



CITY OF CONCORD

New Hampshire's Main Street™

Memorandum

TO: City Council
FROM: Dr. Tracey E Hutton, Zoning Administrator
REGARDING: William Young Properties, LLC – Application for Restoration of
Involuntarily Merged Lots Pursuant to RSA 674:39-aa
DATE: October 31, 2023

Recommendation:

In accordance with RSA 674:39-aa, it is recommended that the City Council accept this report to grant William Young Properties, LLC' application to restore involuntarily merged properties

Background:

In 2010, the State of New Hampshire amended RSA 674:39-a, to prohibit any city, town, county, or village district from merging preexisting subdivided lots or parcels without the consent of the owner. Prior to this amendment, municipalities were permitted to merge adjacent, undeveloped, or non-conforming lots without the consent of the owner.

In 2011, the legislature also adopted RSA 674:39-aa, to allow an owner of a property which was involuntarily merged prior to September 18, 2010, to request the “governing body” to unmerge the property. In response to a property owner’s request to restore involuntarily merged properties, the governing body is required to determine whether the lots were voluntarily merged. See RSA 674:39-aa.

On January 9, 2012, the City Council adopted the following procedure for reviewing such an application:

- A property owner requesting the restoration of an involuntarily merged property must submit an application for restoration of involuntarily merged lots with supporting documents to the City Clerk’s office who will place the item on the next available Council agenda. The application is then referred to the Legal Department.
- Upon a referral from City Council, the Legal Department distributes the application for review and comment to the City Planner, Zoning Administrator, Code Administrator, City Engineer, and the Director of Real Estate Assessments.

Code Administration

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- The Zoning Administrator will prepare and submit a written memorandum to the City Council with a recommendation.
- If the request is granted by Council, the Legal Department will prepare and record a Notice of Lot Restoration at the Merrimack Registry of Deeds. The property owner will be required to pay the recording fee.

Discussion:

William Young Properties, LLC (“Young”) is seeking to unmerge two contiguous parcels located at 8 Gale Street, Map 734, Block Z, Lot 1. Young acquired the parcels by a single warranty deed dated August 22, 2023, from Jill Stirt, Successor Co-Trustee and Peggy Georgy, Successor Co-Trustee of The Edward T. Laferriere Revocable Trust (collectively the “Prior Owners”), and recorded at the Merrimack County Registry of Deeds (“MCRD”) on August 24, 2023, at Book 3835, Page 280. The deed references two tracts, which are shown on the attached tax map as Lot 58 and Lot 59.

In 1988, Edward T. Laferriere purchased the property, in which Mary A. Laferriere conveyed two parcels in a deed dated October 5, 1988, to Edward T. Laferriere. In 1915, the parcels were conveyed in a deed from John E. Baker to Thomas Audette dated October 20, 1915. Thomas Audet died testate, and his will devised the two parcels to his wife, Emma Audet. See Merrimack County Probate Court No. 48632. Mary A. Laferriere acquired title of the two parcels under the will of her mother Emma Audet. See Merrimack County Probate Court No. 55024.

Prior to September 18, 2010, the City administratively merged the two parcels into a single lot for tax purposes and was given the single street address of 8 Gale Street (Map 734, Block Z, Lot 1). The records show that a single tax bill has been issued for the merged property since 1972. It should be noted that prior to 1995, voluntary mergers of properties did not require Planning Board approval.

Based on City Staff’s review and recommendations, it is recommended that the City Council grant Mr. Young’s request to unmerge the two parcels.