

Planning Lunches at Noon (PLAN) Monthly Webinar Series

Welcome to the June 2025 PLAN Webinar!

“Next Steps After Plan Approval”

Check out OPD’s [Planning and Zoning Training webpage](#) for:

- Slides and recording of past PLAN Webinars and conferences
- Planning Board and Zoning Board 101 slides and recordings
- Planning Board and Zoning Board Handbooks
- Optional Tests and Certificates
- This webinar is eligible for [AICP CM](#) credit.

Next Steps After Plan Approval

Cynthia Boisvert, President of Arago Land Consultants

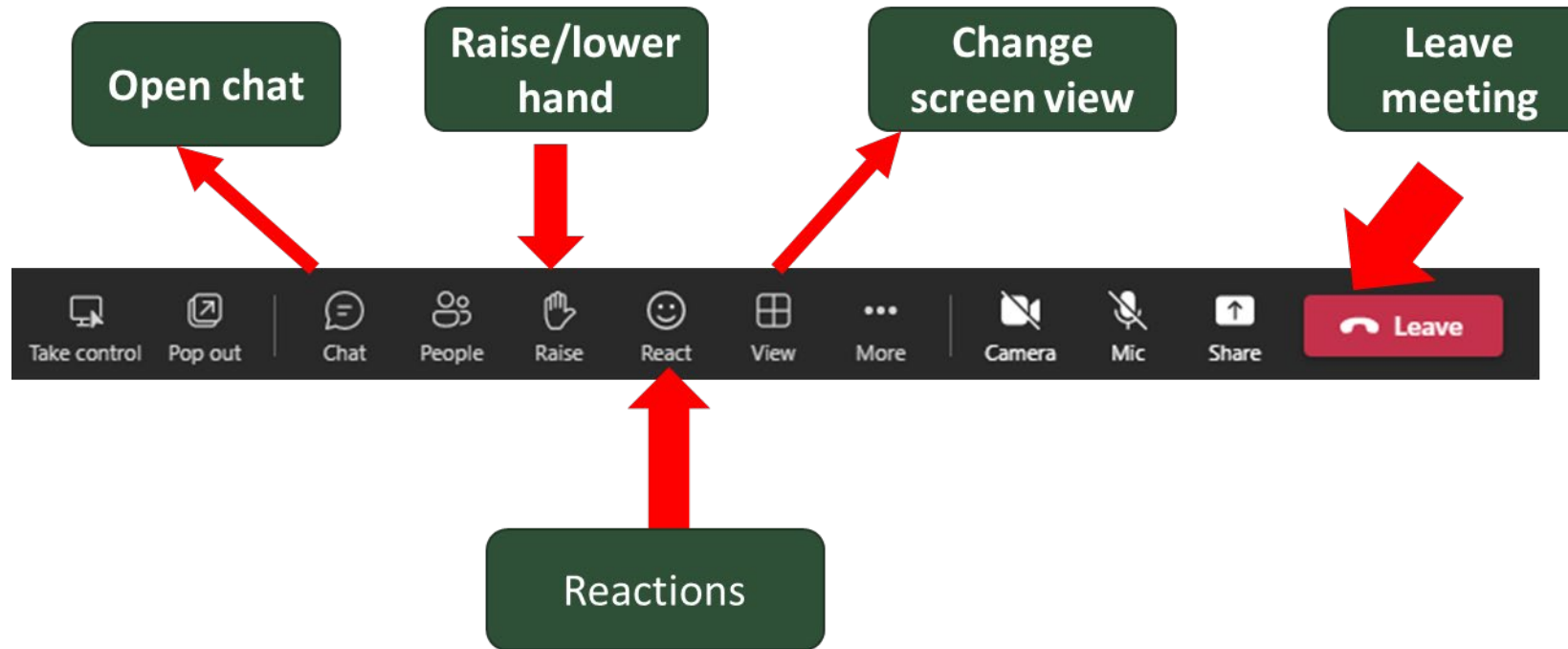
Kelley Monahan, Register of Deeds, Grafton County

Shane Conlin, City of Somersworth Code/Zoning Enforcement Officer

June 12, 2025

How To Participate

- ▶ For questions, type them into the chat box
- ▶ We will do our best to answer all questions by the end of the webinar





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BEA

New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

Agenda - Important RSAs

[RSA 478:1-a](#) Registers of Deeds, AKA as the Plat Law

[RSA 310-A:54](#) Land Surveyor Definitions

[RSA 310-A:53](#) Land Surveyors General Provisions

[RSA 310-A:72](#) Land Surveyors Violations and Penalties

[RSA 310-A:74](#) Land Surveyors Exemptions

[RSA 310-A:2](#) Professional Engineers Definitions

TITLE XL VIII CONVEYANCES AND MORTGAGES OF REALTY

CHAPTER 478 REGISTERS OF DEEDS

Section 478:1-a

Registers of Deeds, AKA as the Plat Law

- ▶ Plat: Map with specific area, boundaries defined by metes bounds (bearings and distances)
- ▶ Certifications, Seals, Approval blocks: Original signatures and dates in black ink
 - ▶ No shading over text
 - ▶ No lines through any text on the plan

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Section 310-A:54

- ▶ Specialist in measuring land.
- ▶ Determining property boundaries and subdividing land

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Land Surveyors Section 310-A:53

Land Surveyors General Provisions

- ▶ Class B misdemeanor to OFFER Land Surveying without a license

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Land Surveyors Section 310-A:72

Land Surveyors Violations and Penalties

- ▶ Class A misdemeanor to PRACTICE Land Surveying without a license

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Land Surveyors Section 310-A:74

Land Surveyors Exemptions

- ▶ Type of surveys permitted for engineers, government, foresters
- ▶ Not boundary, right of way, or easements

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Professional Engineers Section 310-A:2

Professional Engineers Definitions

- ▶ Excludes surveying of property for establishment of land boundaries, right of ways, or easements

Planning Board Conditions for Approval for Plans to Recorded:

- ▶ Only "Land" plans should be recorded.
- ▶ Boundary, Subdivision, Right of way, or Easement plans.
- ▶ Only Planning Board conditions relating to above plans should be noted on the above plans.
- ▶ All other conditions should be on the cover, site, grading, sewer, & detail sheets which remain in the town's files.
 - ▶ The above plans contain PROPOSED items, which may or may not be built as designed.
 - ▶ These plans are prepared by other professionals: engineer, architect etc.
 - ▶ A Licensed Land Surveyor should not certify or stamp these plans

The Registry of Deeds is for "Land" plans, not proposed site development plans.



Roadblocks to recording

Kelley Monahan
Grafton County
Register of Deeds
June 12, 2025



Gatekeepers

We all share the same goal and that is the lawful recording to the official public record of all documents that conform to standards and are accompanied by the correct tax and fee payment. This information is easily referenced on our official websites. Most can be located at NHDeeds.com

Plat Law

New Hampshire RSA 478:1 a

A great deal of time, effort and coordination went into the development and adoption of Plat law for many great reasons.

Issues

- Hybrid Plans - We will reject documents that attempt to bypass the planning board process or surveyor by taking a section of a recorded or recorded plan and calling it an exhibit.

Issues

- Chain of custody of approved and signed plats.

Best practices - Once a plan is approved and signed by the Planning Board Chairman and the surveyor, this plan is then to be in the custody of a trusted planning board member, preferably the Chairman or the surveyor to be recorded in person or sent via USPS or express delivery. This will eliminate the possibility of the plan being tampered with or altered before it is permanently recorded to the official public record.

Issues

Double sided documents – These present a problem as the recording process begins with the scanning of the document into the land records software system. DES or court documents can occasionally fall into this category.

Issues

LCHIP – Land and Community Heritage Investment Program

Many citizens and planning board members are surprised by the additional separate \$25.00 check that is required to accommodate the proper payment to DRA for this state hybrid program. A checklist for each planning board is a great tool for to insure a smooth recording process.

Issues

Excessive information requested by the town or applied by surveyor or engineer.

1. Excessive topographic information which confuses plan
2. Documents reduced in size and pasted on the plan to avoid a separate recording.

Solution

1. We will reject plans that include reduced documents. These documents should be recorded separately. Best practice is for the plan is recorded first and then associated document should reference the plan number.
2. A separate sheet made for specific town requirements. The plan recording here is to clearly communicate change in ownership for the purpose of correct taxation.

Responsibility of the Register

The system that represents a major cornerstone of our economy, the official public record, consists of many invisible moving parts.

Our primary objective for any document that is recorded is clarity. The ability to read and analyze these documents into perpetuity should be everyone's goal.





Summary – Share the knowledge

Thank you!

Kelley Monahan Grafton County Register of Deeds

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Nhdeed.com



Planning Board: Site Plan and Subdivision Approval

Shane Conlin
Code Compliance Officer
City of Somersworth

Conditional Approvals

Conditional Approval

The planning board's decision to approve an application with conditions may be necessary for a variety of reasons:

- The application may require minor revisions;
- Permits or approvals from other boards or agencies may be lacking or pending;
- Improvements to roads, sewers or other utilities may be required before the development is completed; or
- The board may want to require conditions to address abutter concerns discussed at the public hearing.

Approval Categories

- Two general categories of conditions:
 - Conditions precedent are conditions that must be fulfilled before the planning board gives final approval to an application. Examples include obtaining state permits, obtaining bonds for construction, stormwater management agreements, recordings with the registry of deeds and making plan revisions.
 - Conditions subsequent are conditions that appear on the final plan and deal with restrictions on the use of property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include preservation of existing vegetation, erosion controls, lighting requirements, updates to property addresses, hours of operation and limits to potential public nuisances such as light and sound admittance.

Conditions Precedent

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL

- a. The final plans shall bear the stamp and signature of the engineer, licensed land surveyor, and the landscape architect. Please submit five folded 24" x 36" paper copies of the full set of plans to the Office of Development Services for final endorsement.
- b. Applicant shall submit a copy of a signed Stormwater Management Systems Inspection and Maintenance Manual confirming they have read the inspection and maintenance manual and acknowledge the responsibility to maintain the management practices outlined.

Conditions Subsequent

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:
 - a. The units will require new addresses. Please submit a request and floor plan for a new unit address assignments to the City Engineer. If a hearing before the E-911 Committee is required, this hearing must occur prior to the issuance of Building Permits.
 - b. A performance surety, in an amount agreeable to the Department of Development Services, but no less than 25% of the cost of site construction determined by the engineer's estimate of construction value, will be established for on-site erosion control and site restoration prior to any site work and off-site improvements. If all site work is completed as proposed this account will be refunded.
 - c. The applicant shall apply for a new Water and Sewer Connection Permit. The applicant will be required to pay standard water and sewer connection fees assessed on new properties connecting to the water and sewer system. Water fees will be based on the

Posting of Bond or Other Surety

- A municipality must be assured that all improvements will be constructed in accordance with the subdivision or site plan.
- When improvements are included as conditions for subdivision or site plan approval, the planning board should require a performance bond, letter of credit, or other type of financial security as specified in the subdivision and site plan regulations.
- Bonds or other means of surety ensures with a high degree of certainty that streets will be constructed, utilities installed, and landscaping and other improvements installed in accordance with the site plan or subdivision.
- Posting of the bond or other security must be completed before the plan is signed by the board.

Enforcement

- The planning board has authority to conduct third-party reviews and construction inspections to ensure the terms of the subdivision or site plan approval are met and construction is in accordance with the approved plat or plan.
- Noncompliance issues can and will happen. The involved municipality has several options for enforcement.
- Consultation with the municipal attorney is strongly recommended prior to taking enforcement action.

Enforcement

- Site Plan or Subdivision Enforcement Methods:
- **Seek voluntary compliance** – More often than not, violations are unintended and the violator may be more willing to cooperate than be required to proceed through formal enforcement actions.
- RSA 676:4-a – Revoke an approval when the applicant or the applicant's successor performs work, erects a structure or structures or uses the land in ways that fail to conform to the plans or specifications upon which the approval was based, or has violated any requirement or condition of approval.
- RSA 676:17 – Recover fines and penalties for violations of local land use regulations and subsequent offenses. Each day a violation continues may be considered a separate offense.
- RSA 676:17-a – Issue a cease and desist order against any violations.
- RSA 676:17-b – Issue a local land use citation in addition to the summons. The defendant receiving such a citation may plead guilty or nolo contendere (no contest) by mail. If the court accepts the plea, the defendant shall not be required to appear in court.
- RSA 31:39-d – Use the plea-by-mail process, which is permitted for land use violations but not for violations of the state building code.

Contact Information

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Q&A

THANK YOU