



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

REPORT TO CITY COUNCIL

FROM: AnneMarie Skinner, City Planner

DATE: August 12, 2025

SUBJECT: BM Investments, LLC – Application for Restoration of Involuntarily Merged Lots 27 Carter Street, Tax Map 7914Z, Lot 91

Recommendation

Accept this report and vote to approve the request to restore the involuntarily merged lots located at 27 Carter Street subject to the condition that all outstanding property taxes are paid prior to the Notice of Lot Restoration being recorded at the Merrimack County Registry of Deeds.

Background

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

In 2017, the City Council adopted Section 28-8-2(e) of the zoning ordinance to include the requirements set forth in RSA 674:29-aa. The following procedure is utilized for reviewing an application to unmerge lots:

- A property owner requesting the restoration of an involuntarily merged property must apply for restoration of involuntarily merged lots, and the City Clerk’s office will then 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, City Surveyor, City Tax Collector/Treasurer, and Assessing Department.
- The City Planner will prepare and submit a written memorandum to the City Council with a recommendation.
- If the request is granted by Council, the City Planner shall require the property owner to provide an executed consent from applicable mortgage holders, which shall thereafter be provided to the Legal Department. The Legal Department will prepare and record a Notice of Lot Restoration at the Merrimack County Registry of Deeds, and will also record any applicable consents. The property owner will be required to pay the recording fee.

Discussion

BM Investments, LLC is seeking to unmerge two contiguous parcels located at 27 Carter Street, Map 7914Z, Lot 91. The merged lots were historically identified as lots 111 and 112 on a subdivision plan from 1893. The property is currently owned by Julia Mehrmann, who has authorized BM Investments, LLC to apply to restore the involuntarily merged lots.

According to the research conducted by the City Surveyor, the first conveyance of the parcel appears to be the deed from Elizabeth P. Dunklee, John H. Albin, and Nathaniel E. Martin to Paul Corriveau, dated August 8, 1901, and recorded on August 12, 1901, at Book 345, Page 264.

That deed described “two certain lots of land” and referenced lots 111 and 112 as shown on the subdivision plan from 1893. Although the deed identified two lots of land, the legal description for the property was written as one parcel.

Following the conveyance in 1901, every subsequent deed in the chain of title contained the same legal description, including the most recent deed in the chain of title, a Warranty Deed from Terrance W. Anderson and Jane L. Anderson, Trustees of the Anderson Family Revocable Trust Agreement to Julia Mehrmann, dated October 28, 2022, and recorded on October 31, 2022, at the Merrimack County Registry of Deeds in Book 3810, Page 1349.

There is no record of any property owner filing a voluntary merger of lots 111 and 112 with the City, and therefore, it appears that the two lots were administratively merged for tax purposes and given a single street address, which is 27 Carter Street. It should be noted that prior to 1995 voluntary mergers of properties did not require special approvals by planning boards so a merged lot may not have a written record of the merger.

RSA 674:39-aa considers a lot “voluntarily merged” “if there is an overt action or conduct that indicates an owner [*in the property’s entire chain of title*] regarded said lots as merged, such as, but not limited to, abandoning a lot line.” The fact that the lots were conveyed as one tract in a single deed does not, standing alone, support a finding of a voluntary merger. In addition, there is only one house on the site that was built in 1901. The house and associated driveway are located on the lot identified as 112 on the 1893 subdivision plan. There have also been no overt acts of a voluntary merger, such as constructing permanent structures on both lots.

Recommendation

At this time, the only prohibition to the application for the restoration of the lots is the unpaid property tax. BM Investments, LLC has a contract to purchase the property. It is recommended to approve the request to unmerge the lots subject to the condition that all unpaid property taxes are paid prior to the Notice of Lot Restoration being recorded at the Merrimack County Registry of Deeds.