

Approved subdivision plan, yet to be recorded - Deadline?

Plan-link posting and reply, August 2012

Posting:

RSA 674:37 states that an approved plan shall be recorded (...) I could not find anything explaining what timeframe an applicant, who had an application approved, has to provide the final stamped prints and Mylar in order to record the subdivision. Question: How long an approved subdivision, still to be recorded, is valid? In other words, the applicant does not want to record the plans quite yet; what if he/she brings them in one, two... years from now and regulations have changed?

Reply:

Two points, first the Subdivision/Site Plan regulations should provide how long the applicant has to satisfy the conditions of approval to permit recording of the approved plan. Theoretically an approved but not recorded plan can be deemed still before the Board and entitled to acceptance vesting under RSA 676:12 (VI). Second, the approved plan does not get vesting under RSA 674:39 until recorded. If the Town does not have a regulation that states an approved plan must be signed and recorded within a specified time, and the applicant returns to the Town three years later after the date of Planning Board approval asking for the plans to be signed and recorded, the Planning Board may be hard pressed to say no unless there has been a substantial change of conditions since the date of plan approval. Generally, not a good position for the Board to be in.