



OLD VALUES - NEW HORIZONS

SELECTMEN'S OFFICE

3 No. Lowell Road Windham, New Hampshire 03087

(603) 432-7732 / Fax (603) 965-1234

www.WindhamNH.gov

Application for Restoration of Involuntarily Merged Lots
Pursuant to RSA 674:39-aa

Property Location/Address _____

Existing Tax Map Number (Map – Block – Lot) _____

Property Owner(s) _____ Property Owner Phone _____

Property Owner(s) _____ Property Owner Phone _____

Property Owner Fax _____ Property Owner Email _____

Property Owner Mailing Address _____

Agent (If different from Property Owner) _____

Agent Phone _____ Agent Email _____

Agent Phone _____ Agent Mailing Address _____

Instructions & general information for submitting Application:

In accordance with NH RSA 674:39-aa, any owner of lots merged by municipal action for zoning, assessing or taxation purposes 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 Rockingham County Registry of Deeds, provided:

- a. The request is submitted to the Windham Board of Selectmen.
- 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.
- c. All decisions of the Board of Selectmen may be appealed in accordance with the provisions of RSA 676.
- d. The restoration of the lots to their pre-merger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

The procedure for requesting the Restoration of Involuntarily Merged Lots is as follows:

1. Complete the ***Application for Restoration of Involuntarily Merged Lots per RSA 674:39-aa.***

The procedure for requesting the Restoration of Involuntarily Merged Lots - continued:

2. Attach copies of the following documents:
 - a. Most current deed(s) for the lots.
 - b. If property was obtained from an estate (inherited), attach copy of the statutory "Notice to Cities and Towns".
 - c. Copies of any recorded plans or surveys which may depict the "pre-merger" configuration of any lots.
 - d. Unless such information already exists in the town records, if any part of the existing map/lot is improved by a structure, the Applicant must provide a signed & stamped as-built survey which reflects (at a minimum) the following features:
 - (i) The location of all structures, including buildings, pools, fences, etc.
 - (ii) The location of all driveways, walkways and associated features.
 - (iii) The location of all water supply wells.
 - (iv) The approximate location of all septic tanks, leach beds or cesspools.
 - (v) The superimposed lines of the pre-merger lot lines as requested by the Applicant.
 - e. A list of the names and addresses of abutting lot owners in similar manner as required under RSA 676.
 - f. Any other documentation deemed relevant.
3. The Selectmen's office shall forward copies of the relevant materials to the Town Assessor and Community Development Department within three (3) days of application receipt for their review and comment.
4. The Assessor and Community Development Department shall forward any comments to the Town Administrator within five (5) days of receipt of the materials.
5. The Board of Selectmen shall schedule consideration of the Application at a Public Hearing during a regularly scheduled meeting within thirty (30) days of submittal. The Town shall send notice of the Application and the scheduled meeting date to the Applicant and abutting property owners at least seven (7) days before the scheduled meeting.
6. At the scheduled meeting, the Selectmen will consider the Application, including recommendation of Town staff, input from abutters and the Applicant(s).
7. If upon review by the Board of Selectmen, the Board determines that additional information is required; up to an additional ten (10) days will be provided to produce the additional information.
8. Within forty-five (45) days from the date of submission, the Board of Selectmen shall render a decision on the Application at a meeting of the Board of Selectmen.
9. Within five (5) business days from the date of the Board of Selectmen's final decision, a copy of the written Notice of Decision shall be sent via regular mail to the Applicant(s) and shall be posted in both the Assessor's and Selectmen's Offices.
10. The Notice of Decision shall state that any aggrieved party has the right to appeal the decision of the Board of Selectmen pursuant to RSA 676.
11. If the Application has been granted (in whole or in part), the appropriate changes will be noted on the Tax Maps and Assessor records. The Community Development Department will be notified and provided with a copy of the plans approved by the Board of Selectmen and shall make appropriate notations as to the existence of the new lots in its files. The Notice of Decision will be recorded at the Registry of Deeds.

TOWN OF WINDHAM, N.H.
APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS
PURSUANT TO RSA 674:39-aa

The undersigned applicant requests that the Town of Windham, New Hampshire, hereby restore the following parcels of land to their pre-merger status for the purposes of being assessed and treated for regulatory purposes as separate tracts or parcels of land:

Please identify, with reference to an attached recorded plan or survey which the Applicant believes may depict the “pre-merger” configuration of any lot, and to have existed prior to any “Involuntary Merger” (See, RSA 674:39-aa (I)), which the Applicant(s) wishes to restore to separate assessment.

Recorded Plan Name & Identified as: _____

Drawn Date: _____

Recorded Plan #: _____

Acknowledgment: By submitting this application, the Applicant(s) acknowledges they wish to have an existing parcel on the Windham Tax Map divided into two (2) or more previously existing parcels. Such action will be effective for tax purposes following approval of this Application. Such action may result in increased tax assessed value or supplemental tax liability for the current tax year. In addition, the Applicant(s) understands that the separate lots may not conform to existing zoning requirements, and that if any subsequent request for zoning variance is made by the Applicant or a subsequent owner, the fact that the parcel was previously part of other premises may affect one (1) or more factors which are considered when considering a variance (e.g., substantial justice).

If granted by the Town, the Notice of Decision and plan will be recorded at the Rockingham County Registry of Deeds.

Dated this ____ day of _____, 20____.

Owner Signature

Co-Owner Signature

Print Name(s)

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

Then personally appeared the above named owners and acknowledged the forgoing to be his/her/their free act and deed, before me,

Notary Public/Justice of the Peace

My commission expires: _____

THE FOLLOWING FEES SHALL BE SUBMITTED WITH THE APPLICATION:

Application Fee - \$50.00
Abutter Notices - \$7.00 per abutter
Newspaper Notice - \$40.00

Staff Use Only

Received by: _____ Date _____

Fees received YES/NO _____ Date of Board of Selectmen Meeting _____

Disposition of the Application (For use by Selectmen/Assessor)

EXISTING PARCEL IDENTIFICATION

Map – Block – Lot

Street Address of Parcel

NEW PARCEL IDENTIFICATION

Map – Block – Lot

Street Address of Parcel

Map – Block – Lot

Street Address of Parcel

Map – Block – Lot

Street Address of Parcel

Map – Block – Lot

Street Address of Parcel

Map – Block – Lot

Street Address of Parcel
