conduct an initial site visit during the Pre-application stage of review.

4) A Site Visit- The purpose of the site visit is to understand the property's existing conditions and special features, and to identify potential conservation areas, developable areas, site design issues, and areas for further study. The site walk shall be conducted during the Pre-application stage of review, after the Planning Board members have received the existing conditions maps and the site context map. A follow-up site visit may be required by the Board during the Master Plan stage of review to verify the feasibility of the yield plan and to explore the proposed development area and/or open space land in greater detail.

b. Master Plan submission materials. In addition to the items required for a conventional subdivision, the Master Plan application shall include the following materials:

- 1) Yield Plan- The applicant shall submit a realistic conventional subdivision Master Plan to determine the maximum number of lots or units permitted in the development. This "yield plan" shall meet the conventional subdivision and zoning requirements (and shall not assume that waivers will be granted). The subdivision design shall consider all available information as required from the Pre-application and Master Plan checklists. Proposed house sites shall meet the minimum suitable land requirements and proposed road locations shall be in areas that do not pose any physical or environmental limitations. The Planning Board may require test pits in areas the Board considers to be marginal. Lots shall not be considered if an OWTS would require a variance from RIDEM. If a wetlands alteration or crossing is proposed, the Board shall assume it will not be granted by RIDEM, unless the applicant can demonstrate otherwise with written confirmation by RIDEM. (Design Process item 4)
- 2) Conceptual Layout Plans- due to the flexibility of a conservation design subdivision, a number of layouts may be possible. Therefore, the Conservation Design Development application process requires that two or more layout options be presented to the Planning Board for the various required map submissions. During the process, a favored layout may become evident based on the goals of the design and the particular features of the site. It is recommended that a Landscape Architect be involved in this process. (Design Process 3, 5, 6, and 7) (Composite Map)
- 3) All plans as required during Pre-application are also required again at Master Plan, in greater detail, as necessary.
- 4) a report or study including an inventory of the conservation values of the property and stating the purpose(s) of the conservation lands (draft Baseline Documentation Report).

The Planning Board shall solicit comments from the West Greenwich Land Trust, Town Council, and/or Conservation Commission as part of the Master Plan review requirements regarding the potential open space.

- c. Preliminary Plan submission materials- in accordance with the procedure of this article and the Preliminary Plan checklist. Details for the use, ownership, and maintenance of the open space/ conservation land are also due at this stage of review (draft Conservation Easement document and draft Property Management document- see Checklists for minimum requirements). The program for the open space may require supporting submission materials such as a Forest Stewardship/ Management Plan, Wildlife Habitat Management Plan, etc.; trail design, etc. (Design Process items 8, 9, and 10)
- d. Final Plan submission materials- Final Plan submission materials and requirements for a Conservation Design Development include the following documents which shall be reviewed by the Town Solicitor as part of Final review:
 - 1) Final Open Space / Property Management Plan, including the precise boundaries, exact acreage, and proposed ownership of all open space and conservation areas. (see checklist ** for requirements)
 - 2) Final Baseline Documentation Report (see checklist ** for requirements.)
 - 3) Final Conservation Easement document, including a legal description of the parcel subject to the encumbrance (see checklist ** for requirements)
 - 4) All offers of dedication of realty or structures and all declarations, easements, and covenants governing the preservation and maintenance of undedicated open space.
 - 5) A copy of such deed restrictions, easements, covenants, and declarations that are to be imposed upon the property to comply with the final Plan as approved by the Board.
 - 6) The legal instruments detailing the ownership and maintenance of the common open space.
 - 7) Homeowner's Association Bylaws (if applicable) see Article __ Section __ for requirements
 - 8) Any other legal document as required by either the Zoning Ordinance or the Land Development and Subdivision Regulations
 - 9) 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, successors and assigns, which statement shall be approved by the Planning Board and be thereafter recorded simultaneously with the recording of the approved final plat in the Town Clerk's office, and which shall contain the following:
 - (1) That the land lies within the approved Conservation Design Development.
 - (2) That development of the land is permitted only in accordance with the land use approved by the Planning Board of the Town of West Greenwich.
 - (3) That no further development or subdivision of the tract or lots therein shall be permitted, with the exception of an administrative subdivision.

The documents shall be recorded simultaneously with the Final Plat in the Town of West Greenwich Land Evidence Records. In addition, the Developer shall give each original purchaser of a lot in the Conservation Design Development a copy of all such documents.

e. Record Plan

The Record Plan shall contain the following statements:

- a. “These premises are subject to restrictions, conditions, covenants, and easements that are contained in instrument(s) recorded simultaneously with this Final Plat in Book _____ and Page(s) _____ of the Land Evidence Records, and are incorporated herein by reference.”
- b. “Further subdivision of any lot as depicted on this plan, approved by the Planning Board as a Conservation Design Development, is prohibited in perpetuity, in accordance with the restrictions of the Zoning Ordinance and the Land Development and Subdivision Regulations.”

2. Design Process

The design of a Conservation Development shall be created in accordance with the following 10 steps, as noted in the Rhode Island Conservation Development Manual. The Planning Board may require the applicant to submit separate plans indicating the findings of each step in the design process, if not otherwise required by a checklist.

1. Analyze the Site- review the existing site conditions and features, taking care to identify sensitive and noteworthy natural, scenic, and cultural resources on the site, including stone walls and significant trees. (Base Map and Existing Conditions and Site Resources Map) (Pre-application submission, refine for Master Plan)
2. Evaluate Site Context- Identify natural and cultural resource systems that surround the site, including the character of the neighborhood. Identify connections to surrounding land uses and activities, including transportation networks, (roadway, bicycle, and pedestrian), protected open space and recreational areas, and water resources (streams, wetlands, groundwater aquifer and recharge areas, etc.) (Context Map of Site in its Surrounding Area) (Pre-application submission, refine for Master Plan)
3. Designate Potential Conservation Areas- Proposed conservation lands shall be designated using the results of the above two steps. All of the Land Unsuitable for Development (as defined in Article III, Section B) shall be designated as “Primary Conservation areas.” “Secondary Conservation Areas” shall consist of a minimum of 50% of the suitable land, including the natural, cultural, and visual resources identified as noteworthy during the above two steps. Secondary Conservation Areas shall be prioritized in terms of their highest to least potential for inclusion within the open space lands, in consultation with the Planning Board, and considering the parcel’s configuration, overlapping of multiple resources, and context in relation to adjoining resource areas. The total conservation area requirements are the sum of Primary and Secondary Conservation Areas, which may total more than 50% of the land in the development. Conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them. (Pre-application submission, refine for Master Plan) (Potential

Conservation Areas sketch plan, Report including inventory of the conservation values of the property.)

During this step, a conservation theme or themes shall be identified. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat preservation or restoration, viewshed preservation, or archaeological and historic properties preservation. The Planning Board shall have the ability to specify which areas shall be preserved. Advisory comments from the Conservation Commission and Land Trust shall be considered during the selection of the open space areas.

4. Determine the Maximum Number of Units- the maximum number of units permitted in a conservation development shall be no greater than the number of units permitted on the same parcel as would be developed as a conventional subdivision. A yield plan shall be submitted at the Master Plan stage, based on a reasonable development scheme given the suitability of the property. The Planning Board may require testing on individual lots, and other requirements, to prove (demonstrate) feasibility of the Master Plan.
(Conventional Subdivision/ Yield Plan) (Master Plan)
5. Locate Development Areas and Explore Conceptual Alternatives-Once the Board has approved the number of units, determine the areas most appropriate on which to locate/develop those units by combining the Existing Conditions and Site Resources Map and the Potential Conservation Areas sketch plan into a Composite Map. Several scenarios should be generated in order for the Planning Board to evaluate the best alternative. The Board and the applicant should consider optimum soils, water availability, the visual character of the open space, the experience of visiting or living in the community, and the Context Map of the Site in Its Surrounding Area. A Landscape Architect shall be involved with this step and in locating the house sites. (Composite Map, Conceptual Layout Plans) (Master Plan)
6. Locate House Sites- Potential house sites shall be tentatively located using the Composite Map, or the “chosen” Conceptual Layout Plan. House sites should take advantage of locations providing attractive views, privacy, and yard space, while accommodating adequate access, drainage, and suitable locations for a well and septic system.
(Additional house siting requirements are noted in the Design Requirements Section.)
(Master Plan, refine at Preliminary Plan)
7. Layout Streets, Trails, and Other Infrastructure-After designating the house sites, design a street plan to provide vehicular and pedestrian access to each house, complying with the standards in Article **and bearing a logical relationship to topographic conditions. Care should be taken to avoid negative affects to the open space, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15 percent. Pedestrian walkways should be used to connect the neighborhood especially through areas where streets do not connect. Show conceptual drainage locations and strategy for Low Impact Development drainage design. If applicable, a tentative network of trails shall also be shown, connecting streets with various natural and

cultural features in the conservation land, and potential trail connections to adjacent parcels in areas where a connected trail network is envisioned. (Master Plan, refine at Preliminary Plan)

8. Design and Program Open Space- (Preliminary Plan) Proposed uses and design for the open space areas should be carefully planned to take advantage of existing natural, cultural, and historical features, and the potential for active agriculture and forestry, and active or passive recreation. Conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them. Potential owners and/or easement holders for the Open Space, if known, shall be involved in this step.
9. Draw in the Lot Lines- after designating the open space conservation areas and the roadway and drainage infrastructure locations, lot lines can be drawn to delineate the boundaries of individual residential lots within the areas designated for development. Each lot shall conform to the dimensional requirements of the Zoning Ordinance for a Conservation Development, and the Lot Design Standards of Article ** section ** of these regulations. (Preliminary Plan)
10. Establish Ownership and Management of Open Space and Other Shared Amenities (Preliminary Plan, refine at Final Plan)- Proposed ownership shall be determined for the various aspects of the open space, and initial comments shall be submitted to the Planning Board regarding the desirability of the land to the potential owner(s). An Open Space Use, Maintenance, and Operations Plan detailing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property shall be drafted for the Preliminary review stage, and finalized for the Final Plan. Such management plans shall be consistent with the requirements of Article XIII, Section N **

Article XIII – Physical Design Requirements and Public Improvement Standards

N. Conservation Development

The physical design requirements and public improvement standards for Conservation Design Developments shall meet all of the requirements of Sections A through M of this Article, and shall also meet the following additional requirements of this section as follows:

1. Residential Development Design Standards-
 - a. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping buffers.
 - b. House lots shall be accessed from interior streets rather than from roads bordering the tract.
 - c. placement of homes along one side of the local road (“Single-loaded” streets) may be required by the Planning Board to enhance design

d. Lot lines shall follow natural boundaries such as stone walls, tree lines, etc. as practicably possible.

e. Where possible, incorporate existing special features such as unique trees, stone walls, glacial erratics, attractive views, etc. into the design of the home sites.

f. Consideration shall be made for solar orientation, wind protection, and other energy efficient house siting techniques.

2. Utilities

Water- - shall be provided by private individual on-site wells

On-site Wastewater Treatment System (OWTS/ISDS)- shall be located on individual lots (off-lot or shared systems shall not be permitted)

Community Wells- not permitted

Community Wastewater Treatment Facilities- not permitted

Stormwater Best Management Practices- Stormwater facilities and structures for which Town maintenance will be required shall not be located on individual house lots, nor encumbered by a conservation restriction, and shall be encompassed by a Drainage and Right of Access easement, and shall be integrated into the open space area as natural landscape elements. Drainage easement areas located within the open space lands may count toward minimum open space requirements provided they are naturally landscaped and provide wildlife habitat. Conveyance systems shall be within the public right-of-way. Stormwater management shall be incorporated into the subdivision improvements, landscaping, and lot design using Low Impact Development techniques.

3. Street Design Standards

1. Streets within a Conservation Development shall be publicly owned and maintained and shall conform to the standards of Article XIII, Section B.

(add this to page 70 Article XIII B 4. h. in regs)

h. Neighborhood streets may take the form of a two-way street, or a one-way loop street around a small neighborhood green.

2. Conservation Design Developments consisting of Homestead Lots may provide access to the Homestead lots by a private road meeting or exceeding the private right-of-way standards for a Residential Compound.

4. Trail Design Standards-

Trails shall be designed according to principles of quality trail design, and incorporate accessibility features as practicable. Guiding resources are provided in Appendix C. -The general location of recreational trails should be sketched out on the Master and Preliminary Plans. The owners of the open space shall be responsible to develop the trails, and to ensure the trails are built properly and do not readily erode. Trails shall be constructed prior to the sale of any house lot, and shall be financially guaranteed as part of the subdivision improvements.

5. Open Space and Conservation Land Design Standards

Land proposed for the Conservation component shall meet the following design criteria:

Draft Conservation Design Development Ordinance – Part 2

Revised for August, 2010

1. Include all of the land determined as unsuitable for development, also known as constraints to development and/or sensitive features. (Primary Conservation areas)
2. Include a minimum of 50% of the suitable land from the total development, incorporating the character defining features of the site (such as hedgerows, scenic views, etc.), the culturally significant features, and the other environmentally sensitive features not considered land unsuitable for development; and as prioritized for inclusion within the open space by the Planning Board on a case-by-case basis (Secondary Conservation areas). Road right-of-ways shall not be counted towards the required minimum open space.
3. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential uses, (except as permitted for ‘homestead’ lots) and from land dedicated as street right-of-ways.
4. It shall be free of all structures except cultural artifacts, stone walls, and structures related to open space uses.
5. Environmentally sensitive conservation land shall be designed in as large contiguous conservation areas as practicable to minimize fragmentation.
6. Where feasible, open space borders shall utilize natural boundaries
7. It shall be directly accessible to as many lots or dwellings within the development as practicable. Lots or units which cannot be physically adjacent to the open space may be provided with visual and/or safe and convenient pedestrian access to the open space, where possible.
8. It shall directly abut existing and/or potential future conservation land, as identified in the Town’s map of Potential Conservation Land, to serve as part of a larger interconnected greenway network, where applicable.
9. It shall provide for pedestrian and maintenance access to those areas for public or common use, in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty (30) feet in width.
 - b. Trails and other open space improvements shall be designed to avoid fragmenting plant and animal habitat areas, and to avoid adversely impacting archeological sites.
10. All conservation land that is not wooded, farmed, or managed as meadows shall be landscaped in accordance with the landscaping requirements of Section D (Landscaping Standards) of this Article.
11. The conservation area shall be staked and marked by a surveyor in the field and on the plan.

6. Open Space and Conservation Land Maintenance and Management- see Article IV, Section D.

7. Conservation Design Development Restrictions- see Article IV, Section D. and the West Greenwich Zoning Ordinance Article ** Section **

Article XIV Construction Specifications

Add to Section C. 1. Construction Activity

Item c. Proposed conservation lands and other sensitive features, such as historic stonewalls and large specimen trees shall be adequately protected during construction, such as including the use of fencing and informational signage. Such protective measures, including limits of disturbance and erosion and sedimentation controls, shall be installed prior to the start of construction.

add to Section C. 7 As-Built Drawings

Item 6) Open space improvements such as trails, ball fields, etc. as required by the Planning Board for Conservation Design Developments

APPENDIX C. Trail Design and Construction Resources

The USDA Forest Service Trail Design and Maintenance Notebook, available at <http://www.fhwa.dot.gov/Environment/fspubs/00232839/index.htm>

Massachusetts Department of Conservation and Recreation: Trails Guidelines and Best Practices Manual, available at <http://www.mass.gov/dcr/stewardship/greenway/publications.htm>

Minnesota Department of Natural Resources- Trail Planning, Design, and Development Guidelines, available at <http://www.bestpracticsmn.org/presentations/NRW9-20-06/FULL%20DOCUMENT%20no%20cover.pdf>

Forest Service Trail Accessibility Guidelines, available at <http://www.fs.fed.us/recreation/programs/accessibility/FSTAG.doc>

USDA Forest Service Accessibility Guidebook for Outdoor Recreation and Trails, available at www.fs.fed.us/recreation/programs/accessibility/htmlpubs/htm06232801/index.htm