



Helping Communities face the challenges and impacts of growth while maintaining their character and sense of place.

## Subdivision and Site Plan Process

iTRaC is the Nashua Regional Planning Commission's new approach to community planning that focuses on integrating transportation, land use and environmental planning. The program was developed to assist communities in dealing with the challenges of growth in a coordinated way that sustains community character and a sense of place.

### Subdivisions

#### What Is a Subdivision?

Subdivision means "the division of [a] lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title"

- RSA 672:14

#### Subdivision Regulations

Municipalities may adopt subdivision regulations once they have adopted a local master plan. Regulations should address street layout, utilities, open space, lot configuration, etc.

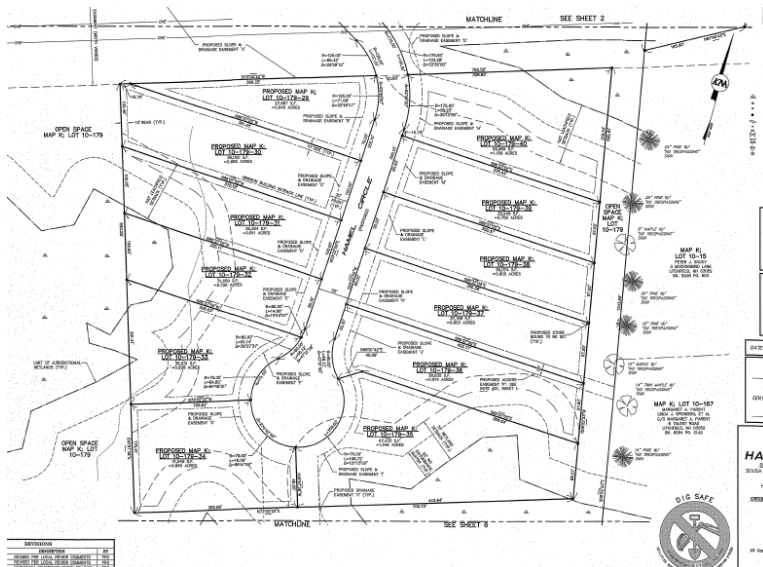
#### Local Authorization

With authorization from the local legislative body, planning boards are able to draft, adopt, and amend subdivision regulations.

### Considerations

- ⇒ Subdivision regulations cannot be broader than the state's definition.
- ⇒ Subdivision regulations cover a wide range of issues but should not be used as a substitute for items that haven't passed at town meetings or the town/city council won't adopt.
- ⇒ A public hearing must be held to adopt subdivision regulations and amendments.

Example: subdividing a lot for multiple houses



NOTE: Subdivision is only the legal subdivision of a parcel of land. The construction of houses is separate.

# Site Plan Regulations

## What is a site plan?

A site plan is a set of detailed drawings that portray the layout of a proposed or an existing project to be modified. Some fundamental features of a site plan are property boundaries, roads, topography, and proposed and existing structures as well as drainage and other proposed improvements. Site plans are only applicable for non-residential and multi-family uses. Pertaining to site plans, multi-family includes all residential structures larger than duplexes, which may create a potential overlap between subdivision and site plan authority dependent on the application.

## Requirements

Site plan regulations must be consistent with the goals of the master plan as well as with the spirit and intent of the zoning ordinance.

Regulations SHOULD address:

- Traffic
- Parking
- Building location
- Utilities
- Landscaping
- Signage, etc.

\*A complete list is detailed in NH RSA 674:44.

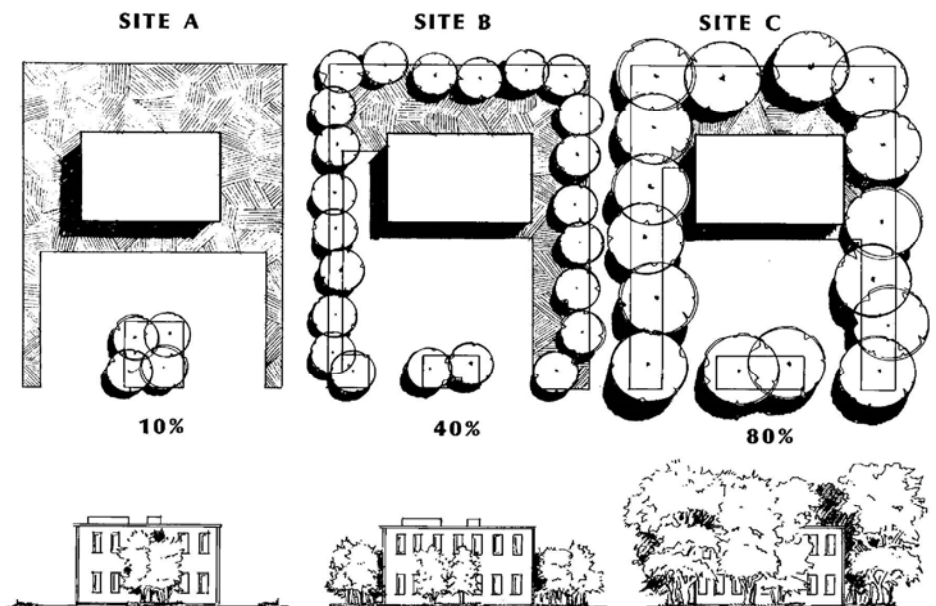


Picture Source: Nashua Regional Planning Commission

Regulations MUST address:

- Procedures
- Purpose
- Standards
- Performance guarantees
- Waiver provisions

Example: Landscaping



Picture Source: Nashua Regional Planning Commission

## Local Authorization

- ⇒ Prerequisite: The municipality must have adopted zoning.
- ⇒ Prerequisite: The planning board must also have properly adopted subdivision regulations because the physical constraints of the land, soils, wetlands, easements, and setbacks determine the intensity of permitted uses in the subdivision.
- ⇒ With authorization from the legislative body, planning boards are able to draft, adopt, and amend site plan regulations.
- ⇒ A public hearing must be held in order to adopt or amend site plan regulations.

## Hearings to Adopt Regulations and Recommend Ordinances

Both subdivision and site plan regulations are proposed, drafted, and adopted by the Planning Board. Once a draft is ready for adoption (for either a new regulation or for an amendment to an existing regulation) the board must hold a public hearing. The proposal must be noticed in 2 public places at least 10 calendar days before the hearing, and shall not include the day the notice is posted or the day of the public hearing (RSA675:7). Once the hearing is complete, if no new changes are proposed or needed, the Board may adopt the regulation. If further work is required, the Board should table the item and plan to conduct another hearing once ready.

### What process to expect from a standard hearing

1. The Chair convenes and reads the legal notice
2. The Chair States the manner of the hearing conduct
3. A member of the Board presents the matter for consideration
4. Board questions (if any)
5. Open hearing for public comment
6. Close hearing after all have had a chance to speak
7. The Chair entertains a motion and second to that motion to adopt the proposed regulation or amendment
8. The Board deliberates and discusses the motion
9. Finally the Board votes on the motion

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Subdivision and site plan regulations do not need to go to the local legislative body for adoption.  
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## Review

### Subdivision and Site Plan Review

For both preliminary conceptual consultation and design review, pre-application review is strongly suggested. Preliminary conceptual consultation encompasses non-binding conceptual discussions with no requirement of notice or a public hearing. Although, good practice suggests that it should be on the agenda and also show up in the minutes. The design review phase includes non-binding discussions with more detail presented. The design review phase requires notice to be given to the abutters, unlike preliminary conceptual consultation.

In the formal application phase, notice to abutters is required, affected municipalities must be notified if there is a potential for regional impact, and a public hearing must be held before the planning board makes a final decision. Before a decision is made, though, the Planning Board must determine the completeness of the application within 30 days of application receipt. The planning board cannot approve a subdivision or site plan that isn't in compliance with zoning ordinance. Only the Zoning Board of Adjustment can grant variances to a zoning ordinance.



Picture Source: Nashua Regional Planning Commission

## Notice

- Prior to holding a public hearing on a submitted application, the proposal must be noticed in 2 public places at least 10 calendar days before the hearing, and shall not include the day the notice is posted or the day of the public hearing (RSA675:7). Notices should include the location, date, and time of the hearing and be posted in 2 public places such as the local newspaper, posted at designated town buildings, or online.
- Personal notice must be made by certified mail to the applicant, all abutters, and any professionals whose seal appears on any plat. Again, notice must be issued at least ten days prior and ideally 14 days prior to the public hearing date for a submitted application to the board.

*Note: RSA 676:4 allows the planning board publish one notice of public hearing by stating that if the application is accepted as complete, it will be on the agenda of each planning board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission, public hearing, and each time the application is on the agenda.*



Picture Source: Nashua Regional Planning Commission

## Decisions

The board must act to approve, conditionally approve, or disapprove an application within 65 days of the date of acceptance of a completed application. Notice of the decision has to be made available to the public within 5 business days after the decision is made. If the application is disapproved, the board must provide the applicant with a reason for the disapproval in writing.

## Reconsideration

The Planning Board has the ability to reconsider any decision to approve or disapprove an application, for good cause, as long as it falls within the statutory appeal period. This is accomplished through a motion that specifies the reasons for reconsideration. Once the motion is successfully passed, the board must schedule a public hearing (notice required). During this hearing the board will consider whether or not to revise or alter the original decision. If the board reaches a new decision, the appeal period will be considered to have begun.

## Records

Approved **subdivision** plans must be recorded in the registry of deeds—it's better if the Town takes responsibility for this in order to avoid instances of approved but unrecorded plans (the applicant should still bear the cost of recording). **Site plans** need not be recorded in the registry unless locally required.

## Appeals of Planning Board Decisions

If a decision on an application is based on a requirement of subdivision or site plan regulation, the appeal has to be made to the superior court within 30 days of the planning board's decision.



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