

Preliminary Review

May 2011, Plan-link question and responses regarding requiring mandatory design review for site plans

Wed 5/4/2011 10:32 AM

Posting: *I am looking for direction to any towns that have included a mandatory design review in their subdivision or site plan review regulations.*

Wed 5/4/2011 3:47 PM

Reply: If a town wants to require preliminary/design review the Town Meeting must authorize this under RSA 674:43 (I). See Below:

I. A municipality, having adopted a zoning ordinance as provided in RSA 674:16, and where the planning board has adopted subdivision regulations as provided in RSA 674:36, may ***by ordinance or resolution further authorize the planning board*** to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

Wed 5/4/2011 4:49 PM

Reply: And RSA 674:35 (I) for mandatory preliminary review for subdivision regulations

I. A municipality may ***by ordinance or resolution authorize the planning board to require preliminary review of subdivisions***, and to approve or disapprove, in its discretion, plats, and to approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved and to which streets water, sewer, and other utility mains, piping, connections or other facilities within subdivisions shall be installed.

Wed 5/4/2011 5:02 PM

Reply: The same language appears in RSA 674:35 (I) for subdivisions. A Town cannot mandate design review or preliminary review under RSA 676:4 (II) for subdivisions or site plans until the Town Meeting grants the Planning Board the power to do so. If your Planning Board wants to mandate preliminary review the first stop is Town Meeting. The language in both RSA 674:35 (I) and RSA 674:43 is quite clear that the Town Meeting must adopt an ordinance in order to require preliminary review. Design Review is merely a subset of preliminary review under RSA 676:4 (II).