

TOWN OF HOPKINTON, RI

Chapter 283

An Ordinance in amendment of Chapter 17 Streets, Sidewalks & Other Public Places.

It is hereby ordained by the Hopkinton Town Council that the Town of Hopkinton Code of Ordinances shall be amended so as to create Chapter 17, Article II, Division 5 titled "Official Street Map" as follows:

DIVISION 5. OFFICIAL STREET MAP

Sec. 17-139. – Definitions.

As used herein the following words and phrases shall have the following meanings:

(a) A "paper street" shall mean a street which appears on a recorded plat or map but which in actuality has never been opened, prepared for use, or used as a street and that has not been certified and accepted as a public street by the Town of Hopkinton.

(b) A "stub street" shall mean a portion of a street reserved to provide access to future development, which may provide for utility connections, but which has not been certified and accepted by the Town as a public road.

Sec. 17-140. - Intent of division.

It is the intent of the Town Council to establish an Official Street Map under the provisions of R.I.G.L. § 45-23.1-1 et seq., for the purpose of serving and promoting the public health, safety, morals, convenience, economy, orderliness and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions; to facilitate adequate provision for transportation; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

Sec. 17-141. - Contents generally.

The Official Street Map shall show the location of the streets of the town theretofore existing and established by law as public streets. The location of the streets are hereby established as shown on a map entitled "Hopkinton Official Street Map" filed at the office of the Town Clerk. Such official map shall also show the location of the lines of streets on plats of subdivisions which shall have been approved by the Planning Board and recorded in land evidence in the office of the Town Clerk.

Sec. 17-142. – Adoption.

A public hearing in relation to the Official Street Map shall precede its adoption. At such public hearing the parties of interest and citizens shall have an opportunity to be heard. At least ten (10) days' notice of such public hearing shall be published in a newspaper of general

circulation in the city or town. Before adoption of this Ordinance and the Official Street Map the Town Council shall refer the matter to the Planning Board for a report and its recommendations on the map, but if the Planning Board does not make its report within forty-five (45) days of the reference, the necessity for the report may be deemed waived. The Town Council shall certify the fact of the establishment of the Official Street Map to the Town Clerk.

A certificate shall be recorded with the Town Clerk showing that the town has established an Official Street Map which supersedes any previous and existing street maps. There shall be a certified Official Street Map as described in section 17-141. The certified Official Street Map shall be kept by the office of the Town Clerk and shall be available for inspection by any interested person during regular office hours. The certified Official Street Map shall bear on its face a certification that it is a true official map described in and accompanying this division, shall show the date of certification by the Town Council, shall be signed by the Town Council President and countersigned by the Town Clerk. Thereafter, no change or addition to such Official Street Map shall become effective except by way of compliance with section 17-142 and information shall be placed on the Official Street Map bearing the revision number and date of adoption. The official map with revisions shall be signed by the Town Council President and countersigned by the Town Clerk. The Town Council shall vote on additions to the official street map after said streets have been subject to the land development and/or subdivision process and have been approved by the Planning Board. Every year the Town Council will confer with the requisite departments, boards and commissions, to compile a list of newly created streets for inclusion in the official street map.

Sec. 17-143. - Additions and changes.

The Hopkinton Town Council is authorized and empowered to make, from time to time, additions to or modifications of the official map by placing thereon the exterior lines of planned new streets or street extensions, widenings, narrowings or vacations. No such changes shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of such public hearing shall be published in a newspaper of general circulation in the town. Before making such additions or changes, the Town Council shall refer the matter to the Planning Board for report thereon, but if the Planning Board shall not make its report within 45 days of such reference, the necessity for such report may be deemed to be waived. The locating, widening or closing, or the approval of the locating, widening or closing of such streets by the Town under the provisions of law, other than those contained in this division, shall be deemed to be a change or addition to the Official Street Map and shall be subject to all the provisions of this division, except provisions relating to public hearing and referral to the Planning Board.

Sec. 17-144. - Establishment or opening of streets not implied by placement on map.

The placing of any street or street line upon the Official Street Map or the placement of a stub street or paper street on any plat or map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for immediate street purposes.

Sec. 17-145. - Regulation of buildings in bed of mapped streets.

For the purpose of preserving the integrity of the Official Street Map, no building permit shall be issued for any building in the bed of any street shown on the Official Street Map. Whenever the bed of a mapped street is located on one or more parcels of land and such parcels cannot yield a reasonable return to the owner unless a building permit is granted within the bed of the mapped street, the Zoning Board of Review referred to in this section as the "board," may, in a specific case (after public hearing for which reasonable notice shall have been given to all interested parties and at which parties in interest and others shall have an opportunity to be heard), by majority vote, grant a permit for a building in the bed of such mapped street which will, as little as practicable, increase the cost of opening such street, or tend to cause a minimum change of the Official Street Map. The board may impose reasonable requirements as a condition of granting the permit so as to promote the health, safety, morals, convenience, economy, orderliness and general welfare of the community. The board shall refer any such application to the Planning Board for report and recommendation before taking action, and shall refuse a permit where the applicant will not be substantially damaged by placing his building outside the mapped street.

Sec. 17-146. - Buildings not on mapped streets/uncertified roads or sections of roads.

No building permit for the erection of any building shall be issued unless the building lot abuts a street which has been placed on the Official Street Map giving access to the proposed structure, and before a permit shall be issued, such street shall have been certified to be suitably improved, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with the Town of Hopkinton Land Development and Subdivision Regulations.

Where enforcement of this section would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the structure to be related to a street, the Zoning Board of Review may, in a specific case, (and after a public hearing for which reasonable notice has been given to all interested parties and at which parties in interest and others shall have an opportunity to be heard), make reasonable exceptions and issue a permit subject to conditions that will ensure adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the Official Street Map.

Sec. 17-147. - List of private roads or sections of roads in the Town.

The list of roadways, recognized as non-town maintained private roadways in the Town of Hopkinton shall be found on the Official Town of Hopkinton Street Map filed in the Town Hall and/or posted on the Town website.

Sec. 17-148. - Appeals.

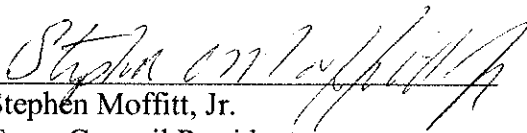
Any person aggrieved by any decision of the Zoning Board of review or the Town Council made pursuant to this division may take an appeal as permitted pursuant to R.I.G.L. § 45-23.1-5.

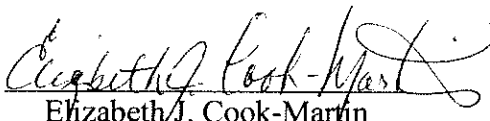
Sec. 17-149. – Severability.

If any provision of this division or the application of this division to any person or circumstance is held invalid, the remainder of this division or the application of the division to other persons or circumstances shall not be affected by the invalidity.

This amendment would take effect upon passage. All other sections of Chapter 17 are to remain in full force and effect.

Adopted: April 4, 2022


Stephen Moffitt, Jr.
Town Council President

ATTEST: 
Elizabeth J. Cook-Martin
Town Clerk