

NOTICE

The New Hampshire legislature has enacted HB 316 in 2011 which states:

“I. In this section:

- (a) ‘Involuntary merger’ and ‘involuntarily merged’ mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- (b) ‘Owner’ means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.’
- (c) ‘Voluntary merger’ and ‘involuntarily merged’ mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- (a) The request is submitted to the governing body prior to December 31, 2016.
- (b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or 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 his or her lots.”

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.”

If you need any assistance in understanding the import of this legislation or its applicability to you, please do not hesitate to inquire of the Town Administrator, Planning Director, or Assessing Clerk.

