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CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

**Instructions and General Information for Restoration of Involuntarily Merged Lots
Pursuant to RSA 674:39-aa**

In accordance with RSA 674:39-aa, any owner of a lot or parcel of land merged by municipal action for zoning, assessing, or taxation purpose prior to September 18, 2010, and without the consent of the owner, may request that the lots be restored to their pre-merger status and all zoning and tax maps shall be updated to identify the pre-merger boundaries of said lots or parcels as recorded at the Merrimack County Registry of Deeds, provided that:

- a. No owner in the chain of title voluntarily merged their/his/her lots. If any owner in the chain of title by any overt act or conduct voluntarily merged their/his/her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged their/his/her lots.
- b. All decisions of the Concord City Council may be appealed in accordance with the provisions of RSA 676.
- c. The restoration of the lots to their pre-merger status shall not be deemed to cure any nonconformity with existing local land use ordinances.
- d. In the event the request is granted, the property owner will be required to pay the filing fee to register a Notice of Lot Restoration at the Merrimack County Registry of Deeds.

The procedure for requesting the restoration of involuntarily merged lots, pursuant to RSA 674:39-aa is as follows:

1. Pursuant to RSA 674:39-aa, submit through the Citizen Self Service (CSS) permit portal an application request for the restoration of involuntarily merged lots.
2. Upload copies of the following through the CSS permit portal:
 - a. Deed(s) for each lot or parcel
 - b. Survey (if available)
 - c. Site plan (if available)
 - d. Approved subdivision plan (if available)
 - e. Pre-merger tax bills (if available)
 - f. If the property was obtained from an estate (inherited), attach copy of the statutory "Notice to Cities and Towns"
 - g. Any other pertinent documentation

3. The lot may not be unmerged if there are any unpaid real estate taxes or a real estate tax lien on the lot.
4. If there is any mortgage on any lot to be unmerged, the property owner shall give written notice to each mortgage holder prior to submission of the request to unmerge the lots. **The written consent of each mortgage holder shall be required prior to submission of the request to unmerge the lots, and shall be recorded with the notice of the restoration of the lots.** The City of Concord shall not be liable for any deficiency in the notice to mortgage holders.

Please be advised that the restoration of involuntarily merged lots may have assessment implications and may only be developed in accordance with the Ordinances of the City of Concord. If the request is granted, the assessment of the restored lots will be effective the following April 1st.

If you have any questions, please contact the Planning Division at (603) 225-8515.