**Minor land development and subdivision is required. The language in red is directly from state law and must be inserted into the Regulations as written.** **The language in blue is new or changed language directly from state law as a result of the 2024 legislation and represents required changes to the local regulations through strikethroughs and underlining.**

* 1. *Minor land development and minor subdivision review.*

Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted pursuant to a unified development application, a public hearing is required by the [planning board].

1. Application types.
2. Applications requesting relief from the zoning ordinance.
3. Applications under this section which require relief which qualifies only as a modification ~~shall~~ may proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development ~~plan~~ review.
4. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the [planning board] under unified development ~~plan~~ review, and a request for review shall accompany the preliminary plan application.
5. Any application involving a street creation or extension shall be reviewed by the [planning board] and require a public hearing.
6. Other applications. The administrative officer shall review and grant, grant with conditions or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officer may utilize the technical review committee for initial review and recommendation. The administrative officer may grant the following waivers:**[[1]](#footnote-1)**

* [ADD WHAT TYPES OF WAIVERS THE AO MAY GRANT HERE]

1. Submission requirements. Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the [INSERT CHECKLIST REFERENCE].
2. Certification. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made. If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
3. Decision on preliminary plan. If no street creation or extension, variance or special use permits, ~~is~~ are required, ~~the planning board or~~ the administrative officerwill approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the ~~board~~ administrative officer. If a street extension or creation is required, and/or the application is reviewed under the unified development ~~plan~~ review or the application seeks waivers from design standards and/or requirements of the land development and subdivision regulations that are beyond the authority of the administrative officer to grant, the [planning board] will hold a public hearing prior to approval according to the requirements in [INSERT FOR PUBLIC HEARING NOTICE] and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board, according to the requirements of [INSERT SECTIONS RELATING TO REQUIRED FINDINGS AND DECISIONS AND VOTES OF PLANNING BOARD; see §§ 45-23-60 and 45-23-63].
   1. Failure to act.Failure of the [planning board] or administrative officer to act within the period prescribed constitutes approval of the ~~preliminary plan~~ pending stage of review, and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval will be issued on request of the applicant.
   2. Re-assignment to major review. The [planning board] may re-assign a proposed minor project to major review only when the [planning board] is unable to make the positive findings required in [INSERT SECTION RELATING TO REQUIRED FINDINGS; see § 45-23-60].
   3. Final plan. Final plans shall be reviewed and approved by either the [CHOOSE: ADMINISTRATIVE OFFICER OR TECHNICAL REVIEW COMMITTEE]. The officer or committee will report its actions, in writing to the [planning board] at its next regular meeting, to be made part of the record. The [CHOOSE: ADMINISTRATIVE OFFICER OR TECHNICAL REVIEW COMMITTEE] shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
   4. Modifications and changes to plans.
4. Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional public ~~hearings, at the discretion of the administrative officer~~ hearing. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority if the permitting authority is not the administrative officer. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change. Minor changes include the following:

* [LIST MINOR CHANGES]

1. Major changes to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes include the following:

* [LIST MAJOR CHANGES; INCLUDE “CATCH-ALL” THAT ANYTHING NOT LISTED AS A MINOR CHANGE IS A MAJOR CHANGE]

1. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the ~~final plan application~~ written request for a change if the administrative officer determines the change to be a major change.
2. Appeal. Decisions under this section shall be considered an appealable decision pursuant to [INSERT SECTION].
3. Expiration of approvals. Approvals of a minor land-development or subdivision plan expires one year from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in [INSERT SECTION]. Validity may be extended for a longer period, for cause shown, if requested by the ~~application~~ applicant in writing, and approved by the [planning board].

1. RIGL §45-23-38(a)(2) states that local regulations shall specifically list what limited waivers an administrative officer is authorized to grant as part of their review. [↑](#footnote-ref-1)