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April 10, 2025

Honorable Chairman Stephen Casey  
Honorable Vice-Chair June Speakman  
House Municipal Government and Housing Committee  
Rhode Island State House  
Providence, RI 02903

RE: H-5963 – An Act Relating to Towns and Cities – Subdivision of Land

Dear Chairman Casey, Vice-Chair Speakman and Committee Members:

Please accept the following comments from our organization, the RI Chapter of the American Planning Association, regarding this bill, which amends Chapter 45-23, the Subdivision Act, by adding a new section referred to as “Subdivisions of oversized lots for residential use”. This would allow the subdivision of an oversized lot through the procedures of an administrative subdivision rather than that of a minor subdivision. For a variety of reasons, APA-RI is opposed to this bill, which reads as follows:

*"For the purpose of a land development project involving residential or mixed use, an applicant may utilize the administrative subdivision process established under § 45-23-37 to request approval of a proposed subdivision of a lot that is oversized compared to the surrounding neighborhood. The applicant shall be entitled to subdivide the lot based on the median lot area, width, depth, and frontage of direct abutters or the median dimensions of all parcels on a contiguous block, whichever is less for each individual dimension. The applicant may rely on the map of a local tax assessor to determine these dimensions."*

Although not specifically defined, an oversized lot is presumed to be one in which the lot area is larger (or equivalent to) lots in the surrounding neighborhood, unrelated to the area and other dimensional requirements of the zoning district in which it is located. The subdivision of this lot would then be allowed as an administrative subdivision, despite the fact that an administrative subdivision is currently defined in state law as one which yields no additional lots for development, and which typically involves mergers or adjustments of lot boundaries.

Because of the way it is written, the interpretation of this bill can vary significantly depending upon who is reading it, and it raises many more questions than it answers:

1. What exactly is an oversized lot? Must it be conforming in lot area and other dimensional requirements for the district or just be equivalent to the lots in the “surrounding neighborhood”?
2. Does this bill apply to the lot that is being subdivided or to the lots that are being created?

3. Can the owner/applicant pick and choose when applying the dimensional criteria listed above (lot area, width, depth and frontage) between those lots that abut the subject lot and those lots that are on the contiguous block? Does the local zoning official have the authority to determine which criteria are used in the calculation?
4. How do lots get compared to the lots in the neighborhood if there is no consistency in their characteristics, for example if the abutting lots are of varying sizes and irregular dimensions, as is common in many areas of the state? Again, is this determined by the local zoning official?
5. Must the resulting lot or lots be conforming in lot area and other dimensions? If a resulting lot is nonconforming, does the subdivision require dimensional relief?
6. Is such a subdivision limited to only one additional lot? Does it exclude the construction of a road, which by definition, must be approved by the local planning board at a public hearing?
7. Does the subdivision itself need to be completed according to the requirements of any subdivision, including a proper land survey or can it be based on the dimensions shown on the municipal tax assessor's maps?

Note that GIS and tax assessor's maps are not accurate data sources for preparing a subdivision plan for recording purposes. A subdivision plan that has not been prepared and stamped by a registered land surveyor could lead to boundary line disputes. It could cloud the title of such lots, making it impossible to get title insurance and qualify for a mortgage.

It is also not clear why there is reference to a land development project, and whether this bill is intended to apply only to land development projects and not simple subdivisions.

Even with these questions answered, the major concern with this bill is that it creates a conflict in state law, in that an administrative subdivision is defined differently than a minor subdivision, and has different procedures, including submittal requirements, review steps and timelines. If a bill that overrides these procedures for parcels that meet certain criteria is enacted, it would also require several other amendments to the Subdivision Act to avoid inconsistencies.

If an explanation of the intent of this bill is made, APA-RI would welcome the opportunity to make possible corrections. We have also reviewed in detail another bill with a similar focus, H5799 and are unclear if they are meant to achieve the same results. Thank you for your consideration.

Sincerely,

Jane Weidman  
Legislative Committee Chair

cc RI League of Cities and Towns