

E. Ch. 32 – Subdivision Regulations ordinances for discussion



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

ARTICLE I. – IN GENERAL

Sec. 32-2. – Purpose of chapter.

- Sec. 32-2. – Purpose of chapter shall be amended as follows to meet RIGL.

Sec. 32-2. – Purpose of chapter.

The purpose of this chapter is to establish a procedure to provide thorough, orderly and expeditious processing of land development and subdivision project applications that is in keeping with the provisions of the town's comprehensive plan and zoning ordinance and accomplish the following:

(1) Promoteing the public health, safety and general welfare of the town;

(2) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;

(23) Promoteing high quality and appropriate design and construction of subdivisions and land developments;

(34) Promoting the Protection of the existing natural and built environment and the mitigateion of all significant negative impacts of any proposed development on the existing environment;

(45) Promoting Provide for the design of subdivisions and land developments which are well-integrated with the surrounding districts neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

(56) Encouraging Establish local design and improvement standards to reflect the intent of the town's comprehensive plan with regard to the physical character of the various neighborhoods and districts of the town;

(67) Promoteing thorough technical review of all proposed subdivisions and land developments by appropriate town officials;

(78) Provide Encouraging town requirements for dedications of public land, impact mitigation and payment-in-lieu thereof, which will be based on clear documentation of needs and fairly applied and administered; and

(89) ~~Establish~~encouraging the establishment and procedures for consistent application of procedures for local record-keeping on all matters of subdivision and land development review, approval and construction.



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

ARTICLE I. – IN GENERAL

Sec. 32-5. – Definitions.

- Sec. 32-5. – Definitions shall be amended as follows to meet RIGL.

Sec. 32-5. - Definitions.

- (1) Administrative officer, means ~~†~~The town planner, the municipal official designated by local regulations, ~~who will to~~ administer the land development and subdivision regulations ~~and to review and approve qualified applications and/or~~ coordinate with ~~the building inspector,~~ local boards and commissions, ~~ether~~ municipal staff and state agencies ~~as set forth herein.~~
- (2) Board of appeal, means ~~†~~The local review authority for appeals of actions of the town planner ~~and the planning board on matters of land development or subdivision,~~ which shall be the local zoning board of review constituted as the board of appeal. See Sec. 32-42
- (3) Bond, means ~~a security instrument accepted by a municipality to ensure that all improvements, facilities or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specific actions of a development. (See Improvement guarantee.)~~
- (4) Buildable lot, means ~~a~~ lot where construction for the use(s) permitted on the site under the local zoning ordinance is considered practicable by the planning board, considering the physical constraints to development of the site as well as requirements of the pertinent federal, state and local regulations. See 32-106(4)
- (5) Certificate of compliance teness, means ~~a~~ notice issued by the town planner informing an applicant that the application is complete and meets the requirements of this chapter, and that the applicant may proceed with the approved review process.
- (6) Concept plan, means ~~a~~ drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings; ~~and~~ early discussions, and classification of the project within the approval process.

- (7) Consistency with the comprehensive plan. means a requirement of all local land use regulations which means that all ~~such these~~ regulations and subsequent actions ~~shall be~~ are in accordance with the public policies arrived at through detailed study and analysis and adopted by the town as the comprehensive community plan as specified in section 32-2.
- (8) Dedication, fee-in-lieu-of. means pPayments of cash, which are authorized in this chapter, when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount are specified in section 32-110.
- (9) Development plan review. Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:
 - (i) A change in use at the property where no extensive construction of improvements is sought;
 - (ii) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
 - (iii) An adaptive reuse project located in a residential zone which results in less than nine residential units;
 - (iv) Development in a designated urban or growth center;
 - (v) Institutional development design review for educational or hospital facilities; or
 - (vi) Development in a historic district.
- (10) Development regulation. means zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.
- (11) Division of land. means a subdivision.
- (12) Environmental constraints. means nNatural features, resources or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. (See also *Physical constraints to development*.)
- (13) Final plan. means tThe final stage of land development and subdivision review. (See Sec. 32-186 section 32-161(e).)
- (14) Final plat. means tThe final drawing(s) of all or a portion of a subdivision to be recorded after approval by the planning board and any accompanying material as described in the ~~community's regulations~~ chapter and/or required by the planning board.
- (15) Floor area, gross. means tThe floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features. (See section 806.0 of the state building code.)
- (16) Governing body. means tThe town council, the body of the local government having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.
- (17) Improvement. means aAny natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
- (18) Improvement guarantee. means a security instrument accepted by ~~a municipality~~ the planning department and/or board to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the municipality planning department and/or board as a condition of approval, will be completed in compliance with the approved plans and specifications of a development. (See article VIII of this chapter.)
- (19) Land-development project. A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses. The local regulations shall

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include all requirements, procedures and standards necessary for proper review and approval of land development projects to ensure consistency with this chapter and the Rhode Island zoning enabling act.

- (i) Minor land development project. A land development project involving any one the following:
- (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- (B) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures; or
- (C) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or
- (D) Multi-family residential or residential condominium development of nine (9) units or less; or
- (E) Change in use at the property where no extensive construction of improvements are sought;
- (F) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;
- (G) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
- A community can increase, but not decrease the thresholds for minor land development set forth above if specifically set forth in the local ordinance and/or regulations. The process by which 3 minor land development projects are reviewed by the local planning board, commission, technical 4 review committee and/or administrative officer is set forth in § 45-23-38.
- (ii) Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in this section and local ordinance or regulation. The process by which major land development projects are reviewed by the local planning board, commission, technical review committee or administrative officer is set forth in § 45-23-39.
- (20) Local regulations, means tThe land development and subdivision review regulations adopted under the provisions of this chapter. For purposes of clarification, throughout this chapter, where reference is made to local regulations, it shallis to be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to this chapter.
- (21) Low or moderate income (LMI) housing, means aAny housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low or moderate income households, as defined in the applicable federal or state statute, or local ordinance and that will remain affordable through a land lease and/or deed restriction for 99 years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than 30 years from initial occupancy.
- (22) Maintenance guarantee, means aAny security instrument which may be required and accepted by a municipality the planning department and/or board to ensure that necessary improvements will function as required for a specific period of time. (See *Improvement guarantee.*)
- Major land development plan means any land development plan not classified as a minor land development plan.
- (23) Master plan, means aAn overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held (See [section 32-183.](#))
- Minor land development plan means a development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this chapter. All nonresidential land development projects shall be considered as major land development plans.

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- (24) Modification of requirements. See [section 32-47\(b\)](#).
- (25) Open space, means aAny parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided, however, that the area may be improved with only those buildings, structures, roads and off-road parking, and other improvements that are designated to be incidental to the natural openness of the land.
- (26) Parcel, and tract mean a lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.
- (27) Parking area or lot, means aAll that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.
- (28) Permitting authority, means tThe planning board or administrative officer, the local agency of government empowered by ~~the~~ state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.
- (29) Phased development, means dDevelopment, usually for large-scale projects, where construction of public and/or private improvements proceeds by sections, subsequent to the approval of a master plan for the entire site. (See [section 32-109](#).)
- (30) Physical constraints to development, means eCharacteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. (See also *Environmental constraints*.)
- (31) Planning board, means tThe official planning agency of the town. The local review board as established pursuant to 45-22-1 and defined by state law under 45-22-1, 45-23-1 et. al, 45-22-2-4(20), and other applicable sections. G.L. 1956, § 45-22-2-4(24), and In addition to its general duties and responsibilities, the planning board is designated by the zoning ordinance as the board to act on comprehensive permits for the town, in place of the zoning board of review.
- (32) Plat, means a drawing or drawings of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in the local regulations.
- (33) Preapplication conference, means aAn initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others. (See [section 32-1681](#).)
- (34) Preliminary plan, means the A required stage of land development and subdivision review which shall generally requires detailed engineered drawings ~~and all required state and federal permits.~~ (See [section 32-1681\(b\)](#).)
- (35) Public hearing. A hearing before the planning board which is duly noticed in accordance with § 45-23-42 and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this chapter.
- (36) Public improvement, means aAny street or other roadway, sidewalk, pedestrian way, tree, lawn, off-~~road~~street parking area, drainage feature, or other facility for which the town government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.
- ~~Public informational meeting means a meeting of the town planning board preceded by a notice, open to the public and at which the public shall be heard.~~
- ~~Resubdivision means any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of the local land development and subdivision regulations. For the purposes of this chapter, any such action shall constitute a subdivision.~~
- (37*) Right-of-way, means aAn easement or other legal right associated with land entitling one to pass through, over or upon property belonging to another.
- (38*) Slope of land. The grade, pitch, rise or incline of the topographic landform or surface of the ground.

- ~~(39*)~~ Stormwater detention, means a provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
- ~~(40*)~~ Stormwater retention, means a provision for storage of storm water runoff.
- ~~(41*)~~ RoadStreet, means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. RoadsStreets are further classified by the functions they perform. (See Road street classification.)
- ~~(42*)~~ RoadStreet, access to, means a an adequate and permanent way of entering a lot. All lots of record shall have access to a public road for all vehicles normally associated with the uses permitted for that lot.
- ~~(43*)~~ RoadStreet classification, means a method of roadway organization which identifies a roadstreet hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:
 - ~~(1)~~ Arterial, means a major roadstreet that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
 - ~~(2)~~ Collector, means a road street the whose principal function of which is to carry traffic between local roadstreets and arterial roadstreets but that may also provide direct access to abutting properties.
 - ~~(3)~~ Local, means roadsStreets whosethe primary function of which is to provide access to abutting properties.
 - ~~(44*)~~ RoadStreet, cul-de-sac, means a local roadstreet with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.
 - ~~(45*)~~ RoadStreet, limited access highway, means a freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.
 - ~~(46*)~~ RoadStreet, private, means a thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition shall not apply to driveways.
 - ~~(47*)~~ RoadStreet, public, means a All public property reserved or dedicated for street traffic. Town roads are roads that have been duly accepted as such by the town pursuant to state law.
 - ~~(48*)~~ RoadStreet, stub, means a portion of a roadstreet reserved to provide access to future development, which may provide for utility connections.
 - ~~(49*)~~ Subdivider, means a any person who:
 - ~~(1)~~ Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who;
 - ~~(2)~~ Directly or indirectly sells, leases or develops, or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, lot, parcel, site, unit or plat in a subdivision, or who
 - ~~(3)~~ Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.
 - ~~(50*)~~ Subdivision, means the division or redivision of a lot, tract or parcel of land into two or more lots, tracts or parcels. Any or any adjustment to existing lot lines of a recorded lot by any means shall be is considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.
 - (i) Administrative subdivision. Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officer or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in § 45-23-37.

- (ii) Minor subdivision. A subdivision creating nine (9) or fewer buildable lots. The process by which a municipal planning board, commission, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38.
- (iii) Major subdivision. A subdivision creating ten (10) or more buildable lots. The process by which a municipal planning board or commission reviews any subdivision qualifying for this review under § 45-23-39.
- ~~Subdivision, administrative, means resubdivision of existing lots which yields no additional lots for development, and involves no creation or extension of roads. Such resubdivision shall only involve divisions, mergers, mergers and division or adjustments of boundaries of existing lots.~~
- ~~Subdivision, major, means any subdivision not classified as either an administrative subdivision or a minor subdivision.~~
- ~~Subdivision, minor, means a plan for a residential subdivision of land consisting of five or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this chapter. All nonresidential subdivisions shall be considered as major subdivisions.~~
- (51*)Technical review committee. A committee or committees appointed by the municipality for the purpose of reviewing, commenting, approving and/or 30 making recommendations to the planning board or administrative officer, as set forth in RIGL 45-23 and this ordinance.
- (52*)Temporary improvement, means iImprovements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.
- (53*)Vested rights, means †The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.
- (54*)Waiver of requirements. See section 32-47.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 1. – GENERALLY**

Sec. 32-42. – Planning board of appeals.

- Sec. 32-42. – Planning Board of Appeals shall be amended as follows to meet RIGL.

Sec. 32-42. - ~~Planning b~~Board of appeals.

Appeals of decisions of the ~~planning board or the~~ administrative officer on matters of review and approval of land developments and subdivision projects except as provided in RIGL 45-23-67 shall be made to the ~~planning~~-board of appeals, which shall be the Zoning Board of Review in accordance with the provisions of

G.L. 1956, § RIGL 45-23-6745-23-1 et seq., and as provided in Charter § 9.03. Appeals of decisions of the Planning Board shall be made to the Providence/Bristol County Superior Court pursuant to RIGL 45-23-71.



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivisions Regulations Ordinance of the Town be amended as follows:

Chapter 32- SUBDIVISION REGULATIONS

ARTICLE II – ADMINISTRATION

DIVISION 1 - GENERALLY

- Sec 32-43 – Administrative fees shall be amended as follows:

Sec. 32-43. - Administrative fees.

The following administrative fees are required to be paid by an applicant for approval of any subdivision and land development project, for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon:

(1) Administrative subdivision:

a. The application fee for an administrative subdivision-fee shall be \$100.00.

b. If approved, the recording fee shall be \$49.00

(2) Minor land development and minor subdivision fees shall be as follows:

a. ~~Preapplication meeting and concept review~~ The application fee for a minor land development or subdivision (preliminary and final plan) shall be: ~~\$100.00~~400.00 in the event that one lot is proposed to be created.

b. Preliminary: \$200.00, plus \$20.00 per unit For minor subdivisions proposing the creation of more than one lot, \$150.00 shall be required for each additional lot proposed to be created.

c. Final: \$100.00, plus \$20.00 per unit If approved, the recording fee shall be \$49.00.

d. If approved and land is not being dedicated to the public, the fee-in-lieu of land dedication shall be \$1,335.00 for each lot created.

e. The stenographer fee shall be \$250.00. A stenographer fee shall be required for all minor subdivision applications, pursuant to Sec. 38-67.

(3) Major land development and major subdivision fees shall be as follows:

a. ~~Preapplication meeting and concept review: The application fee for a major land development or subdivision (master, preliminary and final plan) shall be \$100.00~~ 1,500.00 in the event that ten lots are proposed to be created.

b. ~~Master plan: \$200.00, plus \$20.00 per unit~~ For major subdivisions proposing the creation of more than ten lots, \$250.00 shall be required for each additional lot proposed to be created.

c. ~~Preliminary: \$200.00, plus \$20.00 per unit~~ If approved, the recording fee shall be \$49.00.

d. ~~Final: \$100.00, plus \$20.00 per unit~~ If approved and land is not being dedicated to the public, the fee-in-lieu of land dedication shall be \$1,335.00 for each lot created.

e. The stenographer fee shall be \$250.00. A stenographer fee shall be required for all minor subdivision applications, pursuant to Sec. 38-67.

~~(4) The fee for recording of a subdivision plan shall be as provided in G.L. 1956, § 34-13-1 et seq.~~

(5) Inspection fees shall be two percent of the total amount of the original performance bond including all required improvements. In the absence of a performance bond, inspection fees in the amount of two percent of the total estimated cost of all required improvements as estimated in accordance with the procedure established in [section 32-258](#).



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE II – ADMINISTRATION

Sec 32-46: Procedure for approvals between planning board and other local permitting authorities shall be amended to come into compliance with RIGL:

~~Sec. 32-46. – Procedure for approvals between planning board and other local permitting authorities~~ **Unified Development Review.**

~~(a) Zoning board. Where an applicant requires both a variance from the zoning ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board as well as conditional planning board approval for the approval stage for the proposed project, which may be simultaneous, then obtain conditional zoning board relief, and then return to the planning board for the subsequent required approvals. Where an applicant requires both a special use permit under the zoning~~

ordinance and planning board approval, the applicant shall first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special-use permit from the zoning board, and then return to the planning board for the subsequent required approvals.

(a) Unified development review established. Review and decision on variances and special-use permits for properties undergoing land development or subdivision review, which qualifies for unified development review by the planning board, be conducted and decided by the planning board.

(b) Application and review process. The application and review process for applications qualifying for unified development review shall be conducted as follows pursuant to Sec. 32-46:

1. Generally. Review of projects submitted under unified development review shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed in § 45-23-36, but shall also include the following procedures:

2. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification as set forth in Sec. 38-321, requests for variances and/or special-use permit(s) related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meet the requirements of subsection (7) of this section shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.

3. Development plan review. Except for dimensional relief granted by modification as set forth in Sec. 38-321, requests for variances and/or special-use permit(s) related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (7) of this section shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.

4. Major subdivisions and land-development projects – Master plan. Except for dimensional relief granted by modification as set forth Sec. 38-321, requests for variances and/or special-use permit(s) related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (7) of this section, shall be held prior to consideration of the master plan by the planning board. The planning board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.

5. Major subdivision and land-development projects – Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and or special-use permit(s) granted by the planning board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection (7) of this section, shall be held prior to consideration of the preliminary plan by the planning board. The planning board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s) and/or new variances and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the planning board denies the request for alteration(s), new variance(s) and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the planning board denies the request for alteration(s), new variance(s), and or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by 45-23-41(f) so that additional information can be provided and reviewed by the board or commission.

6. Decision. The time periods by which the planning board must approve or deny applications for variances and special-use permits under the unified development review provisions shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review. In granting requests for dimensional and use variances, the planning board shall be bound to the requirements of § 45-24-41 relative to entering evidence into the record in satisfaction of the applicable standards. In reviewing requests for special-use permits, the planning board shall be bound to the conditions and procedures under which a special-use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance pursuant to RIGL 45-24-42, and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to RIGL 45-24-42.

7. Public hearing. Unless otherwise provided in this chapter or in chapter 32, all applications under this section or Sec. 38-325 shall require a single public hearing, held pursuant (b) of this section. The public hearing must meet the following requirements:

a. Public hearing notice shall adhere to the requirements found in § 45-23-42(b), Sec. 38-38(b) and Sec. 32-50(b).

b. The notice area for notice of the public hearing shall, at a minimum, include all property located in or within not less than two hundred feet (200') of the perimeter of the area included in the subdivision and/or land-development project. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) The notice area extends into the adjacent municipality; or (2) The development site extends into the adjacent municipality; or (3) There is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in § 45-23-53(b) and (c).

c. Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.

d. The cost of all public notice is to be borne by the applicant.

8. Time periods. The time periods by which the planning board must approve, approve with conditions or deny the requests for variances and special-use permits under the unified development review provisions of chapter 38 shall be the same as the time periods by which the board must make a decision on the applicable review stage of the underlying type of project under review as found in chapter 32.

9. Expiration of approval. The expirations period of an approval of a variance or special-use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.

10. Appeal. Decisions under this section, including requests for the variance(s) and/or special-use permit(s) that are denied by the planning board may be appealed pursuant to 45-23-71.

~~(bc) Town council.~~ Where an applicant requires both planning board approval and town council approval for a zoning ordinance, ~~or~~ zoning map change or kennel license, the applicant shall first obtain an advisory recommendation on the zoning change or kennel license from the planning board as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain ~~a conditional~~ zoning change or kennel license approval from the council, ~~and then return to the planning board for the subsequent required approvals.~~



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 1. – GENERALLY**

Sec. 32-47. – Waivers and modifications.

- Sec. 32-47. – Waivers and Modifications shall be amended as follows to meet RIGL.

Sec. 32-47. - Waivers and modifications.

~~(a) Waiver of development plan approval. The planning board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is~~

~~sought. This waiver may be granted only by a decision by the planning board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.~~

(ba) *Waiver or modification of requirements.* The planning board shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in this chapter if the planning board finds that:

- (1) The waiver or modification is reasonable and within the general purposes and intents of this chapter; and
- (2) Literal enforcement of the particular regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver or modifications in the best interest of good planning practice or design as evidenced by consistency with the comprehensive plan.

(eb) *Reinstatement of applications.* When an applicant has exceeded a deadline established by this chapter for submission of material for a subdivision or land development, thereby rendering a previously granted approval invalid, the application may be reinstated by the planning board under the following conditions:

- (1) The subdivision is consistent with the comprehensive community plan;
- (2) The subdivision regulations are substantially the same as they were at the time of original approval;
- (3) The zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
- (4) Physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval; and
- (5) Any applicable state or federal regulations are substantially the same as they were at the time of original approval.

Application for reinstatement of a previously approved subdivision shall be made to the planning board in writing by the subdivider. The planning board, in approving or denying the request for an extension, shall make findings of fact which shall be made part of the record.

(ec) *Decision on waivers and modifications.* The planning board shall approve, approve with conditions or deny a request for a waiver or modification by the following procedure:

- (1) The planning board's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the planning board unless the applicant waives the deadline.
- (2) The planning board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in subsection **(ba)**(1) of this section.



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision
Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE II – ADMINISTRATION

Sec 32-49: Technical review committee shall be added to assist the appropriate review agency:

Sec. 32-49 – Technical Review Committee

There is hereby established a technical review committee (TRC) in accordance with RIGL 45-23-56, the members of which are appointed by the Town Council. The TRC is responsible for conducting technical reviews of applications subject to the jurisdiction delegated under this section.

- a. TRC established; TRC membership. The TRC shall consist of no less than three (3) members. Membership may include members of the public, planning board, zoning board of review, the building official, engineering board, and the police department. The Administrative Officer shall recommend the members of the TRC to be appointed by the Town Council at the first Town Council meeting in January of each year.
- b. Responsibilities of the TRC. The planning board shall adopt written procedures establishing the committee's responsibilities. The responsibilities of the TRC are listed in subsection (e) and (f) of this section.
- c. TRC Chairperson The administrative officer shall serve as the chair of the TRC.
- d. Recommendations of the TRC. Recommendations of the TRC to the permitting authority shall be in writing and kept as part of the permanent record of the development application. In no case shall the recommendations of the technical review committee be binding on the planning board in its activities or decisions. The recommendation of the TRC shall be made available to the applicant prior to a decision by the permitting authority.

e. Review of applications in an advisory capacity. The committee's responsibilities shall be to review the following applications if requested by the planning board, zoning board of review or the administrative officer:

1. Minor land development projects and subdivisions;
2. Major land development projects and subdivisions, provided that the TRC reviews the application prior to the planning board's first meeting on the application;
3. Administrative subdivisions at the request of the administrative officer; advisory to the administrative officer;
4. Comprehensive permit applications in an advisory capacity to the planning board;
5. Minor modifications or changes as defined in Sec. 38-394, 38-395 and in Sec. 32-161(j)(1)(i);
6. Administrative development plan review applications; advisory to the administrative officer;
7. Formal development plan review applications; advisory to the planning board;
8. Other matters referred to the TRC by the planning board, zoning board of review, or the administrative officer

f. Ordinance review and recommendation. The TRC is authorized to recommend ordinances under this chapter to the planning board pursuant to the procedures of Article XI of this chapter.

g. Meetings of the TRC. Meetings of the TRC will be held on the first Wednesday of each month at 6:00 PM. An agenda providing notice of a meeting will be posted to RI Secretary of State 48 hours prior to any meeting of the TRC.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE II – ADMINISTRATION

DIVISION 1. - GENERALLY

Sec 32-50. Public notice requirements shall be added to meet required updates to RIGL:

Sec. 32-50 – Public notice requirements.

a. Applications requiring public notice. Any application or appeal filed under this chapter or chapter 38 except for those reviewed administratively shall require public notice.

b. Notice requirements. Public notice on applications and review stages requiring a public hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation. The same notice shall be posted in the town clerk's office and one other municipal building. The notice shall be posted to the homepage of the town website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

1. Pursuant to Sec. 32-184(8) and RIGL 45-23-39(d)(4), Where combined review is not held, prior to the first planning board meeting on the preliminary plan of a major subdivision application, public notice shall be sent to abutters only at least fourteen (14) days before the meeting.

c. Notice area.

1. Notice distances. Public notice of the hearing shall be sent to all property owners within a maximum of two hundred feet (200') of the subject property.

2. Watersheds. Additional notice within watersheds shall also be sent as required in § 45- 23-53(b) and (c).

3. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if:

- i. The notice area extends into the adjacent municipality, or
- ii. The development site extends into the adjacent municipality, or
- iii. There is a potential for significant negative impact on the adjacent municipality.

d. Notice cost. The cost of all newspaper and mailing notices shall be borne by the applicant. Any party may appear at the hearing in person, by agent or by attorney.

e. Severability. Where this section is in conflict with another section of this chapter or chapter 38, this section shall apply.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 2. – APPEALS**

Sec. 32-71. – Procedure.

- Sec. 32-71. – Procedure shall be amended as follows to meet RIGL.

Sec. 32-71. – Procedure for appeals of the administrative officer.

(a) Any decision or action of the ~~planning board or~~ administrative officer on matters of subdivision or land development may be appealed by an aggrieved party. The board of appeals or review authority for appeals to ~~these~~ decisions of the administrative officer shall be the zoning board of review. The following procedure shall apply for all appeals:

- (1) The appeal must be taken within twenty (20) days of the day after the decision was recorded in the land evidence records and posted in the office of the town clerk.
- (2) The appeal shall be in writing, on a form provided by the clerk of the board of appeal, and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal and the relief sought.
- (3) Any person may appear in person or may be represented by an agent or attorney.
- (4) The appeal shall either be sent by certified mail, with a return receipt requested, or hand delivered to the clerk of the board of appeal.
- (5) Upon receipt of an appeal, the clerk of the board of appeal shall require the ~~planning board or~~ administrative officer to transmit forthwith to the board of appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.

(b) An appeal shall stay all proceedings in furtherance of the action being appealed.

(c) Decisions by the administrative officer approving or denying projects under §§ 45-23-38 or 45-23-50 shall not be subject to this section and shall proceed directly to Superior Court as set forth in Sec. 32-74.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 2. – APPEALS**

Sec. 32-72. – Public hearing.

- Sec. 32-72. – Public hearing shall be amended as follows to meet RIGL.

Sec. 32-72. - Public hearing.

(a) The board of appeals shall hold a public hearing on the appeal within forty-five (45) days of receipt of the appeal by the clerk of the board. The public hearing shall be conducted at a meeting called and advertised especially for ~~the purpose of hearing the appeal(s) anynd which has been so zoning board of review meeting that may be~~ advertised. ~~The hearing may be held on for~~ the same date and place as a meeting of the zoning board of review. ~~The hearing must be held as a separate meeting from any zoning board of review meeting. The planning board of appeals shall maintain a complete record of all its proceedings including~~ Separate minutes of meetings and records of votes taken as required by Sec. 32-73, which shall be maintained by the board of appeal~~separate from the minutes and records of the zoning board of review.~~

(b) Any party may appear in person, or may be represented by an agent or attorney.

(c) Notice of the public hearing shall be ~~published in a newspaper of general circulation within the town at least one week prior to the date of the public hearing. Notice shall be sent by certified mail to the parties to the appeal and to those abutters within 400 feet, pursuant to section 32-185. The party who filed the appeal shall bear the cost of advertising and notice given pursuant to Sec. 32-50(b).~~

(d) The board of appeals shall render a decision within ten (10) days of the close of the public hearing.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 2. – APPEALS**

Sec. 32-73. – Standards for review.

- Sec. 32-73. – Standards for review shall be amended as follows to meet RIGL.

Sec. 32-73. - Standards for review.

(a) The board of appeals shall not substitute its own judgment for that of the ~~planning board or~~ administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeals shall not reverse a decision of the ~~planning board or~~ administrative officer except on a finding of prejudicial procedural error, clear error or lack of support by the weight of the evidence in the record.

(b) The concurring vote of three (3) of the five (5) members of the board of appeals sitting at a hearing shall be necessary to reverse any decision of the ~~planning board or~~ administrative officer.

(c) In the instance where the board of appeals overturns a decision of the ~~planning board or~~ administrative officer, the proposed project application shall be remanded to the ~~planning board or~~ administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the ~~planning board or~~ administrative officer and/or for final disposition, which shall be consistent with the board of appeal's decision.

~~(d) Appeals to the superior court shall be made as follows:~~

~~(1) Decisions of the planning board of appeals shall be appealed as follows:~~

~~a. An aggrieved party may appeal a decision of the board of appeals to the county superior court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the office of the town clerk. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the planning board shall be made parties to the proceedings.~~

~~b. The board of appeals shall file the original documents acted upon by it and constituting the record of the case appealed former certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 30 days after being served with a copy of the complaint.~~

~~e. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.~~

~~d. The superior court shall review the appeal pursuant to G.L. 1956, § 45-23-71.~~

~~(2) Enactment of or amendment of local regulations may be appealed as follows:~~

~~a. Any legal resident or landowner, or any association of residents or landowners of the town, may appeal an enactment for an amendment of local regulations by filing a complaint in the county superior court within 30 days after such enactment or amendment has become effective.~~

~~b. The complaint shall set forth with specificity the areas in which the enactment or amendment is not consistent with the Comprehensive Planning and Land Use Regulation Act (G.L. 1956, § 45-22.2-1 et seq.); the Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-27 et seq.); the Foster Comprehensive Plan of 1992; or the town zoning ordinance (chapter 38).~~

~~e. The appeal shall not stay the enforcement of the regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.~~

~~d. The review shall be conducted by the court without a jury. If the court finds that the enactment or amendment is not consistent with any of the regulatory provisions in the town documents enumerated in subsection (d)(2)b of this section, the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the regulations to be consistent, but may suggest appropriate language as part of its decision.~~

~~e. The court may, in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth in this section, including a municipality.~~

~~(d) The board of appeal shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include in the written record the reasons for each decision.~~



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 2. – APPEALS**

Secs. 32-74 – 32-105. - Reserved.

- ~~Secs. 32-74 – 32-105. – Reserved shall be amended as follows to meet RIGL. The language below is taken from Sec. 32-73(d).~~

Sec. 32-74 Appeals to the superior court.

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~~(1) Decisions of the board of appeals, decisions of the administrative officer made pursuant to RIGL 45-23-38 or RIGL 45-23-50 where authorized to approve or deny an application, or a decision of the planning board shall be appealed as follows:~~

~~a. An aggrieved party may appeal a decision of the board of appeals, decisions of the administrative officer made pursuant to RIGL 45-23-38 or RIGL 45-23-50 where authorized to approve or deny an application, or a decision of the planning board to the county superior court by filing a complaint setting forth the reasons for the appeal within twenty (20) days after the decision has been recorded and posted in the office of the town clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the planning board shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section.~~

~~b. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the planning board at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.~~

~~c. The board of appeals shall file the original documents acted upon by it and constituting the record of the case appealed former certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint.~~

d. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

e. The superior court shall review the appeal pursuant to G.L. 1956, § 45-23-71(c)(d).



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 2. – APPEALS**

Secs. 32-74 – 32-105. - Reserved.

- Secs. 32-74 – 32-105. – Reserved shall be amended as follows to meet RIGL. The language below is taken from Sec. 32-73(d)(2).

(2) Sec. 32-75 **Enactment of or amendment of local regulations.**

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Enactment of or amendment of local regulations may be appealed as follows:

a. Any legal resident or landowner, or any association of residents or landowners of the town, may appeal an enactment of or an amendment of local regulations by filing a complaint in the county superior court within thirty (30) days after such enactment or amendment has become effective.

b. The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning and Land Use Regulation Act (G.L. 1956, § 45-22.2-1 et seq.); the Zoning Enabling Act of 1991 (G.L. 1956, § 45-24-27 et seq.); the Foster Comprehensive Plan of 1992; or the town zoning ordinance (chapter 38).

c. The appeal shall not stay the enforcement of the regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

d. The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act (RIGL 45-22.2); The Rhode Island Zoning Enabling Act of 1991, (RIGL 45-24-27 et seq.; the municipality's comprehensive plan; or the municipality's zoning ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the regulations to be consistent, but may suggest appropriate language as part of the court decision.

e. The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth in this section, including a municipality.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivisions Regulations Ordinance of the Town be amended as follows:

**Chapter 32- SUBDIVISION REGULATIONS
ARTICLE III – GENERAL REQUIREMENTS**

- Sec 32-106 – Standards applicable to all land developments and subdivisions shall be amended as follows:

Sec. 32-106. - Standards applicable to all land developments and subdivisions.

The requirements listed in this section shall be applicable to all land developments and subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if planning board approval is required) the planning board shall address each of the general purposes stated in RIGL 45-23-30 and make positive findings on all of the standards listed in this section, as part of the proposed project's record. If a negative finding for any of the following standards is made, the planning board shall have grounds for denial of the project design:

- (1) Each land development or subdivision shall be consistent with the requirements of the town comprehensive community plan and/or shall satisfactorily address the issues where there may be inconsistencies.
- (2) Each lot in the land development or subdivision shall conform to the standards and provisions of the town zoning ordinance; provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the zoning ordinance, provided that:
 - a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and
 - b. A conservation or preservation easement pursuant to G.L. 1956, § 34-39-1 et seq. is granted to the town prohibiting any such present or future development.
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
- (4) The land development or subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See the definition of the term "buildable lot," as provided

in [section 32-5](#). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

(5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public ~~road~~ [street](#). Lot frontage on a public ~~road~~ [street](#) without physical access shall not be considered compliance with this requirement.

(6) Each land development or subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical or cultural features that contribute to the attractiveness of the community.

(7) The design and location of roads, building lots, utilities, drainage improvements and other improvements in each land development or subdivision shall minimize flooding and soil erosion.

(8) The design shall allow for the adequate delivery of municipal services including, but not limited to: fire vehicle access, safety, rescue, solid waste and recyclables collection, school bus service and road maintenance/snow plowing.

Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulation Ordinance of the Town be amended as follows:

ARTICLE III. – GENERAL REQUIREMENTS

Sec. 32-107. – Certificate of completeness.

- ~~Sec. 32-107. – Certificate of completeness shall be amended as follows to meet RIGL.~~

Sec. 32-107. - Certificateion of completeness.

(a) Classification. The administrative officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a land development or subdivision project. The following types of applications, as defined in Sec. 32-5, may be filed:

- (1) Subdivisions. Administrative subdivision, minor subdivision or major subdivision;
- (2) Land development projects. Minor land development or major land development; and

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(3) Development plan review.

(b) An application shall be complete for the purposes of commencing the applicable time period for action when so certified by ~~the planning board, with input from~~ the administrative officer. The certification of completeness shall be in writing. If such certification of the application is not made within the time specified in this chapter for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks the information required for such applications as specified in this chapter, and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.

(bc) Notwithstanding other provisions of this section, ~~T~~the planning board may subsequently require correction of any information found to be in error and submission of additional information specified in this chapter, but not required by the administrative officer, prior to certification, as is necessary to make an informed decision.

(ed) Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the administrative officer or the planning board determines that the required application information is complete.

(e) See Sec. 32-108, Sec. 32-146, Sec. 32-161, Article VI of this chapter, Sec. 32-46, Sec. 38-325 for applicable certification timeframes and requirements.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

ARTICLE III. – GENERAL REQUIREMENTS

Sec. 32-108. – Preapplication meeting and concept review.

- Sec. 32-108. – Preapplication meeting and concept review shall be amended as follows to meet RIGL.

Sec. 32-108. - Pre-application meetings and concept review.

(a) One or more pre-application meetings shall be held for all major land development or subdivision applications, ~~and minor subdivisions and land development projects.~~ Pre-application meetings may be held for administrative ~~and minor subdivision~~ applications, upon request of either the municipality or the applicant. Pre-application meetings shall allow the applicant to meet with the appropriate officials, boards and/or commissions, planning staff and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules, and procedures and standards which may bear upon the proposed development project.

(b) At the pre-application stage the applicant may request the planning board for an informal concept plan review for a development. The purpose of the concept plan is also to provide the planning board input in the formative stages of major subdivision and land development concept design.

(c) Applicants seeking a pre-application meeting or an informal concept review shall submit materials ~~ten~~ days in advance of the meeting as requested by town officials.

(d) Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval or commitment of approval of a project or its elements.

(e) Provided that at least one pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Sec. 32-107.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

ARTICLE III. – GENERAL REQUIREMENTS

Sec. 32-146. – Generally.

- Sec. 32-146. – Generally shall be amended as follows to meet RIGL.

Sec. 32-146. – Administrative Subdivisions Generally.

(a) *Defined.* Administrative subdivisions shall be the ~~re~~subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of ~~roads~~streets. ~~Such re~~This subdivision ~~shall~~ only involve divisions, mergers, mergers and divisions, or adjustments of boundaries of existing lots. The process by which the administrative officer reviews any subdivision qualifying for this review is set forth in subsection (d) of this section.

(b) *Application.* Any applicant requesting approval of a proposed administrative subdivision shall submit to the administrative officer the items required by the checklist for administrative subdivision. (See the appendix on file in the town clerk's office or the Planning Department page of the Town website.)

(c) *Certification.* The application shall be certified, in writing, as complete or incomplete by the administrative officer within a 15-day period from the date of its submission according to the provisions of article III of this chapter.

(d) *Review process.*

(1) Within 15 days of certification of completeness, the administrative officer shall review the application and approve, ~~or~~ deny, or refer it to the planning board with recommendations. The officer shall report his actions to the planning board at its next regular meeting, ~~and such report shall to~~ be made part of the record.

(2) If no action is taken by the administrative officer within the fifteen (15) days, the application shall be placed on the agenda of the next regular planning board meeting

(e) If referred to the planning board, the board shall consider the application and the recommendations of the administrative officer and either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Failure of the planning board to act within the prescribed period constitutes approval of the administrative subdivision plan and a certificate of the administrative officer as to the failure of the planning board or committee to act within the required time and the resulting approval shall be issued on request of the applicant.

(f) Denial of an application by the administrative officer is not appealable and requires the plan to be submitted as a minor subdivision application.

(g) Any approval of an administrative subdivision shall be evidenced by a written decision which shall be filed and posted in the office of the city or town clerk.

(h) Approval of an administrative subdivision expires ninety (90) days from the date of approval unless within that period a plat in conformity with that approval is submitted for signature and recording as specified in § 45-23-64.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE VII – PHYSICAL DESIGN STANDARDS**

- Sec 32-224: Lots shall be amended to allow through lots within subdivisions:

Sec. 32-224. - Lots.

(a) *Boundaries.* All lots shall conform to the provisions of the zoning regulations of [chapter 38](#) adopted by the town, and:

~~(1) Lots will not extend through to another existing or proposed road.~~

~~(2)~~ Except on those sides bordering a road, new lot boundaries shall have no interior angles greater than 200 degrees.

~~(3)~~ All side lot lines shall be as near right angles as practicable to road right-of-way lines or radial in arrangement when the right-of-way is a curve.

(b) *Area.* The minimum lot area established by this chapter or by any zoning ordinance adopted by the town may be increased by the planning board if the report from the state department of environmental management that greater lot areas are warranted for provisions of individual sewage disposal systems and/or water supply.

(c) *Easements.* Easements may be required by the planning board where necessary for the proper location and placement of improvements on private land as described in this subsection (c). The board may, at its discretion, require the dedication of land to the town in lieu of easements if such dedication would provide greater control over and access to the intended use.

(1) *Drainage easements.* Easements to install and maintain underground drainage facilities on private land shall be dedicated to the town where required. The nominal width for such a drainage easement shall be 20 feet. Where aboveground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the town over the area and at a location adequate for the intended purpose. Easements into and upon aboveground drainage facilities such as stormwater detention or retention basins shall be granted to the town wherever stormwater from town-owned roads or other improvements is intended to be directed to such basins.

(2) *Grading easements.* The planning board may require the dedication of an easement to the town in order to grade or maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances or topographic features required as a condition of subdivision approval.

(3) *Sight distance easements.* Where deemed necessary by the planning board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the town may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

(4) *Bicycle or pedestrian access easements.* Bicycle and pedestrian access shall be provided where necessary on a separate strip of land dedicated to the town or on an easement having a width of 15 feet.

(5) *Other easements.* All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet and contain at least one concrete bound.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE IX – SPECIAL PROVISIONS

Sec 32-296: Minor subdivision involving no road creation or extension shall be amended to come into compliance with RIGL and to clarify opportunities for land dedication to the public opposed to paying a fee-in-lieu:

Sec. 32-296. - Minor subdivision involving no road creation or extension.

(a) *Applicability of section.* Any subdivision of a parcel of land ~~into at least two but no more than five creating nine (9) or fewer lots for the purpose of development, all of which have~~ing frontage on a public or private road, which meet all applicable area and dimensional requirements of the zoning ordinance district in which the lots to be created are located, but which do not require the extension or creation of a road, shall be considered to be a minor subdivision and shall be reviewed according to the applicable provisions of section 32-161, and this article. Subdivisions in this section which create more than ~~five~~ nine (9) lots ~~for the purpose of development~~ shall be considered to be major subdivisions, and shall be reviewed according to the provisions of article VI of this chapter.

(b) *Minor subdivisions involving the creation of ~~two~~ one lots.* Minor subdivisions described above involving the creation of no more than ~~two~~ one lots (one original lot plus one new lot) shall first be reviewed by the administrative officer in accordance with the procedure established in section 32-161. The applicant shall be required to submit to the administrative officer all plans and supporting materials as required by the preliminary plat checklist for minor subdivisions. Any further subdivision of either ~~of the two original or the created lots which was~~ created under this section at any time after December 20, 1995, whether immediate or future, shall be considered to be a minor subdivision ~~of three or more lots unless, the further division results in the creation of more than nine (9) lots, or in which case it shall be considered~~ a major subdivision and shall be reviewed under the applicable provisions of this chapter. The option of land dedication in lieu of fees, as provided by section 32-110 shall ~~not only~~ be available to minor subdivisions involving the creation of ~~two~~ one (1) lots pursuant to this subsection ~~if the original or created lot is larger than 22.5 acres. For original or created lots smaller than 22.5 acres, the~~ subdivider shall be required to pay a fee in lieu of land dedication.

(1) *Criteria for review.* The following criteria shall be used by the planning board in its review of any two-lot minor subdivision:

a. *Potential for further subdivision.* The planning board shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the planning board shall consider the impacts from such future development in its review of the proposed subdivision and may impose any or all of

the lot development standards provided in subsection (b)(2) of this section as necessary to mitigate such impacts.

b. *Adequacy of the road on which the proposed lots front.* The lots must be provided with access to a road which is adequate for access for vehicular traffic, and the frontage must provide safe and adequate access to a public or private road.

c. *Adequacy of the access from the lots onto the road.* The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare, and the lots must be physically accessible from the road upon which it fronts i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the road.

d. *Relationship to scenic highways.* Adequate provision shall be made to preserve scenic values along the road frontage of local or state-designated scenic highways in accordance with standards adopted by the state scenic highway board pursuant to G.L. 1956, § 24-15-9 et seq.

e. *Conformity to zoning.* The proposed lots must be in conformity with all applicable zoning ordinance requirements.

f. *Conformity with the comprehensive plan.* The proposed lots shall be in conformity with the town's comprehensive community plan including, but not limited to, discouraging the development of residential lots having direct frontage on major roads, encouraging residences to take access from local roads, and preserving visual quality and rural character.

g. *Relationship to adjacent or nearby uses.* The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, roads, intersections, hills, curves or other similar existing features.

(2) *Lot development standards.* Standards which may be imposed by the planning board on any ~~two~~one-lot minor subdivision as a condition of approval may include the following:

- a. Relocating or modifying proposed access driveway along the road frontage;
- b. Modifying or limiting the proposed number of access driveways onto any road from any lot or group of lots;
- c. Combining driveways of adjacent lots, or groups of contiguous lots and the use of common driveways, where feasible;
- d. Screening, buffering or landscaping of the lot and/or driveway from adjacent public roads;
- e. Preserving existing unique natural and/or historic features such as trees or stone walls; and
- f. Ensuring adequate sight distances from the proposed access driveway along adjacent public roads in order to alleviate any potentially hazardous situation.

(c) *Minor subdivisions involving the creation of ~~three to five~~ two (2) or more lots.* Minor subdivisions described in [section 32-161](#) involving the creation of ~~three, four or five~~ two (2) or more lots for the purpose of development shall first be reviewed by the administrative officer in accordance with the procedure established in [section 32-161](#). The applicant shall be required to submit to the administrative officer all plans and supporting materials as required by the preliminary plat checklist for minor subdivisions (~~see [section 32-48](#)~~). Any further subdivision of ~~any the original or created~~ lots as part of a minor subdivision involving the creation of two (2) or more lots at any time after December 20, 1995, whether immediate or future, ~~so as to create a total of six lots or more from the original lot,~~ after December 20, 1995, shall be considered to be a ~~major~~ minor subdivision unless the further subdivision results in the creation of ten (10) or more lots, and in which case, the further subdivision shall be reviewed under the provisions of article VI of this chapter.

(1) *Criteria for review.* In their review of any ~~three lot to five lot~~ minor subdivision involving the creation of two (2) or more lots, the planning board shall use the same criteria for review of a ~~two one~~-lot minor subdivision involving no road creation or extension as provided in subsection (b)(1) of this section. In addition, the planning board may also consider the following:

a. *Preservation of agricultural land.* The preservation of land in agricultural use (including forestry/silvicultural uses) or which contains prime farmland or farmland of statewide importance soils shall be maximized wherever possible by means of locating lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

~~b. *Internal access roads on major arterial roads.* Wherever possible and practical, the lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector road. In such cases, the planning board may require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as a three lot to five lot minor subdivision with an internal road, a residential cluster development or a conventional subdivision. If the planning board determines that such development is feasible and practical, the creation of frontage lots may be rejected and the applicant shall be required to develop the property in an alternative fashion, acceptable to the planning board.~~

(2) *Lot development standards.* Standards which may be imposed by the planning board as a condition of approval of any ~~three lot to five lot~~ minor subdivision involving the creation of two (2) or more lots, also involving no road creation or extension may include the following: Any of the standards for the development of a ~~two one~~-lot minor subdivision as provided in subsection (b)(2)a.—f. of this section, plus any of the following:

a. Improvements to the road on which the proposed lot fronts may be required in order to provide safe vehicular access; provided, however, that the standards for construction or upgrading of any such access roads shall not exceed those standards required by article VII of this chapter for construction of roads in minor subdivisions.

b. Provisions ~~shall~~ may be made for construction of an access road or shared driveway to provide vehicular access to multiple frontage lots from a common access point on to the ~~public-private~~ road on which the lots front. Minimum standards for the design and construction of such service roads may be imposed by the planning board in order to provide safe vehicular access; provided, however that such standards shall not exceed those standards required by article VII of this chapter for construction of roads in minor subdivisions.

c. If adequate provision is made for access from individual lots to service roads as required in subsection (c)(2)b of this section, then a restriction may be required that prohibits individual driveway access from lots onto the frontage roads.

d. Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the planning board. Such provisions may include the following:

1. Preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots.
2. Reservation of land or easements to provide for future access from access roads to contiguous land; and/or
3. Temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future roads in subdivision of contiguous land.
4. The provision or submission by the applicant of such plans shall under no circumstances create vested rights to any such proposed future subdivision.

(d) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE IX – SPECIAL PROVISIONS

Sec 32-298: Major subdivision involving no road creation or extension shall be added to provide special provisions for major subdivisions not involving creation or extension of roads and to come into compliance with RIGL:

Sec. 32-298 – Major subdivision involving no road creation or extension

(a) Applicability of section. Any subdivision of a parcel of land creating ten (10) or more lots, all having frontage on a public or private road, which meet all applicable area and dimensional requirements of the zoning district in which the lots are located, but which do not require the extension or creation of a road,

shall be considered to be a major subdivision and shall be reviewed according to the applicable provisions of Article VI and this article.

(b) Major subdivision review. Major subdivisions described above shall first be reviewed in the preapplication meeting stage by the administrative officer and/or planning board in accordance with the procedure established in section 32-181. The applicant shall be required to submit to the administrative officer all plans and supporting materials as required by the master plan checklist for major subdivisions. Any further subdivision of any of the lots created under this section at any time after December 20, 1995, whether immediate or future, shall be considered to be a minor subdivision if the further subdivision would result in the creation of nine (9) or fewer lots. If the further subdivision results in ten (10) or more lots, it shall be reviewed as a major subdivision. The option of land dedication in lieu of fees, as provided in section 32-110 shall only be available to major subdivisions pursuant to this section if any lot created, or the original lot remains larger than 22.5 acres. For original or created lots smaller than 22.5 acres, the subdivider shall be required to pay a fee in lieu of land dedication.

(1) Criteria for review. The following criteria shall be used by the planning board in its review of any major subdivision.

a. Potential for further subdivision. The planning board shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the planning board shall consider the impacts from such future development in its review of the proposed subdivision and may impose any or all of the lot development standards provided in subsection (b)(2) of this section as necessary to mitigate such impacts.

b. Adequacy of the road on which the proposed lots front. The lots must be provided with access to a road which is adequate for access for vehicular traffic, and the frontage must provide safe and adequate access to a public or private road.

c. Adequacy of the access from the lots onto the road. The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare, and the lots must be physically accessible from the road upon which it fronts i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the road.

d. Relationship to scenic highways. Adequate provision shall be made to preserve scenic values along the road frontage of local or state-designated scenic highways in accordance with standards adopted by the state scenic highway board pursuant to G.L. 1956, § 24-15-9 et seq.

e. Conformity to zoning. The proposed lots must be in conformity with all applicable zoning ordinance requirements.

f. Conformity with the comprehensive plan. The proposed lots shall be in conformity with the town's comprehensive community plan including, but not limited to, discouraging the development of residential lots having direct frontage on major roads, encouraging residences to take access from local roads, and preserving visual quality and rural character.

g. Relationship to adjacent or nearby uses. The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, roads, intersections, hills, curves or other similar existing features.

(2) Optional criteria for review. In addition to the criteria listed in subsection (1), the planning board may also consider the following:

a. Preservation of agricultural land. The preservation of land in agricultural use (including forestry/silvicultural uses) or which contains prime farmland or farmland of statewide importance soils shall be maximized wherever possible by means of locating lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

(3) Lot development standards. Standards which may be imposed by the planning board on any major subdivision as a condition of approval may include the following:

a. Relocating or modifying proposed access driveway along the road frontage;

b. Modifying or limiting the proposed number of access driveways onto any road from any lot or group of lots;

c. Combining driveways of adjacent lots, or groups of contiguous lots and the use of common driveways, where feasible;

d. Screening, buffering or landscaping of the lot and/or driveway from adjacent public roads;

e. Preserving existing unique natural and/or historic features such as trees or stone walls; and

f. Ensuring adequate sight distances from the proposed access driveway along adjacent public roads in order to alleviate any potentially hazardous situation.

g. Improvements to the road on which the proposed lot fronts may be required in order to provide safe vehicular access; provided, however, that the standards for construction or upgrading of any such access roads shall not exceed those standards required by article VII of this chapter for construction of roads in minor subdivisions.

h. Provisions may be made for construction of an access road or shared driveway to provide vehicular access to multiple frontage lots from a common access point on to the public or private road on which the lots front. Minimum standards for the design and construction of such service roads may be imposed by the planning board in order to provide safe vehicular access; provided, however that such standards shall not exceed those standards required by article VII of this chapter for construction of roads in minor subdivisions.

i. If adequate provision is made for access from individual lots to service roads as required in subsection (c)(2)b of this section, then a restriction may be required that prohibits individual driveway access from lots onto the frontage roads.

j. Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the planning board. Such provisions may include the following:

1. Preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots.

2. Reservation of land or easements to provide for future access from access roads to contiguous land; and/or

3. Temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future roads in subdivision of contiguous land.

4. The provision or submission by the applicant of such plans shall under no circumstances create vested rights to any such proposed future subdivision.

(4) Vested rights. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

F. Old Business – Ch. 12 Businesses



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE BUSINESSES CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Businesses Ordinance of the Town be amended as follows:

Chapter 12 – BUSINESSES

ARTICLE II – LICENSES

- Sec 12-34 – 12-65 - Reserved shall be amended to reserve sections 12-49 – 12-65. Business licenses shall be regulated as follows:

Sec. 12-48 – Requirement for issuance/renewal of all business licenses excepting home businesses

No license for any business under this chapter shall be issued or renewed unless evidence has been provided that a dumpster or similar storage container is placed on site, meeting the requirements of Sec. 38-298. Proof of such dumpster or similar storage container may be provided to the town council upon renewal, to the planning board prior to issuance/renewal, or to the administrative officer prior to issuance/renewal. A waste management and removal plan shall not be required for business uses

conducted as home occupations/offices or for agricultural uses which are reviewed as an administrative development plan review.

G. Old Business – Ch. 32 Subdivision Regulations



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE VII – PHYSICAL DESIGN STANDARDS

- Sec 32-222: Road; road design standards shall be amended to promote the creation of private roads:

Sec. 32-222. - Road; road design standards.

The arrangement, character, extent, width, grade and location of all roads shall conform to the circulation plan of the town and to the typical roadway sections in this chapter, and shall be considered in their relation to existing and planned roads, to topographical conditions and public convenience and safety, to road classifications for use and to the proposed uses of the land to be served by such roads.

(1) *Frontage.* Each lot in the subdivision shall abut on a public or private road having access to an existing town or state road. Where a subdivision abuts ~~an existing or proposed~~ state or federal highway, the planning board may require access roads parallel or perpendicular to the state or federal highway, or such other treatment as may be necessary for adequate protection of properties and for separation of through and local traffic.

(2) *Intersections and centerlines.* Road intersection centerlines shall coincide precisely or be offset by at least 150 feet. Road centerlines shall intersect as nearly at right angles as practicable. No intersection shall contain an angle of less than 60 degrees. Where a deflection angle occurs along the centerline of a road, a centerline curve having a radius of not less than 300 feet shall be introduced. Corners at intersections shall be rounded to provide right-of-way radius of not less than 20 feet.

(3) *Road classification.* Road design within a proposed subdivision shall conform to a street hierarchy system as established in this article. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to road function. Road classification shall be determined by the planning board. The following references are used in making the determinations:

a. Technical Paper Number 130 Highway Functional Classification System For the State of Rhode Island 1995-2005 (Adopted May 1988), October 1988, Division of Planning, Rhode Island Department of Administration, 265 Melrose Street, Providence, RI 02907.

b. A Policy on Geometric Design of Highways and Streets 1990. American Association of State Highway and Transportation Officials.

c. Recommended Guidelines for Subdivision Streets. Institute of Transportation Engineers, Washington, D.C.: ITE, 1984.

d. Trip Generation, 1987 edition, Washington, D.C.: Institute of Transportation Engineers.

(4) *Major categories of road classification.* The following major categories of road classification are established:

a. *Arterial.* A major public road that serves as an avenue for the circulation of traffic into, out of or around the town and carries high volumes of traffic and provides for high levels of mobility.

b. *Collector.* A public road the principal function of which is to carry traffic between local roads and arterial roads but that may also provide direct access to abutting properties. These roads provide a balance between land access and mobility.

c. *Local access.* Public roads the primary function of which is to provide access to abutting properties.

d. ~~Minor subdivision~~ *Local access, private: Private, unimproved R* roads the primary function of which is to provide access to abutting properties. Roads ~~within created or extended as part of a~~ minor ~~residential or major~~ subdivisions serving ~~up to five~~ residential dwellings on a private road also fall within this classification.

(5) *Roadway typical sections and design criteria.* Roadway typical sections and design criteria are as follows:

a. Specific design criteria will be determined by the board on a case-by-case basis, in consultation with the director of public works. Refer to [section 32-223\(5\)](#) entitled "Surface and Subsurface Drainage" for more specific design guidelines.

b. Right-of-way width, pavement width, and pavement type vary depending upon the number of lots served, the potential for future access and slope.

Table 1

	Figure No.
Collector	1
Local Access	2
Minor Subdivision <i>Local access, private</i>	3

(6) *Geometric data.* Tables 2 and 3 shall be used as a guide in designing roads within a subdivision as follows:

Table 2

	Collector Public	Local Access Roads	Minor Subdivision Local Access, private
R.O.W. width (includes berms)	50 feet	50 feet	40 50 feet
Pavement width (includes berms)	Varies, see table no. 3 below		
Maximum grades			
Centerline	9 percent	10 percent	10 percent
Within 150 feet of centerline intersections	2.5 percent	N/A	N/A
Minimum grades			
Centerline	1 percent	0.5 percent	0.5 percent
Minimum length for vertical curves	100 feet*	As determined by DPW	
Minimum radius of	150 feet and a minimum of 100 foot tangent between curves	100 feet	100 feet
Centerline curve minimum sight distance	200 feet	100 feet	100 feet
Cul-de-sac turnaround			
R.O.W. diameter**	N/A	100 feet	100 feet
Pavement diameter**	N/A	80 feet	80 feet
Maximum grade	N/A	4.5 percent	4.5 percent
Minimum grade	N/A	2.0 percent	2.0 percent
Intersection fillet curve			
R.O.W. minimum radius	15 feet	15 feet	10—15 feet
Pavement minimum radius	25 feet	25 feet	25 feet
Pavement R.O.W crown	5 inches	3 inches	3 inches

*Less than 30 feet for each one percent algebraic difference in grade

**Where approved by the planning board, cul-de-sacs may be designed with a circle with a 40-foot unpaved center. The board will determine landscape requirements for the unpaved center.

Table 3

	# of Units Served			
	<5	5—15	15—50	>50
Pavement width	18 feet	20 feet	22 feet	24 feet

(7) *Road layout and arrangement.* The arrangement of roads shall be considered in relation to the existing road system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape. Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood. However, in major subdivisions, access shall be designed to avoid road systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access roads may be required by the planning board, in major subdivisions when determined by the board to be feasible. Proposed roads within a major subdivision shall provide for their continuation or projection to intersect with principal roads on the perimeter of the subdivision or with adjacent vacant property in order that the roads may be extended at a future time.

(8) *Private roads.* Private roads shall ~~not~~ be permitted pursuant to 32-297(c), 32-299, and 38-359. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the Town. See Sec. 32-297(c), 32-299 and 38-359.

(9) *Dead-end roads (cul-de-sacs).* All dead-end roads shall end in a cul-de-sac, modified cul-de-sac, hammerhead or turnaround constructed according to the table of geometric data in table 4, and shall be clearly marked at their entrances. The planning board may limit the length of the dead-end road (cul-de-sac), where necessary, to ensure the adequate and safe circulation of vehicular traffic. ~~Dead-end roads shall not be more than 1,200 feet in length.~~ Where a dead-end road is to provide access to adjacent property, the planning board may require provision for a temporary turnaround or tee until such time as the adjacent tract is developed and the road is extended. Reservation of strips of land, or any physical barrier controlling access to a road, will not be permitted.

(10) *Road names.* An extension of an existing road shall have the same name as the existing road. Names of other proposed roads shall be substantially different from any existing road name in the town.

(11) *Access to adjoining property.* When considered desirable by the planning board to provide access to adjoining property, proposed roads shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The planning board may require provision of a temporary turnaround until such time as the adjacent tract is developed. An improvement guarantee may be required to ensure completion of the road or construction of a permanent cul-de-sac within a reasonable period of time. Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the planning board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

(12) *Road grades.* Grades of minor roads shall not be less than 0.5 percent. Arterial roads shall not exceed five percent in grade nor be less than 0.5 percent in grade.

(13) *Pedestrian rights-of-way.* Where it is deemed appropriate to the design, the planning board may require provisions for pedestrian rights-of-way. All such rights-of-way shall be ten feet in width and shall be conveyed to the town.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE VII – PHYSICAL DESIGN STANDARDS**

- Sec 32-223: Construction improvements shall be amended to promote the creation of private roads:

Sec. 32-223. - Construction improvements.

The subdivider shall, at his own expense, construct improvements to the land according to specifications of this chapter and construction plans approved by the planning board or other designated town officials. "Standard Specifications for Road and Bridge Construction," the latest revision, or as amended, as prepared by the state department of transportation, division of public works is hereby made a part of this section. This specification shall be used as a basis for all required materials, methods and construction of roads and related appurtenances, unless otherwise specified in this section.

(1) *Road construction.*

a. *Dimensions.* All roads planned and constructed within a subdivision shall conform to the design standards as listed in this article. The minimum requirements for the roadway cross section are illustrated on plate 1 in the appendix on file in the town clerk's office.

b. *Clearing.* The existing ground shall be cleared and grubbed along the alignment of the improved roadway including the area six feet along either side. Within these limits, all objectionable or unsuitable material shall be removed. Loam and subsoil shall be stockpiled for later use in dressing side slopes and embankments. Special features (such as unique trees, stone walls, etc.) may be designated by the board for preservation with the right-of-way clear zone. Where possible with consideration for cuts and fills, the existing natural features and vegetation shall be preserved within the remainder of the right-of-way limits.

c. *Earth excavation.* Earth excavation shall include, but not be limited to, the removal and satisfactory disposal of materials such as clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting, boulders of less than one-half cubic yard in volume, drainage excavation and all unacceptable material producing unsatisfactory subsidence in the fill or embankment to be constructed in the road. All excavations shall be to a depth and width as shown on the accepted plans, profiles and cross sections.

d. *Rock and ledge excavation.* It shall include removal and disposal of all boulders and one-half cubic yard or more in volume and all hard ledge rock which can be removed only by blasting. Existing rock and ledge shall be removed within three feet of the road design finish grade.

e. *Subsurface water.* Where free water is encountered within three feet of finished grade, adequate subdrains shall be constructed at a depth of at least four feet below finished grade on at least one side of the improved roadway. Subdrains shall be part of the road drainage design and adequate provisions shall be made for disposing of the collected water. Sufficient data shall be submitted with the preliminary plat documents to establish maximum (highest) groundwater levels for road design purposes. Sufficiency of groundwater level data shall be subject to approval by the board in consultation with the director of public works.

f. *Description of material for unimproved roads.* Materials used for improving roads are as follows:

i. *Surface treatment.* This item shall consist of three inches of three-quarter inch bituminous base and one inch of three-eighths inch asphaltic concrete and class 1, type I-1 asphalt, or equivalent, as approved by the director of public works.

ii. *Gravel base.* Gravel borrow for construction of the required roadway base shall conform to the requirements of M.01.02 of the state standard specifications. The gravel base shall be of the minimum thickness indicated in the "Typical Roadway Section" and shall be of greater depth in fill sections and wet soils, a required, but not to exceed, two feet.

iii. *Common borrow.* Common borrow may be used in fill sections to within two feet of the finished grade. The material for common borrow shall conform to M.01.01 of the state standard specifications.

g. *Roadway construction methods.* Roadway construction methods are as follows:

i. After clearing and grubbing, all trees, stumps, brush, boulders and any other debris shall be removed from the right-of-way and disposed of according to law.

ii. Before any gravel borrow is placed to its proposed elevation, the subgrade and drainage facilities shall be approved by the town's director of public works.

iii. The gravel borrow base course shall be spread and compacted in two, four-inch layers for the full road width and in such volume as to provide an

eight-inch cross section after compaction with a ten-ton roller. At the discretion of the public works director, up to two feet of gravel may be required in wet soils or when other adverse conditions are present.

iv. After gravel base course has been approved by the director of public works, type A processed gravel shall be spread over the full road width to a depth of four inches after compaction with a ten-ton roller.

v. Base surface preparation: The base surface shall be swept clean of all sand and debris, and any holes, ripples or unevenness in the surface shall be brought back to true line and cross section by the spot application and compaction of class I mix.

vi. Surface treatment binder course: Three inches of three-quarter inch bituminous binder base shall be placed in sufficient quantity to provide a compacted cross section of two inches.

vii. Surface treatment finish course: Class I, type I, three-eighths inch asphaltic concrete shall be placed in sufficient quantity to provide a compacted depth of one inch.

viii. Treatment of side slopes and embankments: Generally, all side slopes beyond the limits of the improved roadway, unless undisturbed, shall be shaped to the approved lines and grades and finish landscaped with loam and grass seed or an approved mulch material. Embankment placed in fill sections of the roadway and slopes shall be obtained from acceptable road excavation areas, approved borrow pits or may be base course material. Embankment material so placed shall be spread and compacted in layers not exceeding six inches in thickness until the subbase elevation is reached. Rock or stones exceeding six inches shall not be allowed. The moisture of the material shall be controlled so that maximum compaction is attained.

ix. Traffic limitation: Traffic passing over newly constructed roads shall be limited to wheeled vehicles only and no tracked equipment shall be allowed to pass. Roads will be open for public use at the approval and acceptance of the director of public works.

x. Seasonal limits: No bituminous material shall be laid when the temperature of the air is 50 degrees Fahrenheit or less and falling or during unfavorable weather conditions.

xi. The contractor shall be required to provide 72 hours' notice to the director of public works and the administrative officer to schedule the various phases of roadway construction inspections. The director of public works shall report the results of each roadway inspection to the administrative officer.

(2) *Curbs.* Curbs may be required for controlling surface drainage. When required, roads shall be curbed with asphalt curbing. Curbing shall conform to the requirements of the public works director for drainage and to the state standard specifications for road and bridge construction, applicable sections.

(3) *Guardrails*. Roadside guardrails of a design acceptable to the public works director may be required at fill sections less than eight feet in depth (see typical road section) where conditions may warrant their use.

(4) *Sidewalks*. Sidewalks shall be required to meet particular circumstances and specifications to be determined by the planning board. If no sidewalks are to be constructed, the area back of the road line shall be loamed to a depth of four inches, seeded with a suitable grass seed.

(5) *Surface and subsurface drainage*. Surface and subsurface storm drainage structures and facilities shall be installed connected to dry wells, or watercourses or to the public storm sewer system if such connection is as deemed necessary by the planning board. Such materials and installations shall conform to the typical roadway sections as provided in the appendix to these regulations and to the state standard specifications for road and bridge construction. Wherever possible, drainage solutions should rely upon drainage swales, sheet flow, pervious surfaces, retention and detention ponds, rather than on contained systems utilizing pipes, culverts and catchbasins and oil separators. Appropriate best management practices (BMPs) as described in the RIDEM Rhode Island Stormwater Design Manual shall be utilized in the design for all projects.

(6) *Sanitary sewers*. Sanitary sewers shall be installed where connection to a public or community system is deemed necessary by the planning board.

(7) *Installation of utilities*. All utility lines and other subsurface facilities within road rights-of-way shall be installed underground and the backfill allowed to settle for a minimum of 30 days prior to the preparation of road subbase. Water lines shall be installed when a public or community water system is planned for or close to or adjacent to the land to be subdivided. Such installation shall conform to the American Water Works Association Standard Specifications for Residential Subdivisions.

(8) *Permanent monuments*. Permanent boundary monuments shall be placed where angles are turned in the survey; at all points of curvature and tangency; at all corners in the exterior boundary for the subdivision, except at such corners which are inaccessible due to topography; and at such other locations as the planning board may designate. Permanent monuments shall be installed and constructed in the following manner:

a. *Materials*. Permanent monuments shall be quarry split or peen-hammered granite, all of which shall conform in size and shape to the specifications in subsection (8)b of this section.

b. *Dimensions*. Monument dimensions shall be as follows:

i. Monuments shall be 30 inches in length and six inches square, and otherwise generally conforming to state standard 14.2.

ii. A drill hole, one-half inch in diameter and three-quarter inch deep shall be placed and centered on the top surface of the monument.

c. *Setting monuments*. All monuments shall be set flush with the finished grade.

d. *Construction method.* Installation of monuments shall conform to the state standard specifications for road and bridge construction, section 914.

(9) *Road signs.* Road signs, having sufficient support and of a type acceptable to the director of public works, shall be erected by the subdivider at each road intersection in the subdivision. Dead-end roads shall be clearly indicated as such at their entrance.

(10) *Road trees.* Where natural tree growth is insufficient, the planning board shall require that road trees hardy to the area be planted within road rights-of-way. In these cases, the planning board will specify tree type, location spacing, tree pits and other details as may be appropriate. Plantings are to be located with a sufficient buffer to prevent root system encroachment into ditch and drainage systems.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISION REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulations Ordinance of the Town be amended as follows:

**Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE IX – SPECIAL PROVISIONS**

Sec 32-297: Minor subdivision involving road creation or extension shall be amended to provide special provisions for minor subdivisions involving creation or extension of roads, to promote the creation of private roads, and to come into compliance with RIGL:

Sec. 32-297. - Minor subdivisions involving road creation or extension.

Any subdivision of a parcel of land ~~into at least two but creating~~ no more than ~~five~~ nine (9) lots ~~for the purpose of development~~ and which requires the creation or extension of a public or private road shall be considered a minor subdivision and shall be reviewed by the planning board in accordance with the procedures set forth in section 32-161. Standards for the design and required improvements of such minor subdivisions shall be as follows:

(1) *Creation or extension of a public or private road.* Creation or extension of a public or private road shall be effected as follows:

a. Any minor subdivision which proposes the ~~creation or~~ extension of a public road shall be required to meet the design improvement standards for public roads as provided in article VII of this chapter. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the Department

of Public Works. Any minor subdivision that proposes the creation of a private road shall be required to meet design improvement standards to the satisfaction of the building official and department of public works.

b. In minor subdivisions ~~of three to five~~ creating two (2) or more lots, the board may require a road right-of-way width of 50 feet if it is determined by the board that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

c. In minor subdivisions, the board may require that every _____ feet a road right-of-way width of _____ feet is provided as a turnaround for emergency vehicles.

(2) ~~Frontage on improved roads.~~ The area to be subdivided shall have frontage on ~~an existing, improved~~ public or private or unimproved road. If such ~~an existing~~ road has not been improved to the standards and specifications as required in this chapter, the board may require the subdivider to make certain improvements along the part of the road abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board.

For purposes of this chapter, roads platted, but not officially accepted by the town, shall ~~not~~ be considered existing, unimproved ~~public private~~ roads. Where these roads are incorporated within the subdivision, they shall ~~be require a maintenance plan submitted improved~~ by the developer to meet the ~~chapter standards~~ satisfaction of the planning board and the zoning-enforcement officer.

(3) Creation or extension of a private, unimproved road. Creation or extension of a private, unimproved road shall require a maintenance plan be submitted for approval by the planning board and the zoning-enforcement officer. Once approved, the road shall be maintained according to the approved plan. If the road is not maintained according to the approved plan, this shall constitute a violation of this chapter under Sec. 32-45. The developer shall have the option to pay the annual maintenance fee, stated in subsection (1)(a) of this section to alleviate the violation.

(4) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

Any minor subdivision involving road creation or extension shall require review as a Land Development Project pursuant to Article VIII of chapter 38.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Subdivision Regulation Ordinance of the Town be amended as follows:

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE IX – SPECIAL PROVISIONS

Sec 32-299: Major subdivision involving road creation or extension shall be added to provide special provisions for major subdivisions involving creation or extension of roads, to promote the creation of private roads, and to come into compliance with RIGL:

Sec. 32-299 – Major subdivision involving road creation or extension

Any subdivision of a parcel of land creating more ten (10) or more lots and which requires the creation or extension of a public or private road shall be considered a major subdivision and shall be reviewed by the planning board in accordance with the procedures set forth in Article VI and this section. Standards for the design and required improvements of such major subdivisions shall be as follows:

(1) Creation or extension of a public or private road. Creation or extension of a public or private road shall be effected as follows:

a. Any major subdivision which proposes the extension of a public road shall be required to meet the design improvement standards for public roads as provided in article VII of this chapter. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the department of public works. Any major subdivision that proposes the creation of a private road shall be required to meet design improvement standards to the satisfaction of the building official and department of public works.

b. In major subdivisions, the board may require a road right-of-way width of 50 feet if it is determined by the board that the potential for additional development on adjacent property exists and that access through the major subdivision to such adjacent property is necessary or desirable.

c. In major subdivisions, the board may require that every ___ feet a road right-of-way width of ___ feet is provided as a turnaround for emergency vehicles.

(2) Frontage on roads. The area to be subdivided shall have frontage on a public or private or unimproved road. If such a road has not been improved to the standards and specifications as required in this chapter, the board may require the subdivider to make certain improvements along the part of the road abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board.

For purposes of this chapter, roads platted, but not officially accepted by the town, shall be considered existing, unimproved private roads. Where these roads are incorporated within the subdivision, they shall require a maintenance plan submitted by the developer to meet the satisfaction of the planning board and the zoning-enforcement officer.

(3) Creation or extension of a private, unimproved road. Creation or extension of a private, unimproved road shall require a maintenance plan be submitted for approval by the planning board and the zoning-enforcement officer. Once approved, the road shall be maintained according to the approved plan. If the road is not maintained according to the approved plan, it shall constitute a violation of this chapter under Sec. 32-45. The developer shall have the option to pay the annual maintenance fee, stated in subsection (1)(a) of this section to alleviate the violation.

(4) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

Any major subdivision involving road creation or extension shall require review as a Land Development Project pursuant to Article VIII of chapter 38.
