



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. 32-3. – Effective date.

- Sec. 32-3. – Effective date shall be amended as follows to meet RIGL.

This chapter shall take effect on December 20, 1995, and shall supersede all other subdivision regulations in effect at the time of such adoption. This chapter has been amended numerous times since its effective date. Provisions of this chapter have been brought into compliance with the state Land Development and Subdivision Review Enabling Act of 1992, § 45-23-25 et al. as amended on January 1, 2024.



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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:

ARTICLE I. – IN GENERAL

Sec. 32-4. – Vested rights; continuation of prior regulations.

- Sec. 32-4. – Vested rights; continuation of prior regulations shall be amended as follows to meet RIGL.

Subdivisions which have been submitted to the planning board for approval under the provisions of the regulations in effect prior to ~~December 20, 1995~~January 1, 2024, may be continued to be reviewed by the planning board and approved under those regulations in accordance with the following:

(1) *Final approvals.* Any land developments or subdivision which, at the time of ~~adoption~~ amendment of this chapter, has received final approval, or final approval with conditions, from the planning board, may initiate or construct any part of the development, or record such plans in accordance with the subdivision regulations in effect at the time final approval was granted. The planning board may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the regulations in effect at the time of final approval.

(2) *Preliminary approvals.* Any land developments or subdivision which, at the time of ~~adoption~~ amendment of this chapter, has received preliminary approval, or preliminary approval with conditions, from the planning board, may continue to be reviewed by the planning board in accordance with the subdivision regulations in effect at the time preliminary approval was granted; provided any one of the following conditions have been met:

- a. The final plat, including all the material required in the final plat checklist, is filed with the planning department within one year from the date of preliminary approval;
- b. The land development or subdivision is located within an area and is of a nature to be within the jurisdiction of the state department of environmental management (RIDEM) and the preliminary plans as approved by the planning board have been filed with RIDEM for approval as required by the Freshwater Wetlands Act, G. L. 1956, § 2-1-18 et seq.; or
- c. The applicant has expended significant monies in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and reapplication under the revised subdivision regulations were to be required, a significant economic hardship would result. The planning board shall determine what constitutes significant economic hardship.

(3) *Other status.* Any land development or subdivision which, at the time of adoption of this chapter, has not received final or preliminary approval; or has been reviewed by the planning board for preliminary review but no approval therefor has been granted; or has received preliminary approval more than one year prior to the date of adoption of this chapter; or for which only preapplication conferences have been conducted shall be required to be reviewed under the revisions to the land development and subdivision regulations ~~adopted~~ amended on December 20, 1995 January 1, 2024, pursuant to the state Land Development and Subdivision Review Enabling Act of 1992, ~~G.L. 1956~~, § 45-23-25 et seq. al.

~~The planning board shall determine~~ Vested rights for land developments or subdivisions submitted for approval prior to ~~December 20, 1995~~ January 1, 2024 shall be determined by the provisions set forth in this section and the subsection of the appropriate review stage of the land development or subdivision which describes vested rights. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the ~~planning~~ board of appeal as provided in this chapter.

(4) Major Land Development and major subdivision review stages. Master, preliminary, and final plans are vested in accordance with this chapter.

a. Master plans of Major Subdivisions and/or Land Developments are vested pursuant to Sec. 32-183(7).

b. Preliminary plans of Major Subdivisions and/or Land Developments are vested pursuant to Sec. 32-184(13).

c. Final plans of Major Subdivisions and/or Land Developments are vested pursuant to Sec. 32-186

(5) Development Plan Review. Development plan review applications are vested pursuant to Sec. 38-394(j) as required by RIGL 45-24-44.



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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:

ARTICLE V. – MINOR LAND DEVELOPMENT AND MINOR SUBDIVISIONS

Sec. 32-161. – Minor land development and minor subdivision.

- Sec. 32-161. – Minor land development and minor subdivision shall be amended as follows to meet RIGL.

Application types and review stages.

(1) Applications requesting relief from the zoning ordinance.

(i) Applications under this section which require relief which qualifies only as a modification under Sec. 38-321 shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46.

(ii) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance, approval of a special-use permit, or which require development plan review shall be reviewed by the planning board under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46, and a request for review shall accompany the preliminary plan application or the first stage of review of the application.

(iii) Any application involving a street creation or extension shall be reviewed by the planning board and require a public hearing according to the requirements in section 32-185 and RIGL 45-23-42.

(2) Other applications.

The administrative officer shall review and grant, grant with conditions or deny all other applications under this section and may grant waivers of design standards as set forth in this chapter. The administrative officer may utilize the technical review committee for initial review and recommendation.

(i). Powers granted to the administrative officer.

(ii.). The administrative officer is authorized to waive any requirement listed on the checklist for minor subdivision/land development review, provided that the waiver is approved by the technical review committee.

(3) Review stages.

Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted, pursuant to the regulation's unified development review provisions, a public hearing according to the requirements in section 32-185 and RIGL 45-23-42 is required before the planning board. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

(a) ~~Generally. Minor subdivisions – Generally, consist~~ Minor subdivisions are those creating nine (9) or fewer buildable lots. The process by which the planning board and/or the administrative officer reviews a minor subdivision is set forth in this section of five or fewer units or lots. ~~Minor subdivision consists of two stages, a preliminary review stage and a final review stage, which may be combined providing requirements for both stages have been met by the applicant.~~ Developers or their representatives are encouraged to schedule a pre-application conference with the ~~planning board and municipal administrative~~ officers to present their proposals informally and to receive comments and directions.

(ii) ~~Minor land development projects generally.~~ Minor land developments are those involving any one of the following:

1. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
2. 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
3. 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
4. Multi-family residential or residential condominium development of nine (9) units or less; or
5. Change in use at the property where no extensive construction of improvements are sought, except for a single-family dwelling unit;
6. 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;
7. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units

The process by which the planning board and/or the administrative officer reviews a minor subdivision is set forth in this section. Developers or their representatives are encouraged to schedule a pre-application

conference with the administrative officer to present their proposals informally and to receive comments and directions.

Change in use resulting in conversion to a single-family dwelling unit shall not be considered minor land development projects. Expansion or enlargement of the footprint of a single family dwelling or of the footprint of a multi-family or condominium structure which does not create additional units shall not be considered a minor land development project and shall follow procedures for a residential building permit.

~~(b4) Preliminary review~~Submission requirements. Preliminary review shall be conducted according to the following provisions:

~~(1) Purpose.~~ The purpose of the preliminary review stage is to explore the best lot configuration and requirements consisting of the following:

~~a. Conceptual plan;~~

~~b. Proposed and existing lot lines;~~

~~c. Lot zoning requirements and setbacks;~~

~~d. At the planning board's discretion, approximate location of major features (including, but not limited to, wetlands, waterbodies, hydric soils, natural habitats, slopes and other building constraints using available data from USGS maps, soil survey, comprehensive plan, etc.); and~~

~~e. Abutters within 200 feet of any boundaries of proposed lots must be notified by certified mail paid for by the applicant in accordance with planning board policy.~~

~~(2) Application.~~ The Any applicant requesting approval of a proposed, minor subdivision or minor land development as defined in this chapter, shall first submit to the administrative officer the items required by the local regulations per the appropriate checklist for minor land developments and subdivisions. (See the appendix on file in the town clerk's office or the Planning Department page of the Town website.)

~~(3) Certification.~~ For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days, of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. Such certification shall be made in accordance to with the provisions of article III of this chapter Sec. 32-107. If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days according to the provisions of Sec. 32-107. The running of the time period set forth in this section will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

~~(4) Technical review.~~ If the administrative officer has certified the application as complete, it will be referred as a whole to the planning board for technical review.

~~(5) Reassignment to major review.~~ The planning board may re-assign a proposed minor project to major review if it is unable to make the positive findings required in section 32-106 and RIGL 45-23-60.

(67) Decision on preliminary plan. If no road creation or extension is required, the planning board ~~or administrative officer shall will~~ approve, deny or approve with conditions the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of ~~article IX of this chapter RIGL 45-23-60 and 45-23-63.~~ If a ~~road street~~ extension or creation is required ~~or the application is reviewed under unified development plan review,~~ the planning board ~~shall will~~ hold a public hearing prior to approval according to the requirements in section 32-185 and RIGL 45-23-42 shall and will approve, deny or approve with conditions the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the board, according to the requirements of ~~article III of this chapter RIGL 45-23-60 and 45-23-63.~~

(8) Preliminary review provisions. Preliminary review shall be conducted according to the following provisions:

(i) Purpose. The purpose of the preliminary review stage is to explore the best lot configuration and requirements consisting of the following:

1. Conceptual plan;

2. Proposed and existing lot lines;

3. Lot zoning requirements and setbacks;

4. At the planning board's discretion, approximate location of major features (including, but not limited to, wetlands, waterbodies, hydric soils, natural habitats, slopes and other building constraints using available data from USGS maps, soil survey, comprehensive plan, etc.);

5. Abutters within 200 feet of any boundaries of proposed lots must be notified by certified mail paid for by the applicant in accordance with planning board policy.

(79) Failure to act. Failure of the planning board to act within the period prescribed ~~shall~~ constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval ~~shall will~~ be issued on request of the applicant.

(e10) Final plan review. Final plans ~~shall be reviewed and approved by the administrative officer or the technical review committee, shall be conducted according to the following:~~

(1) Requirements. This final plan stage of review may be delegated to (i) The administrative officer ~~who or technical review committee will shall~~ report its actions, in writing to the planning board at its next regular meeting, and shall to be made part of the record. The administrative officer shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change (as defined in subsection (11)(ii) of this section) within twenty-five (25) days of the certificate of completeness. Additional requirements consist of the following:

a1. Technical survey based on configuration of lots discussed at preliminary review per existing checklist.

b2. Approved ground percolation tests and ISDS for each lot as well as general building location.

e3. At the board's discretion, DEM verification or biologist delineation of wetlands within 200 feet of ISDS.

(11) Modifications and changes to plans.

(i) Minor changes to the plans approved at any stage shall consist of the following:

(1). Changes to the plan which do not impact lot size, boundary location, lot coverage, proposed placement of structures, public improvements, road frontage, lot width, natural resource area and/or topographical information. Minor changes generally include, but are not limited to: edits to plat and lot numbers, names of abutters as shown on the plan, and signature blocks.

(ii) Major changes to the plans approved at any stage are those which do not qualify as a minor change.

(iii) Minor changes, as defined in Sec. 32-161(11)(i)(1), to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change.

(iv) Major changes, as defined in Sec. 32-161(11)(ii), to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application.

(v) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change.

(12) Appeal. Decisions under this section shall be considered an appealable decision pursuant to RIGL 45-23-71 and Sec. 32-74.

(213) ~~Vesting~~ Expiration of approvals. Approvals of a minor land-development or subdivision plan shall expires 90 days one year from the date of approval, unless within such period a plat or plan, in conformity with such approval, and as defined in this chapter, is submitted for signature and recording as specified in G.L. 1956, § 45-23-64. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing and approved by the planning board. 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.

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**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 VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-181. – Pre-application meetings and concept review; general procedure.

- Sec. 32-181. – Preapplication meetings and concept review; general procedure shall be amended as follows to meet RIGL.

(a1) Major subdivision defined, major land development defined, pre-application meeting purpose identified. Major land development and subdivisions shall ~~have create six~~ ten (10) or more lots or units, or shall be a land development project which exceeds the thresholds for a minor land development project as set forth in section 32-161(3)(i) and 32-161(3)(ii) or have been assigned to a major subdivision in accordance with section 32-161(b7)(5). One or more pre-application meetings with the administrative officer, planning board or technical review committee shall be held for all major subdivisions ~~or land development applications~~. ~~Applicants should obtain a checklist from the administrative officer of materials to be provided to town officials prior to the meetings. The procedure and criteria for preapplication meetings and concept review are specified in this article. Pre-application meetings allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff 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.~~

(2) Pre-application meeting purpose, further. Pre-application meetings 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 are not considered approval of a project or its elements.

(3) Filing and proceeding with application. 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 § 45-23-36.

(b4) Stages of review. Following the pre-application meeting, major plan review consists of three stages: master plan review, preliminary plan review and final plan review.

(e5) Combined stages of review. The planning board may vote to combine stages after it determines that all necessary requirements have been met by the applicant. The planning board may also modify and/or waive requirements as specified in section 32-47.

(6) Developments subject to procedures for residential building permit. Construction of new single-family dwelling units shall not be considered major land development projects. Expansion or enlargement of the footprint of a single family dwelling or of the footprint of a multi-family or condominium structure which does not create additional units shall not be considered a major land development project and shall follow procedures for a residential building permit.



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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:

ARTICLE VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-182. – Preapplication meeting with planning board.

- ~~Sec. 32-182. – Preapplication meeting with planning board shall be amended as follows to meet RIGL.~~

Sec. 32-182. -- Pre-application meeting with planning board or technical review committee.

~~The applicant shall first provide the planning board with a detailed review of the characteristics of the property to be developed. (1) Informal concept plan review, ability to request. At the pre-application stage the applicant may request the planning board or the technical review committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide planning board or technical review committee input in the formative stages of major subdivision and land development concept design. If such informal concept plan review is desired by the applicant, a the review shall include:~~

~~(4i) A verbal and mapped description of the land and its environmental features including, but not limited to, the overall context of the area and its relationship to adjoining property, the geology of the site and soil conditions, topography, the approximate location of wetlands and waterbodies, groundwater resources, existing vegetation, historic and scenic resources, critical areas of conservation concern, if any, and past and present uses of the site.~~

~~(2ii) A general development concept.~~

~~(3iii) The planning board may schedule a site visit with the applicant to further evaluate the property and the proposed development and may provide preliminary guidance for the future development of the property and the review process at this time.~~



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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:

ARTICLE VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-183. – Master plan submission requirements.

- Sec. 32-183. – Master plan submission requirements shall be amended as follows to meet RIGL.

~~(a)~~ (a1) *Submission requirements.* The applicant shall first submit to the administrative officer; i.e., town planner, the items required by the local regulations per the master plan checklist. (See the appendix on file in the ~~T~~Town ~~e~~e Clerk's office or on the Town Website.)

~~(b)~~ (b2) *Supporting material.* Supporting material which shall include, but not be limited to:

~~(1)~~ (1i) *Natural and built features.* Information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site including topographic features, freshwater wetland boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedication tentative construction phasing, and potential neighborhood impacts.

~~(2)~~ (2ii) *Certification of master plan application.* The application shall be certified complete or incomplete in writing by the ~~a~~a Administrative officer within ~~90~~25 ~~twenty-five (25)~~ days of ~~its receipt~~ the submission according to the provisions of ~~article III of this chapter Sec. 32-107 so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.~~

~~(3)~~ (3iii) *Review and comment.* The ~~a~~a Administrative officer shall coordinate review and comments by local officials, adjacent communities and state and federal agencies at the direction of the ~~p~~p Planning ~~b~~b Board. A letter including property location and description of lot and locus map will be sent to solicit these comments. A response will be required within 30 days of the date of the letter. Initial comments shall be solicited from:

- ~~a~~ a1. Local agencies including, but not limited to, the planning department, the technical review committee, the department of public works, fire and police departments, conservation and recreation commissions;
- ~~b~~ b2. Adjacent communities ~~within 1,000 feet of proposed subdivision;~~
- ~~c~~ c3. State agencies, as appropriate, including DEM and DOT;
- ~~d~~ d4. Federal agencies, as appropriate;
- ~~e~~ e5. The county water supply board, as appropriate; and

~~f6.~~ Owners of public wells within their designated wellhead protection zone.

7. The technical review committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

(3) Applications requesting relief from the zoning ordinance.

(i) Applications requiring relief as a modification. Applications under this chapter which require relief which qualifies only as a modification under Sec. 38-321 shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46.

(ii) Applications requiring relief in the form of variance, special-use permit, or development plan review. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance, approval of a special-use permit, or which require development plan review shall be reviewed by the planning board under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46, and a request for review shall accompany the preliminary plan application or the first stage of review of the application.

(4) Informational meetingPublic hearing. A public information meetinghearing shall be held prior to the planning board decision on the master plan, unless If the master plan and preliminary plan approvals are being combined, in which case the public informational meeting will be optional based upon planning board determination a public hearing shall be held during the combined stage of review.

a(i). Notice. Public nNotice for the information meeting public hearing is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the town. Postcard notice shall be mailed to the applicant and to all property owners within the notice area pursuant to Sec. 32-50.

b(ii). Presentation and public comment. At the public informational meetinghearing, the applicant shall present the proposed development project. The planning board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

(5) Decision. The planning board shall, within ~~120~~ ninety (90) days of certification of completeness, or within such a further amount of time as that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of ~~subsection (a) of this section~~ RIGL 45-23-60 and 45-24-63.

(6) Failure to act. Failure of the planning board to act within the period prescribed shall constitute approval of the master plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time, and the resulting approval shall be issued on the request of the applicant.

(7) Vesting. The approved master plan shall be vested for a period of ~~one~~two (2) years with the right to extend for two (2) a one-year extensions upon a-written request by the applicant, who must appear before the planning board for the annual review. Thereafter, Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the planning board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved

master plan drawings and supporting materials. The initial ~~two-four~~ (4) year vesting for the approved master plan shall constitute the vested rights for the development as required in ~~G.L. 1956-RIGL~~ § 45-24-44.



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ARTICLE VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-184. – Preliminary plan submission requirements.

- ~~Sec. 32-184. – Preliminary plan submission requirements shall be amended as follows to meet RIGL.~~

~~(a1) *Submission requirements.*~~ The applicant shall first submit to the administrative officer the items required by the local regulations per the preliminary plan checklist. (See the appendix on file in the town clerk's office or on the Town website.)

~~(b2) *Submission requirements, further.*~~ Requirements for the preliminary plan and supporting materials for this review shall include, but not be limited to:

~~(1) Engineering plans depicting the existing site conditions;~~

~~(2) Engineering plans depicting the proposed development project, and a perimeter survey;~~

~~(3) Permits related to freshwater wetlands, floodplain, preliminary suitability for ISDS, and connections to state roads.~~

~~(e3) *Solicitation of final, written comments.*~~ The administrative officer shall solicit ~~F~~final written comments and/or approvals of the department of public works, town solicitor, other local government departments, commissions or authorities, as appropriate.

~~(e4) *Legal documents to be submitted prior to approval.*~~ Prior to approvals of the preliminary plan, or approval of the master and preliminary plan, where review is combined, copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted, as follows:

(i). *Required permits to be submitted prior to approval.* Prior to the approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a

letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

(5) Applications requesting relief from the zoning ordinance. If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board or commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to RIGL 45-23-50.1(b), Sec. 38-325 and 32-46.

(16) Certification. The application shall be certified as complete or incomplete by the administrative officer within twenty-five (25) days, according to the provisions of article III of this chapter Sec. 32-107 so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

(27) Public hearing. Prior to planning board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in section 32-18532-50(b), must be held at the first planning board meeting, which may be combined review of the master and preliminary plans.

(8) Public notice. Where combined review is not held, prior to the first planning board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the meeting.

(9) Technical review committee. The Technical Review Committee shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

(310) Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at the stage of preliminary plan approval.

(411) Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions or denied in accordance with the requirements of §§ 45-23-60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within such a further amount of time as may be consented by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with the provisions of this article.

(512) Failure to act. Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan, and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on the request of the applicant.

(613) Vesting. The approved preliminary plan shall be vested for a period of two (2) years with the right to extend for two (2) one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, and vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

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(14) Modifications and changes to plans.

(i) Minor changes, as defined in Sec. 32-161(11)(i)(1), to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.

(ii) Major changes, as defined in Sec. 32-161(11)(ii), to the plans approved at any stage may be approved only by the applicable permitting authority and must include a public hearing.

(iii) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.



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 VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-185. – Public hearing and notice requirements.

- Sec. 32-185. – Public hearing and notice requirements shall be amended as follows to meet RIGL.

(a1) Public hearing. A public hearing ~~shall be is~~ required for a major land development project or a major subdivision or where a road extension or creation requires a public hearing for a minor land development project or minor subdivision pursuant to this article. The following requirements shall apply.

(2) Public notice. Public notice of the hearing shall be given pursuant to Sec. 32-50(b), at least 14 days to the date of the hearing in a newspaper of general circulation in the town according to regular practice. The applicant shall receive a copy of the notice from the administrative officer. The notice will be sent by the applicant, upon forms to be provided by the town, to each owner of property within the notice areas as specified in this section. Notice shall be mailed, by certified mail, not less than ten days prior to the date of the hearing. A copy of all return receipts shall be provided to the administrative officer by the applicant prior to or at the time of the public hearing. All mail and newspaper notices shall specify:

(1) The date, time and place of the public hearing;

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(2) The assessor's plat and lot number of the property;

(3) The road address of the property. If the road address is not available, the name of the road on which or near which the property is located, and the distance and direction from the nearest existing road intersection in tenths of a mile;

(4) Advise interested parties where and when a copy of plans of the proposed subdivision or major land development project may be examined; and

(5) Contain a statement that the proposed major subdivision or major land development project may be revised by the planning board as a result of further study or because of the views expressed at the public hearing.

(b) *Notice area and requirements.* The notice area and requirements shall be as follows:

(1) The distance for notice of the public hearing shall be 400 feet from the perimeter of the lot being subdivided in all zoning districts. The applicant is responsible for determining correct names and addresses of all property owners required to be notified and shall, at a minimum, be as accurate as the most current names and addresses listed by the tax assessor.

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(2) If the lots fall within a watershed area, additional notice shall also be sent according to the following:

a. Notice of the public hearing shall be sent by certified mail to the planning board of any municipality where there is a public or quasipublic water source, or private water source, that is suitable for use as a public water source, located within 2,000 feet of the municipal boundaries.

b. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency (county water supply board), special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the municipality or 2,000 feet of the municipal boundaries; provided, however, that a map survey has been filed with the building inspector as specified in G.L. 1956, § 45-24-53.

(3) Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if the notice area extends into the adjacent municipality, the development site extends into the adjacent municipality or there is a potential for significant negative impact on the adjacent municipality.

(4) The cost of such notice shall be borne by the applicant.

(5) The above requirements are to be construed as minimum requirements.

(3) Applications requesting relief from the zoning ordinance at master plan stage.

(i) Applications requiring relief as a modification. Applications under this chapter which require relief which qualifies only as a modification under Sec. 38-321 and RIGL 45-24-46 shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46.

(ii) Applications requiring relief in the form of variance, special-use permit, or development plan review. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance, approval of a special-use permit or which require development plan review shall be reviewed by the planning board under unified development plan review pursuant to RIGL 45-23-50.1, Sec. 38-325 and Sec. 32-46, and a request for review shall accompany the preliminary plan application or the first stage of review of the application.

(4) Applications requesting relief from the zoning ordinance at preliminary plan stage.

(i.) Applications requesting relief from the zoning ordinance. If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board or commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to Sec. 38-325 and Sec. 32-46.

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(e5) Filing of copies of legal documents to be submitted prior to approval. Prior to approvals of the preliminary plan or approval of the master and preliminary plan, where review is combined, copies of all legal documents describing the property, proposed easements and rights-of-way shall be filed with the administrative officer and the planning board as follows:

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(i.) Required permits to be submitted prior to approval. Prior to approval of the preliminary plan an applicant must submit all permits required by state or federal agencies including permits related to freshwater wetlands, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

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(ii) Certification. The application shall be certified as complete or incomplete by the administrative officer within ~~60~~ twenty-five (25) days, according to the provisions of ~~article III of this chapter~~ RIGL 45-23-36 and Sec. 32-107.

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(2iii) Public hearing. ~~A Prior to the planning board decision on the preliminary plan,~~ a public hearing, which adheres to the requirements for the notice described in this section must be held at the first planning board meeting which may be the review of the master plan or combined review of the master and preliminary plans.

(3iv) Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including the construction schedule and/or financial guarantees, shall be reviewed and approved by the planning board at the stage of preliminary plan approval.

(4v) Decision. A complete application for a major subdivision or land development plan shall be approved, approved with conditions or denied in accordance with the requirements of §§ 45-23-60 and 45-23-63, within ~~120~~ ninety (90) days of the date when it is certified complete, or within ~~such a~~ further amount of time as may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state

permits has not been provided, or otherwise waived in accordance with the provisions of this article.

(5vi) *Failure to act.* Failure of the planning board to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.

(6vii) *Vesting.* The approved preliminary plan shall be vested for a period of ~~one~~two (2) years, with the right to extend for two (2) one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant and approved by the planning board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.



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 VI. – MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISIONS

Sec. 32-186. – Final plan; submission requirements.

- Sec. 32-186. – Final plan; submission requirements shall be amended as follows to meet RIGL.

(a1) Submissions requirements. The applicant shall submit to the administrative officer the following:

(1i) The items required by the local ~~government regulations~~ per the final plan checklist; as well as

~~(2ii) A~~all material required by the planning board when the application was given preliminary approval;

~~(3iii) Arrangements for completion of the required public improvements, including construction schedule and/or a~~financial guarantees;

(4iv) Certification by the tax collector that all property taxes are current; and

(5v) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

(b2) Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, according to the provisions of article III of this chapter Sec. 32-107 so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the planning board as per subsection (c) of this section, the final plan shall be considered approved ~~and shall be recorded by the applicant.~~

(e3) Referral to the planning board Decision. ~~If~~ The administrative officer, or, if referred to it, the planning board, determines that an application for final approval does not meet the requirements set by local regulations or by the planning board at preliminary approval, the administrative officer shall review, grant, grant with conditions or deny final plan approval, refer the final plans to the planning board for review. A decision The planning board shall be issued, within 45 days after the certification of completeness, or within ~~such a further amount of time as that~~ that may be consented to by the applicant, approve or deny the final plan as submitted.

(e4) Failure to act. Failure of the planning board to act within the period prescribed shall constitute approval of the final plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.

(e5) Recording/expiration of approval. The final approval of a major subdivision or land development project ~~shall expire~~ expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning board for the annual review, unless, within that period, the plat or plan ~~shall have~~ has been submitted for signature and recording as specified in RIGL 45-23-64 and section 32-48. Thereafter, ~~The~~ the planning board may, for good cause shown, extend the period for recording ~~for an additional period. 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.~~

(6) Acceptance of public improvements. Signature and recording as specified in Sec. 32-48 constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the governing body of the municipality accepts the completed public improvements as constructed in compliance with the final plans.

(7) Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure stated in Sec. 32-48, or a new plan is approved by the planning board. 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.

(8) Modifications and changes to plans.

(i) Minor changes, as defined in Sec. 32-161(11)(i)(1), to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting

recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.

(ii) Major changes, as defined in Sec. 32-161(11)(ii), to the plans approved at any stage may be approved only by the applicable permitting authority and must include a public hearing.

(iii) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.

(9) Appeal. Decisions under this section shall be considered an appealable decision pursuant to § 45-23-71 and 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:

**Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE XI – PROCEDURE FOR ADOPTION AND AMENDMENT**

Sec 32-333: Public hearing notification requirements; mail shall be amended to come into compliance with RIGL:

Sec. 32-333. - Public hearing notification requirements; mail.

Notice of the public hearing shall be sent by first class mail to the following:

~~(1) The associate director of the division of planning of the state department of administration. Such notice, which may be a copy of the newspaper advertisement, shall be sent at least two weeks prior to the public hearing.~~

(2) The city or town planning board of any municipality where there is a public or quasipublic water source, or private water source, that is used or is suitable for use as a public water source, located within 2,000 feet of the municipal boundaries.

(3) The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or a surface water resource and/or a surface watershed that is used or is suitable for use as a public water source located within either the town or 2,000 feet of the town's boundaries; provided, however, that a map survey has been filed with the building inspector as specified in G.L. 1956, § 45-24-53.



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 32-48: Recording of plats and plans shall be amended to meet RIGL:

Sec. 32-48. - Recording of plats and plans.

(a) *Signing and recording.* Signing and recording shall be done as follows:

(1) *Endorsement.* All approved final plans and plats for subdivision and land development projects ~~shall be endorsed~~ are (signed) by the appropriate planning board ~~or town~~ official with the date of as an indication of final approval. Plats and plans for major subdivisions and ~~major~~ land developments are signed by the planning board chairperson or the secretary of the planning board attesting to the approval by the planning board. All ~~and for~~ minor subdivisions and ~~minor~~ land developments plans and plats shall be signed by the planning board chairperson or, in his absence, by the secretary of the planning board. Plats and plans for and administrative subdivisions plats shall be ~~are~~ signed by the planning board chairperson or secretary or the board's designated agent, administrative officer. All ~~endorsements shall include the date of such endorsement. No endorsement of plats or plans shall be made until the administrative officer has certified, in writing, that all of the required improvements have been made, or the finance director has certified, in writing, that acceptable improvement guarantees have been received in accordance with the provisions of article VIII of this chapter.~~

(2) *Recording.* Upon ~~endorsement signature~~, all plans and plats ~~shall be~~ are submitted to the administrative officer prior to recording and filing in the town clerk's office and filing in the land evidence of the town. The material to be recorded for all plans and plats ~~shall~~ include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the appropriate review authority, permits and agreements with state and federal reviewing agencies, and other information required by the appropriate review authority plat drawings and other pertinent information as indicated on the appropriate final plat and plan checklist.

~~A copy of the board's decision endorsed by the appropriate planning board member or town official shall be recorded along with all special conditions of approval. The administrative officer shall certify, in writing, that all required fees have been paid before the above-mentioned documents may be recorded. Other parts of the applications record for subdivision and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the town departments responsible for implementation and enforcement. One complete copy shall be kept on file in the~~

planning department. Construction on drawings need not be recorded. However, a complete blue-line or photo-copy set of construction drawings, including road plans and profiles, cross-sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and other construction plans, details and specifications required as a condition of approval shall be filed with the administrative officer prior to recording of the plat. One copy of all construction drawings shall be kept by the department of public works.

(3) Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings are permanently kept by the planning department and the building department.

(4) The administrative officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

(b) *Changes to recorded plats and plans.* For all changes to the approved plans of subdivisions or land development subject to this chapter, an amendment of the final development plans is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats and plans as provided in subsection (a) of this section. Major and minor changes may be made as follows:

(1) *Minor changes.* Minor changes to subdivision or land development plans may be approved administratively by the administrative officer. Such changes may be authorized at the discretion of the administrative officer without review and approval of the planning board and without additional public hearings. All such changes shall be made part of the permanent record of the project application. This subsection shall not prohibit the administrative officer from requesting a recommendation from the planning board. Denial of the proposed changes shall be referred to the planning board for a review as a major change according to the provisions in subsection (b)(2) of this section. A building permit may be issued upon the written approval of a minor change by the administrative officer. For the purpose of this chapter, the term "minor changes" shall mean any changes which, in the opinion of the administrative officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to, the following:

- a. Amendments to utility plans which are acceptable to the town utilities director or to the appropriate utility company;
- b. Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of section 32-146;
- c. Amendments to grading plans or drainage plans which are acceptable to the director of public works and which do not require approval of any state or federal reviewing authorities;
- d. Modifications to any construction plan for off-site improvements which are acceptable to the director of public works; or
- e. Modifications which are required by outside permitting agencies such as, but not limited to, the state department of environmental management, the state coastal resources management council and the state department of transportation.

~~(2) Major changes. Major changes to subdivision or land development may only be approved by the planning board and must follow the same review and public hearing process required for approval of preliminary plans as described in section 32-185. For the purpose of this chapter, the term "major changes" shall mean changes which, in the opinion of the administrative officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to, the following:~~

~~a. Changes which would have the effect of creating additional lots or dwelling units for development;~~

~~b. Changes which would be contrary to any applicable provision of the zoning ordinance or which require a variance or special use permit from the zoning board of review; or~~

~~c. Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.~~



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 Local access, private	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	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 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 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.
