

Central New Hampshire Regional Planning Commission

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DATE: JUNE 24, 2021

TO: PITTSFIELD PLANNING BOARD

FROM: STEVE HENNINGER & MATT MONAHAN, CNHRPC

RE: INITIAL REVIEW OF SUBDIVISION AND SITE PLAN REGULATIONS

These regulations can be described as opposites in intensity and complexity. It will be beneficial to combine these regulations into a single “Land Use Handbook” document.

The Subdivision Regulations are extensive, detailed, and legalistic, while the Site Plan Regulations are brief, contain few standards and confuse regulations with guidance. Excessive detail and too much brevity can equally create challenges regarding clarity. In this case, both issues are present, and a combined document could help rectify this issue.

Subdivision Regulations

The Subdivision Regulations contain an extensive amount of state law citations and case law references. Most of the case law and statutory citations could be deleted without changing the regulations and making them easier to read and understand.

In Article 1. Section 2(b) and 3 can be deleted in their entirety.

Definitions should be in the back of the regulations since they are used only when clarification is needed.

There are sections in the regulations which may appear to be unnecessary, such as the entirety of Article 6. The Article may be needed at most once a decade but will save a lot a time, effort, money and frustration and which can take years to resolve if processes are not in place to address these issues.

There appears to be a lot of complete or partial duplication in Article 4.1, entitled Contents Required for Every Subdivision. This will take some time to work through.

Article 2 Interpretations. This Article is significantly confusing to the reader. It should be deleted and replaced with simpler language with better clarity.

Site Plan Regulations

The Site Plan Regulations are almost entirely lacking in design standards leaving most design features such as parking landscaping, drainage, site access, etc. to the purview of the Planning Board. In such a situation the Board then has to determine if the design

features are designed properly or need to be slightly or significantly modified with little guidance to do so. Such a situation can create difficulty between the Board, the developer, abutters and the community in general. Specific standards are needed to provide direction for those preparing plans, for the Board members, and for the community. This would allow for more consistent implementation and would enable the Board to focus more on unusual or controversial aspects of an application and hopefully leave more time for long range planning and coordination.

The Regulations do not provide enough clarification as to how to determine if an application is a major or minor application. It cites examples in the regulations, but this should best be included in a Handbook and not in the regulations themselves.

Finally, a process for determining the applicability of site plan review for smaller projects should be incorporated. This would help provide some clarity about whether smaller projects need Site Plan approval or not.

Moving Forward

The objective for updating the regulations should focus on simplifying the Subdivision Regulations and providing more detail for the Site Plan Regulations. Combining the two Regulations into one “Land Use Handbook” document can help accomplish this through shared standards and processes, as well as create greater efficiency.