

REPORT TO THE LIBRARY EXPLORATORY COMMITTEE
submitted by the Implementation as a Town Building Subcommittee
August 3, 2021

Statutory Considerations and Legal Processes

This report will outline potential statutory considerations and legal processes for the acceptance of the proposed donation of the general store building located at 226 NH Route 120 in Cornish Flat, New Hampshire, for the purpose of relocating the public library from its current location at 24 School Street, also in Cornish Flat, New Hampshire. Advice, guidance, and information from the New Hampshire Municipal Association, the Charitable Trusts Unit of the New Hampshire Department of Justice, the New Hampshire Association of Library Trustees, Primex, the Cornish Library Trustees, and the Cornish Historical Society has been invaluable in the writing of this report. The purpose of this subcommittee report is not to determine the advisability of relocating the building, but to outline the legal steps that may be involved in accepting the donation and to identify topics for further consideration.

The Town of Cornish voted to construct the George H. Stowell Free Library in 1910. George H. Stowell was born in Cornish, but moved to neighboring Claremont and established a successful career in the hardware business. Article twelve of the 1910 town warrant shows that Mr. Stowell donated the funds for the construction and furnishing of a library to the Town of Cornish:

12. To see if the Town of Cornish will vote to furnish a suitable lot for a library building at the expense of the Town, on condition that the Hon. Geo. H. Stowell will at his expense construct said library building at Cornish Flat, at an expense not exceeding five thousand dollars, and furnish said library building at own expense not exceeding one thousand dollars. Said library building and library to be maintained by said town when so constructed, and raise money therefor.
(1910 Cornish, NH, Town Warrant, Article 12)

Mr. Stowell's 1910 gift of \$6,000 has a relative inflated worth of approximately \$177,000 in today's dollars. The G.H. Stowell Free Library is a lovely example of the classical revival style and has served the Town of Cornish well. However, there is no water supply to the building, nor is there access for the disabled.

The Stowell Library is a Town of Cornish building, but the Cornish Library Trustees are granted authority and control over the library by State statute:

202-A:6 Library Trustees; Election; Alternates. – *The library trustees shall have **the entire custody and management of the public library and of all the property of the town relating thereto**, including appropriations held pursuant to RSA 202-A:11, III, but excepting trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors*

are elected and qualified. There may be no more than 3 alternates as provided in RSA 202-A:10. {emphasis added}

On the one hand, there is no line between the town and the trustees; the trustees are part of the town. On the other, there is a very clear line with regard to their authority and control over all property of the town related to the library. The Cornish Library Trustees are an elected board of three members with staggered three-year terms. Among the powers and duties of the library trustees outlined in RSA 202-A:11 is the preparation of an annual budget for the support and maintenance of the library that will be required from public funds. This budget request is reflected in the yearly operating budget request on the Cornish town warrant. Once the library appropriation has been paid over by the town, the trustees have complete authority to expend those funds for library purposes. The budgeted 2021 appropriation from the general fund to the G.H. Stowell Library was \$26,843. The Trustees of the Trust Funds (separate from the Library Trustees) have custody of a capital reserve fund for maintenance of the library building. As of year-end 2020, the Library Capital Reserve fund balance was \$69,446.54.

The possibility of the donation of the former general store building located at 226 NH Route 120 in Cornish Flat for the relocation of the G.H. Stowell Free Library was brought to the Town during the other business section of the June 8, 2021, Annual Town Meeting, which had been delayed from March due to the Covid-19 pandemic. The general store building offers more space, a water supply, and access to the disabled. In order to gain a better understanding of the process for the town to accept the donation of the store building, both the New Hampshire Municipal Association and the Charitable Trusts Unit of the New Hampshire Department of Justice were consulted. Two possible avenues to acceptance arose from those discussions.

The Public Libraries chapter of the state statute provides a mechanism for the establishment of a public library:

202-A:3 Establishment. – *Any town may establish a public library by majority vote at any duly warned town meeting. Any town may vote in the same manner to accept a public library which has been provided, in whole or in part, by private donation or bequest and may accept any bequest, devise or donation for the establishment, maintenance and support of such a library. The powers herein granted to a town may be exercised by a city by vote of the city council.*

Under this statute, a town meeting vote would be required to establish the general store as a public library provided by private donation. However, it was the opinion of the Charitable Trusts that since the proposal moves the existing library to a new location, the provisions of RSA 202-A:3 technically may not apply since no new library is being established. Likewise, no new board of library trustees would be elected to manage the ‘new’ library.

Alternatively, the Selectboard was granted the legal authority by majority vote of the town in 1996 to accept donations pursuant to the provision of RSA 31:19, indefinitely until rescinded:

31:19 In General. –

I. Towns may take and hold in trust gifts, legacies, and devises made to them for the establishment, maintenance, and care of libraries, reading-rooms, schools, and other educational facilities, parks, cemeteries, and burial lots, the planting and care of shade and ornamental trees upon their highways and other public places, and for any other public purpose that is not foreign to their institution or incompatible with the objects of their organization.

II. Towns may authorize the board of selectmen, or town council if there is one, to accept such trusts without further action by the town.

III. Such authority to accept shall continue in effect for one year from the date of town meeting or action by the town council. The authority to accept trusts may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words, "indefinitely" or "until rescinded" or similar language.

This statute gives the Selectboard the authority to accept a donation “without further action by the town,” or in other words, without town meeting approval. The previous vote of the town gave the selectmen a blanket authorization to accept gifts pursuant to RSA 31:19. That authorization remains in effect until rescinded by another vote at town meeting. A donation of real estate likely qualifies as an authorized gift, legacy, or devise pursuant to the provisions of RSA 31:19. Importantly, while RSA 31:19 allows the selectboard to accept gifts without further town meeting approval, it does not prevent them from putting the question of acceptance on the warrant. Further, any appropriation for renovations to the proposed library space would need to be placed on the town warrant, so putting the entire question to town meeting may be the most appropriate path to take.

After a decision to accept the donation of the general store building, the town would accept the gift of real estate and then turn control of the building over to the library trustees. Per Charitable Trusts, the deed should include a restriction that the building is donated for library purposes and would be conveyed to the Town of Cornish. The Selectboard and the Library Trustees should come to an agreement regarding control of the renovation process. Until the Selectmen turn the building over to the Library Trustees, the building would be under Selectboard control. A building committee composed Selectboard members and Library Trustees could give both parties control of the renovation process.

Acceptance of a new library building brings the town to the question: what to do with the G.H. Stowell Library building? If the trustees choose to discontinue use of the building, RSA 202-A:18 may apply:

202-A:18 Discontinuance of Library. – *Any town now maintaining a public library established by expenditure of town funds may by majority vote at a regular town meeting discontinue said library. In case of such discontinuance, the library property of the town may be loaned or disposed of by the library trustees,*

subject to the approval of the commissioner of natural and cultural resources.
The provisions of this section shall not apply in cases where a public library has been acquired by the town in whole or in part by donation or bequest.
{emphasis added}

The donation of the G.H. Stowell building restricted the building to library related uses by very nature of the fact that the building was donated as a library. If the Stowell building no longer serves in that capacity, it would revert to the Selectmen's responsibility since the building belongs to the town. However, the last sentence of 202-A:18 clearly states that a library acquired through by donation cannot be discontinued, loaned, or disposed of by the library trustees. In order to use the George H. Stowell building for any non-library purpose, the town likely would have to file a *Cy pres* petition with the probate court. A *Cy pres* petition asks a court to recognize that the terms of a charitable trust or restricted gift have become impossible or impracticable to fulfill. The NH Charitable Trusts Unit would review the written terms of Mr. Stowell's 1910 gift and would be a party to the court case. Of utmost importance, the Selectboard, Library Trustees, and the Charitable Trusts Unit must come to an agreement about the future use of the building before filing the *Cy pres* petition.

Alternatively, the George H. Stowell Library could remain under control of the Library Trustees, perhaps as an archives, special collection, or research library. The Trustees may be able to allow a group such as the Cornish Historical Society to exhibit items in the G.H. Stowell library space. This course of action might preclude the necessity of a *Cy pres* petition.

The donation of the general store building as a library, likewise, would be a restricted gift, and the provisions of RSA 202-A:18 would apply. A decision to accept the donation of the general store building should be made with the understanding that the building could not be used for anything but a library.¹ After acceptance, a subsequent discontinuance of the use of the general store building as a library likely would require a *Cy pres* petition. It is in the interest of all parties that terms of the gift and any stipulations to that gift be stated clearly in writing early in the decision-making process.

The possible statutory considerations and legal processes outlined in this report show that the acceptance of a new library building and possible discontinuance of the old are a sizable and complex legal undertaking. The Town must work with Town Counsel to develop a comprehensive plan for the proposed acceptance and renovation of the new library building and the possible discontinuance of the George H. Stowell Library building.

Further Considerations: Public and Private Use

The purpose of a structure or property is its use. A public use generally confers some advantage to the public. Public use does not necessarily imply public access although it often does. Public schools, fire stations, municipal offices, public libraries, and public parks are a few

¹ How the proposed residential and commercial spaces would be treated under this statute is a question for legal counsel.

examples of the public use of a property. Conversely, private uses do not necessarily imply that the public has no access, nor does public access make a private use a public one. Private uses of property can include various residential and business uses. Land use regulations, such as zoning ordinances, regulate an owner's use or development of land, including the structures attached to that land.

The conversion of the general store building to a public library would constitute a change of use from private to public. RSA 674:54.II-a is understood to exempt governments from local land use regulations:

674:54.II-1 *Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.*

If uses that are not governmental on governmentally owned land must comply with local land use regulations, then uses which are governmental on governmentally owned land do not have to comply with local land use regulations. As a public use, a library may be exempt from local regulations such as minimum lot size, maximum lot coverage, parking regulations, etc.; however, the library would not be exempt from building code specifications for a public building. Some of these specifications could include the floor load requirement to house books, handicap accessibility, electric wiring, sprinkler system, bathroom facilities, and fire code for meeting space.

The main space of the general store building is proposed for the new library. The building space also comprises two residential apartments and a separate commercial space available for lease. Leasing a portion of space in a government-owned building for private residential or commercial use with the remaining space a public use is a "mixed-use." The town should seek legal counsel and consult a licensed professional with experience in municipal building design requirements regarding any potential liability issues and code specifications related to the proposed mixed-use of the building.

Further Considerations: Authority to Lease Town Property

The Town currently leases the Town Hall and Trinity Church to the general public for various events that are not governmental or public uses. The lease period is usually no longer than a weekend. In a few instances the lease period has been longer. A circus camp, for example, leased the Town Hall for several weeks. Pre-pandemic, the revenue from rental of the Town Hall ranged from \$1,000 to \$1,750 annually. Town Hall rental revenues are placed in the general fund and are used to offset the tax rate. Trinity Church revenues do not go into the general fund. RSA 31:95-c allows towns to create special revenue funds by town meeting vote:

31:95-c Special Revenue Funds. –

I. Towns may, pursuant to RSA 31:95-d, vote to restrict revenues, or any portion of revenues, from a specific source to expenditures for specific purposes. Such revenues and expenditures shall be accounted for in a special revenue fund separate from the general fund.

The Town of Cornish voted to create a special revenue fund in 2009 (Article 18) to restrict all revenues from fees for the use of Trinity Church to expenditures for the maintenance, repair and improvement of Trinity Church and its grounds. Funds going into the special revenue fund are separate from the general fund. Special revenue funds can only be expended by a town meeting vote for a specific amount and for the previously voted purpose of the fund. This is why the following article has been on the warrant each year since the creation of the Trinity Church Special Revenue Fund: “To see if the Town will vote to raise and appropriate the sum of \$XX for the repair maintenance and improvement of Trinity Church and its grounds, with said funds to come from the Trinity Church Special Revenue Fund.” Because the appropriation come from the special revenue fund, the expenditure has no impact on the tax rate.

New Hampshire statute grants the authority to lease town property for non-public uses through RSA 41:11-a:

41:11-a Town Property. –

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

II. The authority under paragraph I shall include the power to rent or lease such property during periods not needed for public use, provided, however, that any rental or lease agreement for a period of more than one year shall not be valid unless ratified by vote of the town.

III. Notwithstanding paragraph II, the legislative body may vote to authorize the board of selectmen to rent or lease municipal property for a term of up to 5 years without further vote or ratification of the town. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting provided that the term of any lease entered into prior to the rescission shall remain in effect. {emphasis added}

A public library is town-owned property which is under the custody and management of the library trustees. Note the reference in Section I of RSA 41:11-a, *Town Property*, to RSA 202-A:6, *Library Trustees, etc.* It may be safe to infer that the library trustees have the same authority to lease property over which they have control, i.e., the public library, as the Selectboard does over town-owned properties such as Trinity Church and the Town Hall.

However, Sections II and III of RSA 41:11-a also highlight the major difference between the current leasing systems for Trinity Church and the Town Hall and the proposed leasing of the general store’s commercial space and two residential apartments. The Selectboard does not need the ratification of the town to lease the Town Hall or Trinity Church because the typical lease period of one day to several weeks is far less than one year. Per Section II of RSA 41:11-a, if the lease agreement were to cover a period of more than one year, the proposed residential and commercial leases associated with the general store would need to be ratified annually at town meeting. The town could vote under Section III to extend the period to up to five years.

Sections II and III seem to apply regardless of which authority, selectboard or library trustees, controls the particular town property.

Perhaps the requirements of RSA 41:11-a would not apply to a month-to-month apartment lease, but it is important to keep in mind the apparent intent of the statute. The legislative body is meant to have a say in whether town-owned property should be subject to long-term lease for uses that do not have a public purpose. Moreover, the committee should be cautious in assuming an annual or quinquennial approval at town meeting, if required. Future events or circumstances could cause public opinion to change. No vote is a sure thing.

Libraries may place monies received from “fines and payments for lost or damaged books” (RSA 202-A:11.III) and from “income generating equipment” (RSA 202-A:11-a) in a non-lapsing fund for library related expenses. An example of income generated from equipment could be per copy fees for use of a library-owned copier. Revenue generated from leasing apartments or commercial space does not seem to meet the definition of “equipment” and thus likely would not be governed by RSA 202-A:11, III or RSA 202-A:11-a, so revenue from rents would be placed the general fund of the Town. The Town could vote to create a special revenue fund to place specific revenues, e.g., revenues from rents, into the special revenue fund and, further, to restrict expenditures from that fund to a specific purpose, e.g., maintenance, repair and improvement of the public library. The process to expend funds from said special revenue fund would require the same yearly authorization at town meeting as the Trinity Church Special Revenue Fund.

Towns should exercise caution in offsetting operating expenses with anticipated revenues. Revenues fluctuate from year to year, and a promise that a new program will be funded by revenues or grants at no further cost to the taxpayer is seldom forgotten and not easily kept. Town operations comprise essential services for the benefit the citizens of Cornish. Expanding library services likely will result in a corresponding increase to the operating budget of the town. While offsetting revenues from rents could minimize the tax impact of an operating budget increase, the decision to expand services should not be based on the prospect of such revenues. The decision to expand services should be based on the anticipated benefit to the residents of Cornish, a benefit that may greatly outweigh the added expense. The first paragraph of RSA 202-A, *Public Libraries*, cites the NH State Constitution in describing the benefit a public library provides to citizens:

*Mindful that, as the constitution declares, "knowledge and learning, generally diffused through a community" are "essential to the preservation of a free government" the legislature recognizes its duty to encourage the people of New Hampshire to extend their education during and beyond the years of formal education. To this end, it hereby declares that **the public library is a valuable supplement to the formal system of free public education and as such deserves adequate financial support from government at all levels.** {emphasis added}*

Further Considerations: Property and Liability Coverage

The Town of Cornish is a public risk pool member of Primex, the New Hampshire Public Risk Management Exchange. A public entity risk pool is not insurance. Instead, the pool finances exposure to risk or liability between governmental entities. In short, the financial resources of the pool are so large that unpredictable risks distributed among members of the pool become predictable. The arrangement is similar to self-insurance. Primex provides property, liability, unemployment, and workers compensation coverage to the Town of Cornish. The Town's 2021 budgeted annual contribution to Primex is \$35,000.

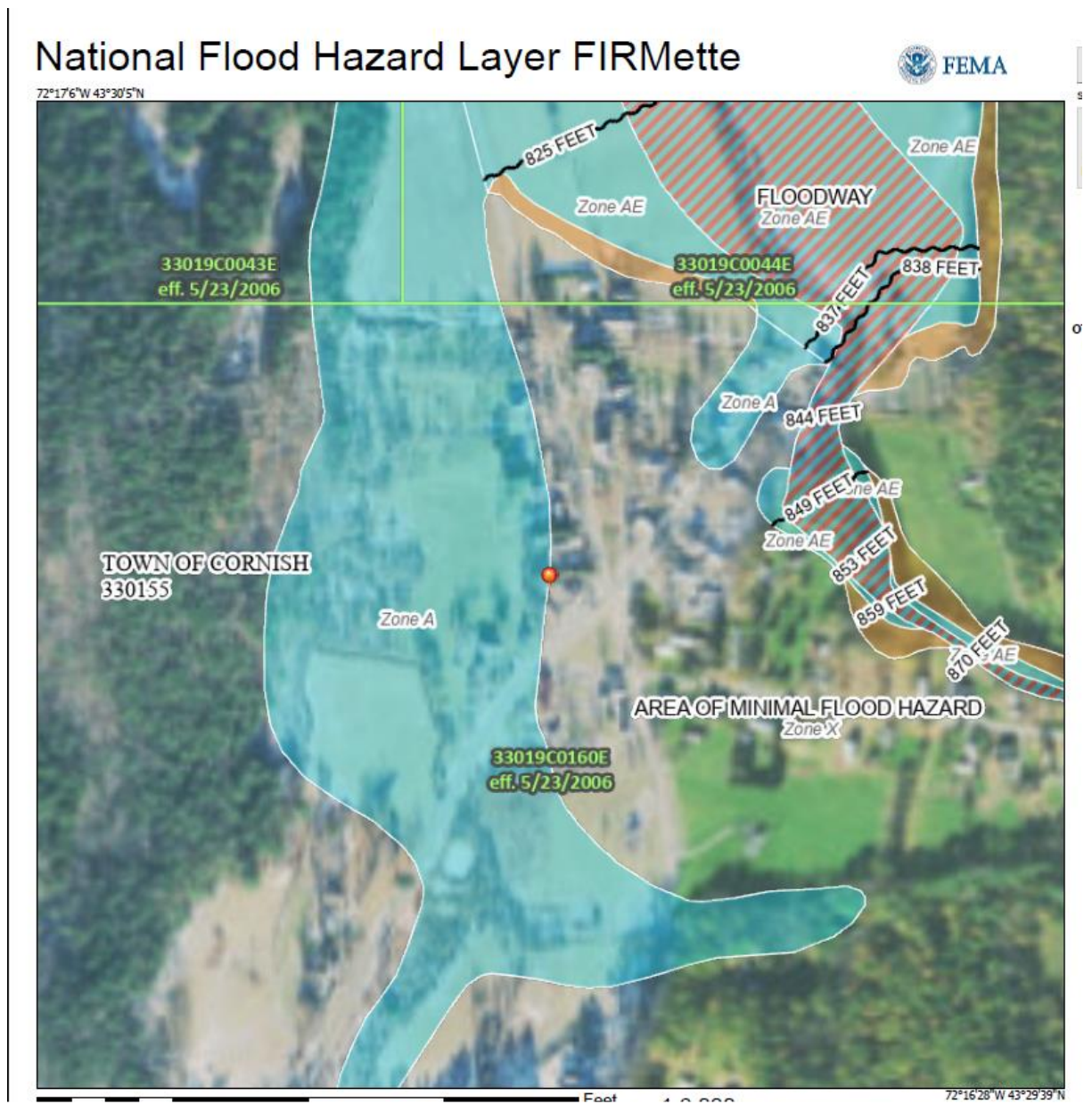
Mixed-use of a public space does present particular concerns with regard to the Town's liability coverage. First party losses by tenants, where the tenant is liable, would not be covered by Primex. For example, if the tenant left the door unlocked and the unit was burglarized, the Town would not be liable for the loss. In contrast, Primex would provide coverage in a third-party case, i.e., one where the Town is at fault. For example, if the Town accidentally burned down the library building, the Town could be liable for the property loss incurred by the tenants. Or, in the case that a tenant was injured on the premises, if their claim of negligence by the Town were to be proved, the Town could be liable. Of additional concern with the commercial lease are cases where a patron of the lessee business makes claims against the Town and the business. For example, a patron of the business leasing the commercial space trips and is injured. The injured party then makes a claim against both the lessee business and the Town. Or, the injured party makes a claim against the lessee who subsequently makes a claim against the Town. The Town could be liable if negligence were proved. These scenarios are hypothetical, for illustrative purposes, and do not predict claim or coverage outcomes.

Some of the risk described, above, can be mitigated through lease agreements which include insurance and indemnification clauses holding the Town harmless. Such lease agreements should be reviewed, if not drafted, by Town Counsel. Primex also should review proposed lease agreements in order to ensure that insurance requirements and indemnity clauses are consistent with the Town's coverage. Well-crafted lease agreements are instrumental in protecting the Town's interests.

The annual contribution to Primex is based on a town's loss ratio adjustment factor, which for the Town of Cornish is quite low at the time of this writing. As such, should the general store building be added to the inventory of town-owned property, the increase in the Town's annual contribution would be an estimated \$200. The contribution is based on the value of the building alone. Any additional risk from a mixed-use arrangement is not calculated up front in the annual contribution increase. Instead, that additional risk, if it comes to pass, will be reflected in future annual contributions. In other words, if the rental units result in additional claims against the Town, the annual contribution will increase over time. If the rental units do not result in additional claims against the Town, the annual contribution would likely be unaffected by the acquisition of the general store building beyond the estimated increase. In the pooling concept, all members share risk, but if one member's risk outpaces that of the group, that risk will be reflected in an increased annual contribution to the pool.

Further Considerations: Regulatory Flood Plain

Using the online FEMA flood map search tool, it would appear that the general store building located at 226 NH Route 120 is either in or very close to Zone A, a Special Flood Hazard Area. Because no detailed hydraulic analyses have been performed in Zone A, base flood elevations (BFEs) are not shown on the map. In contrast, such analyses have been performed in Zone AE, which is why the BFEs are shown in on the easterly side of NH Route 120. The red pin on the map below shows the approximate location of the general store building at 226 NH Route 120:



Source: FEMA Flood Map Service Center,
<https://msc.fema.gov/portal/search#searchresultsanchor>

Property owners who find themselves located in a Special Flood Hazard Area (SFHA) can apply for a Letter of Map Amendment (LOMA). Such an amendment removes the structure from the SFHA without changing the official Flood Insurance Rate Map (FIRM). In order to successfully apply for a LOMA, applicant must show that the lowest adjacent grade (the lowest ground touching the structure) is at or above the base flood elevation (BFE). Applicants may also submit plans showing that a proposed structure will meet the requirements for a LOMA and receive a Conditional Letter of Map Amendment (CLOMA).

The Cornish General Store received a Letter of Map Amendment on April 10, 2007. The determination removed the structure only from the Regulatory Floodplain. A copy of the LOMA has been included in this report. This exception likely applies so long as there is no expansion of use. The following extract is taken from the 4/10/2007 LOMA:

PORTIONS OF THIS PROPERTY REMAIN IN THE SFHA {Special Flood Hazard Area} Portions of this property, but not the subject of the Determination Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. (LOMA, Case No. 07-01-0640A, pg. 2)

It is possible that renovations or alterations to the general store building may require a new Letter of Map Amendment (LOMA) or a Conditional Letter of Map Amendment (CLOMA). Additionally, there may be restrictions on use of the basement level if it is found to lie below the base flood elevation. While RSA 675:54 is commonly understood to exempt governmental uses from local land use regulations, best practice would be compliance with floodplain regulations.

Recommendations: Next Steps

The Director of Charitable Trusts, Thomas Donovan, has offered to review the 1910 Stowell gift for the purposes of the feasibility study. The review of the gift instrument would determine the process for the discontinuance of the G.H. Stowell Library. A gift instrument is generally a trust, a letter of intent from the donor, or an excerpt from a will. As of this writing, the Town is in possession of the 1910 warrant article, written notes of the 1910 meeting, a biographical sketch of Mr. Stowell (Wade, pgs. 340-342), and a description of the presentation of the key to the library in 1912:

The building for the George H. Stowell Library was completed in 1912, and the formal dedication and presentation to the town was held on October 4. Some two hundred people gathered to witness the occasion. After a musical selection and a prayer, Mr. Stowell presented the key to Paul Davidson, chairman of the Library Trustees. (Rawson, pg. 75).

Unfortunately, though these secondary sources paint a portrait of Mr. Stowell's generosity and intent, a primary source would best inform the decision of Charitable Trusts. The Cornish Historical Society, Claremont Historical Society, and New Hampshire State Library have been

contacted in the effort to find further information about Mr. Stowell's donation. The lack of readily available documentation regarding the Stowell donation highlights the importance of written documentation of donor intent. Written terms of the proposed gift including any stipulations, even in the form of a working document, would help guide the committee in the fulfillment its charge.

It is the hope of the subcommittee that this report makes clear the need for legal counsel and professional advice. Initially, the committee should ask Town Counsel to outline the legal process to accept the building donation. Potential liabilities created by the proposed mixed use of the building should be identified. If applicable, lease agreements for the commercial and residential spaces must be drafted for review. In conjunction with Charitable Trusts, counsel can determine the need for a Cy pres petition for the G.H. Stowell Library.

Likewise, early in the work of the committee, an architect or similarly licensed professional should perform a structural assessment of the building for the uses proposed. Compliance with fire codes, wiring, ADA, etc., for both the proposed public and private spaces must be determined. The need for a new Letter of Map or Conditional Letter of Map Amendment should also be assessed.

Of course, professional advice comes at a cost. The 2021 budget of the Town does not include an appropriation for professional consultation regarding the proposed donation and renovation of a new library space. The Selectmen can spend out of the legal line of their budget, but doing so likely would overspend that budget line. The Library Trustees were authorized by vote of the Town in 2007 pursuant to RSA 202A:4-c to expend donations without further action at town meeting. Alternatively, any professional fees could be funded through an article on the March 2022 town warrant; however, this would represent a serious setback to the committee's stated goal of completing a report by January 15, 2022. Although the Library Exploratory Committee is at the beginning of its work, legal and professional advice at this early stage could close some avenues of inquiry and possibly open new ones thus helping the committee use its time and resources more efficiently.

Respectfully submitted,
The Implementation as a Town Building Subcommittee

Dillon Gallagher
Heidi Jaarsma

Sources

Cornish, Town of, Annual Reports. Various.

FEMA: <https://msc.fema.gov/portal/home>

New Hampshire Revised Statutes Annotated:

<http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>

Rawson, Barbara E. *History of the Town of Cornish, New Hampshire, with Genealogical Record 1910-1960: Volume 3 SUPPLEMENTAL, Narrative and Genealogy*. Courier Printing, 1962.

Various communications: Cornish Historical Society, Cornish Library Trustees, Cornish Selectmen's Office, New Hampshire Association of Library Trustees, New Hampshire Charitable Trusts Unit, New Hampshire Municipal Association, Primex.

Wade, Mason, et al. *A Brief History of Cornish, 1763-1974*. Published for the Town of Cornish by University Press of New England, 1976.



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	TOWN OF CORNISH, SULLIVAN COUNTY, NEW HAMPSHIRE	Cornish General Store, as shown on the Lot-Line Adjustment Plan recorded as Plan No. 35, in Plan File 4, Pocket 10, Folder 5, in the Office of the Registry of Deeds, Sullivan County, New Hampshire (TM:18; TL:6)
	COMMUNITY NO.: 330155	
AFFECTED MAP PANEL	NUMBER: 33019C0160E DATE: 5/23/2006	
FLOODING SOURCE: BLOW-ME-DOWN BROOK TRIBUTARY		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 43.498, -72.280 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	226 Route 120	Structure	X (unshaded)	--	837.4 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA
ZONE A

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in cursive script that reads "William R. Blanton Jr." followed by a flourish.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division