



TOWN OF PELHAM

Office of the Selectmen

6 Village Green Pelham, NH 03076

Tel: (603) 635-8233

Fax: (603) 635-8274

Email: selectmen@pelhamweb.com

ADMINISTRATIVE PROCEDURE FOR RESTORATION OF INVOLUNTARILY MERGED LOTS PURSUANT TO RSA 674:39-aa

I. PURPOSE AND AUTHORITY

This administrative procedure is adopted to implement RSA 674:39-aa, which provides a statutory right for the restoration of lots that were **involuntarily merged by municipal action** prior to September 18, 2010, without the consent of the owner.

This procedure is intended to establish a **uniform, ministerial process** for receiving, reviewing, and acting upon requests for restoration. Nothing herein shall be construed to amend or supersede any zoning ordinance, subdivision regulation, or other land-use regulation of the Town.

II. SCOPE AND LIMITATION OF AUTHORITY

- A. The Board of Selectmen acts **solely in an administrative capacity** under this procedure.
- B. The Board's review is **limited to determining whether the statutory criteria of RSA 674:39-aa have been satisfied**.
- C. The Board shall not exercise discretion beyond the express requirements of RSA 674:39-aa and shall not impose additional substantive conditions on an applicant.
- D. Restoration of lots pursuant to RSA 674:39-aa:
 1. Does **not** constitute subdivision approval;
 2. Does **not** cure any existing zoning or land-use nonconformity; and
 3. Does **not** authorize development of any lot without all other required approvals.

III. ELIGIBILITY FOR RESTORATION

An owner may request restoration of lots to their pre-merger status if all of the following conditions are met:

1. The lots were merged **by municipal action** for zoning, assessing, or taxation purposes;
2. The merger occurred **prior to September 18, 2010**;
3. The merger occurred **without the consent of the owner**; and
4. **No owner in the chain of title voluntarily merged the lots.**

The Town shall bear the burden of proof to demonstrate any voluntary merger in the chain of title.

IV. APPLICATION REQUIREMENTS

- A. Requests for restoration shall be submitted on a form approved by the Board of Selectmen.
- B. The application shall include sufficient documentation to allow the Town to verify statutory eligibility, which may include:
 - 1. Current deed(s);
 - 2. Prior deed(s) establishing pre-merger configuration;
 - 3. Recorded plans or surveys depicting pre-merger lot boundaries;
 - 4. Probate documentation, if applicable; and
 - 5. Any other documentation reasonably necessary to confirm eligibility under RSA 674:39-aa.

C. If Town records do not clearly establish pre-merger boundaries and existing improvements, the applicant may be required to submit a signed and stamped survey or plan sufficient to identify those boundaries.

V. ADMINISTRATIVE REVIEW PROCESS

- A. Upon receipt of a complete application, the Selectmen's Office shall circulate the materials to the Assessing and Planning Departments for administrative review and comment.
- B. Departmental review shall be limited to verification of:
 - 1. Historical lot configuration;
 - 2. Tax map and assessment implications; and
 - 3. Consistency with existing Town records.
- C. Any departmental comments shall be advisory and shall not expand the statutory criteria for restoration.

VI. BOARD ACTION

- A. The Board of Selectmen shall place the application on the agenda of a regularly scheduled meeting for administrative consideration.
- B. The Board shall determine whether the applicant has satisfied the requirements of RSA 674:39-aa.
- C. No public hearing or abutter notice is required for this administrative determination.
- D. The Board shall act within 45 days of receipt of a complete application unless extended by mutual agreement.

VII. DECISION AND NOTICE

- A. If the statutory criteria are satisfied, the Board shall grant restoration of the lots to their pre-merger status.
- B. If the criteria are not satisfied, the Board shall deny the request and state the specific statutory basis for denial.
- C. Written notice of the Board's determination shall be provided to the applicant within five (5) business days of the decision.
- D. The Notice of Decision shall be recorded at the Hillsborough County Registry of Deeds if restoration is granted.

VIII. EFFECT OF RESTORATION

A. Upon restoration:

1. The Assessing Department shall update tax maps and assessment records;
2. The Planning Department shall update its files to reflect the restored lots.

B. Restoration is effective for assessment and regulatory recognition only and does not confer buildability or compliance with current zoning requirements.

IX. APPEAL RIGHTS

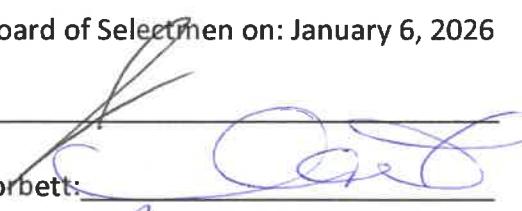
Any aggrieved party may seek judicial review of the Board's determination as provided by New Hampshire law.

X. FEES

The Board of Selectmen may establish a reasonable administrative fee by separate vote to offset the cost of processing applications under this procedure.

Adoption

Adopted by the Pelham Board of Selectmen on: January 6, 2026

Chairman Jason Croteau: 

Vice Chairman Heather Corbett: 

Selectmen Jaie Bergeron: 

Selectmen Charlene Takesian: 

Selectmen Danielle Masse-Quinn: 