

[Plan-link] Combined Site Review and Subdivision Regulations

Tue 2/17/2015 9:44 AM

Hello Fellow Planners: Dover is looking into the pros and cons of combining our Site Review and Subdivision regulations into one land use regulation document. There are many common provisions between the two documents. If you have combined your regulations, I would love to have a link to them. What were the challenges in combining them? Any reason not to do this?

Thanks for any input or advice you can provide.

Steve Bird
City Planner
City of Dover, NH

Tue 2/17/2015 10:17 AM

Steve - We worked with the Town of Hooksett to combine their Subdivision and Site Regulations back in 2007. After the initial effort, there were several updates needed to close loopholes and such. It was a lengthy and difficult process; however, as their Consulting Engineer we have found it very useful to have all their land use regulations in one [document](#).

Dan Tatem
Project Manager
Stantec

Wed 2/18/2015 8:21 AM

Steve,

Overall, this is a very good approach and is used in many communities (Bedford & Milford), many of the requirements for site plan and subdivision are the same (drainage) and can be combined. It is worth exploring.

Mark Fougere

Wed 2/18/2015 12:54 PM

Combining Subdivision and Site Plan Review regulations may make sense in some cases but just remember, statutorily they are ***separate and distinct*** optional land use review powers with different prerequisites and different mandatory and optional provisions, e.g., Subdivision ***may*** have waiver provisions while Site Plan Review ***must*** have waiver provisions, and Site Plan Review can have a "special site review committee" with the power of approval for minor site plans while Subdivision contains no similar provisions. Also keep in mind their separateness concerning amendments. If you combine the two into one document, when you amend the Subdivision Regulations you are not also automatically amending the Site Plan Review Regulations and vice-versa. When you notice the public hearing for one or the other, make it clear what you are doing - that you are amending one or the other or perhaps both

at the same time. I've seen combined SR/SPR with an "adopted" date and "amended" date on the cover but it is unclear whether one or the other or both were amended. Combining the regulations might provide some efficiency of use but since the statute does not authorize such combination, they still need to be administered as separate and distinct regulations.

Chris Northrop
NHOEP

Thu 2/19/2015 11:12 AM

Hi Chris,

I found this discussion very interesting and would like to explore this possibility of doing this with my Board. My thought would be to consolidate the things that they have in common, like submission requirements and then in subsections have the specifications with reference to the RSA for clarity. I haven't seen what the other towns have done but that was my off the cuff thought.

Robyn L. Payson
Planning Director
Town of Hillsborough, NH

Thu 2/19/2015 1:29 PM

I do not recommend this to towns for the reasons Chris mentioned. I feel the differences would make it confusing for both the Planning Board and the applicant. In addition to those Chris mentioned, quite a bit of application material would be different, and preliminary plans can be required for site plans but not subdivisions. It works better in states like Vermont where the enabling legislation is periodically reviewed by a committee of planner-lawyer types and a bill written to address inconsistencies.

Tara E. Bamford, Planning Coordinator
North Country Council, Inc.

Thu 2/19/2015 4:39 PM

Steve,

What is the impetus for combining them? If the purpose is to lessen the submittal burdens or eliminate redundant submittals that an applicant (who requires both site plan and subdivision approval) has to provide to the PB it would seem that the use of waivers can readily satisfy this goal without changing procedures. By structuring your subdivision and site plan review checklists in a manner that lists/groups plan or other requirements that are common to both applications you will further aid an applicant in preparing a written waiver request to avoid duplicative material submissions. Since the use of waivers is not quite a novel approach, I'm guessing that your PB perceives that other benefits may be achieved by combining the regulations, I'm just not certain what they would be.

Having sat on both sides of the table for a while I think that it is fair to say that both applicant and board tend to want a predictable process and while that shouldn't preclude well-reasoned changes to regulations that reduce unnecessary burdens on one or both parties, I would be cautious about creating a procedural never-never land in which neither party knows if the proceedings are supported in RSAs and case law. We can all think of projects where combined regulations would have been a no brainer and been supported by both PB and applicant, but for more complicated applications or highly contested proceedings I'm not sure that a hybrid hearing/review process driven by requirements from two separate RSAs helps either the applicant or board any more than simply encouraging the applicant to make greater use of the existing waiver provisions available in each regulation.

Tyler Phillips

Thu 2/19/2015 4:47 PM

Tyler - Hooksett's regulations have been combined since 2007 and to the best of my knowledge, the applicants have not experienced any of the concerns you raise. Have you had a chance to look at the link that I sent out a few days ago? The document is set up to cover the many aspects of the planning process, while NOT creating more or redundant work for either the Applicant or the Board...

Dan Tatem
Project Manager
Stantec

Thu 2/19/2015 6:07 PM

Over the past 20 years or so I too have prepared "combined" land use regulations using a format similar to what Dan describes (Bedford, Derry, Pelham, etc.). Dan Tatem is both correct and modest. The Hooksett example he largely prepared is an excellent document and I believe there are a lot of advantages to this approach. If nothing else it reduces that number of pages through elimination of redundancy; which as we all know often leads to discrepancy with the passage of time. In addition to the Hooksett document, take a look at either Derry's or Bedford's Land Development Regulations on line and I trust you may agree. Also, when Sarah Marchant worked in Milford they too reworked their land use regulations using a single document approach. Although I have not personally worked with Milford's current document, I have checked it out and really like its format, content and presentation.

Steven B. Keach, P.E.; President
Keach-Nordstrom Associates, Inc.