



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 for subdivision and land development projects shall be endorsed (signed) by the appropriate planning board or town official as an indication of final approval. Plats and plans for major subdivisions and major land developments and for minor subdivisions and minor land developments shall be signed by the planning board chairperson or, in his absence, by the secretary of the planning board. Plats and plans for administrative subdivisions shall be signed by the 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, all plans and plats shall be submitted to the administrative officer prior to recording 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 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. 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.



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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 ~~n-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 <i>Local Access, private</i>
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.



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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 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 ~~n-existing~~, ~~improved~~ public or private or unimproved road. If such an ~~n-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.



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**AN ORDINANCE IN AMENDMENT TO
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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.



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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 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.