

Site Plan Review

WHAT ARE THE WATER PROTECTION OBJECTIVES OF SITE PLAN REVIEW?

Site Plan Review allows local governments a mechanism to review site specific development impacts to insure appropriate erosion and sedimentation controls are in place.

WHY DO WE NEED SITE PLAN REVIEW FOR WATER QUALITY?

Protecting the quality and quantity of clean drinking water is important to all communities. Many different methods of protecting and conserving clean drinking water have been used throughout history. One technique used in many communities throughout New England today is the “Site Plan Review” process when changes are made to the land. Site Plan Review allows site specific consideration of development impacts on water quality.

HOW DOES SITE PLAN REVIEW WORK?

Site Plan Review ensures municipal development requirements for certain types of non-residential or multi-unit residential development or re-development projects are adhered to. The plan typically must show buildings, parking areas, landscaping, drainage and other installations on the lot, and their relationship to existing conditions such as roads, neighborhood land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features. Site Plan Review is an extremely important method to insure that uses permitted by the zoning ordinance are constructed on a site in such a way that they fit into the area without causing drainage, traffic, or lighting problems.

HOW DOES SITE PLAN REVIEW PROTECT WATER QUALITY?

In order to protect water quality through the Site Plan Review process, towns must first identify water resources throughout their town, including all past, present and future possible sources of drinking water for the community from both above-ground and below-ground sources. Once these sources are identified, the watersheds from which these sources are recharged are determined (water sources are recharged by all rainwater and snowmelt that falls within the watershed and flows downhill to the water source). These watersheds can be known as “Water Supply Watersheds.” Mapping water supply sources and their watersheds can be done by drawing sources on a copy of a town map or by using a geographic information system. The United States Geological Survey has produced a map of potential underground aquifers throughout New England.



During the site plan review process, care should be taken to look for threats to surface water and groundwater such as: excessive runoff, toxic chemicals (including those from cars and parking lots), excessive impervious area, cutting of vegetation on steep slopes, excessive removal of native species, lack of adequate reclamation techniques for disturbed sites, poor stormwater management. Site plan and site design review checklists can be made so that a reviewer or team of reviewers has a list of all the factors they should be reviewing.

Cities and towns should first establish zoning ordinances and the site plan review process.

Massachusetts:

Massachusetts General Law Chapter Chapter 40A, the state Zoning Act, contains no specific reference to site plan review, but has been recognized in the courts of Massachusetts as a permissible regulatory tool for controlling “aesthetics and environmental impacts of land use”. This zoning tool is entirely the creation of local ordinances and bylaws, and as a result, the scope of site plan review, as well as the procedures and criteria, are dependent to a large extent on the contents of the individual ordinance or bylaw adopted by the municipality.

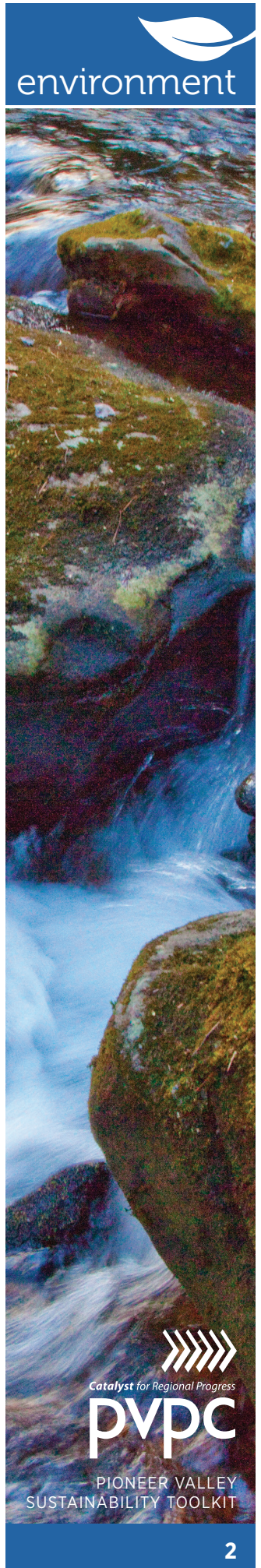
Generally, site plan review bylaws and ordinances establish criteria of the layout, scale, drainage, screening, lighting, stormwater maintenance, and other aspects to arrive at the best possible design for a project. Site Plan Review is used in a variety of manners by communities in Massachusetts. Some communities have attached Site Plan Review to the Special Permit process, and procedure for review is consistent with Special Permit review procedure addressed in MGL Chapter 40A, Section 9. Other communities have adopted Site Plan Review to be used with as-of-right uses and allow the reviewing body to impose conditions that do not have the effect of prohibiting the use.

Whether a community decides to adopt Site Plan Review for as-of-right uses, or attached to a Special Permit, the municipality can ensure that one of the criteria for approval is the prevention of pollution of surface and groundwater, soil erosion, increased runoff, and flooding and protection of wetlands, watersheds, aquifers, and well areas. The municipality can also encourage the use of Low Impact Development standards as part of the development process.

New Hampshire:

In New Hampshire, the authority to create zoning laws is presented in the state’s land use planning laws under Revised Statutes Annotated (RSA) 674:16, and the power to establish the site plan review is under 674:43.

In New Hampshire, RSA 674:44 describes the following qualifications for the site plan review process. Projects must:



- » Provide a safe and attractive development, change or expansion
- » Guard against danger or injury to health, safety or prosperity by reason of inadequate protection of the quality of groundwater or any discharge into the environment which might prove harmful to persons, structures or adjacent properties.

Site plan review handbooks like the one that New Hampshire's Office of Energy and Planning has produced¹ contain requirements for stormwater management, erosion control, perimeters around existing and proposed wells for drinking water, and provisions for requiring state-approved septic systems where applicable.

Towns that adopt zoning ordinances and site-plan review gain the ability to find threats to groundwater and surface water prior to developments, changes or expansions. By working with developers, engineers or citizens in the site-plan review process, adequate protection measures can be discussed and agreed upon early in the process and avoid costly retro-fitting during or after construction. Well-planned sites will help towns to protect both the quality and quantity of drinking water supplies.

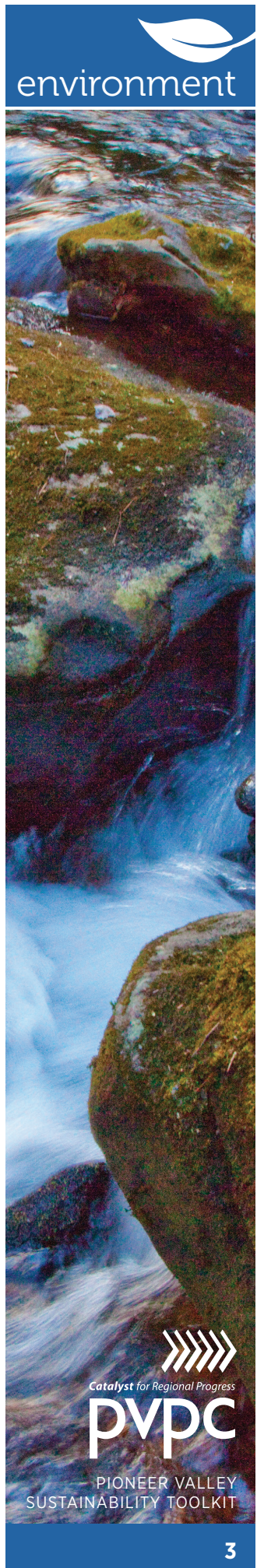
Towns can encourage retro-fit of large parking areas during re-development to implement low impact development (LID) strategies. LID can be used in new development and re-development to insure stormwater remains on-site.

In order to protect surface and groundwater resources, cities and towns should exercise their right to institute zoning laws and the site-plan review process. By working with site developers, engineers and citizens early in the process, water resources can be protected and conserved. By encouraging all parties to negotiate in good faith early in the process, wise use of the land can be discussed and implemented in the site plan, so that costly re-design or retrofitting can be avoided.

HOW AND WHERE IS SITE PLAN REVIEW USED TO PROTECT WATER QUALITY?

One of the primary functions of site plan review is to protect water quality. Most towns and cities with site plan review require evaluation of drainage from the site during and after construction. A New Hampshire model and municipal examples are available on line at:

<http://www.nh.gov/oep/resourcelibrary/referencelibrary/s/siteplanreview/index.htm>.



EXAMPLES

References

NEW HAMPSHIRE OFFICE OF ENERGY AND PLANNING SITE PLAN REVIEW HANDBOOK:

<http://www.nh.gov/oep/resourcelibrary/referencelibrary/s/siteplanreview/documents/subdivisionandsiteplanreviewhandbook.pdf>

HANOVER, NH SITE PLAN REVIEW REGULATIONS:

[http://www.hanovernh.org/stories/storyReader\\$86](http://www.hanovernh.org/stories/storyReader$86)

<http://web.valley.net/files/hanovernh/SitePlanRegulations.pdf>

LEBANON, NH SITE PLAN REVIEW REGULATIONS:

http://lebanonnh.virtuالتownhall.net/public_documents/LebanonNH_PlanDocs/SPREGS.PDF

LEBANON, NH SITE PLAN REVIEW CHECKLIST:

http://lebanonnh.virtuالتownhall.net/public_documents/LebanonNH_PlanDocs/Applications/Siteplan%20check.pdf

Contact Information and Links

NH OFFICE OF ENERGY AND PLANNING:

www.nh.gov/oep

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