

Town of Salem

Application for Restoration of Involuntarily Merged Lots

Pursuant to RSA 679:39-aa

Property Location/Address _____

Existing tax map number (map/lot) _____

Property owner(s) _____ Property owner phone: _____

Property owner(s) _____ Property owner phone: _____

Property owner email: _____

Property owner mailing address: _____

Authorized representative (if different from property owner): _____

Authorized rep. phone: _____ **Authorized rep. email:** _____

Authorized rep. mailing address _____

Date & reason lots were merged: _____

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. If successful, all zoning and tax map(s) 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 Salem Town Council.
- b. No owner in the chain of title voluntarily merged their lots. If any owner in the chain of title voluntarily merged their lots, then all subsequent owners shall be prevented from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged their lots.
- c. All decisions of the Town Council 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 Involuntary Merged Lots is as follows:

1. Complete the Application for Restoration of Involuntarily Merged Lots per RSA 674:39-aa.
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 plan or surveys which may depict the “pre-merger” configuration of any lots.
 - d. The Applicant must provide a signed and stamped existing conditions plan or similar survey / plan of the proposed map and lot(s) to be unmerged. Such a plan or survey shall include the following:
 - 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; and,
 - v. The superimposed lines of the pre-merger lot lines as requested by the Applicant.
 - e. A list of the names & addresses of abutting lot owners in similar manner as required under RSA 676, including those across a street, brook, or stream.
 - f. Any other documentation deemed relevant by the Applicant or the Town.
3. The Town Council’s office shall forward copies of all submitted materials to the Town Assessor and Community Development Department for their review and comment.
 4. The Assessor and Community Development Department shall review the Application and forward any comments to the Town Manager.
 5. After receiving staff comments, the Town Council shall schedule consideration of the Application at a Public Hearing during a regularly scheduled meeting. 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. The Applicant shall pay the costs for the application fee, the abutter notices, newspaper notice, and all other applicable fees.
 6. At the scheduled meeting, the Town Council will consider the Application, including recommendations of the Town staff, comments from the public hearing, and the request of the Applicant(s).
 7. If, upon review by the Town Council, the Town Council determines that additional information is required, then the hearing shall be continued so that the additional information can be obtained.
 8. The Town Council shall render a decision on the Application at a meeting of the Town Council in a timely manner.
 9. Within five (5) business days from the date of the Town Council’s final decision, a copy of the written Notice of Decision shall be sent via regular mail to the Applicant(s) and Authorized Representative. The Notice of Decision shall be available in the Assessor’s and Town Council’s Offices. The Town Council shall also send a copy of the decision and any approved plan to the Community Development Department.
 10. The Notice of Decision shall state that any aggrieved party has the right to appeal the decision of the Town Council pursuant to RSA 676.
 11. If the Application has been granted, the appropriate changes will be noted on the Tax Maps and Assessor records. The Community Development Department shall make appropriate notations as to the existence of the new lots in its files. The Applicant, at the Applicant’s expense, will be required to record the decision in the Rockingham County Registry of Deeds.

TOWN OF SALEM, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

The undersigned Applicant requests that the Town of Salem, NH, hereby restore the following parcels of land to their pre-merger status for the purposes of being assessed and treated as separate tracts or parcels of land:

Please identify each lot with reference to an attached recorded plan or survey which depicts the "pre-merger" configuration of the lots that the Applicant(s) wishes to restore.

Recorded Plan Name & Identified as: _____

Drawn Date: _____

Recorded Plan #: _____

Acknowledgement: By submitting this application, the Applicant(s) acknowledges that they wish to have an existing parcel on the Salem 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. If the Applicant or a subsequent owner makes any request(s) for a zoning variance, the fact that the parcel was previously part of other premises may affect the Zoning Board of Adjustment's determination in whether to grant a variance.

If the request is granted by the Town, the Applicant, at their own expense, must record the Notice of Decision and updated plan in the Rockingham County Registry of Deeds.

Dated this _____ day of _____, 20____.

Owner Signature

Co-Owner Signature

Print Name

Print Name

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

Then personally appeared the above named owners and acknowledged the forgoing to be 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: \$6.00 per abutter

Newspaper Notice: \$25.00

Staff Use Only

Received by: _____ Date: _____

Fees received YES/NO Date of Town Council Meeting: _____

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

EXISTING PARCEL IDENTIFICATION

Map/Lot

Street Address of Parcel

NEW PARCEL IDENTIFICATION

Map/Lot

Street Address of Parcel

Map/Lot

Street Address of Parcel

Map/Lot

Street Address of Parcel

Map/Lot

Street Address of Parcel