

ENVIRONMENTAL REVIEW STATEMENT CHECKLIST

(PLEASE INITIAL EVERY ITEM AND SIGN BOTTOM)

PLEASE USE "N/A" WHERE NOT APPLICABLE IS YOUR ANSWER

- (1) _____ A concise description of the proposed project including its use, purpose, need, size, total impervious area, total land area and proposed phasing (if more room is needed, please use back of this paper).

- (2) _____ A concise description of the environmental setting of the project and the area to be impacted, to include all manmade, natural and physiographic features within five hundred (500) feet of the property line. This shall include, but not be limited to, wetlands or water bodies, soils, topography, vegetation, unique species and habitat areas and existing development. The use of mapped data is encouraged. Data must be sufficient so that the effects of and alternatives to the proposed project can be understood (if more room is needed, please use back of this paper).

- (3) _____ A wetlands permit or a Finding of No Significant Impact (FONSI) from the Department of Environmental Management (DEM), where applicable.

- (4) _____ Approval for an Individual Septic Design System (ISDS) upgrade from DEM, where applicable.

- (5) _____ A complete list of all chemicals, pesticides, fertilizers, fuels and other hazardous materials to be used or stored on the premises in quantities substantially greater than those associated with normal household use. This list shall be accompanied by a description of measures to protect them from vandalism, corrosion, and leakage and to provide for spill prevention and counter measures (if this applies, please list on other side of this paper).

- (6) _____ A description of potentially hazardous wastes to be generated, indicating a storage and disposal method (if this applied, please use other side of this paper).

- (7)_____ A statement of any prior to anticipated floor levels, and of the expected flood hazard present on the site.

- (8)_____ An erosion and sediment control plan.

- (9)_____ A plan for stormwater management.

- (10)_____ A statement of both the favorable and adverse environmental impacts of the proposed project, including short and long-term effects, on-site and off-site impacts and the cumulative impact of the proposed project as it relates to the entire watershed. Such discussion must include nutrient loading, point and non-point source water quality impacts to surface and groundwaters, applicable data on wetlands and identification of significant habitats impacted by the project (if this applies to you, please use other side of this paper to answer).

- (11)_____ A discussion and evaluation of the alternatives considered in the design and location of the project.

- (12)_____ The identification of any irreversible commitment, or alteration of natural features as a result of the proposed action.

- (13)_____ The means and estimated costs necessary to minimize adverse environmental impacts.

- (14)_____ A list of any underlying studies, reports and other information obtained and considered in preparing the Environmental Review Statement Checklist.

Applicant's Signature

Date

Preparer's Signature (if not applicant)

Title / Lic. #

Date

**DRAWING STANDARDS AND DOCUMENTATION REQUIREMENTS
FOR BUILDING PERMIT REQUESTS WITHIN
THE STAFFORD POND WATERSHED PROTECTION OVERLAY DISTRICT**

The Tiverton Planning Board must approve all building permit requests within the Watershed Protection Overlay District. Drawings of the lot and structures must be provided, along with the Environmental Review Statement specified by Article VIII of the Zoning Ordinance. Requirements for the drawings are described below. These standards apply only to single dwelling unit building permits.

1. DRAWING REQUIREMENTS Drawings shall include as a minimum the following:

- a. Location of lot within watershed including approximate distance to the pond. An annotated copy of the tax assessor's map may be used.
- b. A site plan of the lot including property dimensions, location of all existing buildings with dimensions, square footage and distances to property lines (front, rear, and side yard property lines), location and identification of proposed addition, including dimensions (length, width, height) and square footage.
- c. An elevation sketch that shows the proposed roofline.
- d. A brief statement of the use of the proposed addition.
- e. An Environmental Review Statement that addresses all items listed in Article VIII of the Zoning Ordinance (Watershed Protection Overlay District). This may be prepared by the homeowner.

2. IF THE PROPOSED CONSTRUCTION IS WITHIN 200 FEET OF THE SHORELINE OF STAFFORD POND, THE FOLLOWING REQUIREMENTS APPLY:

- a. Location of well and septic system elements (tank, leaching field, etc.)
- b. Exact distance to water's edge of buildings and additions.
- c. The Environmental Review Statement must be prepared by a registered engineer, surveyor, landscape architect, or a Soil & Water Conservation Society certified Erosion and Sediment Control Specialist, and must include specific measures to reduce impact on the pond.

3. ADDITIONAL CONSIDERATIONS

- a. The ordinance prohibits any development within 200 feet of the shoreline. Development is defined as any building addition that changes the "footprint" on the land.
- b. If a building permit involves excavation of any kind within 50 feet of a watercourse or water body, Rhode Island Department of Environmental Management (RIDEM) approval will be required.
- c. Petitioners are urged to thoroughly review the Watershed Protection Overlay District regulations prior to preparing application materials and appearing before the Planning Board.

**MULTIPLE OWNERSHIP PROPERTIES
WITHIN THE STAFFORD POND WATERSHED PROTECTION OVERLAY DISTRICT**

Please also see "Drawing Standards and Documentation Requirements"

Certain properties within the watershed overlay district are jointly owned by multiple parties under various title and occupancy arrangements. Legal ownership of these parcels belongs to a corporation, or other legal entity, with individual "Shareholders" obtaining rights of occupancy and land usage to dwelling units and "lots". The "lots" (land areas being used by any one of the shareholder parties) are not formally delineated in their title (or equivalent papers granting shareholders occupancy and usage rights). This, and the fact that the applicant is not the legal owner of the property, creates unique circumstances and special requirements for building permits. In general, a corporate description of property, approved by the Planning Board, must be on file in the Building Official's office prior to consideration of any building permit that would add to the impervious footprint of the property. With these on file, applicants for individual building permits must provide the additional documentation and drawings described below. Preparation of a new corporate survey will not be required for every building permit, but the original will be retained for future reference and used so long as it adequately reflects existing conditions.

- a. **Corporate Survey:** A survey of the corporate property, minimum Class IV, must be on file with the following information shown: all structures, impervious roads, driveways, and overall area in square footage of the parcel. Each dwelling will be identified in some manner, (i.e. number/letter) so as to provide a reference system for the corporate description. This survey will be prepared by a registered land surveyor. The scale will be no greater than 1" = 50' (1" = 100' being an example of a "greater" scale).
- b. **Corporate Description:** Filed with the survey will be a statement signed by the head of the corporation, or other legal entity that owns the property, that includes the following:
 - Area in square feet of footprint of each structure
 - Identity of owner / shareholder of each structure
 - Total square feet of land area allotted to each owner / shareholder with the respective percentage of the overall corporate area
- c. **Individual Building Permit Drawings:** With a corporate survey and corporate description on file, individual owners / shareholders must provide the same documentation and drawings required in paragraphs 1. and 2. of the "Drawing Standards and Documentation Requirements". In preparing the site plan for individual "lot" within the corporate parcel, "lot" lines should be presented in accordance with the corporate agreement.
- d. **Letter of Authorization:** Because the applicant is not the legal titleholder of the property, a signed statement must be provided from the head of the corporation or other legal ownership entity granting approval of the proposed project.

b. Where a substandard lot of record exists, the side yard and rear yard dimensional requirements for a structure may be reduced, and the maximum lot coverage for a structure may be increased, both in the proportion that the area of such substandard lot is less than the minimum area requirements of the district in which the lot is located. However, in no case shall the side yard be less than five feet nor the rear yard be less than ten feet, nor shall the maximum lot building coverage exceed 25 percent. In addition, where any substandard lot is less than 10,000 square feet in area, the maximum building height shall be 25 feet. The necessary computations and determination of the modifications for building setback and lot coverage requirements for each substandard lot will be made by the Tiverton zoning officer at the time of the application for a building permit.

(Ord. of 6-4-01(5))

Section 5. Special use permit.

Petition for relief from the requirements of this article may be made to the zoning board of review as a special use permit, under the provisions of article XVI of this ordinance.

ARTICLE VIII. WATERSHED PROTECTION OVERLAY DISTRICT

Section 1. Purpose.

The purpose of the watershed protection overlay district is:

- a. To protect, preserve and maintain the quality and quantity of surface water decreed by the town council to be of irreplaceable value as a public water supply upon which the residents of the Town of Tiverton and others depend.
- b. To protect the quality and quantity of drinking water supplies by regulating the use and development of land adjoining watercourses or primary water recharge areas, and to prevent uses of land within the watersheds of Stafford and Nonquit Ponds that would adversely affect the quality of water.
- c. To protect the health, safety and general welfare of the public.

It is intended by the town council that this article be interpreted liberally in view of the paramount public interest involved in the preservation of critical water supplies.

(Ord. of 6-4-01(6))

Section 2. Designation of watersheds.

a. The watersheds of Stafford and Nonquit Ponds are herein established as watershed protection overlay districts. The watershed areas shall be those delineated in the Rhode Island Geographic Information System (RIGIS) data base, as represented on the town zoning map.

b. The overlay district as applied to the watershed of Nonquit Pond shall be divided into two areas, a primary protection area, and a secondary protection area. The primary area shall be defined as that area south of Cedar Swamp which is either within 2,000 feet from Nonquit Pond or within 500 feet from the pond's direct tributaries. Direct tributaries shall be defined

as perennial rivers and streams as delineated on the current United States Geologic Service (USGS) topographic map. The secondary area shall be the remaining portion of the watershed (that which is not defined as the primary area).

c. Where the bounds of a watershed protection overlay district are in doubt or in dispute, the burden of proof shall be upon the owners of the land in question to show where they should properly be located. At the request of the landowners, the town may engage a professional hydrogeologist or a soil scientist to determine more accurately the location and extent of the watershed area and may charge the owner for all or part of the cost of the investigation.
(Ord. of 6-4-01(6))

Section 3. Use regulations.

The watershed protection overlay districts shall be considered to be superimposed over any other district established by this ordinance. Land in a watershed protection overlay district shall be subject to the following regulations:

a. *Permitted uses.*

- (1) Uses allowed by right or special use permit, including lawful pre-existing nonconforming uses, in the underlying district, except as otherwise prohibited.
- (2) Single-family residential units at a density of no greater than one unit per three acres in the watershed of Stafford Pond and in the primary protection area of the watershed of Nonquit Pond, and at a density of no greater than one unit per 100,000 square feet in the secondary protection area of the watershed of Nonquit Pond.
- (3) Recreation, conservation, agricultural and open space uses.
- (4) Water supply facilities and structures.
- (5) Stormwater retention areas and systems.
- (6) Streets and rights-of-way.
- (7) Uses incidental to residential uses.

b. *Prohibited uses.*

- (1) Storage of petroleum or other refined petroleum products, except within buildings which it will heat or for normal household or agricultural use. This includes the parking for a period exceeding two hours in any 24-hour period of vehicles used for the storage and/or delivery of fuel.
- (2) The storage or disposal of hazardous wastes, as defined by G.L. 1956, § 24-19.1-1 et seq.
- (3) Disposal of solid wastes, other than brush and stumps native to site, except within a state department of environmental management approved solid waste facility.

- (4) The disposal of liquid, or leachable wastes, except for approved subsurface waste disposal systems.
 - (5) Industrial, commercial and service uses which discharge process wastewater on-site, and discharging wastewater containing contaminants other than normal organic waste.
 - (6) Storage of road salt or deicing chemicals unless stored in a publicly maintained roofed structure with an impervious floor, or used for the deicing of privately maintained roads and stored in a water tight container.
 - (7) Automotive service and repair shops, junk and salvage yards.
 - (8) Incinerators and sanitary landfill sites.
- c. *Special use permits.* All uses not specifically permitted or prohibited shall be by special use permit only. Prior to an application for a special use permit, the zoning board of review shall require the applicant to submit an environmental review statement (ERS) approved by the planning board under the provisions of section 4 and section 5 of this article. The approval of the ERS and conditions set by the planning board shall become a part of the application for the special use permit, and be made a part of the final record of the zoning board of review.
- d. *Limitations.* All development and activities in a watershed protection overlay district are subject to the following limitations and conditions:
- (1) No development may occur within 200 feet of Stafford or Nonquit Ponds and their direct tributaries, unless a use variance is granted under the provisions of article XVII. Unless specifically exempted in writing, natural vegetation shall not be disturbed within this buffer area. Efforts to improve existing buffer areas are encouraged.
 - (2) The use of septic system cleaners and/or acids is prohibited.
 - (3) The rendering impervious of more than ten percent of any lot, or its allocated common area, is prohibited. For those developments that have no legally defined lot lines, impervious area shall be computed based on the fractional area of each owner.
 - (4) The use of chemicals for deicing, excluding road salt, shall be prohibited unless deemed necessary for public safety; the use, amount and mixtures of same shall be reported on a monthly basis and made a public record.
 - (5) Dumping of snow brought in from outside the watershed shall be prohibited.
 - (6) Agricultural practices, including the use and storage of pesticides, fertilizers and other agricultural inputs and byproducts, shall be protective of surface and groundwaters, and consistent with the recommendations of the division of agriculture of the state department of environmental management and/or the US department of agriculture, federal and state statutes and regulations, and the viability of the farming operation.

e. *On-site sewage disposal system (OSDS) upgrades.*

- (1) To further the purposes of this article, and because of the soil constraints within the watersheds, all new septic systems and septic system repairs, alterations and upgrades occurring within the watershed overlay districts shall conform to standards acceptable to state and local regulating authorities for on-site sewage disposal systems.
- (2) All persons seeking to upgrade their septic systems within a watershed overlay district shall notify the building official in writing, concurrent with the application to the department of environmental management for OSDS upgrade or emergency repair.
- (3) The building official shall review all proposed building additions and alterations, with the exception of decks, to determine the need for an OSDS upgrade under the department of environmental management standards.
- (4) By the year 2005, all OSDS within the watershed overlay district of Stafford Pond shall be improved to the prevailing state and local standards for on-site sewage disposal systems.

f. *Rural residential developments.* New residential subdivisions developed within the watershed overlay districts shall be designed as rural residential developments in accordance with the provisions of article IX.

(Ord. of 6-4-01(6))

Section 4. Environmental review procedures.

a. Prior to the receipt of any permit relating to a proposal for development in a watershed protection overlay district, the applicant shall submit an environmental review statement (ERS) for review and approval by the planning board, except however, the following developments shall be exempt from this requirement:

- (1) Building repairs and upgrades that do not involve a significant change in impervious surfaces, as determined by the building official.
- (2) Soil disturbances that do not require a soil erosion and sedimentation control plan in accordance with the town's Soil Erosion and Sedimentation Control Ordinance.
- (3) Individual residential developments (on single lots) which are greater than 2,000 feet from Nonquit Pond and 500 feet from a direct tributary.
- (4) Any development within the secondary protection area of Nonquit Pond.

b. The purpose of the ERS is to assist the town in determining whether the proposed project conforms with the express intent of this article. It shall be the burden and responsibility of the applicant to prove to the satisfaction of the planning board that the issuance of the permit will not adversely effect municipal water supplies.

c. Where deemed necessary by the planning board, the applicant shall be required to submit an ERS prepared by one or more of the following: a registered engineer; an environmental scientist; an aquatic ecologist; a soil scientist; a registered land surveyor; a landscape architect; a certified erosion and sediment control specialist; or other qualified professional knowledgeable in the areas of concern and accepted by the planning board as an expert witness.

d. The determination as to the need for a recognized professional to prepare the ERS shall be based upon the size and/or location of the project and the extent and nature of the resources, or other characteristics of the land likely to be affected.

e. Should a variance be granted for development within 200 feet of Stafford Pond, Nonquit Pond or their direct tributaries, the ERS shall be prepared by a professional. Where the development is a single-family home and the construction is greater than 200 feet from the appropriate water body, the homeowner may prepare his or her own ERS. Subdivisions and applications for permits other than for a single-family home will require an ERS prepared by a professional even if the development or activity is greater than 200 feet from the water body. (Ord. of 6-4-01(6))

Section 5. Contents of environmental review statement.

a. The environmental review statement shall contain appropriate and sufficient data to determine the probable effect of the proposed development on the water supply resource. In compiling such statement, the applicant shall consult with the various town departments, such as the department of public works, conservation commission, etc., having knowledge and authority in the various subjects cited below. The ERS shall include, where applicable, an analysis of local, state and federal performance standards as they relate to the proposed project. The specific scope of each ERS shall be determined by the planning board based on the particular circumstances of each application.

b. The planning board shall have the power to require an applicant to submit additional documentation in support of its application, where the planning board believes that such information is necessary in determining the impact of the proposal. The ERS shall be analytical rather than encyclopedic, and must, at a minimum, contain the following:

- (1) A concise description of the proposed project including its use, purpose, need, total land area and total area of proposed development, and proposed phasing.
- (2) A concise description of the environmental setting of the project and the area to be impacted, to include all manmade, natural and physiographic features within 500 feet of the property line. This shall include but not be limited to wetlands or water bodies, soils, topography, vegetation, unique species and habitat areas and existing development. The use of mapped data is encouraged. Data must be sufficient so that the effects of and alternatives to the proposed project can be understood.
- (3) A wetlands permit or a finding of no significant impact (FONSI) from the department of environmental management (DEM), where applicable.

- (4) Approval for an OSDS upgrade from the DEM, where applicable.
- (5) A complete list of all chemicals, pesticides, fertilizers, fuels and other hazardous materials to be used or stored on the premises in quantities substantially greater than those associated with normal household use. This list shall be accompanied by a description of the measures to protect them from vandalism, corrosion, and leakage and to provide for spill prevention and countermeasures.
- (6) A description of potentially hazardous wastes to be generated, indicating a storage and disposal method.
- (7) A statement of any prior or anticipated flood levels, and of the expected flood hazard present on the site.
- (8) An erosion and sediment control plan.
- (9) A plan for stormwater management.
- (10) A statement of both the favorable and adverse environmental impacts of the proposed project, including short and long term effects, on-site and off-site impacts and the cumulative impact of the proposed project as it relates to the entire watershed. Such discussion must include nutrient loading, point and non-point-source water quality impacts to surface and ground waters, applicable data on wetlands and identification of significant habitats impacted by the project.
- (11) A discussion and evaluation of the alternatives considered in the design and location of the project.
- (12) The identification of any irreversible commitment, or alteration of natural features as a result of the proposed action.
- (13) The means and estimated costs necessary to minimize adverse environmental impacts.
- (14) A list of any underlying studies, reports and other information obtained and considered in preparing the ERS.

c. Drawing standards and documentation requirements for building permit requests within the watershed protection overlay districts are contained in the written procedures of the Tiverton planning board. In addition, as described in these procedures, a corporate survey is required for any application that involves one of multiple or shareholder parties leasing land within the Stafford Pond watershed. This corporate survey, minimum class IV, must be on file in the office of the building official one year from zoning ordinance amendments effective June 4, 2001, and must indicate all structures, roadways and overall area of the corporate or multiple leased area.

d. In reviewing the appropriateness of the development for a watershed protection overlay district, the planning board shall give consideration to the simplicity, reliability and feasibility of the control measure proposed, and the degree of threat to water quality and/or quantity which would result if the control measures were to fail. In its review, the planning board may

impose restrictions and conditions which in its judgment will safeguard the source of water supply for the town, upon finding that the issuance of said permit will not adversely effect said source of water supply.

~~(Ord. of 6-4-01(6))~~

ARTICLE IX. RURAL RESIDENTIAL DEVELOPMENTS*

Section 1. Introduction.

a. Rural residential developments are alternative residential subdivisions designed to protect rural character through the use of flexible zoning, different engineering and design standards and/or decreased site density as compared to conventional subdivisions. Design flexibility is allowed so that the character defining features of a site may be preserved. These features include forests, farmland, historic and archeological sites, scenic vistas and ecologically sensitive resources. Rural residential developments also result in less storm water runoff than conventional subdivisions by reducing the amount of impervious surfaces. At a maximum, overall site density is limited to that which would be allowed for a conventional subdivision on the same site. To maximize design flexibility, planning board input is encouraged during the early stages of project planning.

b. There are three types of rural residential developments:

- (1) *Rural compounds* are minor subdivisions (five or fewer lots) that may use flexible zoning and where the maximum density is half that allowed for a conventional subdivision. Common driveways and frontage on unpaved, privately maintained roads constructed to modified town design standards are allowed. No common open space is required, but may be provided.
- (2) *Rural subdivisions* are subdivisions that use flexible zoning. New lots must have frontage on paved roads constructed to town design standards. A minimum of 50 percent of the total land available for development (land area remaining after the exclusion of unsuitable land as defined in article II) must be permanently protected as open space.
- (3) *Rural frontage subdivisions* are minor subdivisions that are located along existing public roads and may use flexible zoning and/or common driveways to preserve scenic character by minimizing curb cuts and creating roadside buffers. No common open space is required, but may be provided.

(Ord. of 6-4-01(7))

***Editor's note**—An Ord. of June 4, 2001(7) repealed article IX, sections 1—12, and replaced it with a new article IX, sections 1—9. Former article IX pertained to cluster developments and derived from an Ord. of Nov. 24, 1997.