

**Excerpt from West Greenwich Zoning Ordinance**

**ADDENDUM – MAY 11, 2005  
AMENDED – AUGUST 9, 2006  
AMENDED – OCTOBER 14, 2009**

**Article VII: Special Regulations.**

**SECTION 18. Residential Compounds**

1. Definition and Purpose

- a. A residential compound is a parcel of land containing lots for single family residential units and having an average density of no greater than one dwelling unit per 4 acres of land.
- b. Residential compounds are intended to preserve the rural character of the town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to other subdivisions.
- c. The purpose of the residential compound is to provide qualified subdividers an option to develop a parcel of land under less stringent requirements, where, and only where, the Planning Board determines that such alternative improvement standards will promote development of the parcel in the best interests of the Town, considering the factors specified in Section 3, below. Denial by the Planning Board of a request to submit an application for a Residential Compound, or denial of a Residential Compound, shall not be construed as denial of the right to subdivide the property. The applicant shall retain all rights to appeal a decision to the Planning Board of Appeal and/or to submit a plan which complies with the improvement standards for conventional subdivision as set forth in this ordinance.

2. Applicability.

Residential Compounds may be considered for any subdivision of land accessed off of a Town or State owned public road, or a private right of way existing on or before May 11, 2005 (date of enactment). An applicant may petition the Planning Board for consideration of a Residential Compound, or the Planning Board may suggest that a proposed subdivision be developed as a Residential Compound. To qualify for consideration as a Residential Compound, the property and proposed subdivision must satisfy all of the following conditions; however, satisfaction of all of the following conditions shall only result in rendering the plan eligible for further consideration as a Residential Compound and shall not be construed as approval.

- a. The subdivision must create at least two, but shall not result in the creation of more than four lots in addition to an existing two acre lot with a house thereon

and be located entirely in a RFR-2 zoning district.\* If no home existed on the proposed parcel on or before May 11, 2005 , only five lots may be created.

- b. The permitted uses, minimum lot sizes, and dimensional regulations applicable to Residential Compounds shall be those provided in the Zoning Ordinance for the RFR-2 zoning district.
- c. A parcel proposed for development as a Residential Compound shall have a minimum of thirty (30) feet of continuous legal access to one State owned or town-accepted street.
- d. Not more than one Residential Compound, nor a combination of a conventional subdivision and a Residential Compound, shall be created from any one property existing as of on or after May 11, 2005.
- e. No more than five (5) lots may derive access from, or have frontage on a Residential Compound road.
- f. The applicant proposing a residential compound off of an existing private right-of-way shall demonstrate to the Planning Board that they have the legal ability to use the access for a subdivision/development.

### 3. General Requirements and Design Standards

a. All lots created as part of a Residential Compound shall have frontage on a private right-of-way with adequate physical access to a public street. All private rights-of-way within a Residential Compound or subdivision shall remain private in perpetuity. No private Residential Compound right-of-way may be extended or connect to another private right-of-way within another Residential Compound. At the time of Final Approval, Town Legal Counsel shall approve the form and content of a legal document, to be recorded simultaneously with the Final Plat, which includes a covenant by the owner of the parcel, binding on his successors and assigns, that the Town of West Greenwich shall not be asked or required to accept or maintain the private streets within the parcel, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years. Such restrictions shall state that any and all future expenses for improvements to private streets (including drainage) to meet town requirements shall be borne by the owners of the property within the Residential Compound

b. No lot or parcel which has been developed as part of a Residential Compound shall be further subdivided or reduced in size, with the exception of an

\* An owner of an RFR-1 parcel may petition the Board for consideration of a Residential Compound.

administrative subdivision. Administrative Subdivisions shall be for the purpose of lot line adjustments only, and shall not be intended to contribute developable area for an abutting Residential Compound.

Land gained by an Administrative Subdivision shall not count towards the land area required for a Residential Compound.

Administrative subdivisions may be permitted among residential lots within the Residential Compound in accord with these regulations, provided, however, that such transfers or lot line amendments maintain conformity with the minimum dimensional standards contained in this section of the Zoning Ordinance for each lot or lots so affected and the average density within the approved Residential Compound remains at one dwelling per four (4) acres. This provision shall not prevent the development of a Residential Compound in phases as long as future phases are clearly designated as part of the initial preliminary plan submission.

Administrative subdivisions that propose the transfer of excess land or open space to a parcel or parcels situated outside the Residential Compound shall not be permitted.

c. Land unsuitable for development, as that term is defined in Article III, Section B. of the Subdivision Regulations, may be included as part of any residential building lot, and provided, however, that such land shall not be counted toward the minimum lot area required by the Zoning Ordinance for the RFR-2 zoning district. Each lot within a Residential Compound must contain a minimum of 1.4 acres of contiguous suitable land.

d. The Private right-of-way shall be contained within defined (metes and bounds) easements over the proposed lots, not as a separate lot, and shall not count towards the minimum suitable land requirement.

e. All land area within the Residential Compound in excess of that necessary to meet the minimum lot area requirements of the Zoning Ordinance shall be designated as extra area within one or more residential house lots.

f. In approving a Residential Compound, the Planning Board must determine that all of the General Requirements contained in Article III of the subdivision regulations have been met and in addition that one or more of the following design objectives are met in the proposed development plan:

- 1) the number of lots having direct egress onto existing public streets is less than through conventional subdivision, and the number of lots having frontage on existing public ways has been less than through conventional subdivision;

- 2) dwelling units and infrastructure will be constructed in a manner which will have the least visual impact on the parcel of land in question as viewed from the public way providing access to the compound, or from adjacent residentially zoned properties;
- 3) lots will be configured in a manner that preserves primary and secondary resource areas on the tract or adjacent to the tract, such as wetlands, water courses or bodies, open fields, meadows, wildlife habitat, steep slope, or other significant areas.

4. Application.

For the purpose of review and approval, Residential Compounds shall be considered Minor Subdivisions, and are subject to the same review and approval by the Planning Board under the provisions of the Town of West Greenwich Land Development and Subdivision Regulations. Any proposed Residential Compound shall require a Pre-application meeting with the Planning Board, and a Public Hearing in accordance with the public hearing and notice requirements section of the West Greenwich subdivision regulations. In addition to the submission requirements at Preliminary Plan stage of review contained in the Minor Subdivision checklist, an application must contain the following information:

- a. Conventional yield plan.
- b. Scale and area of vegetative screening separating the private right-of-way and Residential Compound lots from adjacent residentially zoned property.

For additional requirements of Final plan, see sub-section 8. below.

5. Ownership of Common Areas and Improvements

All common areas, drainage and other improvements within the Residential Compound shall be privately owned and maintained in common by the Homeowner's Association (HOA) for the Residential Compound. At the time of Final Approval, the Planning Board shall approve the form and content of a document or documents establishing the method of ownership, and providing for maintenance of common areas, drainage and other improvements.

6. Improvement Standards

- a. Streets and appropriate drainage facilities within a residential compound shall be designed and constructed in compliance with this section. The Planning Board shall have the authority to require additional improvements in order to protect the public health, safety and welfare, if warranted by the characteristics of the parcel, or if the street will be used by persons other than residents of the compound.
- b. Private right-of-ways within a Residential Compound shall meet the following design standards:
  - 1) a right-of-way intercept width at the existing public road or private right of way of at least (30) feet, for a distance of 50 feet;
  - 2) a paved staging area of at least 50 feet in length from the edge of pavement of the street it intersects with, with a minimum width of (20) feet of pavement, and sloped not more than 4% grade for the 50 feet it extends from the street line;
  - 3) where possible, a compound street centerline angle intersection with the street centerline of 90 degrees (perpendicular with the existing road);
  - 4) Pavement for the staging area, and any proposed or existing grading beyond the staging area of greater than 6%, shall be paved in accordance with road construction standards in Article XIV Section D;
  - 5) a wear surface, on that portion of the private right-of-way extending beyond the staging area, of a minimum of 12 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown at a 2% slope;
  - 6) proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the staging area, so that water draining onto the street surface from the staging area is eliminated to the maximum extent feasible;
  - 7) a wear surface, on that portion of the private right-of-way extending beyond the staging area, with a minimum width of 16 feet for its entire length;
  - 8) a cul-de-sac, or other teardrop or loop, of not less than 60 feet in radius provided at the end of each terminus, or

alternatively, a hammerhead design may be employed with dimensions as approved by the Fire Chief and Director of Public Works.

- c. For Residential Compounds proposed off of an existing private right-of-way, the Planning Board shall require that the applicant improve the existing road to meet or exceed the minimum standard for the Residential Compound (6. a. and b. above), and if the existing private road will service a total of more than 5 lots, the Planning Board shall require improvements to exceed the minimum standards contained in 6.a. and b. above, including but not limited to paving and drainage improvements. The applicant shall secure the permission and agreement of all parties with legal access to the private right-of-way to perform such upgrades and to be included in a maintenance agreement.
  - d. Mailboxes shall be located at the entrance to the private way for access from the Town road. Street numbers shall be clearly marked in compliance with 911 laws.
  - e. In the event that erosion is causing sediment from the compound to be deposited on Town roads, the compound will be in violation of the Soil Erosion and Sediment Control Ordinance (adopted October 16, 2002) and the Land Development and Subdivision Regulations. Owners of the compound lots will be required to take remedial action.
  - f. Utilities such as electric, phone, and cable, are allowed to be above ground.
7. Documentation Required Prior to Final Plan Approval

All legal documents required under this Article, including, but not limited to, Homeowners Association Documents, Declaration of Restrictions, Easements, Open Space Covenants etc., shall be submitted to the Town Solicitor for review and approval on or before the time of Final Plan approval. 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 Residential Compound a copy of all such documents.

8. Statement on Final Plat

- a. The Final Plat shall contain the following statement: “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. 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 private residential compound.
- (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 private tract or lots therein shall be permitted, with the exception of an administrative subdivision-