

PUBLIC NOTICE: INVITATION OF COMMENTS

Pursuant to *Section 45-22.2-9(c)(2) of the General Laws of Rhode Island*, the Division of Statewide Planning hereby invites comments from the public, regional and state agencies, contiguous municipalities, and other interested parties regarding the local comprehensive plan document listed below.

Tiverton – Future Land Use Map and Text Amendments ID#: TIV-A1-24

Posted October 10, 2024

Revisions are proposed to the Future Land Use Map and the text of the Comprehensive Community Plan to correspond with proposed Zoning Ordinance and text amendment adopting Residential R-120 Zoning and Conservation Development. The proposed changes will lower development density in the impacted parcels for the protection of natural resources and drinking water supplies. The Amendment is currently under review by the State to ensure “consistency with the goals and intent established in the [Comprehensive Planning Act] and in the State Guide Plan.” The comment period shall extend for thirty days from the posted date. All comments should reference the **document title and identifier number**, and should be submitted to:

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TIVERTON, RI NOTICE OF PUBLIC HEARING
AMENDMENT OF COMPREHENSIVE COMMUNITY PLAN –
FUTURE LAND USE MAP AND TEXT AMENDMENTS

Notice is hereby given that a Public Hearing on proposed Amendments to the Town of Tiverton Comprehensive Community Plan is scheduled for a joint meeting of the Tiverton Town Council and Tiverton Planning Board to be held on **Monday, June 24, 2024 at 7:00PM at the Tiverton High School, High School Auditorium, 100 North Brayton Avenue, Tiverton.**

A copy of the proposed amendments to the Comprehensive Community Plan are available for public examination in the office of the Town Clerk between the hours of 8:30AM and 3:30PM on Mondays, Tuesdays and Thursday, from 8:30AM to 6:00 PM on Wednesdays, and from 8:30AM to 1:30PM on Fridays. The proposed amendments are also available for review at the Tiverton Senior Center and Tiverton Public Library during normal business hours. The amendments may also be viewed online at www.tiverton.ri.gov.

The proposed revisions may be altered or further amended prior to the close of the public hearing without further advertising as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment at the public hearing. Amendments take effect upon passage.

Anyone wishing to be heard on these proposed Comprehensive Community Plan revisions should be present at the aforementioned date and time. The Town Hall, Tiverton High School Auditorium, Tiverton Senior Center, and Tiverton Public Library are handicap accessible. Persons requiring assistance should contact the Office of the Town Clerk at 401-625-6703 at least three business days prior to the hearing date.

SUMMARY OF FUTURE LAND USE MAP AMENDMENTS

The existing Future Land Use Map, Figure 5-4, will be amended to correspond with the proposed Zoning District Map concurrently under consideration. These amendments will generally reclassify what is currently identified as “Rural Residential/Agricultural” to “Low Density/Rural Residential/Agricultural.” In addition, the amendments will reclassify to “Low Density/Rural Residential/Agricultural” what is currently designated “Med Density Residential” in the northeast corner of the Town and which is bordered on the north and east by the Rhode State boundary line with Massachusetts, generally bordered on the south by Bulgarmarsh Road, and generally bordered on the west by the area currently designated “Industrial Uses” and Fish Road. Finally, certain parcels currently designated as “High Density Residential” will be reclassified on the Future Land Use Map as “Low Density/Rural Residential/Agricultural.” These parcels designated as Assessors Plat and Lot: 303-173, 307-122, 307-123, 308-101, 309-101, 310-112, 311-126, 311-128, 311-168, 311-169, 311-171, 311-172, 313-101, 313-12, 313-103, 314-101, and 314-126.

The locations of the “Low Density/Rural Residential/Agricultural” areas are shown in the “Proposed Future Land Use Map” which is part of this advertisement. For comparison, the “Existing Future Land Use Map” is also made a part of this advertisement.

SUMMARY OF COMPREHENSIVE COMMUNITY PLAN TEXT AMENDMENTS

Revisions are proposed to the text of the Comprehensive Community Plan to correspond with proposed Zoning Ordinance text amendments adopting Residential R-120 Zoning and Conservation Development. Accordingly, references to the Residential R-80 Zone will be amended to Residential R-120 Zone and discussions regarding the Rural Residential/Agricultural classification will be amended to reflect an emphasis on low density residential uses and where low density uses are required for the protection of natural resources, among other reasons. Amendments will also include discussion and references to implementing conservation development, throughout the Town, to preserve the Town's limited natural resources. Further, the amendments will reflect and implement goals of the State's own plan titled Land Use 2025. The amendments are not limited to any one section, goal, or implementation program of the Comprehensive Community Plan.

Joan B. Chabot, Town Clerk

[INSERT 4.30.2018 FUTURE LAND USE MAP]

[INSERT PROPOSED FUTURE LAND USE MAP]

Town of Tiverton Proposed Comprehensive Plan Amendment

The following constitutes proposed changes to the Town of Tiverton Comprehensive Community Plan. Words in ~~strike through~~ are to be deleted and words in underline are to be added.

3.0 PLANNING CONCEPT

3.2 A Vision for Tiverton

RESIDENTIAL GROWTH: Future residential growth, while providing for affordable housing opportunities throughout town, should consist of density compatible with the existing conditions, and available infrastructure and varying housing styles in north Tiverton; and less dense and rural residential style developments in south Tiverton. Low density development is required in areas of Town with soil constraints (see Figure 4-1) and those areas lacking public water and/or sewer.

4.0 NATURAL AND CULTURAL RESOURCES

4.2 Natural Resources

FRESH WATER RESOURCES

Easily overlooked because it is unseen, is the groundwater of Tiverton. This precious natural resource is just as important as surface water because it supplies major portions of the town with fresh water from private residential wells. Protecting groundwater sources and maintaining drinking water is a major public concern. The State of Rhode Island uses a system to classify groundwater. Class GA is used to identify drinking quality groundwater sources. The Town should assure that this classification is maintained. The principal threat to drinking quality groundwater is over-development, with too many houses and other buildings drawing on a limited and finite water source. Given the hydrology and soil conditions of south Tiverton, and especially the Nonquit Pond watershed, the preferred type of housing method of residential development is rural compounds that of low impact and low density, achieved through conservation design and large lot zoning. The same is true for the area surrounding Stafford Pond and extending the borders with Massachusetts. Also threatening this resource are aging underground oil tanks and failing septic systems. Both problems must be addressed if Tiverton's citizens are to be assured of pure drinking water in the future. In 1997 the Town adopted an ordinance prohibiting new underground storage tanks (USTs), and requiring that all owners and operators of USTs register the tanks with the Tiverton Town Clerk. The registration form includes such information as tank size, construction type and material, and contents. In 2001 the Town adopted Rural Residential Developments, which at the time where an appropriate mechanism to preserve open space and rural character. While still an appropriate development tool for certain purposes, the Town should consider adopting Conservation Development, and large lot zoning, as a more effective development mechanism to protect the quantity and quality of the Town's drinking water resources.

4.4 Natural and Cultural Resources Goal, Policies, and Actions

Actions

RURAL CHARACTER

Action 3: The Planning Board should work with developers to promote rural residential developments and conservation developments as the preferred type of development pattern, particularly in the town's less developed areas currently zoned R-60 and R-80 as medium and low density. Further, the Planning Board should adopt regulations enabling the services of professional design consultants to review Master Plans at the expense of the developer and assure consistency with the state's Low Impact Development goals. (See Policies 5, 6 & 7).

Conventional development regulations, originating in urban settings, are poorly equipped to protect these values. Large lot zoning, as in the R-60 and R-80, and R-120 districts, while effective in producing large lots, does not necessarily protect rural character and natural resources as defined above. A combination of techniques to regulate uses, densities and site design are essential (See Figure 4-7).

Rural residential development, a concept that uses Low Impact Development (LID), provides for the evaluation and protection of the character defining features of a site as part of the development process. As an alternative to conventional subdivisions, rural residential developments incorporate conservation design techniques that protect important features through use of flexible zoning, different engineering and design standards, and in some cases, reduced site density. Amendments to the Zoning Ordinance in 2001, followed by those to the subdivision regulations in 2003, authorize alternative development plans in the form of rural residential developments in place of conventional subdivisions. Rural residential developments are mandated within the Watershed Protection Overlay Districts.

While Rural residential developments are appropriate for conserving open space and in some cases reducing overall development density, they are less effective at protecting natural resources than some other development tools. Conservation Development is the next step towards implementing a development tool that helps to achieve that goal. Conservation Development employs a 10-step design process that places natural resource protection at the forefront of the site design process ensuring that the most highly valued land for resource protection gets set aside for that purpose first, before the site is designed for development. The Town should consider modifying or replacing its rural residential development ordinance with Conservation Development.

Action 5: Minimize the impacts of development to natural features and pre-development hydrology by incorporating into Tiverton's Major Land Development and Subdivision Regulations key provisions of the RI Low Impact Development Site Planning and Design Guidance Manual and Conservation Development and a land development technique. Tiverton is committed to advancing the State's Low Impact Development (LID) goals. As construction occurs, it is essential to protect as much high-quality undisturbed open space as possible. This helps maintain pre-development hydrology that allows precipitation to recharge ground water reserves. Equally important is to maximize the protection of natural drainage areas, streams, surface waters, wetlands and jurisdictional wetland buffers. In addition, land disturbance, such as clearing,

grading and blasting of ridges and other natural features, should be minimized to maintain the town's distinctive topography and avoid erosion. Finally, soil compaction as a result of construction activities or prior development should be minimized. In 2011, RI Department of Environmental Management and the Coastal Resources Management Council drafted the Rhode Island Low Impact Development Site Planning and Design Guidance Manual. This manual provides developers and municipal planners with guidelines designed to implement the goals of LID. In 2003, a partnership including RIDEM, EPA, URI, Grow Smart Rhode Island, Statewide Planning, the Rhode Island Builders Association and the towns of Burrillville, Foster, Glocester, and Scituate developed the Rhode Island Conservation Development Guidance Manual as a practical tool for community officials and developers to implement and utilize the flexible ten step design process of Conservation Development.

5.0 LAND USE

5.2 Land Use Regulation

In 1987, an ordinance was adopted to provide for cluster developments. It allowed modification of certain zoning requirements in order to preserve open space or create recreation areas within a subdivision. As part of the 2001 Zoning Ordinance revisions, the Cluster Ordinance was replaced by regulations that provide for subdivision designs called Rural Residential Developments. This type of development incorporates conservation by design techniques to permit smaller house lots and open space preservation. It also allows privately maintained roads for special subdivisions where oversized lots are created (rural compounds). Road frontage requirements can also be relaxed under certain circumstances with common driveways used in order to decrease the number of curb cuts. Rural Residential Developments are meant to preserve rural character, protect the environment, and lower the long-term public tax burden by decreasing the cost of infrastructure maintenance.

The Town should consider the adoption of Conservation Development to either replace or modify their rural residential development ordinance. Conservation Development achieves similar goals and benefits but also ensures that the open space that is protected through the development is of the highest value for resource protection. This is achieved by using a ten-step design process that first identifies areas of the site that are best suited to protect and preserve natural resources and setting those aside, ensuring that the areas of the site that are developed are those marginal lands that contribute less to resource protection. Conservation Development, along with low density development and large lot zoning, can be an effective land use development approach in areas such as Tiverton where ground and surface water resources are fragile and limited.

5.5 Future Land Use

A significant component of a local Comprehensive Plan is the identification of future land uses based on the interrelationship of historic development patterns, natural characteristics of the land, the transportation network, the availability of public services and facilities, and the desire to protect the natural and scenic qualities of the community. Recommended future land uses, as illustrated on the Future Land Use Map (Figure 5-4), are based on the goals and policies of this Comprehensive Plan and represent Tiverton's land use blueprint for the future. The Future

Land Use Map serves as a policy statement directing municipal decision-makers as to what types and intensities of land uses are desired in each area of town over a 20-year planning horizon.

The following section describes the future land use designations as illustrated on Figure 5.4 Future Land Use Map.

Publicly-Owned Open Space and/or Lands Zoned Open Space

Publicly-owned lands for open space and conservation and all lands currently zoned open space (some owned by environmental organizations) are depicted in dark green on the Future Land Use Map. The intent of this category of future land use is for the land to be preserved in a natural undeveloped condition, provide recreational opportunities, or preserve habitat areas or agricultural use.

Privately-Owned Open Space Zoned Residential and/or Privately-Owned Agricultural Land

Zoned Residential Lands in the Privately-Owned Open Space Zoned Residential and/or Privately-Owned Agricultural Land Zoned Residential land use category are either owned for conservation purposes by an environmental organization or are owned by a private citizen but protected by means of the purchase of development rights by the government or an environmental entity such as a land trust or The Nature Conservancy.

High Density Residential

Located east and west of Main Road in North Tiverton, the High Density Residential future land use designation, includes partially or fully developed neighborhoods of both single-family and multi-family residences at an approximate density of one dwelling unit per 30,000 square feet, or greater. The current zoning in this future land use designation is a minimum lot size of 30,000 square feet.

Medium Density Residential

The Medium Density Residential future land use designation is generally located north of Bulgarmarsh Road and west of Fish Road to Souza Road and includes the Highlands and lands east and west off Stafford Road north of Bliss Four Corners. Lands in this future land use designation include partially and fully developed neighborhoods. The designated minimum zoning in this area ranging in density from one dwelling unit per 40,000 square feet to 60,000 square feet, and areas for which this residential density is considered appropriate.

Low Density/Rural Residential / Agricultural

The majority of southern Tiverton land falls into the Low Density/Rural Residential / Agriculture designation. Future development in this designation should preserve to the extent possible the scenic rural landscapes with stonewalls and coastal views that characterize this area of Tiverton. Current zoning for lands located in the Low Density/Rural Residential / Agriculture future land use designation is a minimum lot size of 120,000 square feet. In the Low Density/Rural Residential / Agriculture future land use designation, agricultural land and active agricultural operations, low density residential uses and open space is considered appropriate. The area of Town designated as Low Density/Rural Residential/Agricultural also serves an important function to recharge ground and surface water as it contains the Town's two surface

water drinking supplies, along with their associated watersheds, which are protected by the Watershed Protection Overlay District. Drinking water supply protection efforts in this area are of the utmost importance given the prevalence of impaired water bodies in the Town and the existing soil conditions.

Commercial Uses

There are six general areas designated as Commercial Uses on the Future Land Use Map, shown in red, including Bliss Four Corners, Tiverton Four Corners, along Main Road in North Tiverton, Stone Bridge, Fish Road off Route 24, and Stafford Road along the state border. Current zoning districts within the Commercial Uses future land use designation include General Commercial (GC), Traditional Main Street (TMS), Pedestrian Friendly District (PFD), Neighborhood Business (NB), Village Commercial (VC), and Highway Commercial (HC). Specific uses vary depending on the zoning district. Village Commercial is the area of town known as Tiverton Four Corners which is characterized by small scale retail, restaurant and office uses in a compact and historic setting. General Commercial contains areas of the town which form the basic pattern of retail and service businesses serving the community, and the areas planned for expansion of such businesses. The GC District includes the major commercial area along Main Road in the northwest corner of Tiverton, and the smaller commercial area along Stafford Road, extending north from its intersection with Bulgarmarsh Road. Highway Commercial contains areas of the town where businesses which serve regional needs rely on highway access and larger land areas for parking and development. The HC District includes the commercial area bordering the City of Fall River and lying between Route 24 and Stafford Road, and the commercial area at the interchange of Route 24 and Fish Road and extending west along the south side of Souza Road.

Waterfront-Related Uses

The Waterfront-Related future land use designation includes certain non-residential and mixed-use areas along the Sakonnet River for which primarily water-dependent commercial uses are appropriate and rely on waterfront access for business.

Industrial Uses

This district contains the area of the town currently used for industrial and related uses, and which is considered suitable for future industrial development. This designation includes lands located east of Fish Road and on both sides of Route 24, and a smaller land area west of Fish Road and lying between the R-30 District and Souza Road.

Industrial / Technology-Planned Development Park

The Tiverton Business Park is shown on the Future Land Use Map as a Planned Development Park zone which was created as a floating zone within the zoning ordinance, with diagonal lines over the Industrial designation. The Tiverton Business Park retains its designation as Industrially zoned land, allowing all the uses permitted within that zoning district. Additionally, there are specific design and development standards for the park that were adopted by the Town Council along with a specific list of additional uses that are permitted by right. This future land use designation is intended to highlight opportunities for new commercial development (high tech industries, office, research and development and light manufacturing) in order to

generate jobs and diversify the local tax base. The area is largely undeveloped, serviced by public water and sewer, and has convenient highway access.

~~Permanently Protected Outdoor Recreational Areas Overlay~~

~~Existing, significant, permanently protected outdoor recreational areas are displayed as an overlay and correspond with publicly accessible sites represented on Figure 9-1 Existing Conservation and Open Space Areas.~~

Casino Gaming Facility Overlay

As described elsewhere in this chapter, the Casino Gaming and Entertainment Overlay District designates the location of the proposed casino gaming facility subject to review under the Tiverton Land Use Regulations.

~~Reservoir and Ponds~~

~~The Reservoir and Ponds future land use category represents lands that are permanently inundated by water and therefore are not suitable for development. Future use is to serve as habitat and/or water supply.~~

Watershed Protection Overlay District

The area designated around Stafford and Nonquit Ponds to protect the quality and quantity of drinking water supplies. The overlay district regulates land uses and requires low density development in areas adjoining the watercourses or within primary recharge areas to prevent uses of land that would adversely affect the quality and quantity of water.



