

ORDINANCE NO. \_\_\_\_\_

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

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

Chapter 32- SUBDIVISION REGULATIONS

ARTICLE III – GENERAL REQUIREMENTS

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

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

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

(1) Each land development or subdivision shall be consistent with the requirements of the town comprehensive community plan and/or shall satisfactorily address the issues where there may be inconsistencies.

(2) ~~Each lot in the~~ The proposed land development or subdivision shall ~~conform to be in compliance with~~ the standards and provisions of the town zoning ordinance, ~~;~~ provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the zoning ordinance, provided that:

~~a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and~~

~~b. A conservation or preservation easement pursuant to G.L. 1956, § 34-39-1 et seq. is granted to the town prohibiting any such present or future development.~~

(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.

(4) The land development or subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See the definition of the term "buildable lot," as provided in section 32-5. Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

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

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

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

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

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



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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 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 Access to road.~~ Each lot in the subdivision, if not within a compound as described in article VIII of chapter 38 shall abut on a public or private road having access to an existing town or state road. Each lot in the subdivision, if within a compound as described in article VIII of chapter 38 shall have access to a public road that has 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 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 ~~serv~~ ing 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.
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Collector	1
Local Access	2
<del>Minor Subdivision</del> 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	<del>Minor Subdivision</del> Local Access, private
R.O.W. width <u>(includes berms)</u>	50 feet	50 feet	<del>40</del> 50 feet
<del>Pavement width (includes berms)</del>	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
<del>Pavement diameter**</del>	<del>N/A</del>	<del>80 feet</del>	<del>80 feet</del>
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
<del>Pavement minimum radius</del>	<del>25 feet</del>	<del>25 feet</del>	<del>25 feet</del>
<del>Pavement R.O.W</del> 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(3), 32-299, and 38-359. After August 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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**Chapter 32 – SUBDIVISION REGULATIONS**

**ARTICLE VII – PHYSICAL DESIGN STANDARDS**

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

**Sec. 32-223. - Construction improvements.**

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

(1) *Road construction.*

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

b. *Clearing.* The existing ground shall be cleared and grubbed along the alignment of the improved roadway including the area six feet along either side. Within these limits, all objectionable or unsuitable material shall be removed. Loam and subsoil shall be stockpiled for later use in dressing side slopes and embankments. Special

features (such as unique trees, stone walls, etc.) may be designated by the board for preservation with the right-of-way clear zone. Where possible with consideration for cuts and fills, the existing natural features and vegetation shall be preserved within the remainder of the right-of-way limits.

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

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

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

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

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

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

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

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

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

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

iii. The gravel borrow base course shall be spread and compacted in two, four-inch layers for the full road width and in such volume as to provide an eight-inch cross section after compaction with a ten-ton roller. At the discretion of the public works director, up to two feet of gravel may be required in wet soils or when other adverse conditions are present.

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

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

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

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

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

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

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

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



works shall report the results of each roadway inspection to the administrative officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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