

# S<sub>A</sub> Shaughnessy Allard

ATTORNEYS AT LAW

June 18, 2025

City of Concord  
Attn: City Council  
41 Green Street  
Concord, NH 03301

**RE: Application for Restoration of Involuntarily Merged Lots  
27 Carter Street; Tax Map 7914Z, Lot 91**

Dear City Council:

This office represents BM Investments, LLC. On behalf of same, please find enclosed application for restoration of involuntarily merged lots pursuant to RSA 674:39-aa.

By way of brief background, the above-referenced property was originally two separate parcels – lots 111 and 112 shown on the enclosed subdivision plan dated 1893. The City's earliest tax map on file is dated 1915 and shows the property as one lot. However, there is no record of any owner of the property filing a voluntary merger with the City. As such, based upon the City's records, the historic lots were involuntarily merged for tax purposes by the City at some point between 1893 and 1915. While the deeds throughout the chain of title have historically conveyed the parcels using one perimeter legal description, each deed states that the grantor's intent is "meaning hereby to convey lots No. 111 and 112 as shown on a land of lots filed and recorded in Merrimack County Registry of Deeds [as] Plan No. 9 . . .", which is the original 1893 plan.

RSA 674:39-aa(II) provides as follows:

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.

(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.

Notably, the New Hampshire Supreme Court has held that the conveyance of separate historic lots by one perimeter legal description, and the taxation of the historic lots as a single parcel by a municipality over many years, do not constitute actions that support the finding of a voluntary merger (such that restoration under the statute is unavailable) when the “meaning and intending” language in the deeds still reference the original lots. In Roberts v. Town of Windham, 165 N.H. 186 (2013), historic lots 9, 10, and 11 were always conveyed as one parcel, and always shown as one tax parcel since the town’s earliest tax map. The Supreme Court held as follows:

The conveyance of lots 9 through 11 as one tract in a single deed does not, standing alone, support a finding of voluntary merger. The deed specifically provided that Horne was “meaning and intending to convey lots # 9, # 10, and # 11.” We also acknowledge that the acquiescence to taxation as a single lot does not, standing alone, support a finding of voluntary merger. See Hill v. Town of Chester, 146 N.H. 291, 294 (2001) (“[T]he method by which a town taxes its land is not dispositive in determining zoning questions.”).

As such, since (1) the deeds in the chain of title for 27 Carter Street each state that they are “meaning and intending” to convey historic lots 111 and 112 as shown on the original subdivision plan; (2) historic taxation of the property as a single lot does not constitute a voluntary merger; (3) there is no record of any owner filing a voluntary merger with the City; and (4) there is no other evidence of a voluntary merger by any owner, historic lots 111 and 112 were involuntarily merged by the City at some point between 1893 and 1915, and thus restoration of same is permitted by right pursuant to RSA 674:39-aa upon application to the City Council.

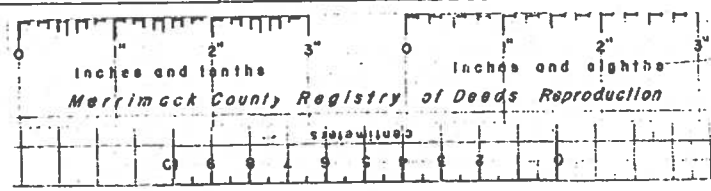
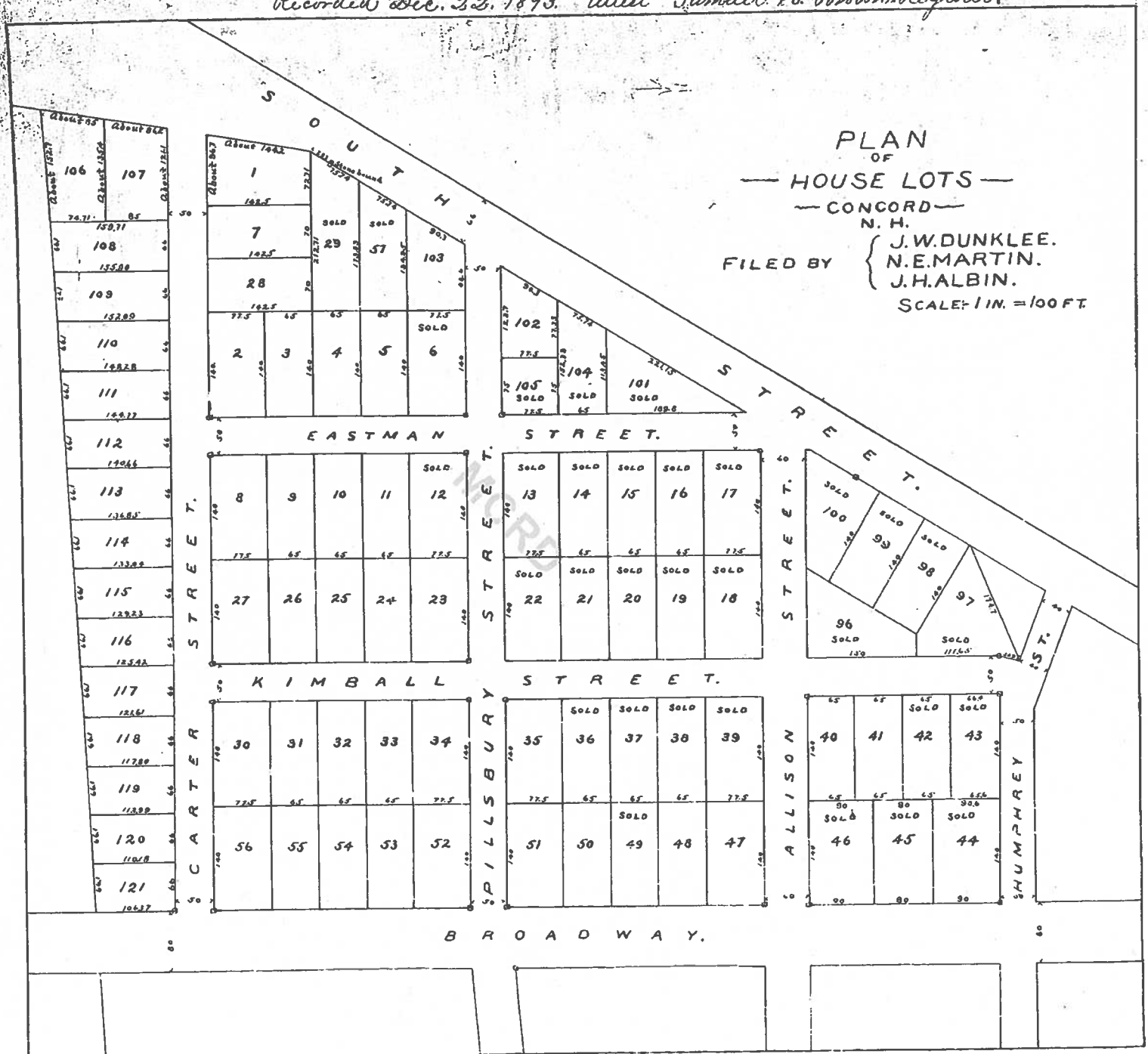
For the foregoing reasons, we are requesting that the City Council approve the restoration application enclosed herewith. Further, as of the date hereof, there are no mortgage holders of record with any security interest in this property, and thus there are no mortgage holders to notify of this request.

Sincerely,

*/s/ Brett W. Allard*

Brett W. Allard, Esq.

Plan No. 9  
 Recorded Dec. 23, 1893. attest Samuel N. Brown, Register.



June 16, 2025

City of Concord  
41 Green Street  
Concord, NH 03301

**Authorization for Representation**  
**27 Carter Street**  
**Concord, NH 03301**

To whom it may concern:

As owner of the property at 27 Carter Street, please consider this letter as written authorization for BM Investments LLC, Tucker McCarthy, Member to apply as applicant for approvals pertaining to creating an additional lot off of my property.

Thank you.

Sincerely,

<i>Julia Mehrmann</i>	dotloop verified 06/17/25 10:18 AM EDT D37-CQO-RISA-UWWT
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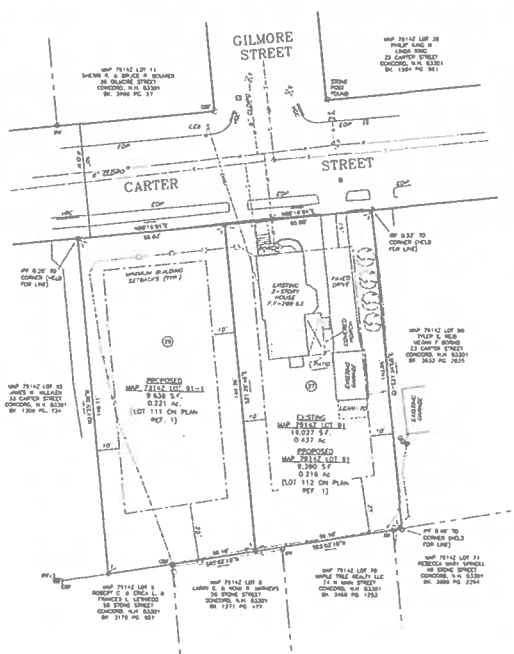
Julia Mehrmann, Owner  
27 Carter Street  
Concord, NH 03301

1. "PLAN OF MEADOWS, LOTS CONVEYED BY MAP FILED BY  
"JAMES H. WATSON JR. AS 'B' SCALE' 1" = 100 FT  
"W.C.R.P. PLAN #9"
2. "PROPERTY OF LAMB & OLIVER MEATS COMPANY" SCALE  
"1/2" BATED MAP 1901 PREPARED BY L.F. BROWN  
"W.C.R.P. PLAN #300"
3. "RESUBDIVISION BETWEEN FREEDMAN & PATRICK & LAMB  
"AND LAMB & OLIVER MEATS COMPANY" SCALE "1/2"  
"1901" IN THE RECORDS OF THE COMMISSIONER  
"STATE OF NEW YORK" W.C.R.P. PLAN #295
4. "STANDARD PLAT LOTS 25, 26, 27, 28 & 29 OF 'SPRING'  
"FIELD" BATED CHUCKER 1903 PREPARED BY F.W. LAMB  
"W.C.R.P. PLAN #200 2007 2725"

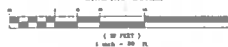
0 R	BOX OPEN TO BE SET
0 2W	BOXES TO BE FOUND
0 8F	BOXES TO BE FOUND
0 8F	BOXES TO BE FOUND
0-0	STREET LIGHT
	ALTER LINE
	PROPERTY LINE
0 0 0 0	STANDARD FENCE
0 0 0 0	WIRE FENCE
0 0 0 0	CONCRETE BUILT
0 0 0 0	EDGE OF PAVEMENT
0 0 0 0	ARTIFICIAL GRADE CURB
0 0 0 0	WALKWAY
0 0 0 0	SEWER MANHOLE
0 0 0 0	DRAINAGE MANHOLE
0 0 0 0	RETAINING WALL
0 0 0 0	WALKWAY
0 0 0 0	CAS. VALVE
0 0 0 0	CATCH BASIN
0 0 0 0	WATER VALVE
0 0 0 0	ADDRESS NUMBER



THE UNDERGROUND VILLAGES DESCRIBED HEREIN HAVE BEEN DRIVEN FROM FIELD SURVEY, AFFILIATION AND OF PLACES FROM WHICH THE DRUGS ARE MADE. RESEARCHERS WHO ASSOCIATE WITH THE DRUGS DO NOT BELIEVE THAT THE UNDERGROUND VILLAGES DESCRIBED COMPOSE ALL SUCH VILLAGES IN THE AREA, EITHER IN SERVICE OF RESEARCHERS. FURTHER, RESEARCHERS WHO ASSOCIATE WITH THE DRUGS DO NOT BELIEVE THAT THE UNDERGROUND VILLAGES SHOWN ARE IN THE FACTS LIMITED TO THE AREA OF THE LOCALITY. IT IS POSSIBLE THAT THERE ARE OTHER VILLAGES IN THE AREA. RESEARCHERS WHO ASSOCIATE WITH THE DRUGS ARE NOT PHYSICALLY LOCATED IN THE UNDERGROUND PORTIONS OF THE VILLAGES.



GRAPHIC SCALE

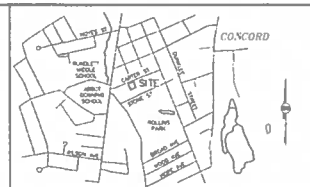


OWNER OF MAP 7914 LOT Z 91

BIOGRAPHY: \_\_\_\_\_

**SURVEYOR'S CERTIFICATION:**

1-1-1981: CERTIF. THAT THIS PLAN WAS PREPARED BY ME (IN WASH)  
UNDER MY DIRECT SUPERVISION, FURTHER, THAT THIS PLAN IS BASED  
ON A FIELD SURVEY MADE ON THE GROUND BY THE OFFICE IN MAY  
OF 1981. LAND SURFACE = 4.5 AC. [RIPON OF CLOSURE BEETLE] 14 AC  
ONE PART IN TEN THOUSAND (1:10,000)

[illegible]

VICINITY PLAN  
SCALE 1" = 1000'

1. THE PURPOSE OF THIS PLAN IS TO SECURE THE MAXIMUM OF RUMP ZP#42 LOTS BY ADJOING LOT 22 AND LOT 23 TO LOT 5 WHICH IS NOW WITHIN THE GRONDA. LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840,

LOT NUMBER	12" IN LOT AREA (SF)	WEIR AND DRAIN AREA (SF)	AREA (SF) 12" DROPS	PERCENT (%)
01	1.138	0	3	150
02	1.100	0	3	150

- [illegible]

APPROVED BY THE CONCORD CITY COUNCIL

APPROVAL DATE:

DATE \_\_\_\_\_

LOT UNMERGER PLAN  
CARTER STREET SUBDIVISION  
MAP 7914Z, LOT 91  
22 CARTER STREET  
CONCORD, NEW HAMPSHIRE,  
MERRIMACK COUNTY

<u>OWNER:</u>	<u>APPLICANT:</u>
SAJA WEINMANN 27 CARTER ROAD CONCORD NH 03301 WCR3 BK 5810 PC 1343	MCCARTHY CONSTRUCTION C/O TUCKER MCCARTHY P.O. BOX 7192 MILFORD, NH 03055

**KMA** • EARTHWORKS ASSOCIATES, INC.  
Civil Engineering Land Surveying Landscape Architecture  
18 Cottingham Park North, Suite 20, Bedford, NJ 07010 Phone (201) 627-2001

## REVISIONS

[illegible]